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File No: 9-JKA-013/2022-Jammu

Dated: 13/04/2022

To

The Commissioner Secretary,
Department of Forest, Ecology & Environment,
UT of Jammu & Kashmir,
Civil Secretariat,
Jammu & Kashmir. (csforestjk@gmail.com)

Sub: **Diversion of 0.175 ha of forest land for construction of parallel bypass road from old bridge, District Kupwara, UT of Jammu and Kashmir (Online proposal no. FP/JK/Approach/49411/2020)-regarding.**

Ref: i) UT Admin of J&K online proposal received on 09.03.2022,
ii) Nodal Officer J&K letter no. PCCF/FCA/3176/37-38 dated 04.04.2022.

Sir,

Please refer to the above cited subject and letters seeking prior approval of the Central government for the diversion of **0.175 ha** of Forest land for non-forestry purpose in accordance with section 2 of the Forest (Conservation)Act, 1980.

2. After careful examination of the proposal of the UT Administration of J&K, *in-principle* approval is hereby being conveyed for the diversion **0.175 ha** of Forest land in **Kamraj Forest Division** in favour of **Chief Engineer, PW R&B Division, Kashmir for construction of parallel bypass road from old bridge, District Kupwara, UT of Jammu and Kashmir (Online proposal no. FP/JK/Approach/49411/2020)** UT of Jammu and Kashmir, subject to the following conditions:

(A). Conditions which need to be complied prior to handing over of forest land by the UT Forest Department to the Chief Engineer PW R&B Division Kashmir (User Agency):

- i. Legal status of the forest land will remain unchanged.
- ii. Cost of compensatory afforestation (CA) as per CA scheme may be realized from User Agency. The CA will be maintained for 10 years.
- iii. The State Government shall charge the Net Present Value (NPV) of the forest land being diverted (**0.175 ha**) for non-forestry purpose from the User Agency, as per the orders of the Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 and 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letter No. 5-3/2011-FC(Vol-I) dated 6th January, 2022 in this regard.
- iv. User agency shall deposit/transfer all the funds (Cost of CA, NPV etc) to CAMPA fund of the Ministry of Environment, Forest and climate change through **e-portal** (<https://parivesh.nic.in>).
- v. User Agency should ensure that the compensatory levies (CA cost, NPV etc.) are deposited through challan generated online on web portal and deposited in appropriate

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bank only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.

- vi. DGPS map of the proposal needs to be revised and provided with all geo-coordinates.
- vii. Correction has to be made in the total of component-wise break up of forest equal to 0.175 ha at S.No. B. 2.4 under Part-I in PARIVESH Portal.
- viii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- ix. The complete compliance shall be uploaded on **e-portal** (<https://parivesh.nic.in>).

(B) Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

- i. Efforts should be made to fell minimum number of trees and in any case not more than **105** trees and **10** u/s poles and plants shall be felled. Any felling shall only be done under the strict supervision of State Forest Department after issuance of felling permission from concerned DFO and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- ii. The UT Govt shall upload the KML files of the degraded forest area accepted for raising compensatory afforestation as well as the forest area proposed for diversion in the extant proposal in the E-Green watch portal of the Forest Survey of India.
- iii. Compensatory afforestation will be carried out over Degraded Forest land (DFL) upon **0.35 ha** of land in Comp No. 16sl Village Gangbugh, Kamraj Forest Division, Range South Lolab, Tehsil Sogam, District Kupwara, as per proposed CA scheme, at a cost of ₹ 65,786/- (sixty five thousand seven hundred eighty six) provided by the user agency.
- iv. The layout plan of the proposal shall not be changed without prior approval of Central Government.
- v. The forest land shall not be used for any purpose other than that specified in the project proposal.
- vi. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department, or person without approval of the Ministry of Environment, Forest and Climate Change.
- vii. No labour camp shall be established on the forest land.
- viii. Sufficient firewood, preferably by the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- ix. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- x. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- xi. The User Agency shall pay additional amount of NPV as and when increased by the orders of Hon'ble Supreme Court.

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The User agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.

- xiii. No muck will be dumped in the forest land in compliance of the undertaking given by User Agency for utilizing muck on road itself.
- xiv. The User Agency shall raise strip plantation on both sides and central verge of the road as per IRC norms.
- xv. Speed regulating signage will be erected along the road at regular intervals in the Forest Areas.
- xvi. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dtd 29.01.2018.
- xvii. Any other condition that the Ministry of Environment, Forest and Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests and wildlife.
- xviii. The Ministry of Environment, Forest and Climate Change may revoke/suspend the clearance, if implementation of any of the above conditions is not satisfactory. The State government will ensure compliance of these conditions through Forest Department.

3. After receipt of the compliance report on fulfilment of the conditions under para-2, above final approval order shall be given under Section-2 of the Forest (Conservation) Act, 1980. **The use of forest land will not be allowed till final approval is accorded.**

Yours faithfully,

Sd/-
(Raja Ram Singh)
DIGF (Central)
Regional Officer
IRO, Jammu

Copy to:

1. The ADGF (FC), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh, Aliganj, New Delhi (adgfc-mef@nic.in).
2. The Pr. Chief Conservator of Forests (HoFF), U.T. of Jammu & Kashmir, Forest Complex, Sheikh Bagh, Near Lal Chowk, Srinagar, UT of Jammu & Kashmir (pccfjkforest@gmail.com).
3. The Nodal Officer (FCA), U.T. of Jammu & Kashmir, Van Bhawan, near Gummata, Jammu, UT of Jammu Kashmir (ccffcajk1@gmail.com).
4. The CEO, CAMPA O/o PCCF (HoFF), U.T. of Jammu & Kashmir, Forest Complex, Sheikh Bagh, Near Lal Chowk, Srinagar (jkcampacell@gmail.com).
5. The Divisional Forest Officer, Udhampur Forest Division, District Udhampur, UT of Jammu & Kashmir.
6. The Executive Engineer PWD R&B Division Udhampur, District Udhampur, UT of Jammu & Kashmir (kewalnagotra@gmail.com).

Signed by Raja Ram Singh

Date: 13-04-2022 12:42:43