

F. No. 8-63/2017-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi – 110 003
Dated: 11th May, 2018

To,

The Principal Secretary (Forests),
Department of Forest & Environment,
Government of Madhya Pradesh,
Bhopal.

Sub: Diversion of 789.93 ha. of Forest Land in favour of Water Resources Department in Damoh District for Construction of Satdharu Irrigation Tank Project in Damoh District in the State of Madhya Pradesh.

Sir,

I am directed to refer to the Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer(FCA), Government of Madhya Pradesh's letter No. F-3/82/2017/10-11/12/3691 dated 08.12.2017 on the above mentioned subject for seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee(FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

After careful consideration of the proposal of the State Government of Madhya Pradesh and on the basis of the recommendations of the Forest Advisory Committee, the Central Government is hereby granted **Stage-I / in-principle** approval under the Forest (Conservation) Act, 1980 for diversion of 789.93 ha. of forest Land in favour of Water Resources Department, in Damoh District for Construction of Satdharu Irrigation Tank Project in Damoh District in the State of Madhya Pradesh, subject to the following conditions:-


- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) **Compensatory afforestation shall be raised over non-forest land equal to diverted forest land and at least 1000 plants per hectare (789.93 hectares x 1000 = 789930 plants) shall be planted over identified non-forest land with provision for ten years on subsequent maintenance.**
- (iii) **25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.**
- (iv) **User Agency shall submit the copy of approved R & R plan involving the families whose applications are pending with the DC, Damoh for final disposal.**
- (v) **The User Agency shall submit the copy of approved CAT plan.**



- (vi) **The State Government would identify the new non-forest land for compensatory afforestation in view of the area which was found to be rocky and shall be shown physically to the Regional Office before submission of the compliance before grant of Stage-II clearance. The Regional Office shall arrange the inspection about new CA area and find out suitability for carrying out compensatory afforestation.**
- (vii) Since water is a precious resource, the user agency shall take some measures for creation of water conservation/ harvesting structures in the Catchment Area so that the water to be released for use of communities and agriculture, down streams, is not affected.
- (viii) The User agency may also fence the quarry prior to reclamation to check possible casualty of wildlife due to accidental fall.
- (ix) State Government shall prepare a wild life conservation plan with special emphasis to avoid Human elephant conflict in the area at project cost. The plan shall be duly approved by CWLW. The Amount shall be deposited in Adhoc CAMPA..
- (x) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
- (xi) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance and the said non-forest land as identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance in this regard;
- (xii) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (xiii) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
- (xiv) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (xv) The approved Catchment Area Treatment (CAT) Plan shall be implemented at the cost of the user agency and commensurate funds shall be deposited **through on-line** in the account of Adhoc CAMPA account;
- (xvi) **The 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 bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage- I clearance;**
- (xvii) The Forest clearance will be for a period co terminus with the lease period specified in the lease agreement. The State Government will submit the lease agreement document;
- (xviii) The State Govt. ensure that the user agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government

of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF &CC along with indicators for monitoring and expected observable milestones;

- (xix) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Birds nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.
- (xx) The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- (xxi) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;
- (xxii) The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down.
- (xxiii) The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan.
- (xxiv) The State Government and the user agency shall ensure that the tress available between full reservoir level (FRL) and FRL-4 meters are not felled;
- (xxv) The User agency shall undertake afforestation along the periphery of the reservoir;
- (xxvi) User agency shall provide free water for the forestry related projects;
- (xxvii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xxviii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxix) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxx) No labour camp shall be established on the forest land;
- (xxxi) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xxxii) The user agency will abide by the applicable recommendations of the State Government including State Forest/Wildlife Departments;
- (xxxiii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxxiv) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xxxv) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxxvi) The User Agency shall submit the annual self - compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;



- (xxxvii) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxxviii) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above from the State Government of Madhya Pradesh, *final / stage-II* approval for diversion of the said forest under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of the said forest land to the user agency shall not be effected by the State Government of Madhya Pradesh till final/stage-II approval for its diversion is issued by this Ministry.


Yours faithfully,


(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Madhya Pradesh, Bhopal.
2. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (Western Zone), Bhopal.
3. The Nodal Officer, under the forest (Conservation) Act, 1980, Forest Department, Government of Madhya Pradesh, Bhopal.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.
6. Guard File.


(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)