

F. No. 8-38/2016-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi – 110 003
Dated: 20th November, 2017

To,

The Special Secretary to Government,
Environment, Forests, Science & Technology Deptt.,
A.P. Secretariat,
Hyderabad.

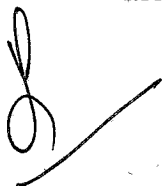
Sub: Diversion of 347.64 ha (originally proposed as 469.18 hectares) of forest land in (12) R.Fs. of Eluru Forest Division for Chintalapudi Lift Irrigation Scheme Package – I & II, in favour of Chief Engineer, Godavari Delta System, Dowleswaram, Government of Andhra Pradesh.

Sir,

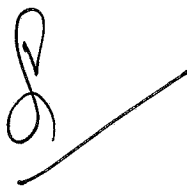
I am directed to refer to the State Government of Andhra Pradesh's letter No. 3733/Section.II /2016 dated 09.08.2016 on the above mentioned subject, wherein prior approval of the Central Government for diversion of 347.64 ha (originally proposed as 469.18 hectares) of forest land in (12) R.Fs. of Eluru Forest Division for Chintalapudi Lift Irrigation Scheme Package – I & II, in favour of Chief Engineer, Godavari Delta System, Dowleswaram, Government of Andhra Pradesh, was sought in accordance with Section 2 of the Forest (Conservation) Act, 1980. The said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *in-principle/Stage – I approval* of the Central Government is hereby granted for diversion of 347.64 ha (originally proposed as 469.18 hectares) of forest land in (12) R.Fs. of Eluru Forest Division for Chintalapudi Lift Irrigation Scheme Package – I & II, in favour of Chief Engineer, Godavari Delta System, Dowleswaram, Government of Andhra Pradesh, subject to the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the non-forest land equal in extent to the forest land being diverted shall be raised on identified land within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in accordance with the approved plan in consultation with the State Forest Department at the cost of the user agency;
- (iii) **Compensatory Afforestation shall be done over equal non-forest land (NFL) identified for compensatory afforestation. At least 1000 saplings per hectares shall be planted over 347.64 ha (347640 plants). If this is not possible to plant these many seedlings in the identified NFL, the balance seedlings will be planted in degraded forest land as per the prescriptions of the Working Plan at the cost of the User agency. In such case CA cost will be revised and duly approved by competent authority and deposited online in the CAF managed by CAMPA.**
- (iv) **25% of the CA cost will be spent towards Soil and Moisture Conservation activities in the proposed CA area as per site requirement and deposited in CAF.**
- (v) **This in-principle approval is accorded for diversion of 347.64 ha only and shall not be considered as approval for any further area that may be linked with this project. Such case will be considered for diversion under section 2(ii) of FC Act as and when the case arises.**



- (vi) 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;
- (vii) Non-forest land to be transferred and mutated in favour of the State Forest Department for raising Compensatory Afforestation shall be notified as reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act. The Nodal officer must report compliance within a period of 6 month from the date of grant of final approval and send a copy of the notification declaring the revenue land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the local Forest Act as the case may be, to this Ministry for information and record.
- (viii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
- (ix) 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.
- (x) The User Agency shall transfer the funds for the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency 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 **through online portal** in the account of Ad-hoc CAMPA of State Concerned.
- (xi) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (xii) Any fund received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA through online portal of Ad-hoc CAMPA account of the State Concerned;
- (xiii) A Catchment area treatment plan as approved by State Government be implemented by/or under the supervision of State Forest Department at the project cost;
- (xiv) 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;
- (xv) 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, forward and back bearing, distance from pillar to pillar and GPS co-ordinates;
- (xvi) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xvii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xviii) 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;
- (xix) The water shall be provided from the reservoir to the Forest Department for raising and maintenance of plantations and nurseries around the site whenever required, free of charge. The quantity and time of supply of water shall be as decided by the Forest Department.
- (xx) The User Agency shall undertake afforestation along the periphery of the reservoir and canals (as applicable).
- (xxi) The User Agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down.
- (xxii) 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.

- (xxiii) 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/concerned Regional Office of MoEF & CC along with indicators for monitoring and expected observable milestones
- (xxiv) The State Government and the User Agency shall ensure that the trees available between full reservoir level (FRL) and FRL-4 meters are not felled;
- (xxv) 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;
- (xxvi) The User Agency shall submit the annual self-compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly;
- (xxvii) 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
- (xxviii) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, and relevant Hon'ble Court Order (s), if any, pertaining to this project for the time being in force, as applicable to the project;

3. After receipt of a report on compliance to the conditions stipulated in paragraph-2 above, from the Government of Telangana, stage-II/final approval of the Central Government, in accordance with section 2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Till receipt of the said final approval of the Central Government for diversion of the said forest land from this Ministry, transfer of forest land to the User Agency shall not be effected by the State Government.

Yours faithfully,

(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Andhra Pradesh, Hyderabad.
2. The Nodal Officer, the Forest (Conservation) Act, 1980, Government of Andhra Pradesh, Hyderabad.
3. Addl. Principal Chief Conservator of Forests (Central), Regional Office (Southern Eastern Zone), Chennai.
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)