

F. No. 8-63/2018-FC
Government of India
Ministry of Environment, Forest and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Jor bagh Aliganj Road,
New Delhi – 110003.

Dated: 12 April, 2019.

To,

The Special Chief Secretary to Government,
Environment, Forests, Science & Technology (Section-II) Deptt.,
Amaravati, A.P. Secretariat, Velagapudi,
Guntur, Andhra Pradesh

Subject: Diversion of 730.88 ha. of forest land in favour of M/s Chief Engineer, NTRTGP Tirupati for construction of Sri Balaji Reservoir, Mallemadugu Reservoir and Kailasagiri canal under GNSS phase-II in District Chittoor, Andhra Pradesh.

Sir,

I am directed to refer to the State Government's letter No. EFS01-12021/110/Section. II/2018 dated 26.09.2018 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *in-principle* approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 is hereby granted for diversion of 730.88 ha. of forest land in favour of M/s Chief Engineer, NTRTGP Tirupati for construction of Sri Balaji Reservoir, Mallemadugu Reservoir and Kailasagiri canal under GNSS phase-II in District Chittoor, Andhra Pradesh subject to fulfilment of the following conditions: -

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation shall be raised over the non-forest land equal in extent to the forest land being diverted within three years from the date of issue of Stage -II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare (730.88 ha. x 1000 = 730880 plants) shall be planted over identified non- forest land. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan with provision for ten years on subsequent maintenance;
- (iii) 25% of CA cost will be deposited extra by the user agency for soil and moisture

conservation (SMC) activities on the CA land;

(iv) **About 20500 Red Sandars trees has to be felled out of which 13301 trees are of 30-60 cm in girth. The State Government shall inform the mode of removal, storage and disposal of those trees, prior to Stage-II approval;**

(v) **As per DSS analysis, about 597 ha area is falling in wildlife area but the Nodal officer informed that the area is 30 m away from the wildlife area. The matter needs to be clarified, prior to Stage-II approval;**

(vi) **The in-principle approval will be subject to approval from National Wildlife Board (NBWL) before Stage-II approval;**

(vii) **User Agency/ State Govt. shall submit the CAT plan before Stage-II and commensurate funds shall be deposited in CAMPA account;**

(viii) The admissible identified non-forest land 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 same 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;

(ix) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;

(x) 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 CAMPA of the concern State through **online portal**. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

(xi) 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 in accordance with Chapter 3 of Handbook of guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019, **through online portal** of CAMPA account of the State Concerned;

(xii) At the time of payment of the Net Present Value (NPV) at the present 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;

(xiii) 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;

(xiv) State Government shall complete settlement of rights, in term of the Scheduled Tribes and 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's letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read

with 05.07.2013, in support thereof;

- (xv) Period of diversion of the said forest land under this approval shall be maximum for a period of 30 years;
- (xvi) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xvii) No labour camp shall be established on the forest land and 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;
- (xviii) 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;
- (xix) The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
- (xx) 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;
- (xxi) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxii) The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxiii) 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;
- (xxiv) The User Agency shall undertake afforestation along the periphery of the reservoir and canals (as applicable);
- (xxv) The User Agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down and 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;
- (xxvi) 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;
- (xxvii) 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;
- (xxviii) 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 every year regularly;
- (xxix) Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation,



22/09/2019

protection and development of forests & wildlife; and

(xxx) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of the compliance report on fulfilment of the above conditions from the State Government, formal approval will be considered under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully
Shrawan Kumar Verma
Dy. Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Andhra Pradesh , Amaravati.
2. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (SEZ), Chennai.
3. The Nodal Officer(FCA),Government of Andhra Pradesh , Amaravati
4. User agency.
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi.
6. Guard File.

Shrawan Kumar Verma
Dy. Inspector General of Forests