

Government of Jammu and Kashmir,
Forests, Ecology & Environment Department
Civil Secretariat, J&K Jammu

The Principal Chief Conservator of Forests,
J&K Forest Department,
Van Bhavan, Jammu.

No. FST-Land0FC/88/2021-02

Dated: 24.09.2021

Subject: Diversion of 0.08 Ha forest land for Water Supply Scheme Gangbugh by Jal Shakti (PHE) Department, Kashmir in Kamraj Forest Division.

Ref: Online Proposal No. FP/JK/Water/143677/2021.

Sir,

Please refer to the case of diversion of 0.08 Ha forest land for Water Supply Scheme Gangbugh by Jal Shakti (PHE) Department, Kashmir, in Kamraj Forest Division as per online proposal referred above.

2. I am directed to convey In-Principle approval for Water Supply Scheme Gangbugh by Jal Shakti (PHE) Department, Jammu, in Kamraj Forest Division with the following particulars and subject to the fulfilment of terms and conditions appearing hereinafter:-

1.	Proposal No:	FP/JK/Water/143677/2021											
2.	User Agency/Applicant	Jal Shakti (PHE) Kashmir											
3.	Compartment no.	16/SL											
4.	Location	District: Kupwara Division: Kamraj Forest Division Range: South Lolab											
5.	Objective	Construction of service reservoir and laying of pipelines to provide drinking water facility to the public											
6.	Salient Features of the project:	<table border="1"> <thead> <tr> <th>Forest Division</th><th>Location</th><th>Component</th><th>Forest area(Ha)</th></tr> </thead> <tbody> <tr> <td rowspan="2">Kamraj</td><td rowspan="2">16/SL</td><td>Service Reservoir</td><td>0.05</td></tr> <tr> <td>Supply mains</td><td>0.00855</td></tr> </tbody> </table>		Forest Division	Location	Component	Forest area(Ha)	Kamraj	16/SL	Service Reservoir	0.05	Supply mains	0.00855
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Kamraj	16/SL	Service Reservoir	0.05										
		Supply mains	0.00855										

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		Rising mains	0.02256
		Total	0.08

7.	Species-wise local/scientific names and girth-wise enumeration of trees: -----NIL-----		
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8.	<table border="1"> <tr> <td>a</td> <td>Whether the forest land proposed to be used for non-forest purpose forms part of a natural reserve, national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or any area lying in severely eroded catchment.</td> <td>No</td> </tr> </table>			a	Whether the forest land proposed to be used for non-forest purpose forms part of a natural reserve, national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or any area lying in severely eroded catchment.	No
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9.	Compensatory Afforestation (CA): A Proposal for C.A on degraded forest land in compartment No. 21/SL including 10 years maintenance for amount of Rs. 32,461/- has been prepared and approved by DFO Kamraj.		
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Summary of Amount to be deposited by the User Agency:			
10.	1. Compensatory Afforestation	= Rs. 32,461/-	
	2. Net Present Value	= Exempted in terms of Hon'ble Supreme Court order	

11.	Recognition and vesting of Forest Rights in accordance with Scheduled Tribe and other Traditional Forest Dwellers (Recognition of Forest Right Act, 2006): The Deputy Commissioner Kupwara has been requested by user agency for FRA vide letter dt. 09-06-2021.		
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Terms and Conditions:-**(A) Conditions which need to be complied prior to handing over of forest land by the J&K Forest Department.**

- i) Cost of compensatory afforestation as per scheme may be realized from the user agency; Net Present Value (NPV) of the forest land being diverted for non-forestry purpose may be realized from the user agency, as per MoEF&CC directions issued vide letters No. 5-3/2007-FC dated 5th February 2009 and Hon'ble Supreme Court of India's Order dated 30th October 2002, 28th March, 2008, 24th April, 2008 and 9th May 2008; The Net Present Value (NPV) of the forest land and all other CA levies shall be deposited through web portal of Ministry of Environment, Forest and Climate Change

www.parivesh.nic.in;

- 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 only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;
- v) The cost of extraction shall be paid by the user agency to the agency executing the extraction (J&K Forest Department/J&K Forest Development Corporation/any other, as applicable);
- vii) Original copy of FRA certificate to be submitted;
- Divisional Forest Office shall furnish undertaking that the approved CA sites will not be changed without the approval of the Competent Authority.
- The CEO State CAMPA shall furnish undertaking that the funds under State CAMPA will be released to Divisional Forest Officer as per approved CA scheme.
- The KML files of the area to be diverted, the CA areas, the proposed SMC work, the proposed Catchment Area Treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details before issuing working permission towards linear projects or submitting compliance report for seeking Stage-II approval, as the case may be.
- x) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per law.

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

- i) Legal status of the forest land shall remain unchanged;
- ii) Efforts should be made to fell minimum number of trees ;
- iii) The CA will be carried out on degraded forest land as per the CA scheme and the funds will be provided by the user agency. The plantation of 1000 trees per ha (or proportionately less if forest area diverted is less than 01 Ha) will be done within one year from the date of issue of the approval;
- iv) The layout plan of the proposal shall not be changed without prior approval of Central Government;
- v) No labour camp shall be established on the forest land;
- vi) Sufficient firewood, preferably 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;
- vii) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- viii) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- ix) The forest land shall not be used for any purpose other than that specified in the project proposal;
- x) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India; and
- xi) Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife

3 User Agency shall obtain Environment Clearance or any other clearance, if

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applicable under any act/rule/order/guideline etc for the proposal.

4. After receipt of the compliance report on fulfillment 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

(Fayaz Ahmad Qureshi)

Under Secretary to Government,,

Copy for information to the:

1. Secretary to Government of India, MoEF&CC, New Delhi.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Nodal Officer J&K/Addl. PCCF,FCA, O/o Pr. CCF J&K.
4. Chief Conservator of Forests, Kashmir
5. Private Secretary to Chief Secretary.
6. Private Secretary to Commissioner/ Secretary to Government, Jal Shakti Department.
7. Private Secretary to Commissioner/Secretary to Government Forest, Ecology & Environment Department J&K.