

F. No. 8-31/2017-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: 24th October, 2017

To

The Principal Secretary to the Government of Telangana
Environment, Forests, Science & Technology Department
Telangana Secretariat
Hyderabad.

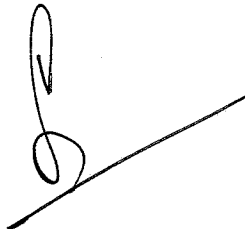
Sub: Diversion of 3168.131 hectares (revised from 3221.2974 ha) of forest land in 8 different forest divisions viz. Mahadevpur, Karimnagar-Sircilla, Siddipet, Yadadri, Medak, Nizamabad Banswada and Nirmal Forest Divisions for construction of canals, tunnels, lift system, surge pool, delivery cistern, and reservoirs etc involved in Kaleshwaram project in different district of Telangana State in favour of Chief Engineer, Kaleshwaram project under TDWSP.

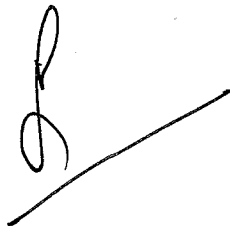
Sir,

I am directed to refer to the State Government of Telangana's letter No. 3747/For.I (1)/2014 dated 27.03.2017 on the above mentioned subject, wherein prior approval of the Central Government for diversion of 3168.131 hectares (revised from 3221.2974 ha) of forest land in 8 different forest divisions viz. Mahadevpur, Karimnagar-Sircilla, Siddipet, Yadadri, Medak, Nizamabad Banswada and Nirmal Forest Divisions for construction of canals, tunnels, lift system, surge pool, delivery cistern, and reservoirs etc involved in Kaleshwaram project in different district of Telangana State in favour of Chief Engineer, Kaleshwaram project under TDWSP, 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.

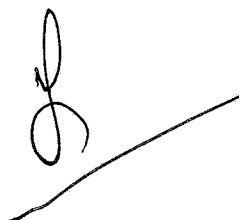
2. After careful consideration of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *in-principle/Stage – I approval* of the Central Government is hereby granted for diversion of 3168.131 hectares (revised from 3221.2974 ha) of forest land in 8 different forest divisions viz. Mahadevpur, Karimnagar-Sircilla, Siddipet, Yadadri, Medak, Nizamabad Banswada and Nirmal Forest Divisions for construction of canals, tunnels, lift system, surge pool, delivery cistern, and reservoirs etc involved in Kaleshwaram project in different district of Telangana State in favour of Chief Engineer, Kaleshwaram project under TDWSP, 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) 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;



- (iv) 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.
- (v) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
- (vi) 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.
- (vii) 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 of Ad-hoc CAMPA account of the State Concerned.
- (viii) 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;
- (ix) 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;
- (x) **The State Govt. shall obtain clearance from the Standing Committee of NBWL of the proposed area falls in ESZ;**
- (xi) **Since the proposed area for CA is refractory in nature, the CA shall be revised and atleast 1600 tall plants per hectare ($3168.131 \text{ hectares} \times 1600 = 5069010$ plants) shall be planted over identified non-forest land. CA will be carried out in large size pits (0.60 m x 0.6 m x 0.6 m). Good soil will be brought to replace existing inert soil dug out from the pits and at least 2 years old tall plants will be planted with provision for ten years on subsequent maintenance.**
- (xii) **25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.**
- (xiii) **Penal compensatory afforestation shall be done over 8.0 ha which is double the area of 3.9694 ha used by the user agency in violation on degraded forest land in the state and deposit the required fund in compensatory afforestation fund maintained by CAMPA.**
- (xiv) **The civil structures recommended in the project shall be designed in such a way to allow smooth passage of the wild animals. The Forest Department shall prepare a Plan of Action to utilize the water potential available nearby for the benefit of forest crop and also to the wild animals.**
- 

- (xv) Though the proposed area does not involve protected areas notified under Wildlife Protection Act 1927, due to rapid infrastructure development leading to fragmentation of landscape, there is a greater need to protect the wildlife habitat in the forest area. The state government shall take appropriate measures for the following in the project area to increase the fodder availability in the forest for wildlife, desilting of tanks and water holes in the forest areas to increase the water availability for wildlife, anti-poaching strategy and Anti-encroachment strategy, provision of salt licks and launching of public awareness programmes.
- (xvi) The works in the areas falling in the eco-sensitive zone shall be carried out after getting due permission from competent authority.
- (xvii) Some parts of the proposals are falling within 10 km radius of the Wildlife Sanctuary / Protected Area. The State Government officials stated that the draft notification for eco-sensitive zone has been prepared and submitted to MoEF and the said project area was outside the boundaries of eco-sensitive zone proposed in the draft notification and therefore should be treated as falling outside the eco-sensitive zone. The State Govt. shall follow the regulation on eco-sensitive zone, if applicable.
- (xviii) The order of the NGT and other courts, which may be pending against this proposal, may be complied by the state government;
- (xix) 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;
- (xx) 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;
- (xxi) 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;
- (xxii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxiii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxiv) 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;
- (xxv) 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.
- (xxvi) The User Agency shall undertake afforestation along the periphery of the reservoir and canals (as applicable).
- (xxvii) The User Agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down.
- (xxviii) 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.
- (xxix) 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



- (xxx) 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;
- (xxxi) A plan for conservation of wildlife will be made by the User Agency in consultation with the PCCF (Wildlife) to be implemented at the cost of User Agency.
- (xxxii) 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;
- (xxxiii) 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;
- (xxxiv) 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
- (xxxv) 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. Principal Chief Conservator of Forests, Telangana, Hyderabad.
2. Nodal Officer, the Forest (Conservation) Act, 1980, Government of Telangana, 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.
6. Guard File.

(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)

o/c