



GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
REGIONAL OFFICE (RANCHI)
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No. FP/BR/Others/31458/2018/3173

Dated 31st May, 2019

To

The Principal Secretary
Department of Environment, Forests & Climate Change
Government of Bihar, Sinchai Bhawan
Patna-800015.

Sub: Diversion of 0.0105 ha forest land for construction of approach road for opening retail outlet of BPCL on the side of Ghorasaha Nahar Road, Khata No.164, Khesra No.323 by Ms. Kumari Shila Dixit in East Champaran district of Bihar.

Sir,

I am directed to refer to letter No.Van Bhumi-26/2019-517(E)/Pa.Va. dated 07.05.2019 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest and Climate Change under section 2 of Forest (Conservation) Act, 1980.

After due consideration of the proposal of the State Government, the Central Government, hereby, conveys “**in-principle**” approval for diversion of 0.0105 ha forest land for construction of approach road for opening retail outlet of BPCL on the side of Ghorasaha Nahar Road, Khata No.164, Khesra No.323 by Ms. Kumari Shila Dixit in East Champaran district of Bihar, subject to the following conditions and stipulations:

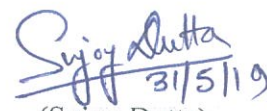
1. Legal status of forest land proposed for diversion shall remain unchanged.
2. **Compensatory Afforestation:**
The State Forest Department shall plant 150 trees to maintain the green cover at the project cost. Planting site for the purpose shall be identified by the State Forest Department preferably within or in the surrounding area of the project. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided. The user agency shall transfer the cost of plantation and its maintenance for 10 years (revised as on the date to incorporate the existing wage structure) to State Forest Department.
3. **Net Present Value (NPV):**
 - a) The User Agency shall deposit Net Present Value (NPV) for the 0.0105 ha forest area to be diverted under this proposal. The NPV is to be computed as per prescribed rates and the same shall be transferred into the State CAF account created/to be created under the CAF Act, 2016 and CAF Rules 2018 as per the prevalent guidelines.

- b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall also be deposited by the User Agency. The User Agency shall furnish an undertaking to this effect.
4. All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through *e-portal* (<https://parivesh.nic.in>).
5. The User Agency shall submit the FRA certificate as per the Ministry's letter No.11-09/98-FC (pt.) dated 28.10.2014 before the issuance of final approval. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
6. The approach road to petrol pump/fuel station should be as per the following norms issued by the Ministry of Road Transport and Highways and communicated vide Ministry's letter No.11-268/2014-FC dated 11.07.2014:-
 - (a) Fuel station should generally be a part of rest area complex having other amenities like place for parking, toilets, restaurants, rest rooms, shops etc. Proper planning should be done by the user agency, in advance, for construction of such complexes along the highways so that destruction of road side forest is minimized.
 - (b) Suitable signs and markings showing the location of the fuel station may be provided without disturbing the road side plantations.
 - (c) Entire periphery of the establishment should be lined up with tree plantation at a close spacing of 1.0 to 1.5 meter keeping an offset of 1.5 meter from the boundary, with light crown trees which will maintain greenery without compromising with the land requirement of the establishment.
 - (d) Suitable plantations should be raised by the user agency along the approach road, Separator Island and other vacant areas in addition to the compensatory afforestation, required to be raised as per the extant guidelines.
7. It will be the responsibility of the User Agency to ensure that the labourers and staff engaged in construction activity do not damage the nearby forest flora and fauna.
8. The lay out plan of the proposal shall not be changed without prior approval of the Central Government.
9. The period of diversion under this approval shall be co-terminus with the project life of the fuel outlet.
10. (a) The forest land under diversion shall not be used for any purpose other than that specified in the Project proposal.

- (b) The forest land under diversion shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
11. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dated 29.01.2018.
 12. Any other conditions that the Ministry of Environment, Forest & Climate change may stipulate from time to time in the interest of conservation, protection and development of forest and wildlife.
 13. The compliance report shall be uploaded on *e-portal* (<http://parivesh.nic.in>)

After receipt of the compliance report on fulfillment of the conditions as stipulated above, from the State Government, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. **Transfer of forest land to user agency should not be effected by the State Government till formal order approving diversion of forest land is issued by the Central Government.**

Yours faithfully,


(Sujoy Dutta)

Technical Officer (Forestry)

Copy to:-

1. The Director RO(HQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110 003.
2. The Principal Chief Conservator of Forests (HoFF), Department of Environment, Forest & Climate Change, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.
3. The APCCF-Cum-Nodal Officer (FC), Department of Environment, Forest & Climate Change, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.
4. The Divisional Forest Officer, Motihari Forest Division, Bihar.
5. Ms. Kumari Shila Dixit, D/o Shri Giridhari Ram, At.-Sirisiyamal, Post-Noneyadih, P.S. - Nakardei, Dist. - East Champaran, Bihar - 845305.
6. Guard File.


Technical Officer (Forestry)