

F. No. 8-54/2017-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110 003
Dated: 05.03.2018

To,
The Principal Secretary (Forests),
Department of Forest & Environment,
Government of Madhya Pradesh,
Bhopal.

Sub: Diversion of 275.04 ha. of Forest Land in favour of Water Resources Department, Burhanpur for Construction of Bhawsa Medium Irrigation Tank Project, in Burhanpur district in the State of Madhya Pradesh.

Sir,

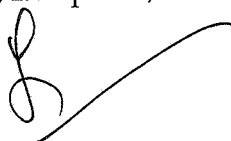
I am directed to refer to the Addl. Principal Chief conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, State Government of Madhya Pradesh's letter No. F-3/101/2016/10-11/10/2966 dated 07th October, 2017 on the above mentioned subject, seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980, and to say that 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 of Madhya Pradesh and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to accord stage-I / In-principle approval under the Forest (Conservation) Act, 1980 for the diversion of 275.04 ha. of Forest Land in favour of Water Resources Department, Burhanpur for Construction of Bhawsa Medium Irrigation Tank Project, in Burhanpur district in the State of Madhya 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 area of forest land being diverted, shall be raised 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 land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- (iv) The State Government will submit rehabilitation plan for 42 villagers along with the consent of the persons involved for relocation before stage-II approval;
- (v) The State Government will submit the Compliance of FRA of, 2006, in prescribed format in accordance with Ministry's guidelines dated 05.07.2013;



- (vi) The State Government will submit the Cost Benefit analysis in accordance with the Ministry's Guidelines dated 01.08.2017;
- (vii) The State Government will submit the duly approved CAT plan with the estimates;
- (viii) The State Government will submit duly approved Wildlife Management Plan for affected area;
- (ix) No activities related to construction activities related to the Dam will be started without stage-II clearance under section 2(ii) of FC Act;
- (x) The non-forestland identified for CA will be transferred in favour of Forest Department and report submitted along with compliance report submitted for Stage-II clearance. The State Government will ensure that the CA land is free from any encroachment;
- (xi) Compensatory afforestation shall be raised over equal the diverted forest land and at least 1000 plants per hectare ($277.13 \text{ ha} \times 1000 = 277130$ plants) shall be planted over identified non-forest land and other degraded forest land as per the working plan prescription with provision for ten years on subsequent maintenance within three years of stage-II clearance. If it is not possible to plant that 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;
- (xii) 25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land;
- (xiii) 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;
- (xiv) 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;
- (xv) All the funds 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 in the Saving Bank Account pertaining to the State concerned through online/e-payment mode only;
- (xvi) The 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 non-forest 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;
- (xvii) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (xviii) The User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;



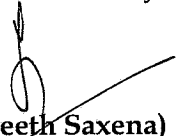
- (xix) The State Government of the Madhya Pradesh and the user agency shall implement Rehabilitation and Resettlement (R & R) of the project affected families, if any, in a time bound and transparent manner;
- (xx) The tree felling in the forest area, so diverted, shall only be as per the actual requirement and with prior permission of the competent authority.
- (xxi) The State Government shall ensure that the User agency shall undertake afforestation along the periphery of the reservoir;
- (xxii) Period of diversion for diverted forest area shall be 30 (thirty) years from the date of issue of Stage-II Clearance;
- (xxiii) The State Government shall ensure that there shall be no tree felling between FRL (Full Reservoir Level) and FRL - 4 meters and the forest land located between FRL and the FRL-4 meters may be afforested by planting appropriate indigenous tree species;
- (xxiv) User agency shall provide free water for the forestry related projects;
- (xxv) Layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxvi) The State Government shall ensure that no labour camp shall be established on the forest land;
- (xxvii) The State Government shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person;
- (xxviii) The State Government shall ensure that the user agency shall provide 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;
- (xxix) Boundary of the forest land proposed to be diverted 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;
- (xxx) The User Agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down;
- (xxxi) 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;
- (xxxii) The State Government shall maintain the character of the project as an irrigation project and to ensure continued benefit to the farmers in the command area, no more diversion of water from the project for industrial projects will be permitted in future;
- (xxxiii) The State Government shall ensure that the user agency in consultation with the State Forest Department shall create and maintain alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;



- (xxxiv) 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 letter dated 05.07.2013, in support thereof;
- (xxxv) 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;
- (xxxvi) The User agency shall submit the annual self -compliance report in respect of the above conditions and also to the conditions stipulated in stage-I clearance to the State Government, concerned Regional Office and this Ministry by the end of March of every year regularly;
- (xxxvii) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines and relevant NGT / Hon'ble Court Order (s), if any, pertaining to this project for the time being in force, as applicable to the project; and
- (xxxviii) The 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;

3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the State Government of Madhya Pradesh, final / stage-II approval for diversion of the said forest under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of the said forest land to the user agency shall not be effected by the State Government of Madhya Pradesh till final/stage-II approval for its diversion is issued by this Ministry.

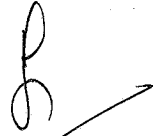
Yours faithfully,


(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Madhya Pradesh, Bhopal.
2. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (Western Zone), Bhopal.
3. The Nodal Officer, under the forest (Conservation) Act, 1980, Forest Department, Government of Madhya Pradesh, Bhopal.
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)