



भारत सरकार / GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
क्षेत्रीय कार्यालय (पूर्व मध्य क्षेत्र)/ REGIONAL OFFICE (EAST CENTRAL ZONE)
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No. FP/BR/Others/45405/2020/ 4305

Date: 19th October 2020

To

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

Sub: In-principle (Stage-I) approval of Central Government under Forest (Conservation) Act 1980 for diversion of 0.09 ha forest land in favour of Bihar Urban Infrastructure Development Corporation Ltd (BUIDCO) for construction of Supaul Strom Water Drainage Project in Supaul district of Bihar - reg.

Sir,

I am directed to refer to the State Govt. letter No. Van Bhumi-87/2020-1195(E)/Pa.Va.Ja.Pa. dated 5.10.2020 of the State Government, Bihar 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 "in-principle" approval of Central Government, is hereby conveyed for diversion of 0.09 ha forest land in favour of Bihar Urban Infrastructure Development Corporation Ltd (BUIDCO) for construction of Supaul Strom Water Drainage Project in Supaul district of Bihar, subject to the following conditions and stipulations.

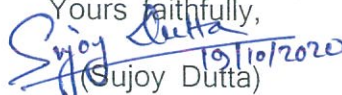
- (1) Legal status of the forest land shall remain unchanged.
- (2) **Compensatory afforestation:** The State Government shall plant 180 trees to maintain the green cover at the project cost. Planting site for the purpose shall be identified by the State Forest Department preferably in the vicinity of the project site. Indigenous tree species should be preferred for such plantation. 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 State Government shall charge the Net Present Value (NPV) for the 0.09 ha forest area to be diverted under this proposal from the User Agency

as per the order of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

- (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 charged by the State Government from 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) 18 trees will be felled under the strict supervision of the State Forest Department at the cost of User Agency; and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department in advance. 159 trees will be translocated as required under the supervision of State Forest Department.
- (6) The FRA certificate of the forest land involved shall be submitted before the issuance of final approval as per the Ministry's guidelines. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- (7) Wherever possible and technically feasible, the User Agency shall in consultation with SFD undertake appropriate afforestation/ vegetation enrichment measures all around the site related to the area diverted under this approval, at the project cost.
- (8) The User Agency shall ensure that the labourers and staff engaged in construction activity do not damage the nearby forest flora and fauna. The User Agency shall provide alternate fuels preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- (9) The layout plan of the proposal shall not be changed without prior approval of Central Government.
- (10) (a) The forest land shall not be used for any purpose other than that specified in the project proposal.

- (b) The period of diversion under this approval shall be co-terminus with the period of the pipeline project life/ requirement.
- (c) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department, or person without prior approval of Central Government.
- (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 dt 29/01/2018.
- (12) Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forest & wildlife.
- (13) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of the report from the State Government regarding due compliance and fulfillment of the above conditions and stipulations, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. Transfer of forest land by the State Government to the user agency should not be given effect to till formal order approving diversion of forest land is issued by the Central Government. To facilitate speedy execution of this project involving diversion for the water pipeline, the in-principle approval may be deemed as the working permission for commencement of works, if the required funds for NPV and all other compensatory levies specified in the in-principle approval are realized from the user agency and accordingly the State Government, by passing an order, may allow the commencement of work of the linear project in forest land for a period of one year (The detail guideline issued vide Ministry letter No. 11-306/2014-FC, dated 28.08.2015 may be referred).

Yours faithfully,

(Sujoy Dutta)

Technical Officer (Forestry)

Copy to:-

1. The DIGF(ROHQ), 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), / The APCCF-cum-Nodal Officer (FC), Deptt. of Environment, Forests & Climate Change, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.
3. The Divisional Forest Officer, Supaul Forest Division, Supaul, Bihar.
4. The Executive Engineer, BUIDCo, Supaul, Bihar.
5. Guard File.