

File No. FST-Land0FC/8/2023-02-Forest Department
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/8/2023-02

Dated: 20 .03.2022

Subject: **Use of 0.0819 Ha of forest land for construction of Water supply scheme Augmentation at Brinal and laying of raw water main in Kulgam Forest Division.**

Ref: Online Proposal No. FP/JK/Water/147717/2021.

Sir,

Please refer to the case of use of 0.0819 Ha of forest land for construction of Water supply scheme Augmentation at Brinal and laying of raw water main in Kulgam Forest Division as per online proposal referred above.

2. I am directed to convey *in-principle approval* for Water Supply Scheme Augmentation at Brinal and laying of raw water main by Jal Shakti (PHE) Division Qazigund, in Kulgam Forest Division with the following particulars and subject to the fulfilment of following terms and conditions appearing hereinafter:-

1.	User Agency/Applicant	Jal Shakti (PHE) Division Qazigund
2.	Compartment no.	32b/N, 33/N
3.	Location	District: Kulgam Division: Kulgam Forest Division Range: Kulgam
4.	Objective	To provide drinking water facility to the public
5.	Salient Features of the project: Pipeline= 1500mtr x 0.24 mtr = 360 sq.mtr = 0.036 Ha Reservoir = 27 mtr x 17mts = 0.0459 ha. Total = 0.0819 Ha	
6.	Species-wise local/scientific names and girth-wise enumeration of trees: -----Nil-----	

7.	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
8.	Compensatory Afforestation (CA): Compensatory Afforestation (CA) will be carried out on degraded forest land (0.1638 Ha) in compartment No. N-34 at the cost of user agency as per approved CA scheme amounting to Rs 78,428/-.		
9	Summary of Amount to be deposited by the User Agency: 1. Compensatory Afforestation = Rs. 78,428/- 2. Net Present Value = Rs. 87,590/-		

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;
- ii) Net Present Value (NPV) of the forest land being diverted for non-forestry purpose may be realized from the user agency, as per orders 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 letter No. 5-3/2011-FC (Vol-I) dated 6th January, 2022 in this regard.
- iii) 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 be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- iv) 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;
- v) 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;
- vi) 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;
- viii) The pipeline shall be laid down 1.5 meter below the ground and after laying down of pipe line the ground well be leveled.
- ix) Divisional Forest Officer shall furnish undertaking that the approved CA sites will not be changed without the approval of the Competent Authority.
- x) CEO CAMPA shall furnish undertaking that the funds under State CAMPA will be released to Divisional Forest Officer as per approved CA scheme.
- xi) The KML files of the area to be diverted, area accepted for raising CA, proposed SMC works, 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.
- xii) 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) Compensatory afforestation will be carried out over Degraded Forest land (DFL) upon 0.1638 ha of land on Compartment N-34, Range Kulgam, District-Kulgam, as per proposed CA scheme. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- iii) The layout plan of the proposal shall not be changed without prior approval of Central Government;
- iv) No labour camp shall be established on the forest land;
- v) 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;
- vi) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- vii) 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;
- viii) The forest land shall not be used for any purpose other than that specified in the project proposal;
- ix) 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
- x) The User Agency shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
- 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 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 the 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. Chief Conservator of Forests, Kashmir.
4. Chief Conservator of Forests/Nodal Officer J&K (FCA) (ccffcajk1@gmail.com).
5. Chief Engineer Jal Shakti (PHE) Department Kashmir.
6. Private Secretary to Chief Secretary.
7. Private Secretary to Principal Secretary to Government, Jal Shakti Department, J&K.
8. Private Secretary to Principal Secretary to Government Forest, Ecology & Environment Department J&K.
9. Private Secretary to Special Secretary (Technical), Forest, Ecology and & Environment Department.