

F. No 8-12/2017-FC
Government of India
Ministry of Environment Forests & Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road
New Delhi-110003

Dated: 22nd September, 2017

To

The Principal Secretary (Forests),
Department of Environment & Forests,
Government of Rajasthan,
Jaipur


Sub: Diversion of 91.202 ha of forest land in favour of Executive Engineer, Water Resource Department, Sirohi for construction of Battisha Nallah, Minor Irrigation project, Tehsil – Aburoad, District Sirohi, Rajasthan.

Sir,

I am directed to refer to the State Government of Rajasthan's letter No. F14()2016/FCA/ PCCF/3171 dated 20.12.2016 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.


After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *In-principle approval/Stage-I Clearance* of the Central Government is hereby granted for diversion of 91.202 ha of forest land in favour of Executive Engineer, Water Resource Department, Sirohi for construction of Battisha Nallah, Minor Irrigation project, Tehsil – Aburoad, District Sirohi, Rajasthan, 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 on the 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 (NFL) identified for compensatory afforestation shall be in two patches: 3.845 ha and 87.356 ha in village Utraj and Shergaon respectively. 1000 saplings per hectares shall be planted over 91.102 ha (91102 plants). If this is not possible to plant these many seedlings in the identified NFL, the balance seedlings will be planted in degraded forest land as per the prescriptions of the



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Working Plan at the cost of the User agency. In such case CA cost will be revised and duly approved by competent authority and deposited online in the CAF managed by CAMPA.

- (iv) 25% of the CA cost additionaly will be spent towards Soil and Moisture Conservation activities in the proposed CA area as per site requirement and deposited in CAF.
- (v) CAT plan shall be insisted in this project, which should be submitted before stage II clearance.
- (vi) R&R plant would also be prepared as per National rehabilitation policy if applicable and required by the concerned authority.
- (vii) Felling of trees upto level (FRL-4m) shall not be resorted to unless trees remain submerged for long period
- (viii) The State Government shall ensure that the forest land located between FRL and the FRL-4 meters may be afforested by planting appropriate indigenous tree species;
- (ix) 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;
- (x) 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;
- (xi) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, 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. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
- (xii) Any fund received from the user agency under the project and deposited in the State Forest Department account, except the funds realized for regeneration/demarcation of safety zone, shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;


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- (xiii) 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;
- (xiv) User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xv) The User agency shall undertake afforestation along the periphery of the reservoir;
- (xvi) User agency shall provide free water for the forestry related projects;
- (xvii) Layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xviii) No labour camp shall be established on the forest land;
- (xix) 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;
- (xx) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department;
- (xxi) 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;
- (xxii) 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;
- (xxiii) 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;
- (xxiv) 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;
- (xxv) 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 -

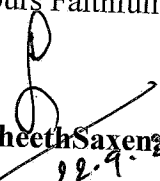

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- more diversion of water from the project for industrial projects will be permitted in future.

- (xxvi) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in respect of conservation, protection and development of forests & Wildlife;
- (xxvii) The User agency shall submit annual self compliance report in respect of the above conditions to the State Government, concerned Regional Office and this Ministry by the March of every year regularly; and
- (xxviii) The User agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, relevant Hon'ble Court Order(s) and national Green Tribunal Order(s). if any pertaining to this project for the time being in force, as applicable to project.

After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for the final approval under Section 2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be effected till final approval is granted by the Central Government in this regard.

Yours Faithfully.


(Nisheet Saxena) 22.9.2017

Sr. Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Rajasthan, Jaipur.
2. The Addl. PCCF (Central), Regional Office, Lucknow.
3. The Nodal Officer (FCA), O/o PCCF, Government of Rajasthan, Jaipur
4. User Agency for information (Water Resource Department, Government of Rajasthan, Jaipur)
5. Monitoring Cell, FC Division MOEF, New Delhi
6. Guard File.

Yours Faithfully.


(Nisheet Saxena)

Sr. Assistant Inspector General of Forests