



भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
क्षेत्रीय कार्यालय (मध्य)
Ministry of Environment, Forest and Climate Change
Regional Office (Central Region)



केन्द्रीय भवन, पंचम तल, सेक्टर-एच, अलीगंज, लखनऊ-226024
Kendriya Bhawan, 5th Floor, Sector-H, Aliganj, Lucknow- 226024, Telefax: 2326696, 2324340, 2324047, 2324025
Email: (Env.) m_env@rediffmail.com, (Forest) goimsoefrolko@gmail.com

पत्र सं० 8बी/यू.पी./02/31/2018/एफ.सी.

दिनांक: 04.07.2019

सेवा में

विशेष सचिव (वन),
उत्तर प्रदेश शासन, बापू भवन,
लखनऊ।

ONLINE PROPOSAL NO: FP/UP/IRRIG/20269/2016

विषय : सोनमढ में कनहर सिंचाई परियोजना के मुख्य नहरों एवं प्रणालियों हेतु रेनुकूट वन प्रभाग की 103.675 हे० आरक्षित वनभूमि के गैर वानिकी प्रयोग एवं बाधक 18282 वृक्षों के पातन तथा ओबरा वन प्रभाग की 23.4887 हे० आरक्षित वनभूमि के गैर वानिकी प्रयोग एवं बाधक 2928 वृक्षों का पातन अर्थात् 127.1637 हे० आरक्षित वनभूमि के गैर वानिकी प्रयोग एवं बाधक 21210 वृक्षों के पातन की अनुमति।

सन्दर्भ: क्षेत्रीय सशक्त समिति (REC) की बैठक दिनांक-02.07.2019 की कार्यवाही (REC Agenda item 39.2-U.P.)

महोदय,

उपरोक्त विषय का आशय ग्रहण करने का कष्ट करें। विषयवस्तु प्रकरण में राज्य सरकार द्वारा वन (संरक्षण) अधिनियम, 1980 की धारा (2) के अन्तर्गत भारत सरकार की स्वीकृति मांगी थी।

उक्त प्रकरण को दिनांक-02.07.2019 को आहूत की गयी क्षेत्रीय सशक्त समिति (REC) की बैठक में सम्मिलित किया गया था। क्षेत्रीय सशक्त समिति की बैठक (REC) दिनांक-02.07.2019 की कार्यवाही की प्रति (REC Agenda item 39.2-U.P.) संलग्न है।

अतः क्षेत्रीय सशक्त समिति के द्वारा दी गयी अवलोकन टिप्पणी एवं निर्णय के आलोक में अनुपालना राज्य सरकार द्वारा अपेक्षित है। उक्त अनुपालना शीघ्रातिशीघ्र प्रस्तुत करें।

संलग्नक- यथोपरि।

भवदीय,

(के०के० तिवारी)

उप वन महानिरीक्षक (केन्द्रीय)

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:

- नोडल अधिकारी एवं मुख्य वन संरक्षक (वन संरक्षण), वन विभाग, 17 राणा प्रताप मार्ग, लखनऊ।
- प्रभागीय वनाधिकारी, रेनुकूट, ओबरा, उ० प्र०।
- अधिसासी अभियन्ता, कनहर निर्माण खण्ड-3, पिपरी, सोनमढ, उ० प्र०।
- पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, क्षेत्रीय कार्यालय, लखनऊ को वेबसाइट पर अपलोडिंग हेतु प्रेषित।
- आदेश पत्रावली।

(के०के० तिवारी)

उप वन महानिरीक्षक (केन्द्रीय)

कार्यालय, मुख्य वन संरक्षक/नोडल अधिकारी, उत्तर प्रदेश, लखनऊ।

पत्रांक- 50 / 11-सी- FP/UP/IRRIG/20269/2016, लखनऊ, दिनांक: जुलाई 08, 2019

प्रतिलिपि- मुख्य वन संरक्षक, भीरजापुर मण्डल, भीरजापुर को इस आशय से प्रेषित कि भारत सरकार द्वारा आर०ई०सी० की बैठक में दिये गये निर्देशानुसार कमियों का निराकरण कर संशोधित बिन्दुवार सूचना/अभिलेख इस कार्यालय को तीन प्रतियों में प्रेषित करने का कष्ट करें।

प्रतिलिपि- प्रभागीय वनाधिकारी, रेनुकूट एवं ओबरा को इस आशय से प्रेषित कि भारत सरकार द्वारा आर०ई०सी० की बैठक में दिये गये निर्देशानुसार कमियों का निराकरण कर संशोधित बिन्दुवार सूचना/अभिलेख इस कार्यालय को मुख्य वन संरक्षक के माध्यम से तीन प्रतियों में उपलब्ध कराना सुनिश्चित करें।

प्रतिलिपि- अधिसासी अभियन्ता, कनहर निर्माण खण्ड, तृतीय, पिपरी सोनमढ को सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित।

संलग्नक: आर०ई०सी० के बैठक की कार्यवाही की प्रति।

पत्रांक 50 / 11-सी- FP/UP/IRRIG/20269/2016, लखनऊ, दिनांक: जुलाई 08, 2019

प्रतिलिपि मुख्य वन संरक्षक को लखनऊ की तदनुसार 08/07/2019

(पंकज मिश्रा)

मुख्य वन संरक्षक/नोडल अधिकारी,

Agenda Item no.39.2 UP
(Deferred Agenda 37. 3 REC dated 05.03.219)

Online No. FP/UP/TRRI/20269/2016

8B/UP/02/31/2018/ PROPOSAL FOR DIVERSION OF 127.1637 HA FOREST LAND FOR CONSTRUCTION OF KANHAR IRRIGATION PROJECT IN SONEBHADRA DISTRICT (UP).

The details of the proposals are as under:

The proposal was submitted vide letter no. 143/14-2-2018-800(118)/2017 dated 19.03.2018. by State government, Department of Forest, Govt. of UP.

1. The proposal has been signed and recommended by the all concerned authorities in the part I, II, III, IV & V. In part II, III, IV and V of the proposal, no specific comments have been recorded by the concerned authorities.
2. As per Site inspection report of the concerned DCF having territorial jurisdiction on proposed forest land, no violation of Forests (Conservation) Act,1980 has been reported (Site inspection report at page no. 96-97 of the proposal).
3. As per part II of the proposal the proposed forest patch is not part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Reserve, Wildlife Migration Corridor etc. and does not fall within eco sensitive zone of the protected area.
4. As per part II of the proposal; the proposed forest patches are not located in the area having protected archaeological / heritage site / defence establishment or any other important monument and no any rare/endangered/unique species of flora and fauna found in the area.
5. The detail of forest area and number of trees (girth class >30 cm) is as under-

Sr. No	Administrative Unit	Area proposed for diversion			Details of tree	
	Forest Division/ District	Reserved Forest (Ha.)	Details of Protected Forest area (Ha.)	Total Area (Ha.)	Crown density/ Eco Class forest land	No. of trees (gbh.>30 cms)required to be felled
1-	Forest Division Renukoot/Distret Sonbhadra	103.675	-	103.675	0.8 Eco Class-III	290 trees 17992 poles
2.	Forest Division Obra/Distret Sonbhadra	23.4887	-	23.4887	0.8 Eco Class-III	63 trees 2865 poles
Total				127.1637		353 trees 20857 poles Total= 21210/Poles

32 April 2018

[Handwritten signatures and initials]

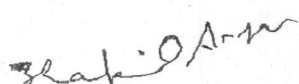
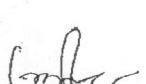




Net Present Value

Sl. No	Name of Forest Division	Forest Area (in Ha.)	NPV Rate (in Rs per ha)	Crown Density	Eco-Class	Total (Rs.)
1	Forest Division Renukoot/District Sonbhadra	103.675	8,87,000/-	0.8	III	9,19,59,725/-
2	Forest Division Obra/District Sonbhadra	23.4887	8,87,000/-	0.8	III	2,08,34,477/-
Rs. 11, 27, 94,202/-(Rupees Eleven crore twenty seven lacs ninety four thousand two hundred two) only.						

Compensatory Afforestation

Sr. No.	Name of Forest Division	CA proposed in Area (Ha)	Details of CA Scheme	Total Financial Outlay for CA Scheme (Rs)
1	Forest Division Renukoot/District Sonbhadra	69.8110 ha (in village Bhisur)+ 62.8016 ha(in village Korachi)=132.6126 +28.1482 ha(in village Kudari).TOTAL- 160.7608 ha.	a. Proposed in 3 patches on NFL(acquired villagers land under possession of Irrigation department and in 1 patch under village kudari) b. Plants/hectare- 1100	Rs. 3,85,64,299/-
2	Forest Division Obra/District Sonbhadra			
4	Total	160.7608 ha		Rs. 3,85,64,299/-
(Rupees Three crore eighty five lacs sixty four Thousand two hundred ninety nine) only.				

- The certificate of District Magistrate under Forests (Rights) Act 2006 is placed with the proposal on pages no.33-95.
- As per GIS-DSS analysis, proposed forest land for diversion and CA land have passed the GIS-DSS analysis.
- The total outlay of the proposal is Rs 223935 Lakhs
- The details of employment generation through the proposal are: temporary employment 1000000 man days and Regular employment 1000.

10. Catchment Area Treatment Plan has been prepared and submitted by the user agency with a cost estimate of Rs. 10,21,79,075/- (Ten Crore Twenty one lakhs seventy nine thousand seventy five) only
11. The cost benefit analysis is placed with the proposal on page no. 25-32 and 445-448.

Due to short-coming in the Proposal an EDS was sent to the State Govt. Vide letter No 8B/UP/02/31/2018/FC/45 dated 18.04.2018 on following points -

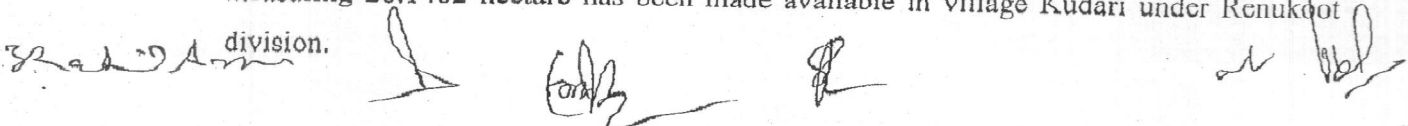
- 1) Colour coding in the .kml files (provided online) as well as in CD of proposed land to be diverted are in a single colour due to which the distinction between Forest land and Non-Forest land is difficult. It should be in the different colouring coding.
- 2) The data provided in CD should be divisions wise.
- 3) The key coordinates of proposed land to be diverted have not been given.
- 4) The proposed CA land for both divisions i.e. Forest Division Renukoot and Obra are in linear format. The kml file of proposed CA land shows presence of agricultural land which may be reviewed.
- 5) Cost Benefit analysis has not been provided as per new guideline of the Ministry.
- 6) CA Scheme has not been submitted.
- 7) Alternatives of forest land have not been examined and details not provided.
- 8) FRA certificate has been obtained much earlier than date of submission of proposal.

The above queries have been replied by State Govt. Vide letter No. 363/14-2-2019-800(118)/2017 dated 21.02.2019. (a) CA scheme has been submitted (b) Revised Cost benefit analysis has been submitted (c) Key coordinates of proposed land to be diverted has been provided.

The Site inspection was carried out by CF (Central) on 24.05.2018 and following observation was sent to the state government-(a) proposed land for equivalent compensatory afforestation is in linear shape/form and is covered by standing trees and other vegetation which reduces the net area available for plantation. (b) It was also observed that proposed plantation is susceptible to submergence during flood etc. The concerned officials were advised to identify equivalent area of proposed plantation by including adjoining villages in such a way that area covered by vegetation is excluded and susceptibility to submergence is further reduced. The state government was accordingly asked to submit a revised CA scheme with minimum 1000 plants/hectare and 10 yrs. maintenance.

The compliance on above observation was submitted by the state government vide letter no.P-05/14-2-2019-800(12)/2019 dated 08th February, 2019. Additional non-forest land measuring 28.1482 hectare has been made available in village Kudari under Renukoot

division.



The Proposal was placed before REC dated 05 th March, 2019 for consideration. REC observed that- "The proposal was discussed in details. During discussion Shri Brijendra Swarup, Member of the REC mentioned that this proposal was initially considered in the REC held on 28-05-2015 and the decision of the REC was conveyed to State Government vide this office letter number 8B/UP.02/14/2015/FC/297 dated 26-06-2015. This fact was not mentioned in the present proposal. The REC decided that the proposal is deferred and the State Government should comply with the decision of the REC held on 28-05-2015 and the orders of Hon'ble NGT, dated 30-08-2018. The proposal should be submitted accordingly."

The compliance of the above observation of REC has been submitted by the State Government vide letter number 1332/14-2-2019-800(118)/2017 dated 20.06.2019 as follows:

- a) In view of the comments of REC dated 28.05.2015 the proposal for diversion of forest land pertaining to Kanhar Irrigation Project has been revised to include forest land required for the main canal as well as other subsidiary canals. Now the revised proposal involve diversion of 127.1637 ha as compared to the earlier proposal for diversion of 62.7808 ha forest land.
- b) The compliance of the order issued by Hon'ble National Green Tribunal, New Delhi has been made available.
- c) Compensatory afforestation has been proposed over 28.1482 ha of additional non-forest land in village Kudri under Renukoot forest division against 132.6126 ha non-forest land made available earlier in Korachi and Bhisur villages under Renukoot Forest Division. Thus all together 160.7608 ha non-forest land is being made available for compensatory afforestation against proposed diversion of 127.1637 ha of forest land. Site suitability certificate has been enclosed.

Important Facts about the Project which is evident from the records are:

1. Kanhar Irrigation Project is an inter-state project which had been sanctioned in the year 1976 and the Environmental Clearance was accorded on 14th April 1980.
2. The Forest Department vide letter dated 27th Feb 1982 had transferred 2422.593 i.e. 980.40 ha of forest land to Irrigation Department State of Uttar Pradesh for the purpose of said irrigation project for which the compensation of Rs. 41,27,211.93 was paid.
3. An application was filed before the National Green Tribunal, Principal Branch, New Delhi praying for interim stay on the further progress on the construction of the project on the ground that Forest clearance as well as Environmental clearance have not been accorded by the central government. Hon'ble National Green Tribunal while disposing off O.A. No. 521 of 2014 & MA No. 902 of 2014 & 14 of 2015 in the matter of Om Dutt Singh & others v/s State of Uttar Pradesh & others passed judgement and various orders dated 07.05.2015, 06.10.2015 and 14.12.2015. The Hon'ble Court refused to pass Stay order as prayed above and instead constituted a committee to examine the various aspects of Kanhar Irrigation Project and its impacts on environment ecology, hydrology and surrounding forest etc. An officer of the Regional Office was also nominated in the committee as a representative of Ministry of Environment, Forest and Climate Change, Govt. of India. The committee observed that:-
 - i) The compensatory afforestation works was carried out in the year 1984, 1985 and 1986 to the extent of 666 ha in forest blocks and 80 km of linear patch.
 - ii) The survival percentage of the compensatory afforestation work after 30 years of planting on the basis of weighted average is 12.68%. Reasons for such survival current percentage can be attributed to anthropogenic and edaphic factors and completion of rotation period of some of the planted species. To compensate the low survival of plants enrichment planting was recommended.

- iii) On issues regarding how to compensate the loss of 980.40 ha forest land already diverted the committee recommended carrying out compensatory afforestation on degraded forest land of equal to double the forest area diverted. Out of $2 \times 980.40 = 1960.80$ ha required for compensatory afforestation, 666 ha has been planted and scheme for balance 1294.80 ha or 1295 ha was recommended by the committee.
- iv) The committee also made an assessment of balance forest land required for completion of the project and as per the report 126.826 ha of forest land was tentatively required under State of Uttar Pradesh for the above project.
- v) Regarding wildlife of the area it was reported that none of the animals are endemic to the project area. The area of the project is neither harbouring any elephants nor is the migratory corridor for the elephants. Thus the committee reported that construction of the reservoir does not in any way become a threat to the existence of these animals of the area and neither becomes a threat to the survival of any species in particular.

The detailed committee's report has been submitted to Hon'ble NGT by the Principal Chief Conservator of Forests, U.P., Lucknow vide letter no.-1373/NGT (Kanhra) dated 31.12.2015 which is placed before the REC for consideration. Compliance on issues regarding raising CA on balance 1295 hectare and enrichment planting as recommended by Committee is still awaited.

A review application was filed before NGT seeking for a review of a judgement dated 07.05.2015 in original application No. 522 of 2040 which was rejected by Hon'ble NGT on 30th August, 2018. The Court observed that State Government and project proponent should ensure strict compliance of the various recommendations made in the report of the committee on different components of the Terms of Reference.

Decision of REC: The REC observed that –

- (a) Detailed compliance of the conditions/recommendation of the committee on different components of the Terms of Reference for transfer of Forest land to the Irrigation Department for purpose of said Irrigation Project have not been submitted by the state government as well as Project Proponent.
- (b) Proposal of Compensatory Afforestation on equivalent Non-Forest land against diversion of proposed 127.1637 ha of forest land for canals and subsidiary canals have been submitted by the state government. However, Compliance on issues regarding raising CA on balance 1295 hectare and enrichment planting as recommended by Committee with reference to the order of Hon'ble NGT regarding above said Irrigation project is still awaited.

In view of this the Proposal is deferred for the next meeting.

Date: 2nd July, 2019

Shri
Kapil
Arya,
Member
REC

Shri Ramji
Kesharwani,
Member
REC

Shri
U.M.
Sahai,
Member
REC

AIG(C)-
Cum-
Member
Secretary,
REC

Secretary
(Revenue)
Government of
Uttar
Pradesh(Special
Invitee)

Nodal
Officer,
Department
of Forests,
UP(Special
Invitee)

DIG
(Central)-
Cum-
Member,
REC

ADG(C)
-Cum-
Chairman
REC