

**Agenda No. - 7**

**File No. 8-94/2006-FC**

1. The State Government of Andhra Pradesh vide their letter dated 06.07.2006 submitted a proposal to obtain prior approval of Central Government under the Forest (Conservation) Act, 1980, for diversion of 313.63 hectare forest land in Nellore district of Andhra Pradesh for additional requirement under K.P. Canal System of Telugu Ganga Project.
2. The Regional Office (Southern Zone), Bangalore after inspection of the forest land proposed to be diverted *inter-alia* observed as below:
3. The proposed canal passes through forest blocks and bisects forest land into similar bits at many places. The alignment of the canal needs to be reviewed preferably shifting the canal towards periphery of the forest, again to minimize fragmentation of forest land for effective management of forest. The implementing agency should also take proper mitigative measure to minimize soil erosion, safe and uninhabited movement of wildlife, if any, by making culverts/ bridges across the nallah from 1<sup>st</sup> block to other blocks of the forest area. Since the project is for public utility the proposal may be considered favourably imposing the above conditions.
4. The Forest Advisory committee after examination of the said proposal and the site inspection report received from the Regional Office (Southern Zone), Bangalore recommended grant of approval under the Forest (Conservation) Act, 1980 for diversion of the said forest land subject *inter-alia* to fulfillment of the following conditions:
  - (i) Extent of forest area getting fragmented on the fringes of forest blocks due to laying of the pipelines shall be identified by the State Forest Department;
  - (ii) The User Agency shall identify non-forest land for raising Compensatory Afforestation, equal in extent to the forest area getting fragmented on the fringes of forest blocks as per (i) above.
  - (iii) The User Agency shall transfer to the State Forest Department the cost of raising and maintaining Compensatory Afforestation (incorporating current wage structure) over non-forest land identified as per (ii) above;
  - (iv) The non-forest land identified for raising Compensatory Afforestation as per (ii) above shall be notified by the State Government as Reserve Forest under the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance.
5. In pursuance to the Hon'ble Supreme Court's order dated 27.04.2007, in IA No. 1413, 1414 etc. in W.P. (C) No. 202/1995, wherein the Hon'ble Supreme Court inter-alia directed that "...fresh cases may be cleared Project-wise by the FAC and thereafter such clearances shall be placed before this Court for approval....", the said proposals along with said recommendation of the FAC were placed before the Central Empowered Committee (CEC) for its examination and appropriate recommendation to the Hon'ble Supreme Court.
6. The observations of the CEC as contained in their 4<sup>th</sup> report are as below:

- (i) The Regional Office of the MoEF in the site inspection report has made an observation that the alignment of canal needs to be reviewed preferably shifting the canal towards the periphery of the forest to minimize fragmentation of the forest land for effective management of the forest and that the implementing agency should take proper mitigative measures to minimize soil erosion, movement of wildlife etc. Taking note of the above comments of the Regional Office, the FAC in its meeting held on 17<sup>th</sup> May, 2007 decided that the State Government may be asked to reexamine the alignment of the canal, distributaries etc. with a view to avoid forest fragmentation as far as possible;
  - (ii) Without making any reference to the State Government, the proposal was again discussed by the FAC in its next meeting held on 30<sup>th</sup> May, 2007 and recommended for approval. No cognizance of the decision taken in the earlier meeting was taken. No reasons for overlooking, the decision taken in the earlier meeting have been recorded by the FAC;
  - (iii) Though details of the trees falling in different villages are given in the proposal, the sum total of trees has not been compiled. It would be appropriate that before taking a decision the total number of trees required to be felled is considered; and
  - (iv) The reasons for new alignment, alternatives examined, public interest involved in the new alignment, technical parameters and other relevant factors related with the new proposal have not been considered. Similarly, the compliance of the conditions on which the proposal was earlier approved has not been considered.
7. After examination of the said proposal and recommendation of the Forest Advisory Committee and the CEC the Hon'ble Supreme Court in their order dated 02.05.2008 directed that the MoEF may take decision in the light of the observations made by the CEC.
8. The MoEF vide letter dated 6<sup>th</sup> May 2008 communicated observations of the CEC to the State Government of Andhra Pradesh for their comments.
9. The State Government of Andhra Pradesh vide their letter dated 26.06.2008 informed the MoEF as below:
- A. Justification of alignment of canal**
- (i) It has been stated that, various alternatives were again re-examined in detail and it was ascertained that, all the alternative alignments involved either high embankments in many places from 4 Mts to 20 Mts or deep cuts of about 12 Mts to 30 Mts and also increase in length of canal by 91 K.M. at some places alternative alignments ran in foreshore area of Major and Minor Irrigation Tanks, requiring Railway Bridge at one place and also alignment passed through one S.C. and S.T. Residential Colony.
  - (ii) In view of the above demerits the alternative alignments were set aside and the original alignments were retained as they are the only possible alignments with minimum requirement of forest lands. Hence the original proposals along with alternatives examined and found not feasible were placed before the FAC in its meeting held on 30.05.2007 and the committee was convinced of the proposals and

recommended for approval. Sufficient Bridges were proposed along the canal in forest reaches to facilitate movement of wild life.

**B. Trees required to be felled**

- (i) The total number of trees required to be felled are 33,722 Nos in 26 different Reserve Forest Blocks, ranging from girth class of 10 cm. to 40 cm. A statement showing the Girth class wise trees falling in the proposed area is enclosed.

**C. Status of compliance to earlier diversion**

- (i) It has been reported that the Government of India, Ministry of Environment and Forest (Forest Conservation Division), New Delhi has accorded Forest Clearance under Section -2 of Forests (Conservation) Act, 1980 for diversion of 10371.40 ha. of Forest and vide NO. 8-97/84-FC dated 14.10.1998. Accordingly, the Government of Andhra Pradesh vide D.O. M. No. 324 Energy, Forest, Environment, Science & Technology (For-I) Department date 01.12.1988 have issued orders for diversion of above forest lands for construction of Telugu Ganga Project. The Government of AP have accorded Final administrative approval for Rs. 4432 Crores for Construction of Telugu Ganga Project, which was started and all major components of the project viz., Reservoirs, head work and Main canals were completed. The impounding of Reservoirs are commenced since 1996. Now the execution of Branch Canals and its distributory network are in progress. Further it is submitted that all the conditions stipulated viz., compensatory of Afforestation, R & R and Catchment Area Treatment etc., are being complied with, duly making necessary budgetary provisions. While carrying out detailed investigations for excavation of branch canals and distributory system under Kandaleru Poondi Canal, it is found essential, for diversion of 313.63 ha., of forest land in 26 blocks in Nellore District. A statement showing the status of condition wise compliance was enclosed.

- (ii) By completion of construction of this project:

- (a) The Telugu Ganga Project was completed long back and the canals / distributories are completed except in the 26 blocks where additional forest land of 313.63 ha. is required for giving connectivity of the canals to create balance irrigation potential of large extent of 1.14 lakh acres.
- (b) Drinking water facilities can be provided for 2.5 lakh people in the fluoride affected villages. The entire Ayacut under the commendable area will be irrigated and crops will be grown. Hence there will be a vast green cover which improves the ecology of the area.
- (c) The ground water table in the Command area and also outside commandable area as well as in the periphery of the Reservoir foreshore will get raised, which may be helpful for development of flora and fauna. An such, unlike other industrial projects, Irrigation Projects are eco friendly projects.
- (d) The socio economic status of the population will be improved which will also reduce dependency of the population on the adjoining forest land.
- (e) The agriculture produce will be increased.

10. The MoEF after examination of the above-indicated information received from the State Government of Andhra Pradesh accorded stage-I approval under the Forest (Conservation) Act, 1980 for diversion of the said forest land subject to fulfillment *inter-alia* of conditions indicated in para-4 above.

11. Following has been indicated in the State Government of Andhra Pradesh's said letter dated 29.04.2013 regarding waiving of the said condition:
- (i) The principal Chief Conservator of Forests, Andhra Pradesh, in his letter dated 6.4.2013 has informed that the Chief Engineer, Srikalahasti, has submitted that the condition stipulated the Government of India, Ministry of Environment & Forests, regarding **"identification of non-forest land equivalent to the areas getting fragmented on the fringes of forest blocks"**, the fragmented area of R.F. fringes involves large extent of 3087 Ha. in 26 R.F. segments, in lieu of actual requirement of 313.87 Ha. and it becomes very difficult to identify non-forest land required for Compensatory Afforestation. The user Agency has further informed that there is no provision to comply with the condition of compensating the fragmented areas on the fringes of forest land in Forest (Conservation) Act, 1980 and requested to obtain the Stage-II approval.
  
  - (ii) The Principal Chief Conservator of Forests, has further reported that the Hon'ble Chief Minister of Andhra Pradesh has informed the Minister of State (IC), Environment & Forests, Government of India, that **the condition is being insisted for the first time and requested to understand the difficulty being faced by the State Government in providing such a large extent of non-forest land, especially in these time when land has become such a scarce commodity. The Hon'ble Chief Minister has expressed the view that the additional condition set forth by government of India, is unreasonable and impractical and requested to waive the condition and accord clearance to this proposal for diversion of 313.63Ha. of forest land.**
12. The matter is placed before the Forest Advisory Committee for its examination and appropriate recommendation on request of the State Government of Andhra Pradesh to waive the condition regarding transfer in favour of the State Forest Department non-forest land equal in extent to the forest area getting fragmented on the fringe of forest block due to laying of the pipelines stipulated in the stage-I approval under the Forest (Conservation) Act, 1980 accorded by this Ministry for diversion of the said forest land.

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