

Sub.: Diversion of 55.73 ha. of forest land in Ramagiri (East & West) RF of Ananthapur Division for establishing 40.00 MW Wind Power Projects – in favour of M/s. Sarjan Realities Ltd., Hyderabad.

1. The State Government of Andhra Pradesh vide their letter dated 16.02.12 had submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 55.73 hectares of forest land in Ramagiri (East & West) RF of Ananthapur Division for establishing 40.00 MW Wind Power Projects – in favour of M/s. Sarjan Realities Ltd., Hyderabad. This proposal was placed before Forest Advisory Committee (FAC) at its meeting held on 20.04.2012 and the recommendations of FAC(**P.7/n**) are as follows:

“ FAC after detailed deliberations recommended that an appropriate expert to be drawn from Bombay Natural History Society (BNHS) or Salim Ali Centre for Ornithology and Natural History (SACON) or Nature Conservation Foundation (NCF) may be requested to inspect the area in and around the forest land proposed for diversion to assess the impact of proposed project on wildlife especially birds and raptors, and submit the report containing appropriate recommendations, including mitigative measures to minimize/prevent the mitigable impacts.”. Due to above recommendations by FAC the project is on hold since April 2012 as user agency has no control over such a recommendation of FAC.

2. Accordingly, the recommendation of FAC was communicated by this Ministry on 18.05.2012 (P.412-413/c). Another letter dated 27.08.2012(P.418-419/c). also sent by this Ministry to BNHS requesting to depute a suitable expert to inspect the area in and around the forest land proposed for diversion to assess the impact of proposed project on wildlife, especially birds and raptors, and submit the report containing appropriate recommendations, including the mitigative measure to minimize/prevent the mitigable impacts. **Since then, about 04 years span over but no response from Bombay Natural History Society (BNHS) or Salim Ali Centre for Ornithology and Natural History (SACON) or Nature Conservation Foundation (NCF) has so far been received in this regard.**
3. Now the State Government of Andhra Pradesh vide their letter no. 3629/2007/FCA-3 dated 10.03.2016 along with annexures (**P.427-459/c**) intimated that the above subject proposal was examined by the Forest Advisory Committee and on their recommendation the Bombay Natural history Society (BNHS), Mumbai was requested to depute a suitable expert to inspect the area in and around the forest land proposed for diversion to assess the impact of proposed project on wildlife, especially birds and raptors, and submit the report containing appropriate recommendations, including the mitigative measure to minimize/prevent the mitigable impacts for further consideration of the proposal. The State Govt. of Andhra Pradesh further reported that the Govt. of India are requested to consider the representation dated 27.10.2015 (**P.429-431/c**) of the user agency to **review the instant proposal by applying the same pragmatic principles and criteria used by MoEF & CC, GoI, while according approval to similar Wind Power Projects of other user agencies with imposition of a condition that State and user agency shall undertake to implement mitigatory measures.**
4. The user agency i.e. M/s Sarjan Realities Limited in their representation raised the following points with respect to above proposal for intervention and remedial action in the matter:
 - (i) This project is on hold since April 2012 due to non-compliance of the recommended condition of FAC for submission of a report containing appropriate recommendations, including mitigative measures to minimize/prevent the mitigable impact by Bombay Natural History Society (BNHS) or Salim Ali Centre for Ornithology and Natural History (SACON) or Nature Conservation Foundation (NCF) on which the user agency has no control over such a recommendation of FAC.

The user agency also referring the Ministry's guidelines as issued vide No.11-306/2014-FC dated 07.10.2014 (**P.455-456/c**) , which states that *FAC should not recommend conditions which are*

beyond the control of the user agency and pointed out that in their project exactly this situation exists as the recommendations about of study of birds and report by the committee as stated are beyond the control of user agency. Hence, in view of this guideline, the MoEF, GoI, is requested to review our project afresh.

- (ii) In cases of the proposals of M/s Enercon Wind Farms (Andhra Pradesh) Pvt. Ltd. (File no.8-12/2012-FC) at agenda item no.19 and M/s Shri Maruti Wind Park Developers, Satara (File no.8-73/2012-FC) at agenda item no. 20 , the FAC in its meeting held on 18th September 2012 inter-alia recommended (P.439/c) that “The FAC after examination of the proposal recommended that decision on grant of approval under Forest (Conservation) Act 1980 for diversion of forest land required for establishment of new Wind Power Projects may be deferred till receipt of the report of the (i) the study assigned to the BNHS to assess impacts of Wind Energy Project on avifauna and bats and suggest appropriate mitigative measures and (ii) Committee constituted under Chairmanship of the Chief Conservator of Forests (Central), Southern Regional Office, Bangalore”. **Despite the recommendation of FAC to defer the proposals till the receipt of the report, the proposal of M/s Enercon Wind Farms (Andhra Pradesh) Pvt. Ltd. was accorded Stage-I approval by the Ministry on 04.01.2013 (P.442-444/c) and proposals of M/s Shri Maruti Wind Park Developers were accorded Stage II approval on 19.09.2013 (P.445-447/c) and 15.10.2014 (P.448-450/c) respectively, but the similar instant proposal of Sarjan Realities Limited was kept on hold whereas the proposed sites of wind power projects by M/s Enercon Wind Farms (Andhra Pradesh) Pvt. Ltd. and M/s Sarjan realities are located in close proximity, i.e. in the same range in the same forest division in the same Ananthpur district, in ecologically the same area, with same forest type.** Not only this, the recommendations of FAC in both the cases are more or less similar but still proposal by M/s Enercon Wind Farms (Andhra Pradesh) Pvt. Ltd. was cleared by MoEF, GoI, despite the recommendation of FAC to defer it while the proposal by M/s Sarjan realities Limited is kept on hold.

It is also pointed out by the user agency that as a matter of Policy and unbiased criteria, both the projects should have been judged on the same principles and criteria by FAC. Unfortunately, this did not happen as both the projects.

- (iii) It is submitted by the user agency that they are ready to undertake to implement the mitigation measures which may be suggested at the conclusion of the study assigned by this Ministry to the BNHS to assess the impact of windmills on avifauna and bats and the recommendations made to by the committee constituted by the this Ministry under Chairmanship of the Chief Conservator of Forests (Central) Southern Regional office , Bangalore to assess and define the impact zone of wind energy projects in forest areas for purpose of assigning NPV in case the project is cleared by MoEF & CC, GoI, by imposing this condition.

In view of the facts as explained above, the user agency requested to look into the matter and review their proposal of diversion of 55.73 Ha. of forest land in Ramgiri (East & West) RF of Ananthpur Forest Division of Ananthpur District by applying the same pragmatic principles and criteria used by MoEF & CC, GoI, while according approval to similar wind power projects of other user agencies with imposition of a condition that State and user agency shall undertake to implement mitigatory measures, and also requested not to recommend the conditions beyond the control of user agency as per the guidelines dated 07.10.2014.

5. The status of the proposals in respect of M/s Enercon Wind Farms (Andhra Pradesh) Pvt. Ltd. (File no.8-12/2012-FC) and M/s Shri Maruti Wind Park Developers, Satara (File no.8-73/2012-FC) as referred by the user agency in their representation are as follows:

- (a) **Diversion of 49.06 ha. of forest land in Kunukuntla RF of Ananthapur Division, for setting up 29.60 MW Wind Power Project, in favour of M/s Enercon Wind Farms (Andhra Pradesh) Pvt. Ltd.:** This proposal was placed before the Forest Advisory Committee in its

meeting held on 18th September 2012 and the FAC after examination of the proposal recommended that decision on grant of approval under the Forest (Conservation) Act, 1980 for diversion of forest land required for establishment of new Wind Power Projects may be deferred till receipt of the report of the (ii) study assigned to the BNHS to assess impacts of Wind Energy Projects on avifauna and bats and suggest appropriate mitigative measures; and (ii) Committee constituted under Chairmanship of the Chief Conservator of Forests (Central), Southern Regional Office, Bangalore. However, the Stage-I Clearance with the approval of the then Hon'ble Minister of State (Independent Charge) for Environment and Forests had been granted on 04.01.2013 (P.442-444/c). The extract portion of the note-sheet of concerned file bearing No. 8-12/2012-FC) is placed in file at P. 427-432/c for reference and record.

- (b) **Diversion of 79.91 ha of forest land for installation of a Wind Power Project in Kolhapur Forest Division, District Kolhapur, Maharashtra in favour of M/S Shri Maruti Wind Park Developers, Satara:** This proposal was also placed before the Forest Advisory Committee in its meeting held on 18th September 2012 and the similar recommendation as in case of M/s Enercon Wind Farms was made by the then FAC. However, the Stage-I Clearance with the approval of the then Hon'ble Minister of State (Independent Charge) for Environment and Forests had been granted on 18.12.2012. Subsequently, compliance report was received from the State Government of Maharashtra, and Stage-II/Final approval granted on 19.09.2013 (P.445-447/c). The extract portion of the note-sheet of concerned file bearing No. 8-73/2012-FC is placed in file at P. 433-438/c for reference.

In view of above, the facts of the above proposal may be placed before FAC in its next meeting for appropriate recommendation.
