

F. No. 8-7/2017-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi – 1100 03.
Dated: 1st May 2017

To,

The Principal Secretary (Forests),
Government of Maharashtra,
Mumbai.

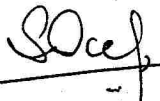
Sub: Diversion of 141.99 ha Protected Forest land & Zudpi Forest land under Forest (Conservation) Act, 1980 for the purposed Ash utilization, Promotion and Research Park at Village Kachewani & Mendipur, Tal. Tiroda, Dist. Gondia, Maharashtra.

Sir,

I am directed to refer to the State Government's letter no. No. FLD-35A16/CR-358/F-10 dated 17.12.2016 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, *Stage-I Clearance/ In-principle* approval of the Central Government is hereby granted for diversion of 141.99 ha Protected Forest land & Zudpi Forest land under Forest (Conservation) Act, 1980 for the purposed Ash utilization, Promotion and Research Park at Village Kachewani & Mendipur, Tal. Tiroda, Dist. Gondia, Maharashtra subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged.
- (ii) Compensatory afforestation over equivalent area of 141.99 ha of degraded forest land identified for raising afforestation in Gondia District involves 21 patches in Gondia Range of Gondia Forest Division shall be raised 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 land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale.
- (iv) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance; The non-forest land identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of 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 in this regard;
- (v) 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;
- (vi) The User Agency shall transfer the funds for the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency 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 through online portal of Ad-hoc CAMPA account of the State Concerned;
- (vii) The user agency shall associate Government Research Institutes such as IIFM/TFRI etc. to draw up a forestry research plan, at the cost of user agency, for utilization of flyash and submit the documents in this regard, prior to stage II approval. The cost related to said research shall be borne by user agency.


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- (viii) The research results and all data shall be shared with MOEF and CC and all other research institutes without charging any cost.
- (ix) No alteration or diversion of water course within the proposed land shall be allowed.
- (x) Construction of any buildings shall not be allowed on forest land sought for diversion.
- (xi) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- (xii) The User Agency shall ensure that ash disposal is carried out as per the detailed plan prepared for the purpose, and is in accordance with all environmental safeguards.
- (xiii) The User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986;
- (xiv) No labour camps shall be set up inside the forest area. Labour management plan should be submitted with emphasis that no labour camp shall be set up in the close vicinity of the eco-fragile and sensitive areas.
- (xv) The user agency shall provide alternate fuel to the labourers working at the site to avoid damage / felling of trees.
- (xvi) No damage to the flora and fauna of the adjoining area shall be caused.
- (xvii) The forest land shall not be used for any purpose other than that specified in the proposal.
- (xviii) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person.
- (xix) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
- (xx) The 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;
- (xxi) The user agency shall submit the annual self compliance report in respect of the above conditions to the State Government, concerned Regional Office and this Ministry by the end of March every year regularly.
- (xxii) Any other condition that the Regional Office, Nagpur of this Ministry, may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxiii) The State Government and user agency shall comply the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project

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

Yours faithfully,



(Sandeep Sharma) 1.5.17

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator Forests, Government of Maharashtra, Nagpur.
2. Addl. Principal Chief Conservator of Forests (Central), Ministry of Environment & Forests, Regional Office (WZ), Nagpur.
3. The Nodal Officer, O/o the PCCF, Government of Maharashtra, Nagpur.
4. User Agency.
5. Monitoring Cell.
6. Guard file.



(Sandeep Sharma) 1.5.17

Assistant Inspector General of Forests