

Subject: Forest Land: Nagpur

Proposal is for diversion of 564.00 ha. forest land under Section 2 (ii) and 2 (iii) of Forest Conservation Act for development of proposed International Standard Zoo under Forest (Conservation) Act-1980.

PART - V

(To be filled up by the Secretary Incharge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

**1. Recommendation of the
State Government**

The proposal is recommended
vide Government letter
No.FLD-3415/CR-255 Part-1/F-10
Dated: 29/07/2016

VRGm

**(Virendra Tiwari)
Chief Conservator of Forests (Mantralaya)**

Chief Conservator of Forests (Mantralaya)
Revenue and Forest Department
Mantralaya, Mumbai 400 032

Place : Mumbai

Date : 29/07/2016

Government of Maharashtra

By Speed Post

No FLD-3415/CR-255 Part-1/F-10
Revenue and Forest Department,
Room No.456/461, Annex,
Hutatma Rajguru Chowk,
Madam Cama Marg,
Mantralaya, Mumbai-400 032.
Date: 29/07/2016

To,
The Secretary to the Government of India,
Ministry of Environment, Forests and Climate Change,
Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj,
New Delhi.-110003

Subject: Forest Land: Nagpur

Proposal is for diversion of 564.00 ha. forest land under Section 2 (ii) and 2 (iii) of Forest Conservation Act for development of proposed International Standard Zoo under Forest (Conservation) Act, 1980.

Sir,

Divisional Manager, Gorewada Project, Forest Development Corporation of Maharashtra Ltd. (FDCM) at Gorewada Tal, Nagpur, Dist, Nagpur has submitted proposal for diversion of 564.00 ha. forest land under Section 2 (ii) and 2 (iii) of Forest Conservation Act for development of proposed International Standard Zoo under Forest (Conservation) Act-1980 on land under the possession of Forest Development Corporation of Maharashtra Ltd. (FDCM) at Gorewada Tal, Nagpur, Dist, Nagpur of Maharashtra State. The project includes developments of International Standard Zoo and Rescue Center comprising an area of 564.00 ha., which falls in village Junapani, Sitagondi, Makardhokda, Mahurzari, Budhala, Dabha, Hazari Pahad, Tah. Nagpur, Dist.Nagpur of Maharashtra, which is located within forest compartments No. 790,791,792,793. The site proposed for establishing Zoological Park and Rescue Center is a forest land measuring about 564.00 ha. situated on Nagpur Katol road and is about 7 km from Nagpur city. On the northern part of the road, a lake is situated, which caters to drinking water requirement of about 70% population of Nagpur City. The area on the southern part of Nagpur Katol road, i.e. project area bears minimum vegetation and therefore various attractions, viz. Indian Safari, African Safari, Biopark, Deep Time Trail, Tribal Village Trail, Trail of Sense, Entry Plaza, Reservoir, etc., are proposed to be created. It was decided by State Government in 2005 to establish the International Standard Zoo at Gorewada, Nagpur. The project area is continuous plain chunk of forest land under possession of Forest Development Corporation of Maharashtra Ltd., (a Government of Maharashtra undertaking).

2. State Government vide Government Resolution No. WLP-1009/ File No.89/F-1 dated 12/12/2005 decided to develop an International Standard Zoo at Gorewada, Nagpur. State Government vide GR No. WLP-1009/C.R.119/F-1 Mumbai dated 29/11/2011 further assigned this project to FDCM. Since then FDCM is managing this area. The project will have positive impact on socio-economics of entire Vidarbha region & Central India. The project cost is estimated at about Rs. 451.35 crores. Central Zoo Authority (CZA) has approved the master plan of this zoo vide their letter dated 27/05/2015. Hon'ble Supreme Court have also agreed for establishment of this Zoo vide their order dated 05/08/2013.

3. In the context of applicability of the provisions of Forest (Conservation) Act, 1980 for the activities necessary for ex-situ conservation of wild animals through Zoological Parks/Zoos/Biological Parks over forest land, Government of India vide their letter No. F.No.11-66/2004-FC, dated 13/11/2007 conveyed that activities required to be done in Zoo as

per the approved management plan will not attract the provisions of Forest (Conservation) Act, 1980 provided such activities are necessary for management of animals & imparting education and have the prior approval of Central Zoo Authority (CZA). The master plan of International Standard Gorewada Zoo was approved by Central Zoo Authority (CZA) vide their letter No. WLP-1009/C.R.119/F-1, dt.29/11/2011. Subsequently, a reference was made by Managing Director, Forest Development Corporation of Maharashtra Ltd., to Government of India regarding the applicability of Forest (Conservation) Act, 1980 for the activities proposed for the Zoo vide his letter No. Gorewada/GMWFP/Steno/1365, dt.24/12/2014 particularly in view of the fact that the activities are proposed to be undertaken through a Special Purpose Vehicle (SPV) with the involvement of Joint Venture Partner (Private Investor). In response, Government of India vide their letter bearing No. 11-29/2015-FC, dated. 05/05/2015 intimated that the provisions of Forest (Conservation) Act, 1980 are attracted. Government of Maharashtra accordingly submitted proposal to Government of India vide letter bearing No. FLD-3415/CR-255/F-10, dt.30/09/2015, seeking clearance under Forest (Conservation) Act, 1980 & reiterating its firm opinion again about the non-applicability of Forest (Conservation) Act.

4. Thereafter, Government of India returned this proposal directing to resubmit the proposal by uploading on the website of the ministry alongwith all necessary documents. Subsequently, on receipt of requisite clarifications regarding the area of operation of the Special Purpose Vehicle (SPV) etc. from Forest Development Corporation of Maharashtra Ltd. Government of Maharashtra again requested Government of India to reconsider their views & re-examine the proposal vide letter dt. 16/03/2016. However no response was received from Government of India.

5. A meeting was thereafter held in the Ministry of Environment, Forest & Climate Change, Government of India New Delhi on 18/05/2016 which was attended by Additional Principal Chief Conservator of Forests & Nodal Officer, Government of Maharashtra. In this meeting Government of India's communication dated 08/01/2014 addressed to Additional Principal Chief Conservator of Forests (Central), Regional Office, Bangalore was highlighted wherein, it has been specifically clarified that the establishment/ re-location of Zoo in forest area attracts the provision of Forest (Conservation) Act, 1980. A note in this regard was submitted to Government by the Nodal Officer on dt.19/05/2016. In view of the Government of India's clarification dt.08/01/2014 (which was not circulated previously) and subsequent decisions in the matter, proposal under Forest (Conservation) Act, 1980 has been prepared for diversion of an area of 564.00 ha.

6. Master Plan of Zoo and Rescue Center over 1914 ha. forest land was submitted to CZA. But CZA vide their letter No. F.No.23-11/99-CZA (403) (M), dt.14/12/2012 recommended for establishment of Zoo and Rescue Center, subject to compliance on total 13 observations, out of that observation no.8 is "The area earmarked as a Gorewada Reserve Area should not form the part of the proposal of the Zoo and Rescue Center, since it comes under in-situ area, therefore should be kept outside the zoo premises." Hence, total area of Gorewada Reserve located on Northern side of Nagpur-Katol Road which is 974.00 ha. and an area of 65.00 ha. earlier earmarked for Night Safari & falling on the northern side is presently not part of this proposal, whereas CZA separately approved Rescue Center on 25.00 ha. on northern side is included in the proposal.

7. CZA approved area on southern side of Nagpur-Katol Road is 850.00 ha. however, proposal for diversion of 539.00 ha. from this side under Forest Conservation Act-1980 has been prepared excluding an area of 311.00 ha. (On which no non-forest activities are proposed to be undertaken & which will be maintained by FDCM as such). In this way both Zoo and

Rescue Center area adds up to 539.00 ha. + 25.00 ha. = 564.00 ha. area, which forms this proposal. This proposal is submitted considering present need of land for Zoo and Rescue Center. The comprehensive land use plan of this project is as follows:-

Sr. No.	Item wise work purpose	Forest land required (ha.)	Non Forest Land required (ha.)
1	Indian Safari	145.00	0
2	African Safari	90.00	0
3	Biopark	30.00	0
4	Trails (Deep Time Trail, Trail of Senses & Deep Time Trail)	22.50	0
5	Bird Aviaries	7.00	0
6	Water Reservoir	30.00	0
7	Entry Plaza including children park & parking area	10.00	0
8	Buffer of Zoo components & other activity area.	204.50	0
9	Rescue Centre	25.00	0
	Total	564.00	0
1	Commercial Activity area	0	25.57
	Grand Total (ha.)	564.00	25.57

8. It is intended to form Special Purpose Vehicle by selecting suitable Joint Venture Partner (Private Investor) for developing and managing proposed Gorewada Zoo. It is clarified by Forest Development Corporation of Maharashtra Ltd., that the activities of SPV will be restricted on 564.00 ha. area only which is proposal area. The remaining area which is in charge of FDCM Ltd., for management purpose will be managed exclusively by Forest Development Corporation of Maharashtra Ltd. only. The project, in addition to 564.00 ha. forest land, includes 25.57 ha. of non-forest land, which will be used for commercial activities such as hotels, restaurants, club houses, lawns, children park, night trail, recreational activities and ancillary activities.

9. This project is unique of its kind in the world since it has such a big Zoo containing Indian Safari, African Safari, Biopark, Trails, Bird aviaries, Water reservoir, Entry plaza, Rescue center & Commercial activity area at one place [The details given in chapter 4.3 of CZA approved master plan]

10. The major objectives of this project are 1) To promote wildlife conservation (planned breeding of endangered species and releasing them into wild); 2) Care and rehabilitation of injured, sick and orphan wild animals; 3) To collect and collate the scientific data on the biology, behaviour and health care of various species of wild animals housed in the zoo and use the same in future management of the zoo; 4) To assist in conservation of the in-situ population of various species of endangered animals and their habitat by sensitizing the people; 5) To promote research and education on wildlife conservation; 6) To create amongst the visitors empathy towards wild animals through appreciation and better understanding; 7) To promote international eco-tourism and 8) to create the opportunities of employment / self employment, Hence this project becomes important project for Central India and thus exemption from payment of NPV has been proposed. The details of total 564.00 ha of forest land required for the project are as under:-

Area statement

Sr. No.	Item of Works/Purpose	Name of Village	Forest land required			Total Area (in ha)	Legal Status of Land
			Sur/Gut No.	Comptt No.	Area (in ha.)		
1	Indian Safari	Junapani		791 792	105.00 40.00	145.00	Notified under Section 4 of Indian Forest Act.
2	African Safari	Junapani, Budhala		792 791	67.00 23.00	90.00	Notified under Section 4 of Indian Forest Act.
3	Biopark	Junapani Makardhokda		790 791	26.00 4.00	30.00	Notified under Section 4 of Indian Forest Act.
4	Trails (Deep Time Trail, Trail of Senses & Deep Time Trail)	Junapani Makardhokda		790 791	18.50 4.00	22.50	Notified under Section 4 of Indian Forest Act.
5	Bird Aviaries	Makardhokda		790	7.00	7.00	Notified under
6	Water Reservoir	Makardhokda Dabha		790 791	24.00 6.00	30.00	Notified under Section 4 of Indian Forest Act.
7	Entry Plaza including children park & parking area	Junapani Makardhokda		790 791	8.00 2.00	10.00	Notified under Section 4 of Indian Forest Act.
8	Buffer of Zoo components & other activity area.	Junapani, Makardhokda, Sitagondi, Budhala, Mahurzari, Dabha, Hazaripahad		790 791 792	132.00 35.00 37.50	204.50	Notified under Section 4 of Indian Forest Act.
	Rescue Centre	Mahurzari		793	25.00	25.00	Notified under Section 4 of Indian Forest Act.
	Total					564.00	


11. The area belongs to Eco-value class-III and density from 0.50 to 0.60.
12. Density of forest is below 0.2 (open forest) and Eco class value III, Southern tropical dry deciduous forests.
13. The project involves a total of 3970 trees in compartment number 790,791,792 and 793 of village Junapani Sitagondi, Makardhokda, Mahurzari, Budhala, Dabha, Hazari Pahad, Tah. Nagpur, Dist.Nagpur.
14. 15. Deputy Conservator of Forests, Nagpur Division Nagpur has certified that no suitable alternative non-forest land is available other than the forest land demanded and demand for the forest land is barest minimum.
15. Deputy Conservator of Forests, Nagpur Division Nagpur has certified that except the establishment of Rescue Centre, the work has not been started in forest land as well as in non forest land and no violation of Forest (Conservation) Act, 1980 and or its Guideline have been committed and that the work will be started only after Government of India accords permission. As regards the establishment of Rescue Centre, it is stated that since the master plan of Gorewada Zoo had been approved by Central Zoo Authority (CZA) and Hon'ble Supreme Court had also given permission for the establishment of Gorewada Zoo vide their order dt.05/08/2013 in I.A Nos. 22,23 & 24 in Writ Petition (Civil) No(s) 47 of 1998 as well as the Government of India, Ministry of Environment & Forests (FC) letter dt. 13/11/2007 clearly mention that "activities required to be done in Zoo as per approved management plan will not attract the provision of Forest (Conservation) Act, 1980 provided such activities are necessary for management of animals and imparting education and have the prior approval of Central Zoo Authority (CZA)",

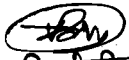
- therefore the work of Rescue Centre came to be started by the user agency. However, no other activity has been started.
16. Deputy Conservator of Forests, Nagpur Forest Division, Nagpur, has certified that the project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
 17. Deputy Conservator of Forests, Nagpur, Division Nagpur, has certified that the area involved is not included in the area of any existing National Park, Wild life Sanctuary, Nature Reserve etc.
 18. Deputy Conservator of Forests, Nagpur, Division Nagpur, has certified that 3970 trees are required to be felled for this project.
 19. The Deputy Conservator of Forests, Nagpur, Division Nagpur, has certified that the proposed project is beyond 10 Km from the boundary of the protected area.
 20. Zudpi jungle land, twice in extent to the area proposed for diversion under this project (1128.00 ha.), falling in Nagpur, Bhandara and Wardha districts (459.00 ha. 547.00 ha. & 122.00 ha. respectively) has been proposed for compensatory afforestation. Deputy Conservator of Forests, Nagpur, Bhandara and Wardha have certified that the area is contiguous, suitable for afforestation & management and is also free from encroachment & other encumbrances.
 21. As the major objective of establishing Gorewada Zoo is to promote wildlife conservation, nature awareness, research and education, it is recommended that Government of India may not insist upon compensatory afforestation.
 22. The Deputy Conservator of Forests, Nagpur, has certified that non-forest area covered under the project is not under the provision of Maharashtra Private Forest (Acquisition) Act, 1975 by virtue of application of section 35 of Indian Forest Act 1927 and is not recognized as deemed reserved Forest as well as not included in the area identified as "Forest" as per the dictionary meaning of Forest as intimated by the Expert Committee appointed in accordance with the judgment of Hon'ble Supreme Court dated 12/12/1996.
 23. The District Collector, Nagpur in compliance of the provisions under FRA has issued certificate in respect of the project land falling in 3 villages namely i) Mahurzari Tal. & Dist. Nagpur ii) Hazari Pahad Tal. & Dist. Nagpur iii) Dabha Tal. & Dist. Nagpur, whereas, villages namely i) Budhala ii) Junapani iii) Makardhokada iv) Sitagondi are not mentioned in the certificate issued by District Collector under Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 in prescribed format (Form II) as per the Government of India guidelines dt. 5/7/2013.
 24. User Agency has agreed to bear the cost of clearance / removal of trees.
 25. User Agency has agreed to defray the cost of compensatory afforestation as decided by Forest Department.
 26. The User Agency has submitted an undertaking to defray the cost of Net Present Value of the proposed forest land for diversion.
 27. The User Agency has submitted an undertaking for obtaining Environment Clearance.
 28. The geo-digital map and KML files of the proposed forest land and proposed Compensatory Afforestation land is enclosed in the proposal.
 29. Government of Maharashtra has approved the project for establishment of International Standard Zoo on land under possession of FDCM at Gorewada project, Nagpur, Tal, Nagpur; Dist, Nagpur vide letter No.WLP-1009/C.R.119/F-1,dt. 29/11/2011.

30. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal subject to the conditions, given in his specific recommendations, under Section-2 (ii) and 2 (iii) of the Forest (Conservation) Act, 1980. His specific recommendations are enclosed in the proposal.

31. In the circumstances explained in the aforesaid paragraphs and enclosures, the Government recommends that the said forest land may be allowed to be diverted for the non-forestry use on the conditions proposed by the Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur. The matter may kindly be placed before the Government of India for its approval under Section-2 (ii) and 2 (iii) of the Forest (Conservation) Act, 1980 and the same may please be obtained and communicated to this Government at earlier.

Yours faithfully,


(Virendra Tiwari) 29/07/16
Chief Conservator of Forests (Mantralaya)


22-06-2016

o/c.

Encl: A) set of case papers

b) **The following documents are enclosed:-**

1. Prescribed form as per Rules
2. Certificate regarding minimum demand for forest land for the project
3. Area Statement
4. Index map of suitable scale
5. Commitment from the Applicant for defraying the cost of exploitation as well as cost of compensatory plantation.
6. Project Authority has given an undertaking of Net Present Value.
7. Brief note of the project from the project authority
8. Map of non-forest land for compensatory afforestation
9. Site Inspection Report by Deputy Conservator of Forests, Nagpur and Chief Conservator of Forests (T), Nagpur
10. Certificate that there is no violation of Forest Conservation Act, 1980.
11. Certificate in Part V.

Copy to:

1. The Additional Principal Chief Conservator of Forests (Central), Government of India, Ministry of Environment, Forests & Climate Change, Regional Office, West Central Region, Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur-440 001.
2. Secretary (Tribal), Tribal Development Department, Mantralaya, Mumbai.
3. Principal Chief Conservator of Forests (Head of Forests Force), Maharashtra State, Nagpur.
4. Principal Chief Conservator of Forests (Wildlife), Maharashtra State, Nagpur, Nagpur.
5. Managing Director, Forest Development Corporation of Maharashtra Ltd. (FDCM), Nagpur
6. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur Regional Manager, FDCM Ltd., Nagpur
7. Chief Conservator of Forests (T), Nagpur
8. Collector, Nagpur
9. Divisional Manager, Forest Development Corporation of Maharashtra, Nagpur Division, Gorewada, Nagpur
10. Deputy Conservator of Forests, Nagpur/Bhandara/Waradha Forest Division
11. Select File F-10