

Subject: Forest Land-Gadchiroli.

Diversion of 2.0 ha. Forest land under Forest (Conservation) Act, 1980 for construction of Administrative building and Residential Quarters of Arm Out Post at Manerajaram, District Gadchiroli

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-2021/CR-16/F-10
Dated: 04.03.2021

apt
04/03/2021

(Arvind Apte)

Chief Conservator of Forests (Mantralaya)

Place: Mumbai.

Date: 04.03.2021

Government of Maharashtra

By Speed Post

No.FLD-2021/CR-16/F-10

Revenue and Forest Department,
Madame Cama Road,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai – 400 032.

Date: 04.03.2021

To,

Regional Officer (Central),
Integrated Regional Office,
Ministry of Environment, Forests & Climate Change,
Government of India, Civil Lines, Nagpur-440 001.

Subject: Forest Land-Gadchiroli.

Diversion of 2.0 ha. Forest land under Forest (Conservation) Act, 1980 for construction of Administrative building and Residential Quarters of Arm Out Post at Manerajaram, District Gadchiroli

Sir,

The Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur has submitted the proposal for Diversion of 2.0 ha. Forest land under Forest (Conservation) Act, 1980 for construction of Administrative building and Residential Quarters of Arm Out Post at Manerajaram, District Gadchiroli.

2. The details of forest land proposed for diversion are as under: -

Sr. No.	Item work purpose	Village	Compt. No.	Area (in sq. mt.)	Legal Status
1.	Administrative Building	Manerajaram	596	773.13	Reserved Forest
2.	Police Staff Quarters			1464	
3.	Officer's Quarters			224	
4.	Prefab Barrack			439.200	
5.	Mess Building			117.12	
6.	Morcha			224.49	
7.	Toilet Block			41.52	
8.	Bathroom Block			22.42	
9.	Open Space			16694.12	
Total Forest Area (in sq. mt.)				20000.00	

3. The User Agency i.e. Superintendent of Police, Gadchiroli has pointed out that in order to prevent naxal-activities and maintain law and order situations new Arm Out Post at Wangeturi, should be established at the earliest. Construction of Administrative Building is

necessary for keeping Arms and communication, while residential quarters are essential for accommodation of police personnel. The Gadchiroli unit of Maharashtra Police has explored all other possible alternatives to find a suitable land required for construction of Administrative building of Sub Police Station at Wangeturi, Tal. Ettapalli, Dist. Gadchiroli and the forest land required is the barest minimum.

4. The Deputy Conservator of Forests, Bhamragarh Forest Division, Allapalli has certified that:-

- 4.1 no suitable alternate land is available and the forest land required is minimum.
- 4.2 the area belongs to Eco-value class-III and having density 0.6
- 4.3 there are 403 trees involved in implementation of the Project.
- 4.4 the proposed area for the project is beyond 10 km from the boundary of the protected area. (Sanctuary and National Park).
- 4.5 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 4.6 proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance.
- 4.7 there is no violation of Forest (Conservation) Act, 1980.

5. The User Agency has submitted an undertaking:-

- 5.1 to defray the cost of compensatory afforestation.
 - 5.2 to defray the cost of Net Present Value of the forest land proposed under diversion.
 - 5.3 regarding the compliance under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forests Rights) Act, 2006 has been applied and is under process and shall be submitted as soon as possible.
6. As per clause 2.6 of the Handbook under the FCA, 1980. The Provision for Plantation of specified number of trees by way of CA in certain cases is as under:-
- (i) The cost of plantation (including ten years maintenance) of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order of diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation. in the instant case trees likely to be felled during the implementation of the project is 403. Therefore, the User Agency shall have to defray the cost for 4030 plants including 10 years maintenance.
7. The State Government vide letter No.FLD-2018/CR.143/F-10,dt.15/5/2018 has conveyed its approval for constitution of Committee for approval of diversion proposal in Left Wing Extremist Affected area for more than 5 ha & upto 40 ha / OR having trees more than 50/ha.) for purposed of critical public utility infrastructure facilities as declared by the Central Government vide letter F.NO. 11-9/98/-FC (LWE) dt.15/2/2018. As per clause 4.4.4 (d) of Handbook under the FCA, 1980, this general approval was valid till 31/12/2020.
8. In view of this, the proposal is recommended for approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions:

- 8.1 The legal status of the forest land required will remain unchanged.
- 8.2 The User Agency shall defray the cost towards the compensatory afforestation for 4030 plants including 10 years maintenance.
- 8.3 The User Agency will defray the cost of Net Present Value of 2.00 ha of forest land proposed for diversion
- 8.4 The User Agency will defray the additional / revised cost of Net Present Value of Forest land as per extant guidelines of Government of India.
- 8.5 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 8.6 The User Agency shall defray the cost of removal of 403 trees in the proposed area. However, minimum number of trees will be felled. The trees so felled by the Forest Department accoutered for separately in terms of exploration sale / disposal and the cost of falling shall be recovered from the user agency.
- 8.7 User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- 8.8 The User Agency in consultation with the State Forest Department shall create and maintain alternate habitat / home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- 8.9 The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- 8.10 No labour camp shall be established on the forest land;
- 8.11 All necessary precautions should be taken to protect the area from fire.
- 8.12 The proposed diversion of forest land for the project will be confined to 2.00 ha only.
- 8.13 The User Agency shall obtain the certificate of Collector, Gadchiroli under Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forests Rights) Act, 2006 before Stage-II approval.
- 8.14 All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal <http://parivesh.nic.in/>
- 8.15 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 8.16 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.
- 8.17 Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
- 8.18 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)
9. As per general approval for Critical development initiatives for public (clause 4.3 m), 4.3.1 (a) (b) allows diversion of forest area not more than one hectare, in each case. Present proposal involves diversion of 2.00 ha. Forest land. Hence, in absence of powers to the State Government, it is appropriate to decide the case at Integrated Regional Office, MoEF&CC, Nagpur level.

10. In the circumstances explained in the aforesaid paragraphs and enclosures, the State Government recommends that the said forest land may be allowed to be diverted on the above conditions and **the validity of general approval under FCA, 1980 (Handbook Clause 4.4.4 d) may be extended.**
11. The matter may kindly be placed before the Government of India for its approval under Section-2 (ii) of the Forest (Conservation) Act, 1980, be obtained and communicated to this Government at the earliest.

04/03/2021
(Arvind Apte)

Chief Conservator of Forests (Mantralaya)

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. An undertaking of Project Authority for Net Present Value.
5. Brief note of the project from the project authority
6. Site Inspection Report.
7. Certificate in Part V.

Copy to:

1. Additional Chief Secretary, Home Department, Mantralaya, Mumbai.
2. Principal Secretary, Tribal Development Department, Mantralaya, Mumbai.
3. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State Nagpur with reference to his letter No.Desk-17/NC/I/ID-12776/981/2020-21, Dt.05.01.2021
4. Chief Conservator of Forests (T), Gadchiroli.
5. Deputy Conservator of Forests, Bhamragad Forest Division, Allapalli.
6. Superintendent of Police, Gadchiroli
7. Select File F-10.