



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS
& CLIMATE CHANGE

Regional Office (WCZ)
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F. No. FC-I/MH-53/2016-NGP / 1896

Dated: 9th June 2017

To

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

Sub: Diversion of 0.1186 ha of Reserved Forest land (MPFA, 1975 & U/s 4 IFA, 1927) and unclassified Forest land in favour of M/s JSW Steel Ltd., Geetapuram, Dolvi for laying of underground 1100 mm water pipeline for industrial use and 400 mm dia water pipeline for drinking purpose to nearby villages from Patansai (Tal. Roha) to Karav (Tal. Pen) in Raigad District of Maharashtra State – regarding.

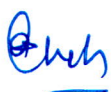
Sir,

I am directed to refer to the State Government of Maharashtra's letter no. FLD-1316/CR-251/F-10 dated 14.10.2016 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and the Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, vide his letter no. Desk-17/NC/II/ID. 12454/(60)/2405/16-17 dated 25.03.2017 on the above subject forwarding additional information as sought by the Regional Office, vide its letter of even number dated 21.11.2016 and to say that the proposal has been examined in the Regional Office in light of the relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder.

After careful examination of the proposal and on the basis of recommendation of the State Government, the Central Government hereby accords 'in-principle' under Section -2 of the Forest (Conservation) Act, 1980 for diversion of 0.1186 ha of Reserved Forest land (MPFA, 1975 & U/s 4 IFA, 1927) and unclassified Forest land in favour of M/s JSW Steel Ltd., Geetapuram, Dolvi for laying of underground 1100 mm water pipeline for industrial use and 400 mm dia water pipeline for drinking purpose to nearby villages from Patansai (Tal. Roha) to Karav (Tal. Pen) in Raigad District in the State of Maharashtra subject to the fulfilment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Compensatory afforestation over the degraded forest land of 1 ha shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- iii. Penal compensatory afforestation over 1 ha of degraded forest land shall be raised and maintained by the State Forest Department at the cost of User Agency;
- iv. Area identified for compensatory afforestation and penal compensatory afforestation shall be depicted on the Sol toposheet of appropriate scale. The Differential GPS map of the area identified for CA and Penal CA shall also be submitted along with soft copies of their kml/shape files.
- v. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

- vi. The State Government shall charge 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 in this regard;
- vii. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- viii. All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA, through e-challan, in the Savings Bank Account pertaining to the State concerned;
- ix. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- x. 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, forward and back bearing and distance from pillar to pillar;
- xi. The User agency, if required, shall undertake comprehensive soil conservation measures in the area being diverted at the project cost in consultation with the State Forest Department. A scheme of the same may be submitted along with the compliance report.
- xii. No labour camp shall be established on the forest land;
- xiii. The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xiv. The forest land shall not be used for any purpose other than that specified in the proposal;
- xv. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xvi. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- xvii. No damage to the flora and fauna of the adjoining area shall be caused;
- xviii. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xix. Approval accorded by the NHA for laying of the pipeline within the area approved for diversion under the Forest (Conservation) Act, 1980 amounts to the violation of the Forest (Conservation) Act, 1980. A detailed report from the primary User Agency on the circumstances leading them to accord approval without the prior approval of the Central Government and an explanation from the User Agency why penal action should not be initiated against the erring officials of the primary User Agency under the Forest (Conservation) Act, 1980 should be submitted along with the compliance report
- 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, on the forest land to be diverted in accordance with the relevant guidelines issued by the MoEF;
- xxi. The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests

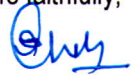


artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;

- xxii. Forest land shall not be used for any kind of quarrying and muck to be generated during the laying of pipeline shall be dumped with the permitted RoW.
- xxiii. The user agency shall submit the half yearly self compliance report in respect of the above conditions on 31st July and 31st December every year to the State Government and to the concerned Regional Office of the Ministry regularly.
- xxiv. The State Government shall ensure compliance of the above mentioned conditions and an annual report on the same shall be submitted on 31st December every year.
- xxv. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- xxvi. The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project; and
- xxvii. Grant of working permission to the extant proposal may be considered by the State Government in accordance with the provisions as contained in the MoEF&CC's Guidelines dated 7.01.2015.

After receipt a report on compliance of conditions no. (iv), (v), (vi), (viii), (xix), (xxi) and undertakings in respect of all other conditions duly countersigned by the competent authority in the State Government, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980.

Yours faithfully,



(Charan Jeet Singh)
Scientist 'C'

Copy to:

1. The PCCF, Government of Maharashtra, Nagpur
2. The Nodal Officer FCA, O/o of the PCCF, Government of Maharashtra, Nagpur.
3. The Director (ROHQ), MoEF&CC, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj New Delhi.
4. User Agency.
5. Guard File.



(Charan Jeet Singh)
Scientist 'C'