



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

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F. No. FC-II/MH-24/2015-NGP/2339

Dated: 2nd September, 2017

To

✓ The Secretary,
Govt. of Maharashtra,
Revenue & Forest Department,
Mantralaya, Mumbai-400032

Sub: Diversion of 7.65 Ha Reserved Forest land in favour of Executive Engineer, Minor Irrigation Division, Washim for construction of Falegaon (Storage) Minor Irrigation Project in Washim District in the State of Maharashtra – regarding.

Sir,

I am directed to refer to the State Government of Maharashtra's letter No. FLD-30A15/CR-296/F-10 dated 31.10.2015 on the above subject seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 and Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra's letter dated no. Desk-17/NC/RS-1/ID-11593/2056/15-16 dated 3.02.2016, Desk-17/NC/RS-1/ID-12227/1506/16-17 dated 16.11.2016 and Desk-17/NC/RS-1/ID-12227/2056/15-16 dated 9.02.2017 forwarding additional information as sought by this Office vide its letter of even number dated 18.11.2015, 27.04.2016 and 20.03.2017, respectively to inform that proposal was examined on its merits by the Regional Empowered Committee, constituted under Section - 4 of the Forest (Conservation) Act, 1980.

In this connection, I am directed to convey that after careful examination of the proposal and based on the recommendations of the State Government and approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords 'in-principle' approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 7.65 Ha Reserved Forest land in favour of Executive Engineer, Minor Irrigation Division, Washim for construction of Falegaon (Storage) Minor Irrigation Project in Washim District in the State of Maharashtra subject to fulfilment of following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Compensatory afforestation over non-forest land, equal in extent to the area proposed for diversion, shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- iii. *In addition to normal CA, the amount to be realized from the user agency towards NPV in lieu of diversion of forest land shall be utilized by the State Government for greening and enrichment of surrounding forest area with site-specific species. A scheme of the same may be submitted along with the compliance report;*
- 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;
- v. The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, 1927 latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land

[Signature]

- under Section 4 or Section 29 of the Indian Forest Act, 1927, as the case may be, within the stipulated period to the Central Government for information and record;
- vi. 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;
 - vii. 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;
 - viii. 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;
 - ix. 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 Saving Bank Account pertaining to the State concerned;
 - x. *The user agency shall undertake plantation, wherever possible in the area being diverted as well as surrounding forest area in consultation with the State Forest Department.* A scheme of the same may be submitted along with the compliance report;
 - xi. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 - 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 boundary of the forest land being diverted 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;
 - xv. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
 - xvi. The forest land shall not be used for any purpose other than that specified in the proposal;
 - xvii. 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;
 - xviii. No damage to the flora and fauna of the adjoining area shall be caused;
 - xix. Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees shall be felled under strict supervision of the State Forest Department;
 - xx. The user agency, if applicable, shall undertake afforestation along the periphery of the reservoir and canals bank and maintain plantations in consultation with the State Forest Department;
 - xxi. A Catchment Area Treatment Plan shall be prepared, and implemented by/or under the supervision of State Forest Department at the project cost, if applicable;
 - xxii. The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down;
 - xxiii. The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan;



- xxiv. The User agency shall consult organization(s) having experience in construction of roads in hilly areas to avoid frequent road blockade due to landslides etc. and shall provide breast walls and retaining walls wherever necessary;
- xxv. The user agency shall provide free water for the forestry related projects;
- xxvi. The User Agency, if required, shall undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department;
- xxvii. 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;
- xxviii. *The State Government shall complete the process of 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 Guidelines issued by the MoEF&CC in this regard and compliance of the same along with documentary evidences shall be submitted to the Regional Office along with the compliance of Stage-I approval.*
- xxix. The user agency shall submit the six monthly compliance report in respect of the conditions stipulated in the Stage-I approval on 31st July and 31st December every year to the State Government and to the concerned Regional Office of the Ministry regularly.
- xxx. The State Government shall ensure compliance of all conditions stipulated in the Stage-I approval and a six monthly report on the same shall be submitted to the Regional Office on 31st July and 31st December every year.
- xxxi. 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; and
- xxxii. 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.

After receipt of a report on the compliance of conditions no. (iii), (iv), (vi), (vii), (ix), (x), (xxvi), (xxvii), (xxviii) and undertaking in respect of all other conditions, duly certified by the competent authority in the State Government, proposal will be considered for grant of formal approval under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully,



(Charan Jeet Singh)
Scientist 'C'

Copy to:

- i. The PCCF, Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iii. Director (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi.
- iv. User agency.
- v. Guard file



(Charan Jeet Singh)
Scientist 'C'