



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-38/2016-NGP / 387

Dated: 26th October, 2016

To

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

Sub: Diversion of 0.0185 ha of Protected Forest land in f/o Shri Mandar Gadkari on behalf of Shri Ashwin Patel for construction of approach road to private land in Raigad District of Maharashtra – regarding.

Sir,

I am directed to refer to the State Government of Maharashtra's letter no. FLD-1316/CR-145/F-10 dated 17.06.2016 on the above subject seeking prior approval of the Central Government, in accordance with Section-2 of the Forest (Conservation) Act, 1980 and Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra's letter no. Desk-17/NC/III/ID.12436/(60)/1115/16-17 dated 20.09.2016 forwarding additional information as sought by the Regional Office vide its letter of even number dated 18.07.2016 and to say that the said 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 0.0185 ha of Protected Forest land in f/o Shri Mandar Gadkari on behalf of Shri Ashwin Patel for construction of approach road to private land in Raigad District of Maharashtra subject to the fulfilment of the following conditions:

- Legal status of the diverted forest land shall remain unchanged;
- Compensatory afforestation, over degraded forest land of 1.0, in lieu of forest area being diverted, shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- A special scheme for protection of land selected for raising compensatory afforestation shall be prepared to ensure long term protection of the land from encroachment by undertaking proper fencing and employing watchman at the project cost;
- The User Agency shall transfer the cost of raising and maintaining of 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;
- 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;

- vi. 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;
- vii. 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;
- viii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- ix. The forest patch, likely to isolated towards the eastern side of the proposed road should be protected by undertaking special protection measures in the area, as may be appropriate, by undertaking plantation and its maintenance at the cost of User Agency.
- 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 applicable, shall arrange to raise strip plantation on either side of the road and central verge at project cost, as per IRC specification, with maintenance of 7-10 years;
- xii. 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;
- xiii. The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed;
- xiv. Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes;
- xv. The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable;
- xvi. The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department, if required;
- xvii. The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;
- xviii. No labour camp shall be established on the forest land;
- xix. 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;
- xx. The forest land shall not be used for any purpose other than that specified in the proposal;
- xxi. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xxii. 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;



- xxiii. No damage to the flora and fauna of the adjoining area shall be caused;
- xxiv. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xxv. 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;
- xxvi. The State Government shall ensure that settlement of rights, in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;
- xxvii. The user agency shall submit the six monthly self-compliance report in respect of the above conditions as on 31st July and 31st January to the State Government and to the concerned Regional Office of the Ministry regularly.
- xxviii. The State shall also monitor the compliance of conditions of the Stage-I approval and an annual report on the same may be submitted to this office as on 31st December every year.
- xxix. 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
- xxx. 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.
- xxxi. 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 7.05.2015.

After receipt of a satisfactory compliance report from the State Government in respect of conditions no. (iii), (iv), (v), (vii), (xvi) and undertakings in respect of all other conditions, duly authenticated by the competent authority in the State Government, the proposal will be considered for grant of Stage-II approval under the Forest (Conservation) Act, 1980.

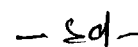
Yours faithfully,



(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. The Chief Conservator of Forests (Mantralaya), Revenue and Forest Department, Room No. 456/461 Annex, Hutatma Rajguru Chowk, Madam Cama Marg, Mantralaya, Mumbai – 400 032.
5. User Agency.
6. Guard File.



(Charan Jeet Singh)
Scientist 'C'