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Office of the Principal Chief Conservator of Forests (Head of Forest Force)

Maharashtra State, Nagpur

Additional Principal Chief Conservator of Forests & Nodal Officer, M. S. Nagpur

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Sub.:- Diversion of 1.8947 ha. of forest land for laying of 220 KV Nagothane (Kansai) substation to existing old 220 KV (Velshet) Transmission Line in Raigad District of Maharashtra

No. : Desk-17/NC/II/I.D.12414/(58)/1614 /16-17

Nagpur – 440 001, dated: **01/12/2016**

To

The Addl. Principal Chief Conservator of Forests (Central),
Government of India, Ministry of Environment, Forests & Climate Change,
Regional Office (WCZ), Ground Floor, East Wing,
New Secretariat Building, Civil Lines,
Nagpur-440001

Ref. :- GOI letter No. FC-I/MH-18/2015-NGP/40 dated 20/01/2016.

Sir,

The Government of India has agreed in-principle to approve the diversion of 1.8947 ha. of forest land for laying of 220 KV Nagothane (Kansai) substation to existing old 220 KV (Velshet) Transmission Line in Raigad district under the Forest (Conservation) Act, 1980, subject to fulfillment of the conditions stated in the letter under reference. Compliance of the conditions is furnished as under-

Sr. No.	Conditions	Compliance
1.	Legal status of the forest land shall remain unchanged.	The legal status of the forest land shall remain unchanged.
2.	Compensatory Afforestation shall be taken up by the Forest Department over double degraded forest land at the cost of the User Agency, Compensatory Afforestation will be of a mix of local indigenous species and monoculture of species will be avoided. The C.A. will be maintained for 07 year.	The User Agency has deposited an amount of Rs. 17,10,478/- towards the cost of compensatory afforestation over 3.7894 ha of degraded forest land. The compensatory afforestation will be maintained for 7 years.
3.	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.	The User Agency has deposited an amount of Rs. 17,10,478/- towards the cost of compensatory afforestation over 3.7894 ha of degraded forest land.
4.	The State Government shall charge the " Net Present Value " (NPV) for the 1.8947 ha. of forest land to be diverted	The User Agency has deposited an amount of Rs. 13,83,131/- towards the cost of Net Present Value.

	under the proposal from the User Agency as per the order of the hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008 and 09/05/2008 in IA No. 566 in WP (Civil) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No.5-1/1998-FC(Pt. II) dated 18/09/2003 as well as letter No.5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard and others.																			
5.	Additional amount of the NPV of diverted Forest land, if any , becoming do after finalization of the same by the Hon'ble Supreme Court of India on receipt of report from the Expert Committee, shall be charged by the State Government from the User Agency, which shall furnish an undertaking to this effect.	The User Agency has submitted an undertaking regarding deposition of revised / additional cost of Net Present Value. <u>Annex-I</u>																		
6.	All this funds received from the User Agency under the project shall be transferred to the Ad-hoc Compensatory Afforestation Fund Management & Planning Agency (CAMPA) in savings Bank A/c No. SB 01025218 Corporation Bank, Lodhi Complex, New Delhi, 110003 of Maharashtra state.	<table><tr><th>Sr No</th><th>Particulars</th><th>Amount transferred to Ad-hoc CAMPA (In Rs.)</th><th>Details of amount transferred</th></tr><tr><td>1</td><td>Cost of compensatory afforestation over 3.7894 ha</td><td>1710478/-</td><td rowspan="3">Amount transferred through RTGS vide UTR No. SBINR 520160225264734 72 Dt. 25/2/2016 (Rs. 3319302/-)</td></tr><tr><td>2</td><td>Penal compensatory afforestation over 0.50 ha</td><td>225693/-</td></tr><tr><td>3</td><td>Net Present Value</td><td>1383131/-</td></tr><tr><td></td><td>Total</td><td>3319302/-</td><td></td></tr></table> <p>Proforma enclosed as <u>Annex-II</u></p>	Sr No	Particulars	Amount transferred to Ad-hoc CAMPA (In Rs.)	Details of amount transferred	1	Cost of compensatory afforestation over 3.7894 ha	1710478/-	Amount transferred through RTGS vide UTR No. SBINR 520160225264734 72 Dt. 25/2/2016 (Rs. 3319302/-)	2	Penal compensatory afforestation over 0.50 ha	225693/-	3	Net Present Value	1383131/-		Total	3319302/-	
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7.	Penal Compensatory Afforestation shall be taken up by the Forest Department over 0.50 ha. degraded forest Land at the cost of User Agency.	<p>The User Agency has deposited an amount of Rs. 2,25,693/- towards the cost of penal compensatory afforestation over 0.50 ha of degraded forest land.</p> <p>While processing this proposal additional violation by the User Agency has again been noticed. Base on report of Deputy Conservator of Forests, User Agency has violated all the proposed land. Necessary decision may be taken at Government level in this instant case.</p>																		

8.	The User Agency shall obtain the Environment clearance as per the provisions of the Environment (Protection) Act, 1986, if required.	The User Agency has mentioned in its compliance as "Not applicable".
9.	No Labour camp shall be established on the forest land.	The User Agency has mentioned in its compliance as "Noted".
10.	The User Agency shall provide alternate fuels to the labourers and the staff working at the site so as to avoid any damage felling of trees and pressure on the adjacent forest areas.	The User Agency has mentioned in its compliance as "Noted".
11.	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 us serial numbers forward and back bearing and distance from pillar to pillar	The User Agency has mentioned its willingness to erect four feet high-reinforced cement concrete pillars.
12	The forest land shall not be used for any purpose other than that specified in the project proposal.	The User Agency has mentioned in its compliance as "Noted".
13.	The User Agency shall ensure that because of this project, no damage is caused to the Wildlife available in the area.	The User Agency has mentioned in its compliance as "Noted".
14.	The Layout Plan of the proposal shall not be changed without the prior approval of the Central Government.	The User Agency has mentioned in its compliance as "Noted".
15.	The forest Land proposed to be diverted shall under no circumstance be transferred to any other agencies, department or person without prior approval of Central Government.	The User Agency has mentioned in its compliance as "Noted".
16 a	The User Agency shall submit six monthly compliance report as on 1" January and 1" July of every year to this office as well as to the Nodal Officer of the state.	The User Agency has mentioned in its compliance as "Noted".
16 b	The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31' December of every year.	Noted by Forest Department
17.	The trees on strips would have to be felled but after stringing work is completed natural regeneration will be allowed to come up Felling pollarding pruning of trees will be done with the permission of the local forest officer wherever necessary to maintain the electrical clearance. One outer strip shall be left clear to permit	The User Agency has mentioned in its compliance as "Noted".

	maintenance of the transmission line.	
18.	The User Agency shall install circuit breaker at suitable places besides maintain necessary ground clearance to prevent electrocution of wild animals.	The User Agency has mentioned in its compliance as "Noted".
19.	During construction of transmission line, pollarding pruning of trees located out site the above width of the strips, whose branches parts infringe with conductor stringing shall be permitted to the extent necessary, as may be decided by local forest officer.	The User Agency has mentioned in its compliance as "Noted".
20.	Pruning of trees taking construction/stringing equipments through existing approach/ access routes in forest areas shall also be permitted to the extent necessary, as may be decided by local forest officer. Construction of new approach/access route will however require prior approval under the Act.	The User Agency has mentioned in its compliance as "Noted".
21.	The route alignment through forest area will not have any deviation. The maximum width or right of way for the transmission line on the forest land shall be 35 mtr.	The User Agency has mentioned in its compliance as "Noted".
22.	Below each conductor width clearance of 4.6 meters would be permitted for taking the tension starting equipment. Felling of trees will restricted to a width of 4.6 meter only below each conductor. Threes on such strips would have to be felled but after starting work is completed, the natural regeneration will allowed to come up. Felling pollarding /pruning of trees will be done with the permission of the local forest officer. Wherever necessary to maintained the electrical clearance.	The User Agency has mentioned in its compliance as "Noted".
23	One outer strips shall be left clear to permit meantime of the transmission line the sag and swing of the conductor shall be kept in view while working out minimum clearance	The User Agency has mentioned in its compliance as "Noted".
24	The User Agency in consultation with State Forest Department shall prepare a dated scheme for creation and maintenance of plantation of local dwarf species (preferably medicinal plants) in right of way under transmission line and provide funds for execution of the said scheme to state forest department.	The user agency has mentioned in its compliance as "The User Agency ready to provide funds as and when required by the forest department".

25	The user agency in consultation with the state government shall create and maintained alternate habited home for the avifauna, whose nesting trees are to be cleared in this project. Birds nest 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.	The user agency has mentioned in its compliance as "Noted".
26	In case of transmission line to be constructed in hilly areas, where adequate clearance is already available trees shall not be cut	The user agency has mentioned in its compliance as "Noted".
27	The State Government shall complete settlement of rights in terms of the Scheduled Tribes and other traditional forest dweller (Recognition of Forest Rights) Act, 2006. If any, on the forest land to be diverted and submit the documentary evidence as prescribe by this ministry in its letter No. 11-9 - 1998 -FC(pt) dated 05/07/2013 in support thereof	The User Agency has already submitted the certificate under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 at the time of submission of the proposal.
28	Soil conservation measures if required should be taken by the user agency for which funds should be provided as per the current rate for works	The User Agency mentioned in its compliance report as "User Agency is ready to provide funds to Forest Department if required for Soil conservation works".
29	No damage shall be caused to the flora and fauna of the area	The User Agency has mentioned in its compliance as "Noted".
30	The user agency and the state Government shall ensure compliance to provisions of all act, rules, regulation and guidelines for time being in force, as applicable to the project.	The User Agency has mentioned in its compliance as "Noted".
31	The state Government shall submit Geo-referenced and KML file for Compensatory Afforestation area and for Forest land to be diverted from the User Agency and submit it to Regional Office, Nagpur	Geo reference and KML files are already handed over in the Regional Office, Nagpur. Copies of the same are submitted for ready reference as <u>Annexure - III</u>
32	In case of Non compliance of any of the above conditions, the concerned Divisional Forest Officer shall report through the state Govt. to this office as per procedure laid down in the clause 1.9 of guidelines issued under Forest (Conservation) Act, 1980	The User Agency mentioned in its compliance report as "Noted for Compliance". As per Deputy Conservator of Forests, Alibag report, User Agency violated all the proposed land and working permission can not be issued by Chief Conservator of Forests (T) Thane in instant case. Necessary decision may be taken at Government level.
33	All other conditions recommend by the Forest department, Maharashtra at time of submission of the proposal to the Central Government shall be	The User Agency has mentioned in its compliance as "Noted".

	applicable and shall have to be complied with by the User Agency	
34	Any other condition, which this office may stipulate from time to time, in the interest of conservation, protection and development of Forest and wild life as and when necessary arises.	The user agency has mentioned in its compliance as "Noted".

The User Agency has erected two poles (area 0.0450 Ha.) with transmission line (0.1779 ha.) total forest land used by agency was 0.2229 Ha. in year 2006. This was 1st instance of violation of Forest (Conservation) Act, 1980.

While processing this proposal additional violation by the User Agency has again been noticed. Hence revised detailed violation note in prescribed format has been asked from User Agency. It was still not been complied by the User Agency. We are bringing this fact to your kind notice for further necessary action.

In view of the above facts, it is requested that Government of India may kindly be moved to issue formal approval order under section – 2(ii) of the Forest (Conservation) Act, 1980, as early as possible.

Encl.: As above.

Yours faithfully,

[Signature]

Draft Approved by *For Additional Principal Chief Conservator of Forests*
Addl. P.C.C.E&N.O. M.S. Nagpur *& Nodal Officer, Maharashtra State, Nagpur*

Copy to :

1. Secretary (Forests), Revenue and Forest Department, Mantralaya, Mumbai with enclosures for further necessary directions.
2. Addl. Principal Chief Conservator of Forests (CAMPA) MS Nagpur
3. Chief Conservator of Forests (T), Thane
4. Deputy Conservator of Forests Alibag.
5. Executive Engineer, EHV, Construction Division, Kalwa at Airoli, Thane.