



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-41/2017-NGP/1891

Dated: 12th June, 2017

To

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

Sub: Diversion of 37.512 ha Forest land in favour of Executive Engineer, Gosikhurd Lift Irrigation Division, Ambadi (Bhandara) under Section 2 (ii) of Forest (Conservation) Act, 1980 for construction of Surewada Lift Irrigation Scheme near village Surewada, Taluka & District Bhandara and village Khedepar, Tahsil Tirode, Dist. Gondia in the State of Maharashtra.

Sir,

I am directed to refer to the State Government of Maharashtra's letter no. FLD-3516/CR-138/F-10 dated 17/06/2016 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 no. Desk-17/NC/RS-I/ID-12429/1176/16-17 dated 28.09.2016, Desk-17/NC/RS-I/ID-12385/2019/16-17 dated 2.02.2017 and letter no. Desk-17/NC/RS-I/ID-12429(23)/446/16-17 dated 23.05.2017 forwarding additional information as sought by the Regional Office vide its letters of even number dated 8.08.2016, 26.10.2016 and 12.05.2017, respectively and 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 19.05 ha of forest land in favour of Minor Irrigation Division, Washim (Construction), Irrigation Department for construction of Pangarabandi Minor Irrigation Tank under Section- 2(ii) of Forest (Conservation) Act, 1980 at Village Pangarabandi, Tal. Malegaon, Dist. Washim and Village Jamvasu, Tal. Barshitakali, Dist. Akola 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 Zudupi Jungle land, double 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) The Zudupi Jungle 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;
- (iv) The Zudupi Jungle 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 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;

[Signature]

- (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 Saving Bank Account pertaining to the State concerned;
- (ix) Location of bridges over the proposed canal to ensure connectivity and to provide passage for wildlife should be finalized in consultation with the PCCF (Wildlife), Maharashtra and a map showing their location along with the differential GPS coordinates should be submitted to the Regional Office before Stage-II approval;
- (x) Management of smaller forest patches involving smaller area i.e. area less than 2.0 ha, being bifurcated from the proposed alignment may become difficult for the State Forest Department and accordingly, it is proposed that smaller patches involving area upto 2 ha should be afforested at the cost of User Agency and their protection from the encroachment should be ensured by the User Agency by undertaking appropriate provisions of watch and ward for at least 10 years;

Following conditions, as recommended by the NTCA and Chief Wildlife Warden, Maharashtra, shall be complied with by the User Agency:

Conditions recommended by the Chief Wildlife Warden

- (xi) The maintenance of 650 meter canal should be done only after taking permit from Field Director of Navegoan-Nagzira Tiger Reserve, Gondia;
- (xii) Use of heavy noise making machines should be minimal in sanctuary area;
- (xiii) 5 overpasses as fixed by Deputy Director should be constructed by project authority at their own cost before starting water flow in canal;
- (xiv) The labour working on construction of canal should not camp in sanctuary and should not use any resource of sanctuary area;
- (xv) Construction or maintenance work of canal in sanctuary area will not be carried out during July to October to prevent disturbance during the breeding season of wild fauna;
- (xvi) Canal water be given to the Forest Department free of cost for the use of departmental purpose;
- (xvii) The project proponent will provide 2% of the current project cost Rs.5.14 Crore related to 650 mt canal which shall be deposited into tiger foundation of Navegoan-Nagzira Tiger Project, Gondia; for habitat development, protection and conservation in Koka Wildlife Sanctuary;

Conditions recommended by the NTCA

- (xviii) Construction of the pipeline should be permitted only if strict adherence to the minimal ecological impact is followed;
- (xix) The pipeline should be covered with excavated materials after the construction. Care should be taken that the pipeline is totally underground & at a minimum depth of 1 meter below soil surface i.e. above pipeline soil height would be at least 1 meter;
- (xx) No alternation in the existing drainage pattern should be allowed within the sanctuary for implementing the proposed construction;


- (xxi) Time of the pipeline construction should be fixed carefully. It should be ensured that no breeding tigress is present adjacent to the construction site before the project starts. Disturbances caused by tree felling & movements of heavy machines and construction labors might have detrimental impact on tiger breeding & cub survival. Construction of the pipeline can be deferred for 4-6 months if such breeding tiger unit is found near the construction site;
- (xxii) In compliance with the Forest Conservation Act (1980), compensation to CAMPA (Compensatory Afforestation Fund Management & Planning Authority) by the project implementing agency (Water Resources Department, Government of Maharashtra) should be considered, as per existing rates based on forest classification;
- (xxiii) Since the proposed construction area has good presence of leopards, no labour camp should be allowed after sunset within the sanctuary so as to avoid conflict;
- (xxiv) In addition to the overpasses, underpasses below the irrigation canal should also be encouraged. Site selections for the under & overpasses should be based on detailed ecological understanding of animal movement and habitat use and should be done in consultation with the Maharashtra Forest Department & competent authority wildlife agency.
- (xxv) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xxvi) No labour camp shall be established on the forest land;
- (xxvii) 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;
- (xxviii) 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;
- (xxix) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xxx) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxxi) 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;
- (xxxii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxxiii) 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;
- (xxxiv) The user agency shall undertake afforestation along the periphery of the reservoir and canals bank and maintain plantations with the State Forest Department (as applicable).
- (xxxv) 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;
- (xxxvi) The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down;
- (xxxvii) 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;
- (xxxviii) 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;



- (xxxix) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xi) The user agency shall provide free water for the forestry related projects;
- (xli) The User Agency, if required, shall undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department;
- (xlii) 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;
- (xliii) The State Government shall ensure that process of settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted has been completed in accordance with the Guidelines issued by the MoEF&CC in this regard.
- (xliv) 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.
- (xlv) 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.
- (xlii) 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
- (xlvii) 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), (v), (vi), (viii), (ix), (xvii), (xxxv), (xli), (xlii) 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'