

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj,
New Delhi – 110003
Dated: As per E-sign

To,

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

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 263.5406 ha forest land under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for construction of Sambarkund Irrigation Project at Village Mahan, Taluka Alibag, District Raigad in the State of Maharashtra (Online No. FP/MH/IRRIG/142819/2021) – regarding.

Madam/Sir,

I am directed to refer to the Government of Maharashtra's letter No. FLD-2022/C.R-294/F-10 dated 18.11.2022 on the above mentioned subject, seeking prior approval of Central Government under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, and to say that the said proposal has been examined by the Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Advisory Committee, and with due approval of the competent authority, the Central Government hereby accords "**In-principle/Stage-I**" approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 263.5406 ha forest land under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for construction of Sambarkund Irrigation Project at Village Mahan, Taluka Alibag, District Raigad in the State of Maharashtra subject to fulfillment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. *The user agency shall furnish a report from the State Dam Safety Organisation (SDSO) regarding all technical aspects wrt the of the dam. The recommendations shall be implemented by the user agency to avoid any possible unforeseen conditions;*
- iii. *Further, the State Government shall obtain approval of the National Dam Safety Authority (NDSA) on the recommendations made by the State Dam Safety Organisation (SDSO) and submit the same before Stage II approval along with the compliance of Stage I approval conditions;*

- iv. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- v. The User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal in accordance with the guidelines in the matter;
- vi. At the time of payment of the Net Present Value (NPV) at the present 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. The non-forest land identified for Compensatory Afforestation shall be transferred and mutated in favour of the State Forest Department and notified by the State Government as Protected Forests under section 29 of the Indian Forest Act, 1927 or under the relevant section(s) of the local Forest Act, before issue of the 'Final' approval under the Adhinyam. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land as PF, along with compliance of 'in-principle' approval;
- viii. The copy of approved Catchment Area Treatment (CAT) Plan shall be submitted and the commensurate cost of CAT plan shall be deposited in the CAMPA account through online portal;
- ix. The minimum water flow will be maintained in the downstream of river as per the conditions stipulated in the approval accorded by the Water Resource Department, Government of Maharashtra;
- x. The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down;
- xi. 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;
- xii. The user agency shall provide free water for the forestry related projects;
- xiii. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- xiv. The State Government shall upload the KML files of the area under diversion and the accepted area for raising compensatory afforestation in the E-green watch portal of FSI, before handing over forest land to the user agency;
- xv. All the funds received from the user agency under the project shall be

transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;

- xvi. Forest land will be handed over only after required non-forest land in the project is obtained by the user agency;
- xvii. The felling of trees shall be restricted to FRL-4 meter only. Number of trees to be removed shall be kept at barest minimum during the execution of the project;
- xviii. The User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department;
- xix. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xx. The R&R Plan shall be implemented as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;
- xxi. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xxii. The User Agency shall undertake afforestation along the periphery of the reservoir;
- xxiii. No labour camp shall be established on the forest land and 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;
- xxiv. 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, distance from pillar to pillar and GPS coordinates;
- xxv. 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;
- xxvi. No damage to the flora and fauna of the adjoining area shall be caused;
- xxvii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xxviii. No additional or new path will be constructed inside the forest area for the

execution of this project;

- xxix. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- xxx. 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;
- xxxi. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
- xxxii. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
- xxxiii. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project;
- xxxiv. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife ;
- xxxv. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry on dated 29.12.2023;
- xxxvi. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Signed by
Suneet Bhardwaj
Date: 02-08-2024 11:46:45

Yours sincerely,

Sd/-
(Suneet Bhardwaj)
Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Maharashtra, Nagpur;
2. The Dy. DGF (Central), Regional Office, MoEF&CC, Nagpur;
3. The Nodal Officer, Department of Forest, Government of Maharashtra, Nagpur;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi for uploading on PARIVESH portal.