



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

Integrated Regional Office
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
apccfcetral-ngp-mef@gov.in

F.No. FC-II/MH-190/2022-NGP /11081

Date: 31.01.2023

✓ To,

The Principal Secretary (Forests),
Revenue and Forest Department,
Hutatma Rajguru Chowk
Madam Cama Marg
Mantralaya, Mumbai - 400032.

Sub: Diversion of 31.49 ha Reserved Forest land in favour of Executive Engineer, Minor irrigation Division, Jalgaon for construction of HandyaKundya Storage Tank near Village- Deohari, Taluka- Chopda, District- Jalgaon in the state of Maharashtra- regarding.

Sir,

The undersigned is directed to refer to State Government of Maharashtra letter no. FLD-1722/C.R.-12/F-10 dated 10.08.2022 and APCCF & Nodal Officer (FCA), Maharashtra letter no. Desk-17/Nodal/Dhule/ID-12908(31)/1570/2020-21 dated 18.11.2021 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and APCCF & Nodal Officer (FCA), Maharashtra letter No. Desk-17/Nodal/Dhule/ID-12908/2421/2022-23 dated 19.12.2022 forwarding additional information as sought vide this office letter of even number dated 25.09.2022 and to say that the said proposal has been examined in the Integrated Regional Office in light of the relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder and approved by the Regional Empowered Committee constituted under Section - 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the 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 diversion of 31.49 ha Reserved Forest land in favour of Executive Engineer, Minor irrigation Division, Jalgaon for construction of HandyaKundya Storage Tank near Village- Deohari, Taluka- Chopda, District- Jalgaon in the state of Maharashtra subject to the fulfilment of the following conditions:

- Legal status of the forest land shall remain unchanged;
- Forest land will be handed over only after required non-forest land for raising CA is handed over by the User Agency;
- Compensatory afforestation**
 - Compensatory Afforestation shall be taken up by the Forest Department over 31.49 ha. non-forest land. Details are as under:

Area	Suitable area for CA (ha)	Gut. No.	Village	Taluka	District
6.33	31.49	148	Pimpalgaon	Jamner	Jalgaon
9.85		213	Savatkheda	Jamner	Jalgaon
9.51		214	Savatkheda	Jamner	Jalgaon
0.54		215	Savatkheda	Jamner	Jalgaon

0.55		216	Savatkheda	Jamner	Jalgaon
9.84		217	Savatkheda	Jamner	Jalgaon
10.15		219	Savatkheda	Jamner	Jalgaon
46.77	31.49	Total			

As far as possible, a mixture of local indigenous species along with 10% RET species of Jalgaon District shall be planted and monoculture of any species may be avoided. At least eight water bodies shall be constructed in Compt. no. 213, 214, 215, 216, 217 and 219 and one water body shall be constructed in Compt. no. 148 in the form of tank/ stop dams etc if the same are not available in the area or in nearby vicinity. Further, if existing tank/ stop dams are available and needs desilting/ repair, same shall be carried out to meet the water requirement of wild animals throughout the year;

- b. The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
- iv. The cost of 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 advance with the Forest Department by the project authority. 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. **NPV:**
 - a. The State Government shall charge the Net Present Value(NPV) for the 31.49 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) 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, letter No. 5-2/2006-FC dated 03/10/2006, letter No. 5-3/2007-FC dated 05/02/2009, letter No. 5-3/2011-FC(Vol-I) dated 06.01.2022 and letter No. 5-3/2011-FC(Vol-I) dated 22.03.2022 in this regard;
 - b. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect;
- vi. The State Government and the User Agency shall ensure that the trees available between Full Reservoir level (FRL) and FRL-4 meters are not felled. Further, the trees having bird nests shall not be felled without written permission from the DCF concern both in forest as well as non-forest land.
- vii. The State Forest Department at the cost of User Agency shall prepare comprehensive 10 years Wildlife Management Plan with primary objectives to carry out the habitat improvement activities and mitigation measures to reduce the human-animal conflicts. The copy of plan shall be submitted along with the compliance report of the Stage-I approval.
- viii. The User Agency shall provide free water to the all forestry related activities taken up by the State Forest Department.

- ix. The User Agency shall undertake plantation of native forest tree species along the periphery of the reservoir.
- x. the State Forest Department at the cost of User Agency shall prepare and implement comprehensive Soil and Moisture Conservation Plan for 10 years and copy of same shall be submitted to the IRO, MoEF&CC along with the Stage-I compliance report.
- xi. Copy of approved Catchment Area Treatment (CAT) Plan shall be submitted in accordance to para no. 4.8 (i) of Forest (Conservation) Act, 1980 Handbook, if applicable;
- xii. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through **e-portal** (<https://parivesh.nic.in/>);
- xiii. The State Government, Maharashtra/ Nodal Officer (FCA), Maharashtra shall ensure settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007) before issuing an order for handing over of forest land to the User Agency as per Rule- 9 (6) (b) (ii) of Forest (Conservation) Rules, 2022 dated 28.06.2022;
- xiv. To improve the Forest/ Tree cover and to reduce pollution in the State, as mandated in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency with involvement of Joint Forest Management Committees (JFMC's) and in consultation with local DCF shall raise at least 30,000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local for 10 years. At least 50% of seedlings shall be planted in the vicinity of project area and remaining 50% of seedlings shall be distributed among villagers as per choice of villagers. The concerned JFMC's shall maintain record of plantation/ seedling distribution to villagers;
- xv. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018;
- xvi. 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;
- xvii. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>);

After receipt of a report on the compliance of conditions no iv, v (a), vii, x and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980.


This issues with the approval of DDGF (C)/ Regional Officer (Central), Integrated Regional Office, MoEF& CC, Nagpur.

Yours faithfully,


(C.B. Tashildar)
AIGF (Central)

Copy to:

- i. The IGF (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi- 110003.
- ii. The PCCF (HoFF), Government of Maharashtra, Nagpur.
- iii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iv. User agency.
- v. Guard file.


(C.B. Tashildar)
AIGF (Centra)