

F. No. 8-64/2018-FC
Government of India
Ministry of Environment, Forest and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Jor bagh Aliganj Road,
New Delhi – 110003.

Dated: 8th January, 2018.

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

Sub: Diversion of 56.86 ha forest land for construction of Kotgal barrage, in favour of Executive Engineer, Minor Irrigation Division, Chandrapur, Maharashtra, under FCA,1980.

Sir,

I am directed to refer to the State Government's letter no. FLD-2018/CR-245/F-10 dated 24.08.2018 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys its '*in-principle*' approval for diversion of 56.86 ha forest land for construction of Kotgal barrage, in favour of Executive Engineer, Minor Irrigation Division, Chandrapur, Maharashtra, under FCA,1980, subject to fulfilment of the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation shall be raised over non-forest land and at least 1000 plants per hectare (56.86 ha x 1000 = 56860 plants) shall be planted over identified non-forest land. If it is not possible to plant all 56860 plants over non -forest land then the balance plants shall be planted over degraded forest land under administrative management control of forest department as per the working plan prescription with provision for ten years on subsequent maintenance.
- (iii) 25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
- (iv) On perusal of documents submitted by the State Government it is observed that there are three different area figures of forest area proposed for diversion under FCA 1980. The exact area figure with KML file shall be submitted prior to Stage-II approval.
- (v) User agency shall submit duly approved CAT plan with cost outlay and commensurate funds shall be deposited in the CAMPA account through on-line portal of this Ministry.
- (vi) As recommended by State Government, no trees shall be felled.
- (vii) The project Authority should provide water for forestry activities;
- (viii) The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down. 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/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.

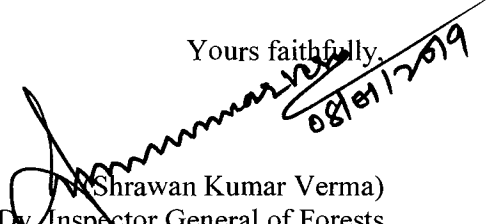
- (ix) The user agency shall consult organization (s) having experience in construction of roads in hilly areas to avoid frequent road blocks due to landslides etc. and shall provide breast walls and retaining walls wherever necessary.
- (x) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
- (xi) The non-forest 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 and the said non-forest land as identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance in this regard;
- (xii) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (xiii) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, 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. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
- (xiv) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (xv) The user agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage- I clearance;
- (xvi) The State Government shall complete 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 and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;
- (xvii) The State Govt. ensure that the user agency shall implement the R&R Plan 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. 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.
- (xviii) The User agency shall undertake afforestation along with the periphery of the reservoir;
- (xix) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xx) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxi) No labour camp shall be established on the forest land;
- (xxii) 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;
- (xxiii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxiv) 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;



- (xxv) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxvi) 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;
- (xxvii) Any other condition that the concerned Regional Office of this Ministry with the approval of competent authority may stipulate in the interest of conservation, protection and development of forests & wildlife; and
- (xxviii) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.

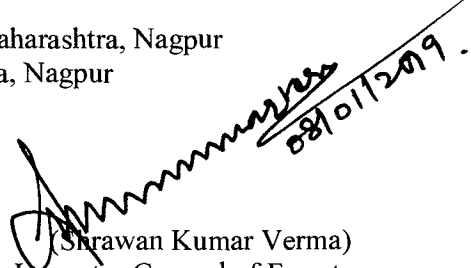
After receipt of the compliance report on fulfilment of the above conditions from the State Government, formal approval will be considered under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully,


(Shrawan Kumar Verma)
Dy. Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Maharashtra, Nagpur
2. The Nodal Officer, O/o the PCCF, Government of Maharashtra, Nagpur
3. Addl. PCCF, Regional Office, Nagpur
4. User Agency
5. Monitoring Cell
6. Guard file


(Shrawan Kumar Verma)
Dy. Inspector General of Forests