



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

Regional Office (WCZ)
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
apccfcentral-ngp-mef@gov.in

FC-I/MH-69/2017-NGP / 3938

Dated: 17th July, 2018

To

The Secretary (Forests),
Revenue & Forest Department,
Govt. of Maharashtra,
Mantralaya, Mumbai-400032.

Sub: Ex-post facto approval for diversion of 0.8567 ha Forest land in favour of Tribal Public Works Division, Kalwan towards the construction of Disaster Management works i.e. Sky walk, Bye pass road, Drainage line & Sewage treatment plant at Village Saptashrunji Gad, Tal. Kalwan in District Nashik in the State of Maharashtra – regarding.

Sir,

I am directed to refer to the Addl. PCCF and Nodal Officer (FCA), Government of Maharashtra's letter no. Desk-17/NC/III/I.D. 12487/(14)/2253/16-17 dated 07.03.2017 on the above subject seeking prior approval of the Central Government under Section – 2 of the Forest (Conservation) Act, 1980 and the Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra's letter no. Desk-17/NC/III/ID-12487/(14)/681/2018-19 dated 21.06.2018 forwarding additional information as sought by the Regional Office vide its letter of even number dated 4.04.2017 and to say that the said proposal has been examined by the Regional Office (WCZ) in light of relevant provisions of the Forest (Conservation) Act, 1980 and Rules and Guidelines framed thereunder.

After careful examination of the proposal of the State Government and on the basis of the recommendation of the Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, the Central Government hereby accords 'in-principle' under Section -2 of the Forest (Conservation) Act, 1980 for diversion of 0.8567 ha Forest land in favour of Tribal Public Works Division, Kalwan towards the construction of Disaster Management works i.e. Sky walk, Bye pass road, Drainage line & Sewage treatment plant at Village Saptashrunji Gad, Tal. Kalwan in District Nashik in the State of Maharashtra subject to fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation, over 2.0 ha of degraded forest land in lieu of forest land being diverted, shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) *The Penal Compensatory afforestation, over degraded forest land, double in extent to the forest land used in violation of the Forest (Conservation) Act, 1980 shall be raised by the State Forest Department at the cost of User Agency.*
- (iv) *The land to be identified for raising Penal CA shall be depicted on Sol and Differential GPS map. A soft copy of the KML file of the area identified for PCA and information along with attributes of PCA land viz. afforestation scheme, suitability certificate etc. shall be submitted along with the Stage-I compliance report;*

- (v) The User Agency shall transfer the cost of raising and maintaining the Compensatory Afforestation and Penal 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) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (x) No labour camp shall be established on the forest land;
- (xi) 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;
- (xii) 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, forward and back bearing and distance from pillar to pillar;
- (xiii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xiv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xv) 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;
- (xvi) No damage to the flora and fauna of the adjoining area shall be caused;
- (xvii) No felling of trees shall be undertaken. *Blank areas, within the area being diverted, if available, shall be planted with suitable tree/shrubs species in consultation with the State Forest Department;*
- (xviii) The user agency shall undertake comprehensive soil conservation measures at the project cost in consultation with State Forest Department, if required and a plan on the same shall be submitted to the Regional Office along with the compliance report;
- (xix) *The user agency shall ensure that treated water matches to the standards in term of its quality as specified by the CPCB/MPCB before its use to the intended purposes or discharge into the natural drainage. Regular monitoring of the water quality shall be undertaken by the User Agency and the same shall be submitted along with the 6 monthly compliance report to the Regional Office;*
- (xx) *The State Government shall submit a credible report on the action taken against the offenders responsible for the violations of the Forest (Conservation) Act, 1980. Updated status of the PoR lodged against the offenders shall also be submitted along with the Stage-I compliance report;*
- (xxi) *A monitoring report on the updated status of compliance of conditions stipulated in the approvals accorded to the project by the Central Government in the past shall be submitted along with the compliance report;*



- (xxii) *As the Saptashrunji Gad is dominated by the forest land, therefore with a view to ensure that all non-forestry activities carried out/proposed to be carried by the User Agency are in tandem with various forest and environment law in vogue, the DCF, Nashik Forest Division shall be included as a member in the Management Committee (Devasthan Committee) of the trust responsible for the management/implementation of the project activities. Compliance of the same shall be ensured and report on the same shall be submitted along with Stage-I compliance report;*
- (xxiii) 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;
- (xxiv) The State Government shall ensure that the process of settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the land to be diverted, has been completed in accordance with the relevant guidelines issued by the MoEF&CC in this regard;
- (xxv) *The State Government shall ensure that the compliance of conditions stipulated in the approvals accorded to the project by the Central Government in the past is being complied with by User Agency;*
- (xxvi) The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State;
- (xxvii) The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year;
- (xxviii) 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
- (xxix) 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 (iv), (v), (vi), (viii), (xviii), (xx), (xxi), (xxii) 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. The transfer of forest land to the User Agency shall not be affected by the State Government till formal order approving the diversion of forest land is issued by the Central Government.

Yours faithfully



Charan Jeet Singh
Scientist 'C'

Copy to:

1. The PCCF, Government of Maharashtra, Nagpur
2. The Nodal Officer FCA, O/o of the PCCF, Government of Maharashtra, Nagpur.
3. The Director (RoHQ), MoEF&CC, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj New Delhi.
4. User Agency.
5. Guard File.


(Charan Jeet Singh)
Scientist 'C'