

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

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi-110003

Dated: 20th September, 2019

To

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

Sub: Diversion of 56.86 ha of forest land for construction of Kotgal Barrage, in favour of Executive Engineer, Minor Irrigation Division, Chandrapur, Maharashtra, under Forest (Conservation) Act, 1980 – regarding.

Sir,

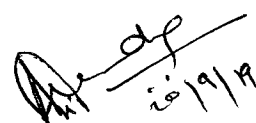
I am directed to refer to the State Government of Maharashtra's letter no. FLD-2018/CR-245/F-10 dated 24th August, 2018 on the above subject seeking prior approval of the Central Government, in accordance with Section-2 of the Forest (Conservation) Act, 1980. After careful examination of the proposal and recommendation of the Forest Advisory Committee, constituted under Section-3 of the said Act, 'in-principle' approval to the proposal under the Forest (Conservation) Act, 1980 was granted vide this Ministry's letter of even number dated 8th January, 2019 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval after stipulated period of five years and has requested the Central Government to grant final approval. The competent authority in the Ministry has condoned the delay for submission of compliance report after stipulated period of five years.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide letter No. Desk-17/NC/1/1D-12642/ 869 /19-20 dated 21st August, 2019, 'final' approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 56.86 ha of forest land, in favour of Executive Engineer, Minor Irrigation Division, Chandrapur, for construction of Kotgal Barrage in Chandrapur Maharashtra, subject to 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 deposited extra by the User Agency shall be used for the implementation of soil and moisture conservation (SMC) activities on CA land;
- (iv) The provisions of the approved CAT Plan shall be implemented in the catchment area in consultation with the State Forest Department;


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- (v) As recommended by State Government, no trees shall be felled.
- (vi) The project Authority should provide water for forestry activities;
- (vii) 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.
- (viii) 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.
- (ix) The non-forest 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-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.
- (x) Approved site-specific CA schemes, in lieu of diversion of forest land of 56.86 ha shall be implemented by the State Forest Department from the funds already provided by the User Agency;
- (xi) The State Government has realized the Net Present Value of the forest area diverted under this proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by this Ministry in this regard, additional NPV if becomes due as per final order of Hon'ble Supreme Court, shall be paid by the User Agency;
- (xii) 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;
- (xiii) The State Government shall ensure that compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by the MoEF&CC in this regard;
- (xiv) The State Govt. ensure that the user agency shall implement the R&R Plan, if applicable, 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 alongwith indicators for monitoring and expected observable milestones.
- (xv) The User agency shall undertake afforestation along with the periphery of the reservoir;
- (xvi) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xvii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xviii) No labour camp shall be established on the forest land;


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- (xix) 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;
- (xx) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxi) 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;
- (xxii) No damage to the flora and fauna of the adjoining area shall be caused:
- (xxiii) 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;
- (xxiv) 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
- (xxv) 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.

Yours faithfully,

e/c (Brijendra Swaroop)
20/11/19
Dy Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Maharashtra, Nagpur.
2. The Dy Director general of Forests (Central), Regional Office, Nagpur
3. The Addl. PCCF & Nodal Officer (FCA), Office of the PCCF, Government of Maharashtra
4. User Agency
5. Monitoring Cell, FC Division, MoEF, New Delhi
6. Guard File


e/c (Brijendra Swaroop)
20/11/19
Dy Inspector General of Forests