



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

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F.No. FC-III/MH-02/2015-NGP | ५०१६

Date: 16.08.2018

To,

✓ The Secretary,
Revenue and Forest Department,
Hutatma Rajguru Chowk
Madam Cama Marg
Mantralaya, Mumbai - 400032.

Sub: Diversion of 147.242 ha Reserved forest, Protected forest and 22A Restored & Pending enquiry land under Maharashtra Private Forest (Acquisition) Act, 1975 for laying of 400 KV D/C Kala Kudus Transmission line in Thane District of Maharashtra - Regarding.

Sir,

I am directed to refer to the State Government of Maharashtra's letter no. FLD-1215/CR-93/F-10 dated 19.03.2015 on the above subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980. After careful examination of the proposal of the State Government, 'in-principle' approval was accorded by the Central Government vide its letter of even number dated 07.08.2015. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra has now submitted a report on the compliance of conditions stipulated in the 'in-principle' approval and requested the State Government to grant final approval to the proposal.

In this connection, I am directed to say that on the basis of compliance report submitted by the Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra vide his letter no. Desk-17/NC/II/I.D.12374/(54)/2114/16-17 dated 14.02.2017 and letter No. Desk-17/NC/III/ID 12374/(54)/805/2018-19 dated 07.07.2018, the Central Government hereby accords 'final approval' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 147.242 ha Reserved forest, Protected forest and 22A Restored & Pending enquiry land under Maharashtra Private Forest (Acquisition) Act, 1975 for laying of 400 KV D/C Kala Kudus Transmission line in Thane District of Maharashtra subject to following conditions:

- (i) Legal status of the forest land shall remain unchanged;
- (ii) All the funds received from the user agency under the project, shall be transferred to Ad-hoc CAMPA in the Savings Bank Ac/No. SB 01025218 Corporation Bank, Lodhi Complex, New Delhi-110003 of Chhattisgarh state;
- (iii) Compensatory Afforestation shall be taken up by the Forest Department over 295.00 ha degraded forest land (Gut/Sur/Comptt No. 9, 21, 11 of Saiwan range, Gut/Sur/Comptt. No. 54 of Sawa range. Comptt. No. 177, 184 of Wada (West) range

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and Comptt. No. 417, 6, 8 & 11 of village Anvir, Jhari, tal. Dahanu, Dist. Thane) at the cost of the User Agency. Compensatory Afforestation will be of a mix of local indigenous species and monoculture of species will be avoided. The CA will be maintained for 7 years;

- (iv) The cost of Compensatory Afforestation scheme including cost of survey, demarcation and erection of boundary pillars at the prevailing wage rate and maintenance thereof for 7 years shall be deposited in advance with the Forest department by the User Agency. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (v) Land identified for CA shall be clearly depicted on a Survey of India Toposheet of 1:50,000. The bearing of each corner point and distances between two successive points will be recorded along with the GPS readings of Geo coordinates (Latitudes & Longitudes);
- (vi) The State Government shall charge the "Net Present Value" (NPV) for the 147.242 ha of forest land to be diverted under the 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 and 09/05/2008 in IA No. 566 in WP (Civil) 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 as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 02.02.2009 in this regard and others;
- (vii) Additional amount of the NPV of 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, which shall furnish an undertaking to this effect;
- (viii) The trees on strips would have to be felled but after stringing work is completed, natural regeneration will be allowed to come up. Felling/ pollarding/ pruning of trees will be done with the permission of the local forest officer wherever necessary to maintain the electrical clearance. One outer strip shall be left clear to permit maintenance of the transmission line;
- (ix) During construction of transmission line, pollarding/ pruning of trees located outside the above width of the strips, whose branches/ parts infringe with conductor stringing, shall be permitted to the extent necessary, as may be decided by local forest officer;
- (x) Pruning of trees for taking construction/ stringing equipments through existing approach/ access routes in forest areas shall also be permitted to the extent necessary, as may be decided by local forest officer. Construction of new approach/ access route will however, require prior approval under the Act;
- (xi) The route alignment through forest areas will not have any deviation. The maximum width or right of way for the transmission line on the forest land shall be 46 meters;
- (xii) Below each conductor, width clearance of 03 meters would be permitted for taking the tension stringing equipment. Felling of trees will be restricted to a width of 3 mtr only below each conductor. The trees on such strips would have to be felled but after stringing work is completed, the natural regeneration will be allowed to come up. Felling/ pollarding/ pruning of trees will be done with the permission of the local forest officer whenever necessary to maintain the electrical clearance. One outer strip shall be left clear to permit maintenance of the transmission line;
- (xiii) In the remaining width of the right of way upto a maximum of 46 meters, trees will be lopped only to the extent required, for preventing electrical hazards by maintaining

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- minimum clearance of 5.5 meters between conductors and trees. The sag and swing of the conductors shall be kept in view while working out minimum clearance;
- (xiv) In the case of transmission line to be constructed in hilly areas, where adequate clearance is already available, trees shall not be cut;
 - (xv) The User Agency will defray the cost of 4910 trees out of which 7601 trees will be cut and 3705 trees require trimming/pollarding and lopping in the area that fall in diversion. However, only the required and minimum number of trees will be felled;
 - (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, submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt) dated 05/07/2013 in support thereof before formal approval if applicable;
 - (xvii) 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;
 - (xviii) Relevant directions contained in various notifications issued by the Central Government under the provisions of the Environment (Protection) Act, 1986 and Environment (Protection) Rules, 1986 made there under and as amended from time to time regarding use of fly ash shall be fully complied with;
 - (xix) The User Agency will install circuit breakers at suitable places besides maintaining necessary ground clearance to prevent electrocution of wild animals;
 - (xx) Muck disposal, if required, should be taken up as per the scheme approved by the Forest Department;
 - (xxi) Soil conservation measures, if required, should be taken up by the User Agency for which fund should be provided as per the current rate of works;
 - (xxii) No damage shall be caused to the flora and fauna of the area;
 - (xxiii) No labour camp shall be established on the forest land;
 - (xxiv) The User Agency shall ensure that because of this project, no damage is caused to the Wildlife available in the area;
 - (xxv) The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage /felling of trees and pressure on the adjacent forest areas;
 - (xxvi) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
 - (xxvii) The User Agency in consultation with the State Forest Department shall prepare a detailed scheme for creation and maintenance of plantation of local dwarf species (preferably medicinal plants) in right of way under the transmission line and provide funds for execution of the said scheme to the State Forest Department;
 - (xxviii) 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;

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- (xxix) The User Agency shall spend between 10-15% of their CSR budget every year of Maharashtra region on activities related to Protection, Promotion, Improvement of Forest, Wildlife and Environment, to be spent by them (as substantial chunk of Forest land is also diverted in the forest) in Maharashtra region in consultation with Regional Office, Nagpur;
- (xxx) The forest land shall not be used for any purpose other than that specified in the project proposal;
- (xxxii) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government;
- (xxxiii) The User Agency and the State Government shall ensure compliance to provisions of all Acts, Rules, Regulations and Guidelines for the time being in force, as applicable to the project;
- (xxxiv) Any other condition, which this office may stipulate for conservation of flora and fauna as and when necessity arises;
- (xxxv) The User Agency will defray the cost of medicinal plantation under the transmission lines as decided by the Forest Department;
- (xxxvi) The User Agency will pay to Forest Department Corporation of Maharashtra (FDCM) the valuation cost of plantation as determined by FDCM Ltd;
- (xxxvii) The User Agency will pay the compensation, if any, to the right holders under the FRA-2006;
- (xxxviii) As the project is within 10 Km from the boundary of Protected Area (Tansa Wildlife Sanctuary), the User Agency will have to seek the clearance of Hon'ble National Green Tribunal before issue of final order; and
- (xxxviiii) The User Agency shall compensate the private owner of forest lands in accordance with the prevalent laws, rules and guidelines.

Yours faithfully,

A. Suresh Kumar
16/08/14
(Suresh Kumar Adapa)
Scientist 'D'

Copy to:

- i. The PCCF, Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iii. The Director (ROHQ), MoEF&CC, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi.
- iv. User agency (Power Grid Corporation of India).
- v. Guard file.

A. Suresh Kumar
16/08/14
(Suresh Kumar Adapa)
Scientist 'D'