

**DETAILED AGENDA FOR THE MEETING OF THE REGIONAL EMPOWERED COMMITTEE SCHEDULED TO
BE HELD ON 23.06.2016 AT REGIONAL OFFICE (WCZ), NAGPUR**

S. No.	Name of the proposal	State	Name of User Agency	Area (ha)	Category	Page No.
1.	Diversion of 26.136 ha of forest land (24.954 ha of Reserved Forest, 1.172 ha of Protected Forest and 0.01 ha of Revenue Forests) in favour of M/s National Mineral Development Corporation (NMDC) for laying of water pipelines from Tiria for the proposed 3.0 MTPA capacity Integrated Steel Plant in Bastar Forest Division in Bastar District in the State of Chhattisgarh	Chhattisgarh	NMDC	26.136	Pipeline	1-9
2.	Diversion of 97.1515 ha of Mangrove area, Reserved Forests, Acquired Private Forests and Restored Private Forest land in favour of M/s Tata Power Company Limited, Mumbai for laying of 400 KV Dherand to Palmbeach Transmission line in Raigad and Thane District in the State of Maharashtra – regarding.	Maharashtra	M/s Tata Power Company Limited, Mumbai	97.1515	Transmission line	10-17
3.	Diversion of 57.5092 ha of forest land in favour of M/s Tata Power Company Limited, Mumbai for laying of 400 KV Kharghar to Vikroli Transmission line in Raigad, Thane and Mumbai Suburban Districts in the State of Maharashtra - regarding.	Maharashtra	M/s Tata Power Company Limited, Mumbai	57.5092	Transmission line	18-19

AGENDA ITEM NO. 1

Sub: Diversion of 26.136 ha of forest land (24.954 ha of Reserved Forest, 1.172 ha of Protected Forest and 0.01 ha of Revenue Forests) in favour of M/s National Mineral Development Corporation (NMDC) for laying of water pipelines from Tiria for the proposed 3.0 MTPA capacity Integrated Steel Plant in Bastar Forest Division in Bastar District in the State of Chhattisgarh – regarding.

1. The Government of Chhattisgarh vide its letter no. F-3/2016/10-2 dated 27.01.2016, submitted the above mentioned proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980.
2. The facts related to the proposal as contained in the State Government letter dated 27.01.2016 are presented below in the form of fact sheet:

FACT SHEET

1.	Name of the Proposal	Diversion of 26.136 ha of forest land (24.954 ha of Reserved Forest, 1.172 ha of Protected Forest and 0.01 ha of Revenue Forests) in favour of M/s National Mineral Development Corporation (NMDC) for laying of water pipelines from Tiria for the proposed 3.0 MTPA capacity Integrated Steel Plant in Bastar Forest Division in Bastar District in the State of Chhattisgarh
2.	Name of the user agency	M/s National Mineral Development Corporation (NMDC)
3.	Nature of the user agency	Central Government Undertaking
4.	Location (i) State (ii) District	Chhattisgarh Bastar
5.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy.No. (iii) Map	Bastar Forest Division 26.136 ha Reserved Forests- 24.954 ha Protected Forest- 1.172 ha Revenue Forest- 0.01 ha i. SOI toposheet –enclosed at Page 68-75/c. ii. Differential GPS map – Pg 67/c. iii. Index Map- 71-75/c iv. Land use map (Diversion and CA)- 77-79/c v. Project Layout map – Not submitted. Layout plan of the project indicating the RoW for laying the pipeline may be also be indicated on the layout map and submitted to this Ministry.
6.	Particulars of FORM A	
	Part-I	Enclosed at page 255-259/c
	Part-II	Enclosed at page 261-267/c
	Part-III	Enclosed at page 269/c
	Part –IV	Enclosed at page 271/c
	Part-V	Enclosed at page 273/c

	Site inspection report by the Dy Conservator of Forest	A site inspection report of DFO indicating the date of site inspection on 27.04.2015 has been submitted and the same is available at page 251-253/c. DFO has not reported violation of Forest (Conservation) Report in his inspection report.
7.	Details of facts as contained in the part-I and Part-II of the proposal	
8.	Topography of the area	-
9.	(i) Vulnerability to erosion	Not mentioned. However, note regarding soil productivity, submitted along with the proposal (Pg 339/c) revealed that area has sandy loam soil which appears to be vulnerable to erosion. The fact may be taken note of and mitigative measures, if needed may accordingly be suggested by the State Government.
10.	Vegetation i. Density ii. No. of trees to be felled	Important species available in the area include <i>Shorea robusta</i> , <i>Pterocarpus marsupium</i> , <i>Terminalia alata</i> , <i>Adina cordifolia</i> , <i>Anogeissus latifolia</i> , <i>Ougeinia oogeinensis</i> (Roxb), <i>Garuga pinnata</i> , <i>Lannea Coromandelica</i> , <i>Dalbergia Latifolia</i> , <i>Tectona grandis</i> and <i>Sacco petalum tomentosum</i> etc. Species wise and girth wise details of species is available at page 129/c. Below 0.5 to 0.9 3950 tree of all girth classes (Pg 131/c). Below 30 cm girth – 1028 trees Above 60 cm girth – 2922 tress
11.	Wildlife	
	i. Whether forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. (if so, details of the area and comments of the Chief Wildlife Warden	No.
	ii. Whether any RET species of flora and fauna are found in the area. If so details thereof	No
	iii. Comments of the Chief Wildlife Warden	-
	iv. Certificate regarding location of the area outside/within 10 Km of distance from the boundary of PAs	Enclosed at page 305/c.
12.	Approximate distance of the proposed site for diversion from boundary of forest.	Proposed area is part of the forests.
13.	i. Whether any protected archaeological/ heritage site/defence establishment or	No (Pg 275)

	any other important monuments is located in the area.	
	ii. Certificate regarding non location of protected archaeological/ heritage site/defence establishment, etc in the area	Certificate from the DFO in this regard has been submitted and same is available at page 275/c.
14.	i. Whether any work of in violation of the Forest (Conservation) Act, 1980 has been carried out (Yes/No). If yes details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.	No
	ii. Certificate regarding non violation of the Forest (Conservation) Act, 1980.	Certificate from the DFO in this regard has been submitted and same is available at page 231/c.
15.	iii. Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project, if no recommended area item-wise with details of alternatives examined.	Yes, the requirement of land is unavoidable and barest minimum.
	iv. Certificate regarding barest minimum requirement of the Forest land	Not submitted.
16.	Whether clearance under the Environment (protection) Act, 1986 is required?	No.
17.	Compensatory Afforestation	Compensatory afforestation has been proposed over degraded forest land, twice in extent to the forest land being diverted.
	(i) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.	An area of 72.673 ha of degraded forest land (Demarcated Protected Forest- Orange Forest Land) in Machkot Range of Bastar Forest Division has been identified for raising CA.
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining forest boundaries.	Submitted and is available at page 225-227/c.
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	CA scheme with maintenance of 10 years has been prepared and is enclosed at page 215-219/c.
	(iv) Total financial outlay for CA	Rs. 2,72,82,805/-
	(v) Certificate from the competent	Division Forest Officer, Jagdalpur Forest Division has

	authority regarding suitability of the area identified for CA and from management point of view.	certified that land identified for raising afforestation suitable for raising plantation (229/c).
	(vi) Undertaking to bear the cost of CA	Undertaking to bear the cost of CA has been obtained from the user agency and is submitted alongwith the proposal (Pg 371/c).
	(vii) Certificate from the Chief Secretary of the State Government regarding non-availability of non-forest land for raising CA	NA
18.	Catchment Area Treatment	NA
19.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	<p>The District Collector, Bastar has issued a certificate dated 19.10.2015 (Pg 313/c) for an area of 27.438 ha certifying all clauses as stipulated in MoEF&CC's advisory dated 3.08.2009 read with the advisory dated 5.07.2013. Concerned Gram Sabha (s) have consented to the proposal subject to certain conditions. Resolutions of the concerned Gram Sabha (s) have also been submitted. Documentary evidences submitted in support of settlement of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 may kindly be seen at page 277-295 and pg 311-327/c.</p> <p>It may be mentioned here that the District Collector in his certificate dated 19.10.2015 reported the project affected forest area as 27.438 ha while Part-II of the Forma – A dated 27.04.2015 indicated the forest area proposed for diversion as 26.134 ha. This discrepancy in the area may be rectified by the State Government.</p>
20.	Details of alternative alignments explored	Only qualitative attributed, depicted map have been provided, details on quantitative parameters examined while examining the possible alternatives have not been provided by the State Government. The same may also be submitted by the State Government.
21.	Details of plantation of dwarf in the wind farm area	NA
22.	Rehabilitation of Oustees	NA
	a) No of families involved b) Category of families c) Details of rehabilitation plan	Nil
23.	Cost Benefit Ratio	<p>Submitted and is available at page 171-179/c indicating the CB ratio as 1:2249 From the CB ratio.</p> <p>Cost benefit analysis with CB ration of 1:2249, appears to be exorbitantly high. CB analysis needs to be re-worked by applying appropriate techno-economic tools to suitably assess the parameters for assessment of losses and benefits of the project.</p>
24.	Employment Potential	3500 direct and 10,000 indirect during the upcoming

		Steel Plant at Nagarnar.
25.	Total Cost of the Project	Rs. 3400 Cr
26.	Recommendation i. DFO ii. CCF iii. PCCF/Nodal Officer iv. State Government	Yes (Pg 267/c) Yes (Pg 269/c) Yes (Pg 271/c) Yes (Pg 273/c)
27.		
28.	District Profile (i) Total Geographical area of the district (ii) Total Forest area/Divisional Forest area (iii) Total area diverted since 1980 (iv) Total CA stipulated since 1980 (Forest land) (v) Total CA done since 1980 (non-forest land)	4091.00 Sq Km 2211.807 Sq Km 858.199 ha in 13 cases CA Stipulated i. Forest land – Not mentioned ii. Penal CA - Reported as NA iii. Non-forest land – Reported as NA Progress of CA i. Forest land – 11,835 ha ii. Penal CA - NA iii. Non-forest land – 30.0 ha

3. Project proponent has submitted the undertaking to pay the cost of NPV.
4. From the examination of the above facts related to the proposal. Following was observed:
 - i. Project Layout map depicting the project layout plan and RoW for laying the pipeline has not been submitted. The same may be submitted to this Ministry.
 - ii. The comments of DFO on the vulnerability of the area proposed for diversion have not been recorded in Part-II of the Form-A. However, note regarding soil productivity, submitted along with the proposal revealed that area has sandy loam soil which appears to be vulnerable to erosion. The fact may be taken note of and mitigative measures, if needed, may accordingly be suggested by the State Government.
 - iii. The District Collector in his certificate dated 19.10.2015 issued under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 reported the project affected forest area as 27.438 ha while Part-II of the Forma – A dated 27.04.2015 indicated the forest area proposed for diversion as 26.134 ha. This discrepancy in the area may be rectified by the State Government.
 - iv. With regards to alternatives explored for the project, only qualitative attributed, depicted on map have been provided, details on quantitative parameters examined while examining the possible alternatives have not been provided by the State Government. The same may also be submitted by the State Government.

- v. Cost benefit analysis with CB ration of 1:2249, appears to be exorbitantly high. CB analysis needs to be re-worked by applying appropriate techno-economic tools to suitably assess the parameters for assessment of losses and benefits of the project.
- vi. The detail regarding the approval, if any obtained, from the Water Resource Department, to utilize water , to be transported through the proposed pipe line to Integrated Steel Plant have not been indicated in the supporting documents submitted along with the proposal.
5. The Regional Office (WCZ), after examination of the above mentioned proposal, vide its letter of even number dated 4.03.2016 (Pg 405/c), conveyed shortcomings to the State Government of Chhattisgarh.
6. The Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh, vide his letter no. Bhu-Prabandh/Vividh/115-124, placed along with its annexure at page 407-499/c, submitted reply to the observations of the Regional Office. Summary of the same is given as under:

Sr. No.	Particulars of information sought	Status of compliance
i)	Project layout map depicting to the project layout plan and Row for laying the pipeline has not been submitted. The same may be submitted to this Ministry.	Project layout map depicting to the project layout plan has been reported to submitted as Annexure –I. Annexure-I is copy of SOI toposheet depicting the alignment. However, details of RoW have not been submitted along with the compliance. The State Nodal Officer (FCA), Government of Maharashtra has also informed that consent of Gram Sabha for laying underground pipeline in revenue land of village Dhanpunji and Chokawada has already obtained (place in Application from page No. 112 to 121 and enclosed as ANNEXURE-2) Gazette notification of revenue land details has been published in Form-B on 13/05/2015 in C.G. Gazette as per Chhattisgarh Underground Pipeline Act, 2004. (Place in Application from page No. 73 to 75 and enclosed as ANNEXURE-3) Gazette notification no of revenue land details has been published in Form-D on 18/09/2015 in C.G. Gazette as per the Chhattisgarh Underground Pipeline Ac, 2004 (place in Application from page No. 76 to77 and enclosed as ANNEXURE-4) Pipeline Layout in Revenue land is enclosed as ANEXURE-5 for ready reference. Process of Right of Users of land for laying underground pipeline as per Chhattisgarh Underground Pipeline Act, 2004 is under process by District Administration.
ii)	The Comments of DFO on the vulnerability of the area proposed for diversion have not been recorded in Part-II of the Form-A. However, note regarding soil productivity, submitted along with the proposal revealed that area has sandy loam soil which appears to be vulnerable to erosion. The fact may be taken note of and	It is reported that present pipe line has been proposed from Kolab River to 3 MTPA Integrated Steel Plant at Tiria village to supply water to the Plant. The proposed pipe line will be laid underground and hence there is not possibility of erosion in the area.

	mitigative measures, if needed, may accordingly be suggested by the State Government.	
iii)	The District Collector in his certificate dated 19/10/2015 issued under the Scheduled Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 reported the project affected Forest area as 27.448 ha while Part-II of the Form-A dated 27/04/2015 indicated the Forest area proposed for diversion as 26.136 ha. This discrepancy in the area may be rectified by the State Government.	<p>On 21/04/2016 Collector, District – Bastar re-issued certificate (Forest land 26.136 ha) under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (enclosed as Annexure -7).</p> <p>Examination of the same revealed that District Collector has issued a revised certificate dated 21.04.2016 wherein only area has been amended to 26.136 ha, while information in respect of clauses (a) of Form-I annex to the MoEF&CC's advisory dated 5.07.2013 has not been certified by the District Collector. However, the same has been certified by the District Collector in his earlier certificates dated 19.10.2015 which has been issued in accordance with the MoEF&CC advisory dated 3.08.2009.</p> <p>From the examination of the above compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, it can be ascertained that compliance has been submitted in accordance with the MoEF&CC's advisory dated 5.07.2013 read with the Guidelines dated 3.08.2009. All documentary evidences in support of settlement of rights viz. resolution of concerned Gram Sabha (s) recoding their consent for the proposal, except record of consultation of meetings of the Sub-Divisional Level Committee, have been submitted by the State Government</p>
iv)	With regards to alternatives explored for the project, only qualitative attributed, depicted on map have been provided, details on quantitative parameters examined while examining the possible alternatives have not been provided by the State Government. The same may also be submitted by the State Government.	<p>The State Government has reported following summary of 3 alternatives in compliance to this observation:</p> <p>i. ALONG THE RIVER & STATE BORDER</p> <ul style="list-style-type: none"> • More Trees. (30240 Nos.) • More Forest and required (around 48 ha). • Thus not acceptable. <p>ii. BELOW THE EXISTING FOREST ROAD</p> <ul style="list-style-type: none"> • Not acceptable by the local villagers and leaders. • May create problem in management & transportation of logs. • Thus not acceptable. <p>iii. ALONG THE EXISTING FOREST ROAD</p> <ul style="list-style-type: none"> • 5.5 Mtr. wide forest land required both side of road while off road single 9.0 Mtr. wide. • Total Forest land required is only 26.136 ha which is minimum. • Tree cutting 3950 Nos.

		<ul style="list-style-type: none"> • Thus most suitable. <p>The State Government has further reported that there is no other alternate route possible for laying of U/G water pipeline except using land along the existing forest road. Therefore, three alternate routes were examined and the most suitable route was using 5.5 mtr wide area both the sides of existing forest road and while off road (at 3 different places) width of the forest land required shall be 9.0 mtr, which is well accepted. Thus, the present proposal is the best alternate available for diversion of forest land which requires less number of trees to be cut (only 3950 nos.) and forest road shall not be affected for continuous use by the forest officials and villages.</p>
v)	<p>Cost benefit analysis with CB ratio of 1:2249, appear to be exorbitantly high, CB analysis needs to be reworked by applying techno-economic tools to suitably assess the parameters for assessment of losses and benefits of the project.</p>	<p>It is reported by the State Government that NISP Nagarnar already obtained forest clearance for protected forest land/revenue forest land 25.72 ha (Protected forest land = 1.80 ha. & revenue forest land = 23.92 ha) for construction of integrated steel plant at village Nagarnar, Tehsil-Jagdalpur, Distt. – Bastar (C.G.) via letter no 812 Jagdalpur dated 03/03/2012 issued by DFO, Bastar Forest Division (Enclosed as ANNEXURE-8).</p> <p>For revenue forest land (total- 23.92 ha) order vide –</p> <p>1 पत्र क्र. क./रीडर /11/अ -20(3)/2011-12 जगदलपुर दिनांक 25.07.2014 ग्राम माडपाल (कुल रकबा 0.11 हे. छोटे झाड के जंगल) enclosed as ANNEXURE 8A</p> <p>2 पत्र क्र. क./रीडर /12/अ -20(3)/2011-12 जगदलपुर दिनांक 26.07.2014 ग्राम आमागुडा (कुल रकबा 20.01 हे. छोटे झाड के जंगल) enclosed as ANNEXURE 8B</p> <p>3 पत्र क्र. क./रीडर /13/अ -20(3)/2011-12 जगदलपुर दिनांक 26.07.2014 ग्राम मंगणपुर (कुल रकबा 3.80 हे. छोटे झाड के जंगल) enclosed as ANNEXURE 8C</p> <p>Underground water pipeline from Kolab (Shabri) river to Nagarnar is integral part of integrated Steel Plant. Therefore, while analyzing cost benefit analysis parameters for assessment of losses and benefits of the integrated Steel Plant are also included resulting CB ratio as 1:2249.</p> <p>The justification provided by the State Government does not seem appropriate in view of the fact that even if the CB ratio is taken altogether with the Integrated Steel Plant, such a high ratio is difficult of realize.</p>
vi)	<p>The details regarding the approval, if any obtained from the Water Resource Department, to utilize water, to be transported through the proposed pipeline to integrated Steel</p>	<p>NMDC Ltd. was permitted by Govt. of C.G. Water Resource Deptt. Mantralaya Raipur vide letter no. 4147/29/13/2000/ म/ 31/औजप/डी-4 रायपुर दिनांक 06.08.2009 to withdraw 53.69 m. cu.m. water per annum from Shabri river for upcoming integrated Steel</p>

	<p>Plant have not been indicated in the supporting documents submitted along with the proposal.</p>	<p>Plant located at Nagarnar, Distt.-Bastar for a period of 4 years. (Enclosed as ANNEXURE-9A). NMDC Ltd. NISP Nagarnar vide letter no. NMDC/NISP/2013/1112 dated 25/03/2013 and letter no. NMDC/NISP/2013/4990 Dated 14/09/2013 requested The Principal Secretary, Ministry of Water Resources, Govt. of C.G. Raipur for extension of the free usage period by another 4 years (enclosed as ANNEXURE-9B) Superintending Engineer, Indrawati Pariyojana Mandal Jagdalpur vide letter no. 3989/कार्य /एन.एम.डी.सी. /1004/015 जगदलपुर दिनांक 30-10-2015 recommended the case to Chief Engineer, Mahanadi Pariyojana Water Resource Deptt. Raipur for extension of validity upto Sept. 2017. Presently, the case is pending for Board's approval at Raipur. (enclosed as ANNEXURE-9C)</p>
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In view of the above, information/justification submitted by the State Government on the observation of the Regional Officer as sought in its letter dated 4.03.2016, it is proposed that proposal may be submitted to the REC for its further examination in its forthcoming meeting scheduled to be held on 23rd June, 2016.

AGENDA ITEM NO. 2**F. No. 6-MHA-06/2015-BHO**

Sub: Diversion of 97.1515 ha of Mangrove area, Reserved Forests, Acquired Private Forests and Restored Private Forest land in favour of M/s Tata Power Company Limited, Mumbai for laying of 400 KV Dherand to Palmbeach Transmission line in Raigad and Thane District in the State of Maharashtra – regarding.

7. The State Government of Maharashtra, vide its letter no. FLD-1314/CR-246/F-10 dated 23.01.2015, placed along with annexure at page 1-267/c, submitted the above mentioned proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980.
8. The proposal envisages construction of transmission line over a length of approx 21 km in forest area. The project has been approved in-principally by the Maharashtra Electricity Regulatory Commission vide letter no. MERC/CAPEX/2011-2012/01881 dated 31.10.2011 (pg 137/c).
9. It is also indicated in the proposal that Mumbai being the power financial capital of India has been witnessing increasing power demand with a growth rate of about 5 % per annum due to rapid economic as wells as population growth. The power supply demand gap in Mumbai city in the year 2015 is estimated to be about 1948 MW considering power availability to Mumbai from all existing sources which includes Tata Power R-Infra and State Power Grid. To meet this rapid load growth in Mumbai, the proposed transmission line of 59 Km will be connected from Tata Power's proposed Dhrand Thermal Power Station to a connection point at Palmbeach to join it to proposed Kharghar-Vakroli Transmisison line.
10. It is reported by the State Government that 34% of the line route is in the forest area and the remaining is in hilly area and private properties. Proposed alignment avoid entering into Karnala Bird Sanctuary and passes through the eco-sensitive zone.
11. The facts related to the proposal as contained in the State Government letter dated 23.01.2015 are presented below in the form of fact sheet:

FACT SHEET

1.	Name of the Proposal	Diversion of 97.1515 ha of Mangrove area, Reserved Forests, Acquired Private Forests and Restored Private Forest land in favour of M/s Tata Power Company Limited, Mumbai for laying of 400 KV Dherand to Palmbeach Transmission line in Raigad and Thane District in the State of Maharashtra.		
2.	Name of the user agency	M/s Tata Power Company Limited, Mumbai		
3.	Nature of the user agency	Private Sector Undertaking		
4.	Location (iii) State (iv) District	Maharashtra Raigad and Thane		
5.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy. No.	Alibagh and Thane Forest Divisions.		
			Alibagh	Thane
		PF (Mangrove)	21.474	9.9705
		Reserved Forest	44.6660	-
		Acquired/Restored Private Forest	21.0376	-

		Total	87.1810	9.9705
	(iii) Map	<p>4.90 ha Reserved Forest</p> <p>i. SOI Toposheet map- enclosed at Page 267/c ii. Alternative Alignments Map- enclosed at Page 265/c iii. Differential GPS map – Not submitted.</p>		
6.	Particulars of FORM A			
	Part-I	Enclosed at page 69-73/c		
	Part-II	Enclosed at page 79-83/c		
	Part-III	Enclosed at page 85/c		
	Part –IV	Enclosed at page 87-91/c		
	Part-V	Enclosed at page 93/c		
	Site inspection report by the Dy Conservator of Forest	A site inspection reports of DFO, Thane and DFO, Alibagh indicating the date of site inspection on 6.08.2014 and 19.03.2014, respectively have been submitted and the same is available at page 99/c. In his site inspection report the DCF has not reported any violation of the Forest (Conservation) Act, 1980.		
	Site inspection report of the CCF	A site inspection report of CCF (Mangrove Cell, Mumbai indicating the date of site inspection on 10.09.2014 has been submitted and the same is available at page 101/c. In his site inspection report the CCF has not reported any violation of the Forest (Conservation) Act, 1980.		
7.	Details of facts as contained in the part-I and Part-II of the proposal			
8.	Topography of the area	-		
9.	(i) Vulnerability to erosion	Not vulnerable (Pg 79/c)		
10.	Vegetation	It is indicated in Part-II that forest area is generally devoid of vegetation. The Mangrove area is having growth of <i>Avicennia marina</i> , <i>Avecennia officinalis</i> , <i>Sonneratia apetala</i> , but there is no requirement of removing mangrove.		
	i. Density	0.4 for 21.47 ha Below 0.4 in 75.641 ha		
	ii. No. of trees to be felled	The DCF in his report in Part-II has mentioned that no felling is involved. However, the State Government in its forwarding letter has mentioned that there 183 mangrove trees will be felled as per BNHS report. However due to loose swamp and mud, access was not possible for measuring the girth of trees as reported by the DCF. It seems that DCF has filled the details in Part-II without properly scrutinizing the documents related to the proposal.		

		However, the submission made by the State Government is also incongruous in view of the fact that for the purpose of counting the number of project affected trees, the BNHS can access the area however, for the purpose of enumeration of the same by the Forest Department the area is not accessible.
11.	Wildlife	
	i. Whether forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. (if so, details of the area and comments of the Chief Wildlife Warden	It is reported that the area proposed for diversion is outside the Karnala Bird Sanctuary, however, it is within the 10 km radius from the boundary of Karnala Bird Sanctuary. A certificate by the DFO, Alibagh certifying that proposed area is not included in any PA has been submitted and the same is available at page 169/c.
	ii. Whether any rare species of flora and fauna are found in the area. If so details thereof	No.
	iii. Comments of the Chief Wildlife Warden	NA. However, DFO, Alibagh (Pg 171/c) has mentioned that distance of the proposed line from the Karnala Bird Sanctuary from the nearest location is 100 meters. It is also mentioned by the DCF that proposed transmission line passed through non-forest land outside the Karnala Bird Sanctuary. There is very limited wildlife movement in the area between the project location and Karnala Bird Sanctuary. The ground clearance of proposed overhead transmission line 18 meters, which will not affect any wildlife movements. The horizontal distance between two conductors of the proposed transmission line is 35 meters and vertical distance of 9 meters, which will not affect bird movements in nearby area of Karnala Bird Sanctuary. Hence no mitigation measures for protection of Wildlife are necessary. However, in view of the close proximity of the project to the Karnala Bird Sanctuary, comments of the Chief Wildlife Warden should have been submitted
	iv. Certificate regarding location of the area outside/within 10 Km of distance from the boundary of PAs	Enclosed at page 171/c
12.	Approximate distance of the proposed site for diversion from boundary of forest.	It is reported that transmission line itself passes through the Mangroves and Forests. <i>However, exact distance of the proposed alignment from the boundary of forest land has not been provided to ascertain how deep inside the forest the alignment of road has been proposed by the User Agency.</i>
13.	i. Whether any protected archaeological/ heritage site/defense establishment or any other important monuments	No

	is located in the area.	
	ii. Certificate regarding non location of protected archaeological/ heritage site/defence establishment, etc in the area	A certificate by the DFO, Alibagh certifying non location of protected archaeological/ heritage site/defence establishment, etc in the area has been submitted and the same is available at page 167/c. <i>However, certificate to this effect from the DCF, Thane has not been submitted.</i>
14.	i. Whether any work of in violation of the Forest (Conservation) Act, 1980 has been carried out (Yes/No). If yes details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.	No
	ii. Certificate regarding non violation of the Forest (Conservation) Act, 1980.	Certificates by the DFO, Thane and Alibagh certifying no violation of the Forest (Conservation) Act, 1980 have been submitted and the same is enclosed at Page 163-165/c
15.	i. Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project, if no recommended area item-wise with details of alternatives examined.	The DCF has referred to the justification provided by the User Agency wherein the User Agency has provided the details of 3 alternatives explored by them for the line.
	ii. Certificate regarding barest minimum requirement of the Forest land	A certificate by the DFO, Alibagh certifying non location of protected archaeological/ heritage site/defence establishment, etc in the area has been submitted and the same is available at page 201/c. <i>However, certificate to this effect from the DCF, Thane has not been submitted.</i>
16.	Whether clearance under the Environment (protection) Act, 1986 is required?	Part-I mentions Yes. User Agency mentioned that they have applied for CRZ clearance.
17.	Compensatory Afforestation	It is reported in the Part-II that the user agency is in the process of identifying the non-forest land for compensatory afforestation. <i>However, examination of underlying supporting document revealed that CA has been proposed degraded forest land in accordance with the Guidelines issued by the MoEF&CC in this regard. It seems that DFO has filled the details without scrutinizing the documents properly.</i>
	(i) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of	Degraded forest land of 195.0 ha, double in extent to the area proposed for diversion, has been identified in Wadkhal, Karjat and Khalapur Ranges of Alibagh Forest Division (Pg 211/c).

	patches, size of each patches.	
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining forest boundaries.	Map showing CA area have been submitted and the same is available at page (Pg 255-263/c).
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	A CA scheme for 7 years, involving financial provision of Rs. 6,00,98,871/- has been submitted and a copy of the same is available at page 61-81/c.
	(iv) Total financial outlay for CA	Rs. 18, 89, 350/-
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	The DFO, Alibagh has certified that land proposed for CA is suitable for afforestation and is suitable from management point of view and is free from encroachment and encumbrances. A copy of the same is available is at page 211/c.
	(vi) Undertaking to bear the cost of CA	Submitted and is available at page 149/c.
	(vii) Certificate from the Chief Secretary of the State Government regarding non-availability of non-forest land for raising CA	NA
18.	Catchment Area Treatment	NA
19.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	Compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted. Examination of the compliance revealed that District Collector, Raigad, vide his certificate dated 9.07.2014 (Pg 157/c for an area of 87.1810 ha) has certified all clauses as stipulated in Annexure-II of the MoEF&CC's advisory dated 5.07.2013. Documentary evidences in support of settlement of rights viz. copies of the resolution of the Gram Sabha(s) have not been submitted along with the compliance.
20.	Details of alternative alignments explored	It is indicated in Part-I and relevant annexure (Pg 131-135/c) that 3 possible alternatives have been examined. Length of Alternative-1 in forest area is 21 km, Alternative-2 is 25 km and alternative-3 is 23 km involving forest area of 97.1515 ha, 115.0 ha and 105 ha respectively. A report from the DFO has also been submitted and the same is available at page 187-189/c. The Alternative-1 has been selected for the present alignment and the alignment is within the prescribed height restriction of Airport Authority of India for the proposed Navi Mumbai International Airport.
21.	Details of plantation of medicinal plants under the RoW	Not provided. However, the same may be insisted before grant of Stage-II approval.
22.	Rehabilitation of Oustees	NA

	a) No of families involved b) Category of families c) Details of rehabilitation plan	Nil
23.	Cost Benefit Ratio	<i>BC ratio has been worked out to the tune of 1:5156 which appears to be exorbitantly high. Further, examination of CB analysis revealed that entire parameters to evaluate cost of the project have not been taken into consideration. CB analysis needs to be re-worked by applying appropriate techno-economic tools to suitably assess the parameters for assessment of losses and benefits of the project.</i>
24.	Total Cost of the Project	Rs. 104.15 crores
25.	Employment Potential	Direct employment 4140 mandays Indirect employment 5520 mandays.
26.	Recommendation i. DFO ii. CCF iii. PCCF/Nodal Officer iv. State Government	Yes(Pg 83c) Yes (Pg 85/c) Yes (Pg 87-92/c) Yes (Pg 95/c)
27.	District Profile (i) Total Geographical area of the district (ii) Total Forest area/Divisional Forest area (iii) Total area diverted since 1980 (iv) Total CA stipulated since 1980 a) Forest land b) Non Forest Land (v) Progress CA as on date	Raigad – 11,647.68 Sq. Km Thane – 9,553.0 Sq. Km Raigad – 7,152 Sq Km Thane – 4,086.89 Sq. Km Alibagh Forest Division – 904.1810 ha in 72 cases Thane – 1,389.211 ha in 96 cases. Alibagh Forest Division Forest land - 2056.4184 ha Non-forest land – 392.2825 ha Total - 22,448.109 ha. Thane Forest Division Forest land - 1,403.15 ha Non-forest land – 133.959 ha Total - 1537.109 ha. Alibagh Forest Division Forest land - 2010.2328 ha Non-forest land – 366.3225 ha Total - 2,376.5553 ha Thane Forest Division Forest land - 1,423.149 ha Non-forest land – 118.382 ha Total - 1541.531 ha <i>From the above, it can be ascertained that progress of</i>

	<i>CA is very slow in Alibagh Forest Division. The DFO has not submitted any justification for the same.</i>
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12. The User Agency has submitted undertaking to bear the cost of NPV (Pg 141/c).
13. The User Agency has submitted undertaking to defray the cost of felling of trees.
14. The PCCF (HoFF), Government of Maharashtra has recommended the proposal with general, standard and following additional conditions:
 - i. The user agency will defray the cost of felling of 183 trees of Mangrove.
 - ii. The user agency will defray the cost of soil and moisture conservation works over 97.1515 ha of forest area to be diverted.
 - iii. Final decision of Hon'ble Supreme Court in IA no. 2352-2353 in Writ Petition No. 202/1995 filed by the State of Maharashtra regarding private forest will be binding on the User Agency.
 - iv. The User Agency shall pay the compensation, if any to the right holders under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
 - v. The User Agency shall play compensation, if any, to the Dali Plot holders, if such land is required for the project
 - vi. The user agency shall pay to the Forest Department 2% of the proportionate cost over the forest land for implementation of provisions of approved management plan/working plan and for other forest conservation related activities in Alibagh Forest Division and Karnala Bird Sanctuary as approved by the PCCF (HoFF).
 - vii. As the project area is within 10 km of the boundary of the Protected Area (Karnala Bird Sanctuary), the User Agency will have to seek clearance of Hon'ble NGT in pursuance to its order dated 27.04.2005 in writ petition no. 1277/2000, before diversion of forest land for the project.
 - viii. Permission of Hon'ble High Court shall be obtained for implementing the project in Mangrove area as per the Bombay High Court order dated 27.01.2010 in PIL No. 87/2006.
 - ix. The User agency shall submit CRZ clearance and all the other necessary clearances, as applicable, before final approval.
 - x. Conditions stipulated by the Chief Conservators of Forests, Mumbai as under will be compiled by the User Agency:
 - a. While conducting the approach paths, the project proponent should take utmost care to cause least interference with the tidal water flow. The access path should be made with sufficient number of pipeline to facilitate tidal water flow to the adjoining mangrove areas.
 - b. The design of access paths should be finalized in consultation with the Mangrove Cell, Mumbai
 - c. It would be possible to regenerate the land below the transmission line with mangroves of small and medium height. A comprehensive plan for regeneration of these areas after dismantling the access paths should be put in place, on consultation with the Mangrove Cell, Mumbai.

DECISION OF REGIONAL EMPOWERED COMMITTEE IN LAST MEETING

15. The proposal along with the above information was consideration by the Regional Empowered Committee in its meeting held on 26.08.2015 and the Committee, after examination of the proposal sought following information from the State Government:

- i. State Government should instruct the DCF, Thane to inspect the area proposed for diversion under the jurisdiction of Thane Forest Division and then submit the Part-II duly filled for Thane Forest Division.
 - ii. Certificate ensuring compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 issued by the Thane District Collector as per Gol guidelines dated 5.07.2013.
16. The above recommendation of the REC have been communicated to the State Government vide this office letter of even number dated 10.09.2015 (Pg 307/c).
17. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra vide his letter no. Desk-17/NC/II/ID/12355/(55)/410/16-17 dated 24.05.2016, placed along with its annexure at page /c, submitted the requisite information as sought by the REC. Summary of the same is given as under:
- i. Proposed site has been inspected by the DCF, Thane on 18.02.2016. Part-II and site inspection report of the Thane Forest Division is enclosed at page.
 - ii. Compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted and the same is available at page /c.
18. From the examination of the above following is revealed:
- i. The District Collector, Thane has issued certificate dated 30.12.2015 over an area of 9.9705 ha of forest land certifying all clauses as stipulated in the MoEF&CC's advisory dated 5.07.2016 except clause (b) of Form-I which is reported as NA by the District Collector, Thane. Section 3 (2) of the Forest Right Act, 2006 deals with the general approval accorded under the aforementioned Act for diversion of forest land for certain categories. The purpose of clause (b) of the advisory dated 5.07.2013 is to assess if any facility as indicated in the Section 3 (2) of the Forest Right Act, 2006, is being managed by the Gram Sabha over the forest land proposed for diversion. The District Collector, is supposed to certify the same based on the available records of proceedings of settlement of rights in the area taken earlier. Proceedings of the Sub-Divisional level Committee have also been submitted and the same may kindly be seen at page /c.
 - ii. The District Collector, Raigad has issued a certificate dated 9.07.2014, over an area of 87.1810 ha certifying all the clauses as stipulated in the MoEF&CC advisory dated 5.07.2013. The District Collector in his certificate dated 9.07.2014 has also mentioned that certificate is issued subject to final decision or order of the Hon'ble Court about land in proposal in village Ransai, Tal Uram, S. No. 42, 45, 48, 55, and 155 and Odhangi, Tal Pen S. No. 34/1.

In view of the above facts related to the proposal, it is proposed that proposal may be placed before the REC in its forthcoming meeting schedule to be held in the month of June, 2016.

F. No. 6-MHA-02/2015-BHO

Sub: Diversion of 57.5092 ha of forest land in favour of M/s Tata Power Company Limited, Mumbai for laying of 400 KV Kharghar to Vikroli Transmission line in Raigad, Thane and Mumbai Suburban Districts in the State of Maharashtra - regarding.

1. The above mentioned proposal has been accorded Stage-I approval vide this office letter of even number dated 14.08.2015 (Pg 202-206/c) subject to fulfilment of certain conditions prescribed therein.
2. The State Government of Maharashtra vide its letter no. FLD-1314/CR-240/F-10 dated 19.05.2016, placed along with its annexure at page 207-218/c, adverting to the letter of PCCF (HoFF), submitted a request to delete the condition no. 33 of the Stage-I approval dated 14.08.2015.
3. The PCCF (HoFF) in his letter no. Desk-17/NC/II/ID.12354/(55)/223/16-17 dated 4.05.2016 referring to delete the above mentioned conditions has made following submissions:
 - i. The Government of India in the Stage-I approval has stipulated two conditions regarding plantation of medicinal plants as given under:
 27. *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.*
 33. *The User Agency will defray the cost of medicinal plantation over 57.5092 ha as decided by the Forest Department.*
 - ii. The PCCF (HoFF) in his letter dated further sought clarification regarding taking up plantation activity of medicinal plants over an area of 13.00 ha or over the entire area of 57.5092 ha. The PCCF (HoFF), adverting to the letter dated 14.03.2016 of CCF, Mangrove Cell, Mumbai wherein the CCF has advised to create a network of channels in the entire 57.5092 ha to facilitate tidal flow. It is further informed by the PCCF that the cost of raising medicinal plantation over an area of 13.0 ha is Rs. 57,68,535/- while for 57.5092 ha is Rs. 2,55,18,755 and the cost of channelling would be 57,5092 ha.
 - iii. The PCCF has further submitted that as stipulated in conditions no. 27, the dwarf species plantation is to be taken over only available land and in this case land available is 13.0 ha of forest land. The PCCF has further mentioned that there is no provision of for carrying out channelling work under the Forest (Conservation) Act, 1980. It is further mentioned by the PCCF that as the condition no. 27 and 33 are similar and amount to duplication and has accordingly requested that conditions no. 33 may be deleted as the user agency is already making payment for raising CA over degraded forest land, twice in extent to the forest area being diverted.
4. From the examination of the above following is observed:
 - i. The conditions regarding raising of medicinal plantation under the RoW is stipulated by the MoEF&CC in accordance with the provisions of the Guidelines issued under the Forest (Conservation) Act, 1980.
 - ii. Further, it is also to mention that as per the conditions stipulated in the FC approval, one outer strip is to be left clear to permit maintenance of the transmission line while in the remaining RoW pollarding/pruning of trees is required to be done with the permission of the local forest officer while in another strip (maintained for minimum clearance below conductors) natural regeneration is allowed to come after stringing work is completed. In the

remaining width of RoW a minimum clearance of 5.5 meters is prescribed keeping in view the swag of line. However, in this section only pruning and pollarding of trees is permitted to maintain the prescribed clearance between conductors and trees. Therefore, out of the two outer clear felled strips below each conductor, in case of transmission lines, one outer strip is to be clear felled for maintenance of transmission line and hence the same is not available for plantation of medicinal plants, while the another outer strip where can be used to plantation of medicinal plants in addition to other suitable areas in the remaining areas, as available in the remaining area of RoW for plantation of medicinal plants.

- iii. With regards to submission of the CCF, Mangrove, to create a network of channels for facilitating the tidal flow, the State Government did not submitted any justification or need for the same. It is also to mention here that condition no. 39 of the Stage-I approval dated 14.08.2015 has been stipulated to ensure least disturbances to the tidal flow. *The State Government may evaluate, the suggestion of CCF, Mangrove, Mumbai to create a network in light of aforementioned condition, and if required appropriate action may be taken to ensure minimum interference to the tidal flow.*
- iv. In view of the above, it is to mention that condition no. 33 stipulating appears to be inappropriate and the request of the State Government that *the User Agency will defray the cost of medicinal plantation over 57.5092 ha as decided by the Forest Department* and request of the State Government to delete this condition deserve consideration by this Ministry. Further, as evident from the minutes of REC meeting held on 22.06.2015 (Pg 193/c), the REC recommended the proposal subject to fulfilment of standard conditions. The standard condition regarding raising of medicinal plantation is already included in the Stage-I approval dated 14.08.2015 as condition no. 27 (Pg 204/c). Therefore, condition no. 33 is close to duplication and may be deleted as its implementation is not possible given the existing Guidelines dated 5.05.2014 of the MoEF&CC on transmission lines.

In view of the above, it is proposed that proposal may be placed before the REC in its forthcoming meeting scheduled to be held on 23.06.2016 for its further examination and appropriate decision in the matter.
