



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

Integrated Regional Office
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
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F.No. FC-II/MH-164/2021-NGP /9085

Date: 31.12.2021

✓ To,

The Principal Secretary (Forests),
Revenue and Forest Department,
Hutatma Rajguru Chowk
Madam Cama Marg
Mantralaya, Mumbai – 400032.

Sub: Diversion of 5.34 ha forest land in Nanded district for rehabilitation and up-gradation of Barasgaon to Rahatee Bu. (Mah.AP/Border) section of NH-222 in Km 558/200 to 615/000 to Two lanes with paved shoulders on EPC Mode under NHDP-IV in the state of Maharashtra- Regarding.

Sir,

The undersigned is directed to refer to State Government of Maharashtra letter No. FLD-2021/CR-124/F-10 dated 31.05.2021 & Addl. PCCF and Nodal Officer (FCA), Maharashtra letter no. Desk-17/NC/II/ID- /18/20-21 dated 07.04.2021 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and APCCF & Nodal Officer (FCA), Maharashtra letter no. Desk-17/Nodal/Aurangabad/ID-12876/(27)/1705/2021-22 dated 03.12.2021 forwarding additional information as sought by this Office vide letter of even number dated 27.07.2021 to say that the said proposal has been examined by the Integrated Regional Office in light of relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder and approved by the Regional Empowered Committee constituted under Section- 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal and on the basis of the recommendation of APCCF & Nodal Officer (FCA), Maharashtra, the Central Government hereby accords '**in-principle**' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 5.34 ha forest land in Nanded district for rehabilitation and up-gradation of Barasgaon to Rahatee Bu. (Mah.AP/Border) section of NH-222 in Km 558/200 to 615/000 to Two lanes with paved shoulders on EPC Mode under NHDP-IV in the state of Maharashtra subject to the fulfilment of the following conditions:

- i. Legal status of the forest land shall remain unchanged;
- ii. **Compensatory afforestation**
 - a. Compensatory afforestation shall be taken up by the Forest Department over 10.68 ha degraded forest land in Comptt. No. 401 B & 403 A, Survey No. 117 & 139 at Village- Wai Wardada Tanda, Taluka- Mudkhed, District-Nanded at the cost of the User Agency. As far as possible, a mixture of local indigenous species along with 10% RET species of Nanded District shall be planted and monoculture of any species may be avoided. Atleast two water bodies shall be constructed in the form of tank/ stop dams etc if the same are not available in the area or in nearby vicinity;
 - b. Penal CA over 5.34 ha degraded forest area preferably in continuity of above area shall be raised and maintained by the State Forest Department at the cost of User Agency;
- iii. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project

authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

iv. **NPV:**

- a. The State Government shall charge the Net Present Value (NPV) for the 5.34 ha forest area to be diverted under this 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, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) 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 05/02/2009 in this regard;
 - b. Additional amount of the NPV of the 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. The User Agency shall furnish an undertaking to this effect;
- v. User Agency in consultation with State Forest Department shall minimize the felling of trees and maximum numbers of trees in outer RoW will be kept intact. Further, maximum number of trees up to 60 cm girth proposed to be felled shall be translocated by the State Government at the cost of the User Agency. A detailed report in this regard shall be submitted to IRO, MoEF&CC;
 - vi. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through **e-portal** (<https://parivesh.nic.in/>);
 - vii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
 - viii. To improve the Forest/ Tree cover and to reduce pollution, as mandated in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency shall develop a separate nursery at one or more places to raise at least 5,000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local every year. At least 50% of seedlings shall be planted by User Agency in the vicinity of project area including forest area and for hand holding with local people residing in vicinity of proposed road, User Agency shall voluntary distribute remaining 50% of seedlings as per choice of villagers free of cost. A compliance report including species wise details of seedlings raised, location of plantation area and details of villagers whom seedlings have been distributed need to be prepared every six month and submitted to Regional Office of MoEF&CC;
 - ix. All hume pipes proposed in Forest areas shall be replaced with box culverts with a minimum size of 3 x 4 meters by the User Agency in consultation with State Forest Department. Further wildlife passages and cattle passages shall be constructed in non-forest land as well in consultation with local DFO's. A report in this regard shall be submitted to IRO, MoEF&CC along with Stage-I compliance;
 - x. The State Government shall undertake the action against the violation of FCA, 1980 over an area of 0.735 ha as per provisions made under Para 1.21 of Handbook of Forest (Conservation) Act, 1980 published on 28.03.2019. A detail report in this regard shall be submitted along with Stage-I compliance;
 - xi. The User Agency shall undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department. A Plan on the same shall be submitted along with the compliance report of the Stage-I approval;
 - xii. State Forest Department shall undertake avenue plantation of 8 feet tall plants as per IRC norms at the cost of User Agency. Details of the same shall be submitted at the time of Stage- I compliance;
 - xiii. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;

- xiv. Wherever river/stream/nala are passing through the road, causeway must be avoided and bridges or box culverts shall be constructed;
- xv. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xvi. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xvii. No labour camp shall be established on the forest land;
- xviii. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
- xix. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;
- xx. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xxi. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- xxii. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xxiii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- xxiv. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018;
- xxv. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife;
- xxvi. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>).

After receipt of a report on the compliance of conditions no iii, iv (a), v, vi, vii, ix, x, xi, xii 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.

This issues with the approval of Regional Officer (Central), Integrated Regional Office, MoEF & CC, Nagpur.

Yours faithfully,


(C.B. Tashildar)
AIGF (Central)

Copy to:

- i. The PCCF (HoFF), Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iii. User agency.
- iv. Guard file.


(C.B. Tashildar)
AIGF (Central)