

**PART -IV**

**(To be filled by Nodal Officer or Principal Chief Conservator of Forests  
(Head of Forest Force))**

(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)

Sub.:- Proposal 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 (FP/MH/Road/47068/2020). The details of land proposed for diversion is as under-

Sr. No	Item work purpose	Range	Village Name	Chainage		Compt. No	Survey/ Gut No.	Length (M)	Width (M)	Area (in ha)	Legal Status	
				From	To							
1	Proposal 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	Nanded	Tatkalwadi (Bachti Camp)	119+300	120+350	410 A	54	1050	30	3.15	Reserved Forest	
2			Narwat	124+100	124+270	417B	46/66	170	30	0.51		
				125+240	125+330	417B	46/66	90	30	0.27		
3		Bhokar	Bhokar	125+330	125+500	417A	386	170	30	0.51		
4			Rahatee	150+000	150+050	317A	178/199	50	30	0.15		
				152+800	153+050			250	30	0.75		
Total Forest Land (in ha.)											5.34	

*Specific recommendation of Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur is attached on page no.*

(Sanjeev Gaur)

Additional Principal Chief Conservator of Forests  
& Nodal Officer

Date: /04/2021

Place: Nagpur



**Proposal 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 (FP/MH/Road/47068/2020).**

**Specific Recommendation of Principal Chief Conservator of Forests, Maharashtra State (Head of Forest Force) Maharashtra State, Nagpur with regards to acceptance or otherwise of the proposal supported by reasons.**

The is proposal 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 (FP/MH/Road/47068/2020).

2.0 The details of the forest land proposed for diversion are as under:-

Sr. No	Item work purpose	Range	Village Name	Chainage		Compt. No	Survey/ Gut No.	Length (M)	Width (M)	Area (in ha)	Legal Status
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1	Proposal 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	Nanded	Tatkalwadi (Bachti Camp)	119+300	120+350	410 A	54	1050	30	3.15	Reserved Forest
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					152+800	153+050			250	30	
Total Forest Land (in ha.)										5.34	

3.00 The proposal has been initiated by the Executive Engineer, National Highway Division, Nanded for seeking approval under Forest (Conservation) Act, 1980. The total non forest involved in the project is 182.15 ha. The site inspection report of the Deputy Conservator of Forests, Nanded Forest Division, Nanded is enclosed on page no. 112 to 114.



**4.00 The Deputy Conservator of Forests, Nanded Forest Division, Nanded has certified that:-**

- 4.1 no suitable alternate land is available and the forest land required is minimum.  
4.2 the area belongs to Eco-value class-III having density is below 0.4 (Southern Tropical Dry Deciduous Forest)  
4.3 there are 273 trees of various species and trees is involved in implementation of the Project. The Girth wise break up is as under:-

Tree Girth in Cm										Total
15-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136-150	150 Above	
21	87	91	39	15	11	7	0	1	1	273

- 4.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.  
4.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.  
4.6 there is violation of Forest (Conservation) Act 1980. Extent of area of violation is 0.735 ha.  
4.7 proposed project is 42.50 km to 48.00 from the boundary of Painganga Wildlife Sanctuary  
4.8 the non-forest area covered under the project is not under the provision of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of Section 35 of Indian Forest Act 1927 and are not recognized as deemed reserved forest as well as not included in the area identified as "forest" as per dictionary meaning of forest as intimated to the expert committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.  
4.9 and proposed Compensatory Afforestation over 10.68 ha. degraded Forest land in Compartment No.401 B & 403 A in Survey No.117 & 139 of Range-Nanded at Village Wai Wardada Tanda, Tal.Mudkhed and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.

**5.00 The User Agency has submitted an undertaking that:-**

- 5.1 to defray the cost of compensatory afforestation.  
5.2 to defray the cost of Net Present Value of the forest land proposed under diversion.  
5.3 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines:-

*'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval'.*



Hence, the user agency has given an undertaking regarding the compliance under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before in-principle approval.

- 5.4 and certified that Environmental Clearance is not required in the light of notification of Government of India as there is no expansion in ROW
- 5.5 Copy of the administrative approval accorded by the Government of India, Ministry of Road Transport & Highways letter No. RW/NH-37015/23/2016/NHDP-IVA, dated 05/07/2016.
- 5.6 Copy of the Technical approval accorded by the Government of India, Ministry of Road Transport & Highways letter No. RW/NH-37015/23/2016/NHDP-IVA, dated 05/07/2016.
- 6.00 The Deputy Conservator of Forests, Nanded Division, Nanded and Chief Conservator of Forest (T), Aurangabad have recommended the proposal for diversion of 5.34 ha. of forest land.
- 7.00 **In view of this, the proposal is recommended for approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions: -**
  - 7.1 The legal status of the forest land required will remain unchanged.
  - 7.2 **Compensatory Afforestation :-**
    - a) Compensatory afforestation shall be taken up by the Forest Department over 10.68 ha. degraded Forest land in Compartment No.401 B & 403 A in Survey No.117 & 139 of Range-Nanded at Village Wai Wardada Tanda, Tal.Mudkhed at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
    - b) Penal Compensatory Afforestation will be taken up on 2 x 0.735 ha. degraded forest land.
  - 7.3 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.
- 7.4 **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,

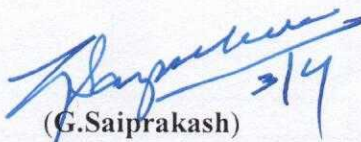


28/03/2008, 24/04/2008 and 09/05/2008 in IA No.566 in WP (C) No.202/1995 and as per the guidelines issued by the Ministry vide letters No.5-1/1998-FC (Pt.II), dated 18/09/2003 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009 in this regard.

- 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.
- 7.5 For violation of the FCA, 1980 as penalty, the user agency will defray the cost equal to NPV of forest land per hectare for each year of violation from the dated of actual diversion as reported by the inspecting officer with maximum upto (5) times the NPV plus 12 percent simple interest till the deposit is made in accordance with Government of India advisory number 11-42/2017-FC, dated 29/01/2018.
- 7.6 User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- 7.7 All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal (<http://parivesh.nic.in/>)
- 7.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector before Stage I approval.
- 7.9 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 7.10 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 7.11 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.
- 7.12 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 7.13 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 7.14 No labour camp shall be established on the forest land.
- 7.15 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.



- 7.16 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.
- 7.17 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 7.18 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.
- 7.19 It Shall mandatory to provide underpass for safe crossing of wild animals
- (a) The underpass shall have a minimum size of width 4.00 mt and Height 3.00 mt.
  - (b) Wherever natural cross drainage works are in existence, then no need to construct new underpass subject to existing structure nearly complying above mentioned dimensions, as suggested in (a) above.
  - (c) Wherever natural cross drainage works are in existence but as per engineering requirement, it is required to reconstruct then that structure shall comply with the minimum dimensions as suggested in (a) above.
  - (d) Interval between such underpasses shall not be more than 2.00 km
- 7.20 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 7.21 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.
- 7.22 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 Guidelines F.No.11-42/2017-FC, dated 29/01/2018.
- 7.23 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.
- 7.24 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

  
(G.Saiprakash)  
Principal Chief Conservator of Forests  
(Head of Forest Force)  
Maharashtra State, Nagpur



**MAHARASHTRA STATE, NAGPUR**

**First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001.**

Sub:- Proposal for diversion of 5.34 ha. forest land in Nanded District for Rehabilitation and Upgradation 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 (FP/MH/Road/47068/2020).

Nagpur - 440 001, Dated :-

07/04/202

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3.00 Following documents as prescribed in Government Circular, Revenue and Forest Department No.FLD-1081/2041/(A)/F-3,dated 20/03/1982 and according to Government of India's instructions issued from time to time are enclosed in two copies.

3.1 Prescribed form dated 10/01/2003.

3.2 Certificate regarding minimum demand of forest land for the project,

3.3 Area Statement,

3.4 Index map in suitable scale,

**4.00 The Deputy Conservator of Forests, Nanded Forest Division, Nanded has certified that:-**

4.1 no suitable alternate land is available and the forest land required is minimum.

4.2 the area belongs to Eco-value class-III having density is below 0.4 (Southern Tropical Dry Deciduous Forest)

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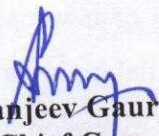
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- 7.13 The layout plan of the proposal shall not be changed without prior approval of Central Government.
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- 7.15 Sufficient firewood, preferably the alternate fuel, shall be provided by the User 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.
- 7.16 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.
- 7.17 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 7.18 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.
- 7.19 It shall be mandatory to provide underpass for safe crossing of wild animals
- (a) The underpass shall have a minimum size of width 4.00 mt and Height 3.00 mt.
  - (b) Wherever natural cross drainage works are in existence, then no need to construct new underpass subject to existing structure nearly complying above mentioned dimensions, as suggested in (a) above.
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- 7.20 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 7.21 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.



- 7.22 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 Guidelines F.No.11-42/2017-FC, dated 29/01/2018.
- 7.23 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.
- 7.24 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

8.00 It is therefore, requested that Government of India may kindly be moved for approving the Proposal for diversion of 5.34 ha. forest land in Nanded District for Rehabilitation and Upgradation 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 under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies

  
(Sanjeev Gaur)  
Addl. Principal Chief Conservator of Forests  
& Nodal Officer

Copy to the Chief Conservator of Forest (T), Aurangabad for information.  
Deputy Conservator of Forests, Nanded Division, Nanded  
Copy to the Executive Engineer, National Highway Division, Nanded for information.