



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

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F. No. FC-II/MH-73/2017-NGP/2847.

Dated: 6th November, 2017

To

The Secretary (Forests),
Revenue & Forest Department,
Govt. of Maharashtra,
Mantralaya, Mumbai-400032.

Sub: Diversion of 19.532 ha Zudpi Jungle and Reserved Forest land in favour of National Highway Authority of India, PIU-Yavatmal for Rehabilitation and Upgradation of existing two lane to four lane configuration of Butibori to Wardha Section of NH-361 in Wardha and Nagpur Districts in the State of Maharashtra –regarding.

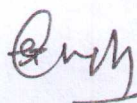
Sir,

I am directed to refer to the State Government of Maharashtra's letter no. FLD-3317/CR-366/F-10 dated 10.10.2017 on the above subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980 and the Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra's letter dated no. Desk-17/NC/ID-12492/1824/17-18 dated 30.10.2017 forwarding additional information as sought by this Office vide its letters of even number dated 12.10.2017 and to say that the said proposal has been examined and approved by the Regional Empowered Committee constituted under Section - 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords 'in-principle' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 19.532 ha Zudpi Jungle and Reserved Forest land in favour of National Highway Authority of India, PIU-Yavatmal for Rehabilitation and Upgradation of existing two lane to four lane configuration of Butibori to Wardha Section of NH-361 in Wardha and Nagpur Districts in the State of Maharashtra subject to the fulfilment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Compensatory afforestation over the degraded forest land, twice in extent to the forest land being diverted, shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- iii. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- iv. The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;
- v. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- vi. All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA through e-challan in the Savings Bank Account pertaining to the State concerned;
- vii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;


- viii. 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;
- ix. The user agency shall arrange to raise strip plantation on either side of the road and central verge at project cost, as per IRC specification, with maintenance of 7-10 years.
- x. Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
- xi. The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed.
- xii. Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
- xiii. The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.
- xiv. The User Agency, if required, 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;
- xv. The user agency shall not collect any toll from the vehicles carrying forest officers on duty, while passing in forest stretches;
- xvi. The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.
- xvii. No labour camp shall be established on the forest land;
- xviii. 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;
- xix. The forest land shall not be used for any purpose other than that specified in the proposal;
- xx. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- 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. Location of underpasses and other crossing points for the wildlife at Kelazar and Shavingi villages shall be fixed in consultation with the PCCF (Wildlife), Maharashtra and if required location of the same shall be shifted as per the suggestion of PCCF (Wildlife). Location detail along with their geo-graphical coordinates shall be submitted to the Regional Office along with the compliance report;
- xxiv. As the proposed area in Wardha Division is at 150 Mtr distance from the boundary of the notified Bor Tiger Reserve, the User Agency shall meet the cost for implementation of Conservation Plan approved by the Principle Chief Conservator of Forests (Wildlife) & CWLW, if required in future. A copy of the same shall be submitted to the Regional Office along with the compliance report.
- xxv. The user agency shall assist the State Government in conservation and preservation of the flora and fauna of the area in accordance with a plan to be prepared in consultation with the PCCF (Wildlife) & Chief Wildlife Warden of the State;
- xxvi. Space at the cost of Project Authority should be provided in form of Booths/kiosk/ Hall at roads indicated by Forest Department products to facilitate setting up of Forest Check Nakas or Jan-Van-Dhan Stall/ Information Centers by the Forest Department;
- xxvii. Vacant spaces in Toll Plaza premises to be suitably painted with wildlife and forestry theme at the cost of NHAI.



- xxviii. Signage at the cost of the User Agency should be displayed restricting the speed limit to 50 km/hour or as approved by the Chief Wildlife Warden while passing from the areas located in the proximity of the PAs.
- xxix. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xxx. 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;
- xxxi. Complete compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 shall be submitted in accordance with the provisions of the MoEF&CC's Guidelines dated 5.07.2013 and documentary evidences in support of settlement of rights as stipulated in clause (a) of the Form-I annexed to the MoEF&CC's advisory dated 5.07.2013 viz. copies of records of meetings and consultations with the Forest Rights Committee(s), Gram Sabha(s), Sub-Divisional Level Committee shall be submitted before Stage-II approval. Same shall be ensure by the State Government before grant of working permission and complete compliance shall be submitted along with the compliance report of the Stage-I approval.
- xxxii. The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State;
- xxxiii. The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year;
- xxxiv. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- xxxv. The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project; and
- xxxvi. Grant of working permission to the extant proposal may be considered by the State Government in accordance with the provisions as contained in the MoEF&CC's Guidelines dated 28.08.2015. Working permission, if considered by the State Government in accordance with the MoEF&CC's Guidelines dated 28.08.2015, should be accorded only after ensuring complete compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

After receipt of a satisfactory compliance report from the State Government in respect of conditions no. (iii), (iv), (vi), (xiv), (xxiii), (xxiv), (xxxi), and undertakings in respect of all other conditions, duly authenticated by the competent authority in the State Government, the proposal will be considered for grant of Stage-II approval under the Forest (Conservation) Act, 1980.

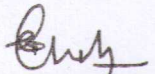
Yours faithfully,



(Charan Jeet Singh)
Scientist 'C'

Copy to:

1. The PCCF, Government of Maharashtra, Nagpur.
2. The Nodal Officer FCA), O/o of the PCCF, Government of Maharashtra, Nagpur.
3. The Director, ROHQ, MoEF&CC, Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi
4. User Agency.
5. Guard File.



(Charan Jeet Singh)
Scientist 'C'

