

PART -IV

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.:- Project Director, National Highway Authority of India, PIU, S No 134/1, Plot No 11 BAIF Bhavan Campus, Dr. Manibhai Desai Nagar, Wajre, Pune submitted the proposal for construction of new six lane tunnel in Khambatki ghat including approaches from Ex. km 771.730 (Design Km 771.730) to Ex. Km 782.000 (Design km 778.190) in Pune Satara section of NH-4 in the state of Maharashtra, for which 7.26 ha. Reserved forest land required under Section - 2 of the Forest (Conservation) Act, 1980 has been proposed by User Agency. The details of the forest land proposed for diversion is as under :-

Village	Taluka	Dist.	Sur.No./ Compt. No	Area in Sq mtr	Area in Ha	Legal Status.
Vele	Wai	Satara	473	50100	5.01	Reserved Forest
Wanyachiwadi	Khandala		1010	22500	2.25	
	Total Area				7.26	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 11A.

Date : 27 /08/2018
Place : Nagpur


(G Sai Prakash)
Additional Principal Chief Conservator of Forests
& Nodal Officer, Maharashtra State, Nagpur


24/8/18

**Construction of new six lane tunnel in Khambatki ghat including approaches from
Ex km. 771.730 (Design Km 771.730) to Ex Km. 782.000 (Design km 778.190) in
Pune Satara section of NH-4.**

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

The proposal is for diversion 7.26 ha of Reserved Forest for construction of new six lane tunnel in Khambatki ghat including approaches from Ex. km 771.730 (Design Km 771.730) to Ex. Km 782.000 (Design km 778.190) in Pune Satara section of NH-4 in the state of Maharashtra. Total non forest area involved in the project is 46.023 Ha. The details of forest land proposed for diversion is as under:-

Village	Taluka	Dist.	Sur.No./ Compt. No	Area in Sq mtr	Area in Ha	Legal Status.
Vele	Wai	Satara	473	50100	5.01	Reserved Forest
Wanyachiwadi	Khandala		1010	22500	2.25	
Total Area				7.26		

8/8

The Project has been initiated by Project Director, National Highway Authority of India, PIU, S No 134/1, Plot No 11 BAIF Bhavan Campus, Dr. Manibhai Desai Nagar, Wajre, Pune for construction of new six lane tunnel in Khambatki ghat including approaches from Ex km 771.730 (Design Km 771.730) to Ex Km 782.000 (Design km 778.190) in Pune Satara section of NH-4 in the state of Maharashtra.

The existing NH-4 from Pune Satara already widened to 6 lane Highway to meet traffic demand, except existing two lane tunnel in Khambatki ghat. This existing two lane tunnel is going to become a bottleneck in near future as the traffic on the Highway is about 46000 PCU, widening of existing two lane tunnel is not feasible. Further, the improvements proposed as part of six laning for the RHS carriageway is not completely eliminating all the geometric deficiencies in the alignment, as it is following the existing ghat road. Also it is not possible to improve the right carriageway to desired geotric standards of existing ghat.

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Considering these difficulties for improvement of existing alignment of Left and Right carriageway, NHAI desired to construct separate 6 lane tunnel with improved geometry on West side of the existing 6 lane on Satara side at Ex. 771.730 (design Km 771.730) and on Pune side at Ex. Km 782.000(design Km 778.190). There is no suitable alternate land is possible other than locating the 6 lane tunnel in the village Vele of Taluka Wai and village Wanyachiwadi of Taluka Khandala in Statra district of Maharashtra. The project has been administratively approved by Government of India, Ministry of Road Transport & Highways, New Delhi vide letter No RW/NH-37011/46/2017-PPP dated 09/11/2017.

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Therefore project authority has submitted the proposal for diversion of 7.26 ha Reserved forest land under section 2 of the Forest (Conservation) Act, 1980 for

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- 11) The Deputy Conservator of Forests, Satara has certified that the non forest land involved in the project is not virtue of application of section 35 of Private Forest Act, 1975 and is not recognized as deemed Reserved Forest as well as not included in the area identified as "Forest" as per the dictionary meaning of Forests as intimated to the expert Committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996. P150
- 12) The project authority has fulfilled the compliance of FRA- 2006.(Collector, Satara certificate dated 11/06/2018). P167-96
- 13) The user agency has submitted an undertaking to bear the cost of trees felling from the proposed forest land. P157
- 14) The user agency has submitted an undertaking to defray the cost of Net Present Value of the forest land proposed for diversion. P154
- 15) The user agency has submitted an undertaking to agree to defray the cost of Compensatory Afforestation as determined by the Forest Department. P123
- 16) The project agrees to provide octroi free services to forest department vehicles and provide check Naka at Octroi booth on highway. P156
- 17) The user agency has submitted the cost benefit analysis report. P1160
- 18) The user agency has submitted that the Environmental Clearance is not required as project highway is less than 100 kms. P163
- 19) Deputy Conservator of Forests, Satara has recommended the proposal for sanction. P157
- 20) Chief Conservator of Forests, (T) Kolhapur has recommended the proposal for diversion. P110


In view of this, the proposal is recommended for approval under section 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions :-


- i) The legal status of the land required will remain unchanged and area will remain in charge of the Forest Department.
- ii) Compensatory Afforestation will be raised on 15.00 ha at the cost of the project authority on double of degraded forest land at (1) 5.00 ha at Village Pandewadi, Tal-Wai, Distt -Satara, Compartment No 19 pt, (2) 10.00 ha. at Village Tondal, Tal-Khandala, Distt Satara, forest Gut No 123,124. As per GOI guidelines dated 08/11/2017 at least 1000 plants per ha. to be planted on degraded forest land identified for compensatory afforestation.
- iii) The project authority will defray the cost of Net Present Value of 7.26 Ha. of forest land as per the latest guideline of Government of India.
- iv) The project authority will defray the additional / revised cost of Net Present Value of forest land as per the latest guideline of Government of India.
- v) The forest land shall not be used for any purpose other than specified in the project.
- vi) The project authority will defray the cost of removal of 129 trees in the


- xvii) All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the user agency.
- xviii) All necessary approvals required for the project as per prevailing laws of the land would be obtained by the user agency before statutory sanction.


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


23/8/18


23/8/18


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23/03/2018



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9001:2015

Office of the Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State

Additional Principal Chief Conservator of Forests and Nodal Officer,
Maharashtra State, Nagpur

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Sub.:- Diversion of 7.26 ha. Reserved Forest for construction of new six lane tunnel in Khambatki ghat including approaches from Ex. km 771.730 (Design Km 771.730) to Ex. Km 782.000 (Design km 778.190) in Pune Satara section of NH-4 in the state of Maharashtra..

No. : Desk-17/NC/II/ID 12639/(27)/1088 /2018-19
Nagpur – 440 001, Dated: 27/08/2018

To ,

The Secretary (Forests),
Revenue and Forests Department,
Mantralaya, Mumbai-32

Ref:- CCF (T) Kolhapur letter No Desk-6/Nocell/Satara/18-19/519 dated 02/08/2018.

The proposal is for diversion 7.26 ha of Reserved Forest land for construction of new six lane tunnel in Khambatki ghat including approaches from Ex. km 771.730 (Design Km 771.730) to Ex. Km 782.000 (Design km 778.190) in Pune Satara section of NH-4 in the state of Maharashtra. Total non forest area involved in the project is 46.023 Ha. The details of forest land proposed for diversion is as under :-

Village	Taluka	Dist.	Sur.No./ Compt. No	Area in Sq mtr	Area in Ha	Legal Status.
Vele	Wai	Satara	473	50100	5.01	Reserved Forest
Wanyachiwadi	Khandala		1010	22500	2.25	
	Total Area				7.26	

The Project has been initiated by Project Director, National Highway Authority of India, PIU, S No 134/1, Plot No 11 BAIF Bhavan Campus, Dr. Manibhai Desai Nagar, Wajre, Pune for construction of new six lane tunnel in Khambatki ghat including approaches from Ex km 771.730 (Design Km 771.730) to Ex Km 782.000 (Design km 778.190) in Pune Satara section of NH-4 in the state of Maharashtra.

The existing NH-4 from Pune Satara already widened to 6 lane Highway to meet traffic demand, except existing two lane tunnel in Khambatki ghat. This existing two lane

tunnel is going to become a bottleneck in near future as the traffic on the Highway is about 46000 PCU, widening of existing two lane tunnel is not feasible. Further, the improvements proposed as part of six laning for the RHS carriageway is not completely eliminating all the geometric deficiencies in the alignment, as it is following the existing ghat road. Also it is not possible to improve the right carriageway to desired geotric standards of existing ghat.

Considering these difficulties for improvement of existing alignment of Left and Right carriageway, NHAI desired to construct separate 6 lane tunnel with improved geometry on West side of the existing 6 lane on Satara side at Ex. 771.730 (design Km 771.730) and on Pune side at Ex. Km 782.000 (design Km 778.190). There is no suitable alternate land is possible other than locating the 6 lane tunnel in the village Vele of Taluka Wai and village Wanyachiwadi of Taluka Khandala in Statra district of Maharashtra. The project has been administratively approved by Government of India, Ministry of Road Transport & Highways, New Delhi vide letter No RW/NH-37011/46/2017-PPP dated 09/11/2017.

Therefore project authority has submitted the proposal for diversion of 7.26 ha Reserved forest land under section 2 of the Forest (Conservation) Act, 1980 for construction of new six lane tunnel in Khambatki ghat including approaches from Ex km 771.730 (Design Km 771.730) to Ex Km 782.000 (Design km 778.190) in Pune-Satara section of NH-4 in the state of Maharashtra.

The proposal has been submitted by CCF (T), Kolhapur vide letter Desk-6/Nocell/Satara/18-19/519 dated 02/08/2018 along with following documents as prescribed in Government Circular, Revenue and Forest Department No.FLD-1081/2041/(A)/F-3, dated 20/03/1982 as well as per Government of India's instructions issued from time to time.

- 1) Deputy Conservator of Forests, Satara has certified that all other alternate for the purpose have been explored and the demand for the project is the barest minimum demand.
- 2) Deputy Conservator of Forests, Satara has certified that three alternatives have been examined in detailed and come to a conclusion that the proposed alternative is most suitable from forestry point of view.
- 3) Deputy Conservator of Forests, Satara has certified that there is no violation of Forest Conservation Act 1980 & its guidelines.
- 4) Deputy Conservator of Forests, Satara has submitted the Site Inspection Report dated 28/11/2017 on Page No 15 to 17.
- 5) The Deputy Conservator of Forests, Satara has certified that the proposed project area belongs to Eco value class III and has the density above 0.4.
- 6) Deputy Conservator of Forests, Satara has certified that the proposed project is not included in the area of any National Park/Wildlife Sanctuary.
- 7) The Deputy Conservator of Forest, Satara has certified that the proposed project is beyond 10 km of the boundaries of the protected area.
- 8) Deputy Conservator of Forests, Satara has proposed 15.00 ha degraded forest land :- 1) 5.00 ha of Compartment No 19 pt at Village Pandewadi, Tal-Wai, Distt - Satara, 2) 10.00 ha. of forest Gut No 123,124 at Village Tondal, Tal-Khandala, Distt Satara for compensatory afforestation and certified that it is contiguous, suitable for afforestation and management purpose and also it is free from encroachment and an encumbrances.

- 9) Deputy Conservator of Forests , Satara has certified that the proposed project is not likely to affect any monumental site or site of historical, archeological importance.
- 10) Deputy Conservator of Forests, Satara has certified that there are 129 trees of various species and girth class standing in the area proposed for diversion. Girth wise break up of standing trees is as under :-

Division Name	Tree Girth in Cm						Total
	15 to 30	31 to 45	46 to 60	61 to 75	76 to 90	Above 91	
Satara	66	42	17	03	01	00	129

- 11) The Deputy Conservator of Forests , Satara has certified that the non forest land involved in the project is not virtue of application of section 35 of Private Forest Act, 1975 and is not recognized as deemed Reserved Forest as well as not included in the area identified as "Forest" as per the dictionary meaning of Forests as intimated to the expert Committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.
- 12) The project authority has fulfilled the compliance of FRA- 2006.(Collector , Satara certificate dated 11/06/2018).
- 13) The user agency has submitted an undertaking to bear the cost of trees felling from the proposed forest land.
- 14) The user agency has submitted an undertaking to defray the cost of Net Present Value of the forest land proposed for diversion.
- 15) The user agency has submitted an undertaking to agree to defray the cost of Compensatory Afforestation as determined by the Forest Department.
- 16) The project agrees to provide octroi free services to forest department vehicles and provide check Naka at Octroi booth on highway.
- 17) The user agency has submitted the cost benefit analysis report.
- 18) The user agency has submitted that the Environmental Clearance is not required as project highway is less than 100 kms.
- 19) Deputy Conservator of Forests, Satara has recommended the proposal for sanction.
- 20) Chief Conservator of Forests, (T) Kolhapur has recommended the proposal for diversion.

In view of this, the proposal is recommended for approval under section 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions :-

- The legal status of the land required will remain unchanged and area will remain in charge of the Forest Department.
- Compensatory Afforestation will be raised on 15.00 ha at the cost of the

project authority on double of degraded forest land at (1) 5.00 ha at Village Pandewadi, Tal-Wai , Distt -Satara ,Compartment No 19 pt, (2) 10.00 ha. at Village Tondal, Tal-Khandala , Distt Satara , forest Gut No 123,124 . As per GOI guidelines dated 08/11/2017 at least 1000 plants per ha. to be planted on degraded forest land identified for compensatory afforestation.

- iii) The project authority will defray the cost of Net Present Value of 7.26 Ha. of forest land as per the latest guideline of Government of India.
- iv) The project authority will defray the additional / revised cost of Net Present Value of forest land as per the latest guideline of Government of India.
- v) The forest land shall not be used for any purpose other than specified in the project.
- vi) The project authority will defray the cost of removal of 129 trees in the forest area which are falling in the area under diversion. However, only the required and minimum number of trees will be felled. In situations where felling of trees is avoidable and such trees could be transplanted, all efforts to transplant such trees at a pre designated site will be taken and additional expenditure, if any, in such cases shall be at the cost of the user agency.
- vii) The user agency in consultation with the State Government shall create and maintain an alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nest 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.
- viii) The user agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
- ix) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- x) Space at the cost of project authority should be provided in form of Booths/Kiosk/ Hall etc, at nodes indicated by Forest Department to facilitate setting up of Forest Check Nakas or Jan-Van-Dhan Stall/ Information Centers by the Forest Department.
- xi) No taxes / toll will be levied on the vehicles of Forest Department plying on the road/tunnel. In this regard, it is to mention that suitable insertion/ amendment of the National Highway Fee (Determination of Rates and Collection), Rules 2010 dated 3.12.2010 wherein details of vehicles to be exempted from the toll tax having officials from the Forest Department have to be included in the array of exempted vehicles for this section of road. Henceforth, the vehicles of Government Department on the official duty shall be included in the list of array of exempted vehicles by National Highway, Authority of India.
- xii) 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 toward and back bearing and distance from pillar to pillar.

- xiii) The user agency will obtain Environmental clearance, if required, for this project.
- xiv) Afforestation to be done as per the norms of construction of roads along the road on either side or / and in the median shall be allocated for completion maintenance by Forest Department / F.D.C.M. Ltd on a project basis.
- xv) The tunnel will be laid well below as per norms the ground level all along its length through forest.
- xvi) Large number of animals (Barking deer, Black buck, Wild boar, etc) are either injured or killed by speedy vehicles on the Highway, so to protect and sustain this bio-diversity, an animal rescue center is being proposed at the cost of project authority.
- xvii) All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the user agency.
- xviii) All necessary approvals required for the project as per prevailing laws of the land would be obtained by the user agency before statutory sanction.

It is therefore requested that the Government of Maharashtra may kindly be moved to approve diversion of 7.26 ha. Reserved Forest for construction of new six lane tunnel in Khambatki ghat including approaches from Ex. km 771.730 (Design Km 771.730) to Ex. Km 782.000 (Design km 778.190) in Pune Satara section of NH-4 in the state of Maharashtra in favour of Project Director, National Highway Authority of India, PIU, S No 134/1, Plot No 11 BAIF Bhavan Campus, Dr. Manibhai Desai Nagar, Wajre, Pune under section (ii) of the Forest (Conservation) Act, 1980.

Encls : As above

(G Sai Prakash)

Additional Principal Chief Conservator of Forests
& Nodal Officer, Maharashtra State, Nagpur

Copy to Chief Conservator of Forests (T), Kolhapur.

Copy to Deputy Conservator of Forests, Satara.

Copy to Project Director, National Highway Authority of India, PIU, S No 134/1, Plot No 11 BAIF Bhavan Campus, Dr. Manibhai Desai Nagar, Wajre, Pune.