



सत्यमेव जयते

भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(पोत परिवहन, सड़क परिवहन एवं राजमार्ग मंत्रालय)

National Highways Authority of India

(MINISTRY OF SHIPPING, ROAD TRANSPORT & HIGHWAYS)

कार्यालय-परियोजना निदेशक, परियोजना क्रियान्वयन इकाई-गोरखपुर

देव खिला, सं० 3/40 बहार क्लस्टर-3, सहारा स्टेट, देवरिया बाईपास रोड, गोरखपुर-273010 (उ०प्र०)

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11033/PIU-GKP/2022-23/Ring-Road/

Dated: 04/10/2022

To,

Divisional Forest officer,
Gorakhpur

Sub:- Construction of 4 lane from Jangal Kaudia to Jagdishpur between Km 0.000 to Km 26.100 of Gorakhpur North East Bypass i.e. Gorakhpur ring road in Gorakhpur District in the state of Uttar Pradesh-[Forest Proposal No. FP/UP/ROAD/148672/2021]- Regarding Clarification on the CA Land.

Ref: Your office letter no. 1465 dated 01.10.2022.

Sir,

This has reference to the aforementioned letter regarding undertaking for Non- Forest Land In lieu of Reserved Forest land to be diverted under the captioned project. In this regard, it is submitted that MoEF&CC vide its Handbook of guidelines dated 28th March 2019 #page 47 has mentioned that:

2.5 Special provisions for CA for certain categories of projects:

- CA shall be raised and maintained at the cost of the user agency on degraded forest land twice in extent of the forest area diverted in the cases of:
- The projects implemented by the Central Government/PSUS, excluding Central Govt./Central PSUS Projects implemented by/through State Government and State Sector Projects implemented by the Central Government/PSUS

As "National Highways Authority of India (NHAI)" is a Central Government agency therefore the special provision of MoEF&CC is applicable for this project. A copy of the abstract of the above mentioned guidelines is enclosed for your ready reference. We have already provided an undertaking for submitting the cost for raising and maintaining the CA on degraded forest land twice in extent of the forest area under project. Therefore, you are requested to clear the above EDS and consider the above clause for grant of Forest Clearance at the earliest.

Encls:- As above.

(Signature)
(Bhavesh Agrawal)

DGM(T)/Project Director

#Abstract of Handbook

(viii) In case of bifurcation of States, during processing of proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980, if the land identified for creation of CA is within the undivided State, and the forest land proposed to be diverted does not fall in the same newly created State, proposals shall continue to be processed without insisting on identification of non-forest land for creation of compensatory afforestation in the State in which the forest land proposed to be diverted is located. In such cases, if Central Government agrees In-principle for diversion of forest land for non-forest purpose, it shall be subject to a condition that amounts realized from the user agency for creation and maintenance of compensatory afforestation shall be transferred from the State with which the money has been deposited to the State in which the land identified for creation of compensatory afforestation is located. In case for some valid and cogent reason, cost of creation and maintenance of compensatory afforestation needs to be revised, additional amount, if any, will be realized from the concerned user agency and transferred to the State where CA is proposed. All other levies realized from the user agency in lieu of diversion of such forest land will however be retained in the State in which the forest land proposed to be diverted is located.

(ix) Non-forest land, not coming under the purview of FC Act, 1980 reclaimed by any user agency by planting native species of a minimum of 1000 trees per hectare and of minimum 10 cm diameter at breast height can be considered as CA in lieu of forest land to be diverted, without levying planting cost. The ownership of the non-forest land identified for the purpose of CA is to be transferred and mutated in favour of the State/UT Forest Department and declared as RF/PF under the Indian Forest Act, 1927 or State Forest Act / Rules / Regulations, before the Stage II approval.

2.5 Special provisions for CA for certain categories of projects:

(i) CA shall be raised and maintained at the cost of the user agency on degraded forest land twice in extent of the forest area diverted in the cases of:

- a. Laying of transmission lines;
- b. Laying of telephone/optical fibre lines;
- c. Mulberry plantation undertaken for silkworm rearing,
- d. Diversion of linear or 'strip' plantations declared as protected forest along road/rail/canal sides for widening or expansion of road/rail/canal,
- e. Extraction of minor materials from the river beds,
- f. The projects implemented by the Central Government/PSUs, excluding Central Govt./Central PSUs Projects implemented by/through State Government and State Sector Projects implemented by the Central Government/PSUs
- g. Construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the area in hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 20 hectares.