

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, S No 10/2, Plot No 11 Mansaram Nagar, Near Circuit House, Dhule has submitted the proposal for development and operation of four/six laning of Bodhare (Km. 390.000) to Dhule (Km. 452.800) of NH 211 (New Nh No 52). at Village-Borvahir & Narvhal in Dhule District of Maharashtra for which 7.65 ha. forest land under Section – 2(ii) of the Forest (Conservation) Act, 1980 has been proposed by User Agency. The details of the forest land proposed for diversion is as under :-

Item of Work	Name of Village, Tal and District	Survey No/Gut No	Length x Width	Area in Sq Mtr	Area in Ha.	Total area in ha.	Legal Status
4 laning of Bodhre to Dhule section of NH- 211	Vill- Borvahir Tal-Dhule Distt-Dhule	196	685 x 8.03	5500	0.55 (LHS)	2.06	Reserved Forest
		196	680 x 22.21	15100	1.51(RHS)		
	Vill- Narvhal Tal-Dhule Distt-Dhule	172	1740 x 18.988	33040	3.304(LHS)	5.59	
		172	3370 x 6.783	22860	2.286(RHS)		
		Distt-Dhule					
Total						7.65	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no – 21A

Date : 20 / 11 / 2018
Place : Nagpur


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



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

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Sub.:- Diversion of 7.65 ha forest land under Section - 2 of the Forest (Conservation) Act, 1980 for development and operation of four/six laning of Bodhare (Km 390.000) to Dhule (Km 452.800) section of NH-211 (New NH No 52) at Village-Borvihar & Narvhal in Dhule District of Maharashtra State.

No. : Desk-17/NC/II/ID 12655/(30)/ 1651 /2018-19
Nagpur – 440 001, Dated: 22/11/2018

To,

The Secretary (Forests),
Revenue and Forests Department,
Mantralaya, Mumbai.

26 | **Ref:-** CCF (T), Dhule letter No. Desk-5/Nodal/CR /99/2018-19 dated 08/10/2018 and letter No 116 dated 03/11/2018.

The proposal has been initiated by Project Director, National Highway Authority of India, S No 10/2, Plot No 11 Mansaram Nagar, Near Circuit House, Dhule for development and operation of four/six laning of Bodhare (Km. 390.000) to Dhule (Km. 452.800) of NH 211 (New Nh No 52). at Village-Borvihar & Narvhal in Dhule District of Maharashtra State. Total non forest area involved in the project is 203.748 Ha. The details of forest land proposed for diversion is as under :-

Item of Work	Name of Village, Tal and District	Survey No/Gut No	Length x Width	Area in Sq Mtr	Area in Ha.	Total area in ha.	Legal Status
4 laning of Bodhre to Dhule section of NH- 211	Vill- Borvahir Tal-Dhule Distt-Dhule	196	685 x 8.03	5500	0.55 (LHS)	2.06	Reserved Forest
		196	680 x 22.21	15100	1.51(RHS)		
	Vill- Narvhal Tal-Dhule Distt-Dhule	172	1740 x 18.988	33040	3.304(LHS)	5.59	
		172	3370 x 6.783	22860	2.286(RHS)		
	Total						

The National Highway Authority of India (NHAI) has been entrusted for development, maintenance and management of the highways by the Govt of India under NHDP Phase-III programme. The Govt of India has decided to convert some existing two lane highways into four lane highways. These projects are to be executed on DBFOT pattern. The proposed work is up-gradation of existing 2 lane highway to 4 lane highway of Bodhure to Dhule (Km-390.000 to 452.800) section of NH 211.

The project road section comprises 7.5 mtr wide carriageway and shoulder width varies from 1.0 m to 2.0 m on either side. Mostly the project road has a two lane carriageway apart from some urban/semi urban stretches where the carriageway has been widened to four lane (divided and undivided). The right of way (RoW) of the project road is 60 M all along the project road.

There will be 4 major bridges, 31 minor bridges, 3 vehicular underpasses and 3 pedestrian underpasses will be provided in up-gradation of existing two lane highways to four lane highways from Bodhare (Km. 390.000) to Dhule (Km 452.800) section of NH-211. There will be 2 ROBs on the proposed up-gradation of the project road.

Because of the project, over all road safety situation will be improved and there will be decrease in road traffic accidents immediately after implementation of the project. Summarily, up gradation of the project road will have following benefits.

- a) To accelerate regional economic development in terms of industry, tourism and agriculture.
- b) To reduce vehicle operating and maintenance costs by improving road conditions.
- c) To reduce travel time by minimizing congestion in urban stretches and providing a four lane facility over there.
- d) To minimize road accidents by increasing road widths, improving intersections and road geometry.
- e) The project may also generate local employment opportunities through the construction activities and local business.
- f) Abatement of ambient air and noise pollution in comparison to a do nothing situation.

The proposal has been submitted by CCF (T), Dhule vide letter Desk-5/Nodal/C No/99//2017-18 dated 08/10/2018 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) The District Collector, Dhule has certified that the no alternate suitable non forest land is available for project.
- 2) The District Collector, Dhule has certified that all other alternatives for the purpose have been explored and the demand for the required forest land is the barest minimum demand.

- 3) Deputy Conservator of Forests , Dhule has certified that all other alternatives for the purpose have been explored and demand for the 7.65 ha forest land is the barest minimum demand. ✓
- 4) Deputy Conservator of Forests , Dhule has certified that there is no violation of the Forest Conservation Act ,1980 & its guidelines. ✓
- 5) Deputy Conservator of Forests ,Dhule proposed 15.30 ha degraded forest land at Compartment No 327 at Village Bendrepada, Tal & Distt Dhule for compensatory afforestation and certified that the land is suitable for afforestation and management purpose and is free from all sorts of encumbrances and encroachments. ✓
- 6) Deputy Conservator of Forests , Dhule has certified that the proposed project is not included in the area of any National Park/Wildlife Sanctuary or nature reserve. ✓
- 7) The Deputy Conservator of Forest, Dhule has certified that the proposed project is beyond 10 km of the boundaries of the protected area (National Park, Wildlife Sanctuary). ✓
- 8) Deputy Conservator of Forests , Dhule certified that the proposed project is not likely to affect any monument site of cultural, historical, religions, archeological or recreational importance . ✓
- 9) Deputy Conservator of Forests , Dhule has certified that the proposed project area belongs to Eco value class III and open forest. ✓
- 10) Site Inspection Report of Deputy Conservator of Forests, Dhule dated 17/08/2018 is on Page No 86-87. ✓
- 11) Deputy Conservator of Forests , Dhule certified that there are 1518 trees are involved in implementation of the project. The Girth wise break up is as under:-

Girth class size in cms										
0/30 cm	31/45 cm	46/60 cm	61/75 cm	76/90 cm	91/ 105 cm	106- 120	121- 135	136- 150	Above 151	Total
85	613	390	197	105	52	48	15	06	07	1518 ✓

- 12) The Deputy Conservator of Forest, Dhule has certified that the three alternative have been examined and proposed route bears the minimum forest area . ✓
- 13) The Deputy Conservator of Forests , Dhule certified that the non forest land involved in the project does not fall under provision of section 35 of Indian Forest Act 1927 by virtue to application of provision under Private Forest (Acquisition) Act 1975 and are 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. ✓
- 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 project authority has fulfilled the compliance of FRA- 2006 vide District Collector, Dhule certificate dated 27/07/2018. ✓
- 16) The user agency has submitted the undertaking to defray the cost of compensatory afforestation as determined by the Forest Department. ✓
- 17) The user agency has submitted an undertaking to bear the cost of trees felling from the proposed forest land. ✓
- 18) Deputy Conservator of Forests, Dhule has recommended the proposal for sanction on following condition.
"Project proponent be directed to provide one self contained office of two rooms and a toilet block at chainage location about 443.200 i.e. in the existing alignment area which would remain outside of the proposed alignment due to straightening of the existing alignment. This facility would be very useful for the forest officials in protection of forest patches of both the sides of road and nearby nurseries as well." ✓
- 19) Chief Conservator of Forests, (T), Dhule has recommended the proposal for sanctioned. ✓

Deputy Conservator of forests , Dhule has recommended the proposal under following condition :-

"Project proponent be directed to provide one self contained office of two rooms and a toilet block at chainage location about 443.200 i.e. in the existing alignment area which would remain outside of the proposed alignment due to straightening of the existing alignment. This facility would be very useful for the forest officials in protection of forest patches of both the sides of road and nearby nurseries as well." ✓

GOI, vide guidelines dated 04/10/2014 intimated that, not to recommend conditions which are beyond the control of the user agency. Hence it is felt that the condition recommended by Deputy Conservator of Forests, Dhule is not as per GOI guidelines, hence not recommended. ✓

In view of this, the proposal is recommended for approval under section 2 (ii) of the 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) The forest land shall not be used for any purpose other than specified in the proposal; ✓
- iii) Compensatory Afforestation will be raised on 15.30 ha at the cost of the project authority on degraded forest land at Compartment No 327 at Village Bendrepada, Tal & Distt Dhule. . 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. ✓
- iv) The project authority will defray the cost of Net Present Value of 7.65 Ha. of forest land as per the latest guideline of Government of India. ✓
- v) 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.

- vi) The project authority will defray the cost of removal of 1518 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 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.
- ix) The user agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
- x) The user agency will obtain Environmental clearance, if required, for this project.
- xi) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- xii) 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.
- xiii) 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.
- 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) Construction of temporary dwelling / hutments etc. for labours will not be allowed in the forest areas.
- xvi) No damage to the flora and fauna of the adjoining area shall be caused;

- xvii) The boulders/materials generated during the construction of stage shall not Be dumped on any forest area and the same may be disposed off by the user agency as per direction of State Forest Department.
- 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) All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the user agency.
- xx) 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 7.65 ha. Forest Land in favour of Project Director, National Highway Authority of India, S No 10/2, Plot No 11 Mansaram Nagar, Near Circuit House, Dhule for development and operation of four/six laning of Bodhare (Km. 390.000) to Dhule (Km. 452.800) of NH 211 (New Nh No 52). at Village-Borvihir & Narvhal in Dhule District of Maharashtra State under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encls : As above


(G Sai Prakash)

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


20/11/18


20/11/2018

Copy to Chief Conservator of Forests (T) Dhule

Copy to Deputy Conservator of Forests ,Dhule Division

Copy to Project Director, National Highway Authority of India, S No 10/2, Plot No 11 Mansaram Nagar, Near Circuit House, Dhule for information.