

**OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF FOREST
FORCE), MAHARASHTRA STATE, NAGPUR**
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Sub:- Proposal for diversion of 3.36 ha. Forest Land under section-2 of the Forest (Conservation) Act, 1980 for four lanning of Pune-Solapur section of NH-9 in Km 144/400 to Km 249/000 at Village Pakhani, Chikhali, Hivare, Dist. Solapur in the State of Maharashtra (FP/MH/Road/42876/2019)

No.: Desk-17/ FCA-S1/PJD-42876/Pune/1148
Nagpur - 440 001, Dated :- 14/07/2023

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

The Project Director, NHAI PIU Solapur has submitted proposal for diversion of 3.36 ha. Forest Land under section-2 of the Forest (Conservation) Act, 1980 for four lanning of Pune-Solapur section of NH-9 in Km 144/400 to Km 249/000 at Village Pakhani, Chikhali, Hivare, Dist. Solapur in the State of Maharashtra. The details of forest land proposed for diversion is as given below: - (P/123)

Sr. No.	Item work purpose	District	Village	Gut No.	Length & Width	Area (in ha.)	Legal Status
1	Four lanning of Pune-Solapur section of NH-9 in Km 144/400 to Km 249/000 at Village Pakhani, Chikhali, Hivare, Dist. Solapur in the State of Maharashtra	Solapur	Hivare	8	310 x 30	0.93	Identified Forest
				9	260 x 30	0.78	
2			Chikhli	6	107 x 27	0.29	Reserved Forest
3			Pakhni	203	453 x 30	1.36	
			Total Forest Land (in ha.)			3.36	

2.0 The Government of India has mandated the National Highway Authority of India (NHAI) to implement the National Highway Development Project (NHDP). The National Highway (NH-65) connects the State of Maharashtra with Karnataka, Telangana & Andhra Pradesh. This is one of the major corridors from North and West to South and vice versa. This is one of the major high-density traffic corridors in India connecting Northern and Western India with Southern India and is a major and integral part of NHDP. The section from Pune-Solapur-Hyderabad is under development at various stage. With a view to upgrade and rehabilitate the existing highways, where necessary National Highway Authority of India (NHAI) under PIU Solapur has envisaged up-gradation of

existing highway to four land configurations of some sections. The proposed up-gradation consists of Pune-Solapur sections of existing NH-9 from Km 144+400 to Km.249+000 having total length of 104.6 Km in the State of Maharashtra on DBFOT basis under NHDP Phase-III. (P/1)

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) The copy of the Administrative Approval is enclosed herewith on file **page no.69.**

5) The total non forest area involved in the project is 313.845 ha. (P/123)

6) The Cross section map is enclosed herewith on page no.41 to 45.

7) The site inspection report of the Deputy Conservator of Forests, Solapur is enclosed on page **no.10 to 12.**

8) No alternate alignment is possible and the forestland required is barest minimum. (File P/83)

9) The area belongs to Eco-Value Class-III having density is 0.01 (Open Forest). (P/109)

10) There are 190 trees of various species and trees are involved in implementation of the Project. The Girth-wise break up is as under:- (P/110 & P/175)

Tree Girth in Cm.										
0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136-150	150 above	Total
14	99	36	20	10	6	2	1	2	0	190

11) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. (P/107)

12) There is violation of Forest (Conservation) Act, 1980. The detail violation report is enclosed herewith on page no.54 to 57.

13) Proposed project is passing through Great Indian Bustard Wildlife Sanctuary. (P/108) This office vide office note dated 12/12/2022 has sought remarks from CWLW. In this regard the PCCF (WL) Maharashtra State vide office note dated 20/12/2022 has suggested remarks which is shown as under:- (P/94)

"It the proposal mentioned that the proposed project passes through Great Indian Bustard Sanctuary. Hence, as per Wildlife (Protection) Act, 1975 and

the guidelines of MoEF&CC regarding wildlife clearance proposal vide letter dated 21.07.2022, wildlife clearance would be necessary for the proposed project. As per the guidelines of MoEF&CC on linear projects (wildlife clearance) animal passage plan is to be prepared along with the wildlife clearance proposal."

In this regard, the Chief Conservator of Forests (T), vide letter dated 20/06/2023 has submitted compliance regarding above point. In this compliance the User Agency has mentioned that are as under:-

*In this regard, the CCF (T), Pune vide letter dated 17/07/2010 and subsequent Hon'ble Supreme Court order dated 22/07/2011 item on page no.3 & 15, which allows de-notification of 50 Mt. wide land on either side of National Highways from the GIB sanctuary. The copy of the same is enclosed herewith on file **page No.121 to 104**. User Agency also informed that at this stage the animal passage plan is not possible as the said project is ready completed in August-2013. The User Agency has vehicular and pedestrians underpasses to be provided. The copy of the same is enclosed herewith on file **page No.20 to 21***

- 14) Proposed Compensatory Afforestation over 6.72 ha. degraded forest land in Gut No.468 at village-Goradwadi, Taluka-Malshiras, Dist.Solapur is contiguous, suitable for afforestation and management purpose, it is also free from encroachment and encumbrances. **(P/82)**
- 15) 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. **(P/83,84)**
- 16) The User Agency has submitted an undertaking to defray the cost of Net Present Value. **(P/187)**
- 17) The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation. **(P/185)**
- 18) No alternative non-forest land that can be used for the purpose. **(P/112)**
- 19) The copy of the Environmental Clearance vide Government of India letter No.F.No.10-89/2010/IA-III, dated 17/11/2011 is enclosed on **page no.190**.

20) The User Agency has submitted 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 final approval as per Government of India vide letter No.11-43/2013-FC, dt. 3/12/2018. (P/279)

21) The Deputy Conservator of Forests, Solapur has mentioned in his Part-II subject to condition of installation 20 nos. sign boards with information of wildlife area, slow passage for vehicle should be provided. Tall avenue plantation along with the 1130 mtr. Forest diverted highway length should be provided. It will help in reduction of road skills and public awareness about forest and wildlife. (P/6)

22) The Deputy Conservator of Forests, Solapur Forest Division, Solapur and Chief Conservator of Forests (Territorial), Pune have recommended the proposal for diversion of 3.36 ha. of forest land. (P/4 to 7)

2.00 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: –

2.1 The legal status of the forest land required will remain unchanged.

2.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.

2.3 Compensatory Afforestation :-

a) Compensatory afforestation shall be taken up by the Forest Department over 6.72 ha. degraded forest land in Gut No.468 at village-Goradwadi, Taluka-Malshiras, Dist.Solapur 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.

2.4 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.

2.5 NPV:-

a) The State Government shall charge the Net Present Value (NPV) for the 3.36 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.

2.6 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.

2.7 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/>).

2.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector before Stage-II approval.

2.9 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.

2.10 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.

2.11 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.
- (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

2.12 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.

2.13 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.

- 2.14 The layout plan of the proposal shall not be changed without prior approval of Central Government
- 2.15 No labour camp shall be established on the forest land
- 2.16 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.
- 2.17 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.
- 2.18 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 2.19 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.
- 2.20 The forest land shall not be used for any purpose other than that specified in the project proposal
- 2.21 The forest land proposed to be diverted shall under no circumstance be transferred to any other agencies, department or person without prior approval of Government of India.
- 2.22 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.
- 2.23 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.
- 2.24 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

3.00 It is therefore, requested that Government of Maharashtra may kindly recommended the proposal for approving for diversion of 3.36 ha. Forest Land under section-2 of the Forest (Conservation) Act, 1980 for four lanning of Pune-Solapur section of NH-9 in Km 144/400 to Km 249/000 at Village Pakhani, Chikhali, Hivare, Dist. Solapur in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies

(Naresh Zurmure)
Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy to the Chief Conservator of Forest (T), Pune for information.
Copy to the Deputy Conservator of Forests, Solapur Forest Division, Solapur for formation.
Copy to the Project Director, NHAI PIU Solapur for information.

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 3.36 ha. Forest Land under section-2 of the Forest (Conservation) Act, 1980 for four lanning of Pune-Solapur section of NH-9 in Km 144/400 to Km 249/000 at Village Pakhani, Chikhali, Hivare, Dist. Solapur in the State of Maharashtra (FP/MH/Road/42876/2019). The details of land proposed for diversion is as under-

Sr. No.	Item work purpose	District	Village	Gut No.	Length & Width	Area (in ha.)	Legal Status
1	Four lanning of Pune-Solapur section of NH-9 in Km 144/400 to Km 249/000 at Village Pakhani, Chikhali, Hivare, Dist. Solapur in the State of Maharashtra	Solapur	Hivare	8	310 x 30	0.93	Identified
				9	260 x 30	0.78	Forest
2			Chikhli	6	107 x 27	0.29	Reserved Forest
3			Pakhni	203	453 x 30	1.36	
			Total Forest Land (in ha.)			3.36	

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



(Naresh Zurmure)
Additional Principal Chief Conservator of Forests
& Nodal Officer

Date: 14/07/2023
Place: Nagpur

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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.

- 1) The proposal is for diversion of 3.36 ha. Forest Land under section-2 of the Forest (Conservation) Act, 1980 for four lanning of Pune-Solapur section of NH-9 in Km 144/400 to Km 249/000 at Village Pakhani, Chikhali, Hivare, Dist. Solapur in the State of Maharashtra (FP/MH/Road/42876/2019) has been initiated by the Project Director, NHAI PIU Solapur for seeking approval under Forest (Conservation) Act, 1980.
- 2) The Government of India has mandated the National Highway Authority of India (NHAI) to implement the National Highway Development Project (NHDP). The National Highway (NH-65) connects the State of Maharashtra with Karnataka, Telangana & Andhra Pradesh. This is one of the major corridors from North and West to South and vice versa. This is one of the major high-density traffic corridors in India connecting Northern and Western India with Southern India and is a major and integral part of NHDP. The section from Pune-Solapur-Hyderabad is under development at various stage. With a view to upgrade and rehabilitate the existing highways, where necessary National Highway Authority of India (NHAI) under PIU Solapur has envisaged up-gradation of existing highway to four land configurations of some sections. The proposed up-gradation consists of Pune-Solapur sections of existing NH-9 from Km 144+400 to Km.249+000 having total length of 104.6 Km in the State of Maharashtra on DBFOT basis under NHDP Phase-III. (P/1)
- 3) The details of the forest land proposed for diversion are as under:- (P/123)

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- 9) The area belongs to Eco-Value Class-III having density is 0.01 (Open Forest). **(P/109)**
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- 19) The copy of the Environmental Clearance vide Government of India letter No.F.No.10-89/2010/IA-III, dated 17/11/2011 is enclosed on page no.190.
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22) The Deputy Conservator of Forests, Solapur and Chief Conservator of Forests (Territorial), Pune have recommended the proposal for diversion of 3.36 ha. of forest land. (P/4 to 7)

2.00 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: –

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2.4 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.

2.5 NPV:-

a) The State Government shall charge the Net Present Value (NPV) for the 3.36 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.


2.6 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.

- 2.7 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/>).
- 2.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector before Stage-II approval.
- 2.9 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 2.10 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
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 - (a) The underpass shall have a minimum size of width 4.00 mt and Height 3.00 mt.
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 - (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.
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- 2.14 The layout plan of the proposal shall not be changed without prior approval of Central Government
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- 2.17 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.
- 2.18 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.

- 2.19 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.
- 2.20 The forest land shall not be used for any purpose other than that specified in the project proposal
- 2.21 The forest land proposed to be diverted shall under no circumstance be transferred to any other agencies, department or person without prior approval of Government of India.
- 2.22 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.
- 2.23 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.
- 2.24 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

3.0 Keeping in view facts mentioned in above para this proposal for diversion of 3.36 ha. Forest Land under section-2 of the Forest (Conservation) Act, 1980 for four lanning of Pune-Solapur section of NH-9 in Km 144/400 to Km 249/000 at Village Pakhani, Chikhali, Hivare, Dist. Solapur in the State of Maharashtra is recommended for approval under Forest (Conservation) Act, 1980.


(Dr. Y.L.P Rao)
Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur