

Proposal for diversion of 7.332 ha. Forest for Development for improvedmnt and upgradation-2 lane with paved shoulders including strengthening of Nashik Peth Section Km11/600 to Km 65/600 of National Highway 848 in Nashik District in the State of Maharashtra

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.

1.0 Proposal is for diversion of 7.332 ha. Forest for Development for improvedmnt and upgradation-2 lane with paved shoulders including strengthening of Nashik Peth Section Km11/600 to Km 65/600 of National Highway 848 in Nashik District in the State of Maharashtra.

2.0 The details of the forest land proposed for diversion are as under:- *As per area statement (C-91)*

S. N.	Item work purpose	Village	Taluka	Compt No.	Sy. No./ Gat no.	Area (Ha.)	Legal Status
1	Proposal for diversion of 7.332 ha. Forest for Development for improvedmnt and upgradation-2 lane with paved shoulders including strengthening of Nashik Peth Section Km11/600 to Km 65/600 of National Highway 848 in Nashik District in the State of Maharashtra	Golashi	Dindori	68	124/155	4.480	Protected Forest
2		Savalghat	Peth	117	29/22	0.650	Protected Forest
3		Inambari	Peth	-	62	0.040	Private Forest
4		Borvat	Peth		121, 120, 122,123,131	0.915	Private Forest
5		Kotambi	Peth	115	156	0.260	Reserved Forest
6		Kotambi	Peth		159	0.110	Reserved Forest
7		Kotambi	Peth		169	0.440	Protected Forest
8		Kumbhale	Peth		66/221	0.377	Protected Forest
9		Peth	Peth	114	183/126	0.060	Protected Forest
Total Forest Area						7.332	

3.00 The proposal has been initiated by the Executive Engineer, National Highway Division, Nashik for seeking approval under Forest (Conservation) Act, 1980. Total non forest involved in the project is 18.3496 ha. The site inspection report of the Deputy Conservator of Forests, West Nashik, Division is enclosed on page no. 103 to 114.

4.00 The Deputy Conservator of Forests, West Nashik, Division has certified that:-

- 4.1 no suitable alternate land is available and the forest land required is minimum.
- 4.2 the area belongs to Eco-value class-I having density is 0.1 (Dense Forest)
- 4.3 there are 137 trees of various species and trees is involved in implementation of the Project. The Girth wise break up is as under:-

*P/89
P/142
P/87-D*

Tree Girth in Cm.											
0-15 cm	16- 30 cm	31- 45 cm	46- 60 cm	61- 75 cm	76- 90 cm	91- 105 cm	106- 120 cm	121- 135 cm	136- 150cm	150 Above cm	Total
0	0	0	0	0	35	23	25	13	11	30	137

C-67

C/75

4.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.

P/95

4.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.

C/85

4.6 there is no violation of Forest (Conservation) Act 1980.

C/73

4.7 proposed project is more than 10 km from the boundary of the protected area.

C/57

4.8 proposed area is not include in the area of any Eco Sensitive Zone.

C/79

4.9 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.

C/83

4.10 and proposed Compensatory Afforestation over 7.332 ha. non Forest land (Revenue land) in Survey No.70 at Village Umbardhad, Taluka Peith, Dist. Nashik it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.

5.00 **The User Agency has submitted an undertaking that:-**

P/145

5.1 to defray the cost of compensatory afforestation.

P/147

5.2 to defray the cost of Net Present Value of the forest land proposed under diversion.

5.3 **The Collector, Nashik has submitted certificate-**

P/153

the FRA-2006 certificate for 7.332 ha issued by the Collector, Nashik vide letter No Jia/Karya/Vanka Kaksha/3-6-1/907, dt.14/04/2018

P/92

5.4 The collector Nashik allotted Non Forest land for CA

P/50-152

5.5 Copy of the technical & administrative approval accorded by Government of India, Ministry of Road Transport & Highways (Project Zone-6) letter No. NH-12014/1/2015-MAH(P-6), dated 21/10/2015.

P/106-107
142-A

6.00 The Deputy Conservator of Forests, West Nashik, Division and Chief Conservator of Forest (T), Nashik have recommended the proposal for diversion of 7.332 ha. of forest land.

7.00 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: –

- 7.1 The legal status of the forest land required will remain unchanged.
- 7.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.
- 7.3 Compensatory Afforestation :-**
 - a) Compensatory afforestation shall be taken up by the Forest Department over 7.332 ha. non Forest land (Revenue land) in Survey No.70 at Village Umbardhad, Taluka Peith, Dist. Nashik 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.
- 7.4 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.
- 7.5 NPV:-**
 - a) The State Government shall charge the Net Present Value (NPV) for the 7.332 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.
- 7.6 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.
- 7.7 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/>)
- 7.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector before Stage-II approval.
- 7.9 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 7.10 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 7.11 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.

- 7.12 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 7.13 No labour camp shall be established on the forest land.
- 7.14 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.
- 7.15 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.
- 7.16 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 7.17 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 7.18 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
- 7.19 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.
- 7.20 The User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1980.
- 7.21 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.
- 7.22 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

(Dr. N Rambabu)
Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur

S.D. Wadhe 29/11/2021
29/01/2021
29/11/21

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 7.332 ha. Forest for Development for improvedmnt and upgradation-2 lane with paved shoulders including strengthening of Nashik Peth Section Km11/600 to Km 65/600 of National Highway 848 in Nashik District in the State of Maharashtra (FP/MH/Road/12751/2016). The details of land proposed for diversion is as under-

S. N.	Item work purposed	Village	Taluka	Compt No.	Sy. No./ Gat no.	Area (Ha.)	Legal Status
1	Proposal for diversion of 7.332 ha. Forest for Development for improvement and upgradation-2 lane with paved shoulders including strengthening of Nashik Peth Section Km11/600 to Km 65/600 of National Highway 848 in Nashik District in the State of Maharashtra	Golashi	Dindori	68	124/155	4.480	Protected Forest
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9		Peth	Peth	114	183/126	0.060	Protected Forest
Total Forest Area						7.332	


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


(Sanjeev Gaur)

**Additional Principal Chief Conservator of Forests
& Nodal Officer**

Date: 04/02/2021
Place: Nagpur


02/02/2021


21/2/21

115

First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001.

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2.00 The proposal has been initiated by the Executive Engineer, National Highway Division, Nashik for seeking approval under Forest (Conservation) Act, 1980. Total non forest involved in the project is 18.3496 ha. The site inspection report of the Deputy Conservator of Forests, West Nashik, Division is enclosed on page no. 103 to 114.

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,

4.00 The Deputy Conservator of Forests, West Nashik, Division has certified that:-

4.1 no suitable alternate land is available and the forest land required is minimum.

4.2 the area belongs to Eco-value class-I having density is 0.1 (Dense Forest)

4.3 there are 137 trees of various species and trees is involved in implementation of the Project.
The Girth wise break up is as under:-

Tree Girth in Cm.											
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0	0	0	0	0	35	23	25	13	11	30	137

4.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.

4.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.

4.6 there is no violation of Forest (Conservation) Act 1980.

4.7 proposed project is more than 10 km from the boundary of the protected area.

4.8 proposed area is not include in the area of any Eco Sensitive Zone.

4.9 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.

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5.00 **The User Agency has submitted an undertaking that:-**

- 5.1 to defray the cost of compensatory afforestation.
- 5.2 to defray the cost of Net Present Value of the forest land proposed under diversion.

5.3 **The Collector, Nashik has submitted certificate-**

the FRA-2006 certificate for 7.332 ha issued by the Collector, Nashik vide letter No Jia/Karya/Vanka Kaksha/3-6-1/907, dt.14/04/2018

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6.00 The Deputy Conservator of Forests, West Nashik, Division and Chief Conservator of Forest (T), Nashik have recommended the proposal for diversion of 7.332 ha. of forest land.

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7.5 **NPV:-**

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- 7.21 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.
- 7.22 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

8.00 It is therefore, requested that Government of India may kindly be moved for approving the proposal for diversion of 7.332 ha. Forest for Development for improvedmnt and upgradation-2 lane with paved shoulders including strengthening of Nashik Peth Section Km11/600 to Km 65/600 of National Highway 848 in Nashik District in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies

(Sanjeev Gaur)
Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy to the Chief Conservator of Forest (T), Nashik for information.

Copy to the Deputy Conservator of Forests, West Nashik, Division for information.

Copy to the Executive Engineer, National Highway Division, Nashik for information.

S.D. Wadhai
21/2/2021