

New Proposal- National Highway



Office of the Principal Chief Conservator of Forests (Head of Forests Force),
Maharashtra State
Additional Principal Chief Conservator of Forests & Nodal Officer,
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E-mail/Important

No.Desk-17/**FCA-SI/PIID- 152831/ Nashik 1852**
Nagpur **440 001** Date. **20/6/2023**

To,

The Principal Secretary (Forest)
Revenue and Forest Department
Mantralaya Mumbai-32.

Subject:- Diversion of 3.90 ha. Reserve Forest land in favour of National Highway Division Nashik for Rahabillitation and Up-gradation of the newly declared jamkhed to Sautada National Highway 548-D Km 195.375 to Km 208.774 in the State of Maharashtra. (FP/MH/ROAD/152831/2022)

Refferance:- Chief Conservator of Forest (T) Nashik Letter No. Desk-2/Land/C.N.27/2022-23/321, dt.05/06/2023

The Chief Conservator of Forests (T.), Nashik on dated 05/06/2023, has submitted The proposal is for diversion of 3.90 ha. Reserve Forest land in favour of National Highway Division Nashik for Rahabillitation and Up-gradation of the newly declared jamkhed to Sautada National Highway 548-D Km 195.375 to Km 208.774 in the State of Maharashtra. (FP/MH/ROAD/152831/2022)

2.0 The detailed area statement of forest land is shown as under:- **(Off.P.No. 15)**

Sr. No	Project	Village Name	Taluka	Survey No	Gut. No	Required Forest Land (in ha)				Legal Status
						Length In mtr	Width In mtr	Area in sq. mtr	Area in ha	
1.	Rehabilitation and Up-gradation of the newly declared Jamkhed to Sautada National Highway No. 548-D	Moha	Jamkhed	122	106	1300	30	39000	3.90	Reserved Forest

3.0 The proposal has been initiated by the Executive Engineer, National Highway Division, Nashik for approval under forest (Conservation) Act, 1980. The said project is for Rehabilitation and Up-gradation of the newly declared National Highway NH-548 D, Jamkhed-Lehnewadi- Sautada

Road. The project road under consideration from Jamkhed (Km 195.375) to Sautada (Km 208.774), Design Length -13.399 Km in the State of Maharashtra for up-gradation to 2-lane with paved shoulder/4-lane configuration.

This highway is an importance link between Jamkhed and Sautada the two towns Ahmednagar district as well as falls under one of the important agriculture zone in the state. The project road further connects to important cities of Maharashtra and Gujarat. There is requirement of diversion of forest land for Rehabilitation and Up-gradation of the newly declared NH. The up-gradation will help to improve the better, shortest and economical route to travel from Jamkhed to Sautada. (P.P.No.12)

- 4.0 The total non-forest area involved in the project is 1.074 ha. **(P.P.No-46)**. The site inspection report of the Deputy Conservator of Forests, Ahmednagar Forest Division, is enclosed in the proposal on **(P.P.No. 35 to 37)**
- 5.0 The Chief Conservator of Forests, Nashik and the Deputy Conservator of Forests, Ahmednagar have recommended the proposal for diversion of 3.90 ha. of Reserve forest land. **(P.P.No.7 & 8)**

6.0 The Deputy Conservator of Forests Ahmednagar Forest Division has certified that:-

- 6.1. No alternate alignment is possible and the forest land required is minimum.

(P.P.No. 21)

- 6.2 There is no violation of FCA, 1980.

(P.P.No. 22)

- 6.3 The proposed C.A. over 8.00 ha. degraded forest land in Survey/Gut No.87 at village Nehuli, Taluka-Jamkhed, District. Ahmednagar and it is contiguous, suitable for afforestation and management purpose and also it is free from encroachment and encumbrances.

(P.P.No. 23-24)

- 6.4 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.P.No.26)

- 6.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious archaeological or recreational Importance.

(P.P.No.27)

- 6.6 The proposed project is not included in any National Park or Wild Life Sanctuary or Nature reserve.

(P.P.No.28)

- 6.7 There are 257 trees cutting and felling involved in the project. Girth wise details is as under:-

(P.P. No. 30 and 67-A)

Tree Girth in Cm.							
0-30	31-60	61-90	91-120	121-150	151-180	Above 180	Total
3	197	40	9	6	1	1	257

- 6.8 C.A.Scheme for 10 years is attached on (P.P.No.38 to 45)
- 6.9 The proposed project area belongs to Eco Value Class -III having Density below 0.01, Open Forest. (P.P. No. 67)
- 6.10. Proposed project site is not within 10 km from any National Park or Sanctuary. (P.P.No.93)

7.0 The User Agency has submitted the following undertaking/documents:-

- 7.1 Agreed to bear the cost of clearance/removal of the vegetation growth from the propose forest land. (P.P.No-70)
- 7.2 Agreed to defray the cost of Compensatory Afforestation. (P.P.No 71)
- 7.3 Agreed to bear the cost of Net Present Value. (P.P.No 73)
- 7.4 The proposal has been accorded the Administrative and, Technical approval. Expenditure Sanction by the Competent Authority. Copy of the same is enclosed in (P.P.No 78 to 92)
- 7.5 User Agency has given letter to District Collector Ahmednagar and requested to issue Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Copy of the same is enclosed in (P.P.No 96)

8.00 In View of this, the proposal is recommended for approval under the sectin-2 (ii) of the forest (Conservation) Act,1980 subject to the following conditions:-

- 8.1 Legal status of the diverted forest land shall remain unchanged:
- 8.2 Compensatory afforestation shall be taken up by the Forest Department over 8.00 ha. degraded forest land in in Survey/Gut No.87 at village Nehuli, Taluka-Jamkhed, District. Ahmednagar at the cost of the user agency. As far as possible, a mixture of lacial indigenous species shall be planted and monoculture of any species may be avoided.
- 8.3 The User Agency shall transfer the cost of raising and maintaining the compensatory Afforestation at the current wage rate to the State Forest Department. The Scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- 8.4 **NPV**
- (a) The State Government shall charge the Net Present Value (NPV) for the 3.90 ha. forest area to be diverted under this proposal from the User Agency as per the order 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 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 letterNo.5-2/2006-FC, dated 03/10/2006 and 5.3/2007-FC, dated 05/02/2009 and 06/01/2022 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.

- 8.5 For Violation of the FCA, 1980 as penalty, the user agency will defray the cost of equal to NPV of Forest land per hectare for of each year of violence from the dated of actual diversion as reported by the inspecting officer with maximum up to (5) times the NPV plus 12 percent simple interest till the deposited is made in accordance with Govt. of India advisory number 11-42/2017- FC, dated 29/1/2018
- 8.6 All The funds received from the User Agency under the project, except the funds realized for eneatreg /demarcation of safty zone, shall be transferred to ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- 8.7 The State Government should confirm, if any further construction in the forest land has been taken place by the User Agency after submission of the extant proposal for regularization of the forest land.
- 8.8 The User Agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- 8.9 No labour camp shall be established on the forest land;
- 8.10 The User Agency shall provide fuels preferably alternate fuels to the labours and the Staff Working at the site so as to avoid any damage and pressure on the nearby forest areas;
- 8.11 The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet height reinforced cement concrete pillars, each inscribed with its serial number forward and back bearing and distance from pillar to pillar;
- 8.12 The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- 8.13 The forest land shall not be used for any purpose other than that specified in the Proposal;
- 8.14 The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.
- 8.15 No damage to the flora and fauna of the adjoining area shall be caused;
- 8.16 Any tree felling shall be done only when it is unavoidable and that too under strict Supervision of the State Forest Department;
- 8.17 The State Government shall ensure complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its Guidelines issued in this regard along with the compliance of Stage-I approval;
- 8.18 The User Agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, who's 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;
- 8.19 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 8.20 Speed regulating signage will be erected along the road at regular intervals in the Protected

Areas/Forest Areas.

- 8.21 It Shall mandatory to provide underpass for safe crossing of wild animals
- (i) The underpass shall have a minimum size of width 4.00 mtr and Height 3.00 mtr.
 - (ii) 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.
 - (iii) Wherever natural cross drainage works are in existence but as per engineerin requirement, it is required to reconstruct then that structure shall comply with the minimum dimensions as suggested in (a) above.
 - (iv) Interval between such underpasses shall not be more than 2.00 km.
- 8.22 The user agency shall provide suitable under/over pass in Protected Area/ Forest Are as per recommendation of CWLW/NBWL/FAC/REC.
- 8.23 The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to the GOI office as well as to the Nodal Officer of the State;
- 8.24 The State Government shall monitor self-compliance of conditions of Forest Clearance and shall submit in this regard yearly reported as on 31st December of every year.
- 8.25 Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time in the interest of conservation, protection and development of forest & Wildlife, and.
- 8.26 The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the projects.
- 9.00 Keeping in view of facts mention in above para, this proposal for diversion of 3.90 ha. Reserve Forest land in favour of National Highway Division Nashik for Rahabillitation and Up-gradation of the newly declared Jamkhed to Sautada National Highway 548-D Km 195.375 to Km 208.774 in the State of Maharashtra is recommended under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl:- Proposal 2 Copies.

 20/6/23

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

Copy for information:-

1. The Chief Conservator of Forest (T)] Nashik
2. The Deputy Conservator of forests, Ahmednagar.
3. The Executive Engineer Executive Engineer, National Highway Division, Nashik

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)

Subject:- Diversion of 3.90 ha. Reserve Forest land in favour of National Highway
Division Nashik for Rahabillitation and Up-gradation of the newly declared
jamkhed to Sautada National Highway 548-D Km 195.375 to Km 208.774 in
the State of Maharashtra. (FP/MH/ROAD/152831/2022)

The details of land proposed for diversion is as under:-

Sr. No	Project	Village Name	Taluka	Survey No	Gut. No	Required Forest Land (in ha)				Legal Status
						Length In mtr	Width In mtr	Area in sq. mtr	Area in ha	
1.	Rehabilitation and Up- gradation of the newly declared Jamkhed to Sautada National Highway No. 548-D	Moha	Jamkhed	122	106	1300	30	39000	3.90	Reserved Forest

*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

Place :- Nagpur

Date:- 20/06/2023

Diversion of 3.90 ha. Reserve Forest land in favour of National Highway Division Nashik for Rahabillitation and Up-gradation of the newly declared jamkhed to Sautada National Highway 548-D Km 195.375 to Km 208.774 in the State of Maharashtra.

(FP/MH/ROAD/152831/2022)

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.

The proposal is for diversion of 3.90 ha. Reserve Forest land in favour of National Highway Division Nashik for Rahabillitation and Up-gradation of the newly declared jamkhed to Sautada National Highway 548-D Km 195.375 to Km 208.774 in the State of Maharashtra. (FP/MH/ROAD/152831/2022)

2.0 The detailed area statement of forest land is shown as under:- (~~Off.P.No. 46-8-48~~ 15)

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3.0 The proposal has been initiated by the Executive Engineer, National Highway Division, Nashik for approval under forest (Conservation) Act, 1980. The said project is for Rehabilitation and Up-gradation of the newly declared National Highway NH-548 D, Jamkhed-Lehnewadi- Sautada Road. The project road under consideration from Jamkhed (Km 195.375) to Sautada (Km 208.774), Design Length -13.399 Km in the State of Maharashtra for up-gradation to 2-lane with pavaed shoulder/4- lane configuration.

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- 4.0 The total non-forest area involved in the project is 1.074 ha. **(P.P.No-46)**. The site inspection report of the Deputy Conservator of Forests, Ahmednagar Forest Division, is enclosed in the proposal on **(P.P.No. 35 to 37)**
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6.0 The Deputy Conservator of Forests Ahmednagar Forest Division has certified that:-

- 6.1. No alternate alignment is possible and the forest land required is minimum. **(P.P.No. 21)**
- 6.2 There is no violation of FCA, 1980. **(P.P.No. 22)**
- 6.3 The proposed C.A. over 8.00 ha. degraded forest land in Survey/Gut No.87 at village Nehuli, Taluka-Jamkhed, District. Ahmednagar and it is contiguous, suitable for afforestation and management purpose and also it is free from encroachment and encumbrances. **(P.P.No. 23-24)**
- 6.4 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.P.No.26)**
- 6.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious archaeological or recreational Importance **(P.P.No.27)**
- 6.6 The proposed project is not included in any National Park or Wild Life Sanctuary or Nature reserve. **(P.P.No.28)**
- 6.7 There are 257 trees cutting and felling involved in the project. Girth wise details is as under:- **(P.P. No. 30 and 67-A)**

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- 6.8 C.A.Scheme for 10 years is attached on **(P.P.No.38 to 45)**
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- 7.5 User Agency has given letter to District Collector Ahmednagar and requested to issue Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Copy of the same is enclosed in (P.P.No 96)
- 7.6 The KML file of the proposed diverted area and C.A area is placed in the file at the top.


8.00 In View of this, the proposal is recommended for approval under the sectin-2 (ii) of the forest (Conservation) Act,1980 subject to the following conditions:-

- 8.1 Legal status of the diverted forest land shall remain unchanged:
- 8.2 Compensatory afforestation shall be taken up by the Forest Department over 8.00 ha. degraded forest land in in Survey/Gut No.87 at village Nehuli, Taluka-Jamkhed, District. Ahmednagar at the cost of the user agency. As far as possible, a mixture of lalcal indigenous species shall be planted and monoculture of any species may be avoided.
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- 8.4 **NPV**
 - (a) The State Government shall charge the Net Present Value (NPV) for the 3.90 ha. forest area to be diverted under this proposal from the User Agency as per the order 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 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 and 06/01/2022 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.
- 8.5 For Violation of the FCA, 1980 as penalty, the user agency will defray the cost of equal to NPV of Forest land per hectare for of each year of violence from the dated of actual diversion as

reported by the inspecting officer with maximum up to (5) times the NPV plus 12 percent simple interest till the deposited is made in accordance with Govt. of India advisory number 11-42/2017- FC, dated 29/1/2018

- 8.6 All The funds received from the User Agency under the project, except the funds realized for regeneration/demarcation of safety zone, shall be transferred to ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- 8.7 The State Government should confirm, if any further construction in the forest land has been taken place by the User Agency after submission of the extant proposal for regularization of the forest land.
- 8.8 The User Agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- 8.9 No labour camp shall be established on the forest land;
- 8.10 The User Agency shall provide fuels preferably alternate fuels to the labours and the Staff Working at the site so as to avoid any damage and pressure on the nearby forest areas;
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- 8.25 Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time in the interest of conservation, protection and development of forest & Wildlife, and.
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(Dr. Y.L.P. Rao)

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

o/c
15/6/23

16/6