

Proposal for diversion of 5.4276 ha. Reserved Forest land under Forest (Conservation) Act, 1980 in favour of National Highway Division, Amravati for Rehabilitation and Up-gradation of existing highway to 2 lane with paved shoulder configuration from Arni to Naigaon Bandi (Km.00+00 to 40+00) Section of NH-161 A in Washim, Yavatmal & Pusad Forest Division in Yavatmal, Pusad & Washim District in the State of Maharashtra (FP/MH/Road/43072/2019).

**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.**

Proposal is for diversion of 5.4276 ha. Reserved Forest land under Forest (Conservation) Act, 1980 in favour of National Highway Division, Amravati for Rehabilitation and Up-gradation of existing highway to 2 lane with paved shoulder configuration from Arni to Naigaon Bandi (Km.00+00 to 40+00) Section of NH-161 A in Washim, Yavatmal & Pusad Forest Division in Yavatmal, Pusad & Washim District in the State of Maharashtra (FP/MH/Road/43072/2019).

2.0 The details of the forest land proposed for diversion are as under:-

Sr. No	Item work purpose	Division	Village wise Chainage	Village Name	Survey No	Compt. No	Area (in ha)	Legal Status	
1	Proposal for Rehabilitation and Up-gradation of existing highway to 2 lane with paved shoulder configuration from Arni to Naigaon Bandi (Km.00+00 to 40+00) Section of NH-161 A in Washim, Yavatmal & Pusad Forest Division in Yavatmal & Washim District in the State of Maharashtra	Yavatmal	6150 to 6931	Kopara	5	C56	0.8688	Reserved Forest	
14					0.2172		Reserved Forest		
[A] Total Forest Area (in ha)							1.086		
3	configuration from Arni to Naigaon Bandi (Km.00+00 to 40+00) Section of NH-161 A in Washim, Yavatmal & Pusad Forest Division in Yavatmal & Washim District in the State of Maharashtra	Pusad	31354 to 31908	Rohana	120 & 122	774	1.3296	Reserved Forest	
[B] Total Forest Area (in ha)							1.3296		
4		Division in Yavatmal & Washim District in the State of Maharashtra	Washim	36840 to 38690	Waigaul	652,639, 640,637, 635,634	435	2.22	Reserved Forest
5	37480 to 38140					637,635		435	0.792
[C] Total Forest Area (in ha)							3.012		
Grand Total [A]+[B]+[C]							5.4276		

3.00 The proposal has been initiated by the Executive Engineer, National Highway Division, Amravati, Bandhkam Bhavan, PWD Premises, Camp Road, Amravati-444602 for seeking approval under Forest (Conservation) Act, 1980. The existing road has very poor geometry, congestion leading to traffic jams. Therefore the User Agency has decided to undertake

improvement of National Highway section NH-161 A. The total length as per assignment 40.00 km between Chainage 0+00 Km. to Chainage 40+00 km in the District of Yavatmal, Pusad & Washim. Because of the project, over all road safety situation will be improved. There will be decrease in road traffic accidents immediately after implementation of the project. Summarily, widening of the project road will have following benefits.

- a) The proposed project is rehabilitation and up-gradation of existing two lane alignment to four lane configuration.
- b) There is no suitable alternatives non-forest land to construct the road as the proposed rehabilitation is along the existing road.
- c) Earthwork cutting and banking is minimum.
- d) Minimum numbers of trees are affected.
- e) Road gradients are suitable for traffic.

Total non forest involved in the project is 88.9593 ha. The site inspection report of the Deputy Conservator of Forests, Yavatmal, Pusad & Washim Forest Divisions are enclosed on page no. 93 to 105.

4.00 The Deputy Conservator of Forests, Yavatmal, Pusad & Washim Forest Divisions have 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-III having density is below 0.01 (Southern Tropical Dry Deciduous Forest)
- 4.3 there are 90 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.											
Division	15-30 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
Yavatmal	0	0	0	0	3	2	3	4	0	0	12
Pusad	35	7	11	0	0	0	1	0	0	0	54
Washim	0	1	2	7	8	2	2	0	1	1	24
Total	35	8	13	7	11	4	6	4	1	1	90

- 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 beyond 10 km from the boundary of the Protected Area (Sanctuary and National Park).

4.8 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.

4.9 and proposed Compensatory Afforestation over 11.00 ha. degraded Forest land in Compartment No.C-395, at village-Manikwada, Tehsil-Ner, Dist. Yavatmal and 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:-**

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 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines:-

'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval'.

Hence, the user agency has given 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 in-principle approval.

5.4 Copy of the Government of India, Ministry of Road Transport & Highways (Project Zone-6) letter No. NH-12014/94/2016-MAH(Zonc-4), Dated 26/12/2017.

5.5 Copy of the technical approval accorded by Government of India, Ministry of Road Transport & Highways (Project Zone-IV) letter No. RW/NH-12014/161/2016/MAH(P-6), dt.08/12/2016.

7.00 The Deputy Conservator of Forests, Yavatmal, Pusad & Washim Forest Divisions and Chief Conservator of Forest (T), Yavatmal have recommended the proposal for diversion of 5.4276 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 11.00 ha. degraded Forest land in Compartment No.C-395, at village-Manikwada, Tehsil-Ner, Dist. Yavatmal 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 5.4276 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/>)

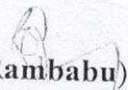
7.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector before Stage-II approval.

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 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 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.
- 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

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 5.4276 ha. Reserved Forest land under Forest (Conservation) Act, 1980 in favour of National Highway Division, Amravati for Rehabilitation and Up-gradation of existing highway to 2 lane with paved shoulder configuration from Arni to Naigaon Bandi (Km.00+00 to 40+00) Section of NH-161 A in Washim, Yavatmal & Pusad Forest Division in Yavatmal, Pusad & Washim District in the State of Maharashtra (FP/MH/Road/43072/2019). The details of land proposed for diversion is as under-

Sr. No	Item work purpose	Division	Village wise Chainage	Village Name	Survey No	Compt. No	Area (in ha)	Legal Status
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2					14		0.2172	Reserved Forest
3		[A] Total Forest Area (in ha)						1.086
4	40+00) Section of NH-161 A in Washim, Yavatmal & Pusad Forest Division in Yavatmal & Washim District in the State of Maharashtra	Pusad	31354 to 31908	Rohana	120 & 122	774	1.3296	Reserved Forest
5					[B] Total Forest Area (in ha)			
5		Washim	36840 to 38690	Waigaul	652,639, 640,637, 635,634	435	2.22	Reserved Forest
			37480 to 38140	Waigaul	637,635	435	0.792	Reserved Forest
							[C] Total Forest Area (in ha)	3.012
							Grand Total [A]+[B]+[C]	5.4276

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: 24/11/2020
Place: Nagpur

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF FOREST FORCE),

MAHARASHTRA STATE, NAGPUR

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER, MAHARASHTRA STATE, NAGPUR,
First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001.

Tel no. (0712) 2530166, 2556916, Fax no. (0712) 2550675 E-mail- apccfnodal@mahaforest.gov.in

Sub:- Proposal for diversion of 5.4276 ha. Reserved Forest land under Forest (Conservation) Act, 1980 in favour of National Highway Division, Amravati for Rehabilitation and Up-gradation of existing highway to 2 lane with paved shoulder configuration from Arni to Naigaon Bandi (Km.00+00 to 40+00) Section of NH-161 A in Washim, Yavatmal & Pusad Forest Division in Yavatmal, Pusad & Washim District in the State of Maharashtra (FP/MH/Road/43072/2019).

No. : Desk-17/NC/I/ID-135 / 822 /20-21
Nagpur – 440 001, Dated :- 24/11/2020

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

Sir,

The Executive Engineer, National Highway Division, Amravati, Bandhkam Bhavan, PWD Premises, Camp Road, Amravati-444602 has submitted the Proposal for diversion of 5.4276 ha. Reserved Forest land under Forest (Conservation) Act, 1980 in favour of National Highway Division, Amravati for Rehabilitation and Up-gradation of existing highway to 2 lane with paved shoulder configuration from Arni to Naigaon Bandi (Km.00+00 to 40+00) Section of NH-161 A in Washim, Yavatmal & Pusad Forest Division in Yavatmal, Pusad & Washim District in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

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Grand Total [A]+[B]+[C]							5.4276	

2.00 The proposal has been initiated by the Executive Engineer, National Highway Division, Amravati, Bandhkam Bhavan, PWD Premises, Camp Road, Amravati-444602 for seeking approval under Forest (Conservation) Act, 1980. The existing road has very poor geometry, congestion leading to traffic jams. Therefore the User Agency has decided to undertake improvement of National Highway section NH-161 A. The total length as per assignment 40.00 km between Chainage 0+00 Km. to Chainage 40+00 km in the District of Yavatmal, Pusad & Washim. Because of the project, over all road safety situation will be improved. There will be decrease in road traffic accidents immediately after implementation of the project. Summarily, widening of the project road will have following benefits.

- The proposed project is rehabilitation and up-gradation of existing two lane alignment to four lane configuration.
- There is no suitable alternatives non-forest land to construct the road as the proposed rehabilitation is along the existing road.
- Earthwork cutting and banking is minimum.
- Minimum numbers of trees are affected.
- Road gradients are suitable for traffic.

Total non forest involved in the project is 88.9593 ha. The site inspection report of the Deputy Conservator of Forests, Yavatmal, Pusad & Washim Forest Divisions are enclosed on page no. 93 to 105.

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.

- Prescribed form dated 10/01/2003.
- Certificate regarding minimum demand of forest land for the project,
- Area Statement,
- Index map in suitable scale,

4.00 The Deputy Conservator of Forests, Yavatmal, Pusad & Washim Forest Divisions have certified that:-

- no suitable alternate land is available and the forest land required is minimum.
- the area belongs to Eco-value class-III having density is below 0.01 (Southern Tropical Dry Deciduous Forest)
- there are 90 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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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 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines:-

'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval'.

Hence, the user agency has given 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 in-principle approval.

- 5.4 Copy of the Government of India, Ministry of Road Transport & Highways (Project Zone-6) letter No. NH-12014/94/2016-MAH(Zone-4), Dated 26/12/2017.
- 5.5 Copy of the technical approval accorded by Government of India, Ministry of Road Transport & Highways (Project Zone-IV) letter No. RW/NH-12014/161/2016/MAH(P-6), dt.08/12/2016.

6.00 The Deputy Conservator of Forests, Yavatmal, Pusad & Washim Forest Divisions and Chief Conservator of Forest (T), Yavatmal have recommended the proposal for diversion of 5.4276 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.

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7.5 NPV:-

a) The State Government shall charge the Net Present Value (NPV) for the 5.4276 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.

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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.
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- 7.12 The layout plan of the proposal shall not be changed without prior approval of Central Government.
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- 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.
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- 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 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 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.

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/>)

9.00 It is therefore, requested that Government of India may kindly be moved for approving the Proposal for diversion of 5.4276 ha. Reserved Forest land under Forest (Conservation) Act, 1980 in favour of National Highway Division, Amravati for Rehabilitation and Up-gradation of existing highway to 2 lane with paved shoulder configuration from Arni to Naigaon Bandi (Km.00+00 to 40+00) Section of NH-161 A in Washim, Yavatmal & Pusad Forest Division in Yavatmal, Pusad & Washim 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), Yavatmal for information.

Copy to the Deputy Conservator of Forests, Washim, Yavatmal & Pusad for formation.

Copy to the Executive Engineer, National Highway Division, Amravati, Bandhkam Bhavan, PWD Premises, Camp Road, Amravati-444602 for information.

Received Copy
24/11/2020
7709907/08