

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.

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Sub:- Proposal for diversion of 19.927 ha. forest land under Forest (Conservation) Act, 1980 in favour of Executive Engineer, Public Works Division, Allapalli for Link Road (MH-1057) Improvement/Upgradation and maintenance of Kasansur Ghotsur Gundram Bhumkam Road (ODR-16) including 2 major bridge at chainage 2+320 & chainage 5+010 in Etapalli, Tal of District. Gadchiroli in the State of Maharashtra (FP/MH/Road/48733/2020).

No. : Desk-17/NODAL/Gadchiroli/ID-12856/1034/20-21

Nagpur - 440 001, Dated :- 22/9/2021

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

The Executive Engineer, Public Works Division Allapalli has submitted the proposal is for diversion of 19.927 ha. forest land under Forest (Conservation) Act, 1980 in favour of Executive Engineer, Public Works Division, Allapalli for Link Road (MH-1057) Improvement/Upgradation and maintenance of Kasansur Ghotsur Gundram Bhumkam Road (ODR-16) including 2 major bridge at chainage 2+320 & chainage 5+010 in Etapalli, Tal of District. Gadchiroli in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

Sr. No.	Item work purpose	Survey No.	Village Name	Compt. No	Length (in Mtr)	Width (Mtr)	Area (in ha)	Legal Status
1	Proposal for diversion of 19.927 ha.	29/1, 30/1, 33, 136, 141	Kasansur	NE079	1400	12	1.68	Reserved Forest & Protected Forest
2	Reserved Forest land under Forest (Conservation) Act, 1980 in	11,52/1, 57/1,60,61, 62,63,64/1, 79	Kotakonda (BK)	NE077 NE068	3900	12	4.68	
3	favour of Executive Engineer, Public Works	30,118, 119,145, 147,161	Ghotsur	NE069 NE076	1600	12	1.92	
4	Division, Allapalli for Link Road	11,47,53, 80,231	Manewara	NE070 NE073 NE072	2500	12	3.00	
5	(MH-1050) Improvement/	16,29,35, 75,114	Gudram	NE071 NE072	2200	12	2.64	
6	Upgradation and	11,17	Bhumkan	NE057	3200	12	3.84	
7	maintenance of	60, 106	Bhumkan	NE056	1806	12	2.167	

Kasansur Ghotsur Gudram Bhumkam Road (ODR- 16) in Etapalli, Tal and District. Gadchiroli in the State of Maharashtra			NE055					
Total Forest Area (in ha.)							19.927	

2.00 The proposal has been initiated by the Executive Engineer, Public Works Division Allapalli for seeking approval under Forest (Conservation) Act, 1980. The User Agency has certified that the forest land admeasuring 19.927 ha is the minimum demand for the project. The existing road has very poor geometry, congestion leading to traffic jams. Therefore the User Agency has decided to undertake Link Road (MH-1057) Improvement/Upgradation and maintenance of Kasansur Ghotsur Gundram Bhumkam Road (ODR-16) including 2 major bridge at chainage 2+320 & chainage 5+010 in Etapalli, Tal and District. Gadchiroli in the State of Maharashtra. 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.

2.1 Total non forest area involved in the project is 1.05 ha. The site inspection report of the Deputy Conservator of Forests, Bhamragarh Forest Division, Alapalli is enclosed on page no.186 to 188.

2.2 The User Agency has submitted an undertaking three alternatives have been examined in detail and have to come to conclusion that the alternative No 2 (having 19.927 ha) is most suitable for forestry point of view, i.e. minimum area involved and there is no cutting/felling of trees.

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, Bhamragarh Forest Division Alapalli 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-III having density is more than 0.6 .
- 4.3 there are 1635 trees of various species and trees is involved in implementation of the Project. The Girth wise break up is as under:-

Tree cm in girth					
31-60 cm	61-90 cm	91-120 cm	121-150 cm	150 cm Above	Total
545	428	251	199	212	1635

- 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 kms 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 As per Chapter 2 of the Handbook under FCA, 1980 para 2.5 special provision for CA for certain categories of project CA shall be raised and maintained at the cost of the user agency on degraded forest land twince of the forest land area diverted in case of:
 - (g) Construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the area in hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 20 hectares..
- 5.0 In the instant case the construction of the aforesaid link road in less than 20 ha. and the Gadchiroli District is having forest area exceeding 50% of the total geographical area. Therefore the Deputy Conservator of Forests, Pusad Forest Division, Pusad has proposed Compensatory Afforestation over 39.854 ha. double degraded forest land (i) 17.00 ha in Comptt No. 851 of village Gaul Tal Pusad, Distt. Yavatmal (ii) 22.854 ha in Comptt No. 435 of village Nandgvhan Tal Mahagaon District 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 administrative approval accorded by Government of India, Ministry of Road Development Department of Rural Development letter No. F.No.P-17024/15/2017-RC (RCPLWEA) (E-358623), dated 24/02/2020

- 5.5 Copy of the technical approval accorded by the Executive Engineer, P.W.Division, Nagpur vide letter No.T.O.T.S.No.11/CE/2020-2021

- 7.00 The Deputy Conservator of Forests, Bhamragarh Division Alapalli and Conservator of Forest (T), Gadchiroli have recommended the proposal for diversion of 19.927 ha. of Forest land.

- 8.00 **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: –**

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

- 8.2 **Compensatory Afforestation :-**

Compensatory afforestation shall be taken up by the Forest Department over 39.854 ha. double degraded forest land (i) 17.00 ha in Comptt No. 851 of village Gaul Tal Pusad, Distt. Yavatmal (ii) 22.854 ha in Comptt No. 435 of village Nandgvhan Tal Mahagaon District 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. The area shall be fenced with Chain link fence at the cost of User Agency.

- 8.3 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.

- 8.4 **NPV:-**

- a) The State Government shall charge the Net Present Value (NPV) for the 19.927 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.
- 8.5 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.
- 8.6 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/>)
- 8.7 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector before Stage-II approval.
- 8.8 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 8.9 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 8.10 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.
- 8.11 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 8.12 No labour camp shall be established on the forest land.
- 8.13 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.
- 8.14 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.
- 8.15 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 8.16 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 8.17 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

- 8.18 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.
- 8.19 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.
- 8.20 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.
- 8.21 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)
- 8.22 The said proposal is in area classified as LWE area in Maharashtra & proposal would benefited increasing communication

10.00 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the p Proposal is for diversion of 19.927 ha. forest land under Forest (Conservation) Act, 1980 in favour of Executive Engineer, Public Works Division, Allapalli for Link Road (MH-1057) Improvement/Upgradation and maintenance of Kasansur Ghotsur Gundram Bhumkam Road (ODR-16) including 2 major bridge at chainage 2+320 & chainage 5+010 in Etapalli, Tal of District. Gadchiroli in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies



22/9/21

(Naresh Zurmure)

**Addl. Principal Chief Conservator of Forests
& Nodal Officer**

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

Copy to the Deputy Conservator of Forests, Bhamragad Forest Division, Bhamragad for formation.

Copy to the Executive Engineer, Public Works Division Allapalli for information.

Proposal is for diversion of 19.927 ha. forest land under Forest (Conservation) Act, 1980 in favour of Executive Engineer, Public Works Division, Allapalli for Link Road (MH-1057) Improvement/Upgradation and maintenance of Kasansur Ghotsur Gundram Bhumkam Road (ODR-16) including 2 major bridge at chainage 2+320 & chainage 5+010 in Etapalli, Tal of District. Gadchiroli in the State of Maharashtra (FP/MH/Road/48733/2020).

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 19.927 ha. forest land under Forest (Conservation) Act, 1980 in favour of Executive Engineer, Public Works Division, Allapalli for Link Road (MH-1057) Improvement/Upgradation and maintenance of Kasansur Ghotsur Gundram Bhumkam Road (ODR-16) including 2 major bridge at chainage 2+320 & chainage 5+010 in Etapalli, Tal of District. Gadchiroli in the State of Maharashtra (FP/MH/Road/48733/2020).

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

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Total Forest Area (in ha.)							19.927	

3.00 The proposal has been initiated by the Executive Engineer, Public Works Division Allapalli for seeking approval under Forest (Conservation) Act, 1980. The User Agency has certified that the forest land admeasuring 19.927 ha is the minimum demand for the project. The existing road has very poor geometry, congestion leading to traffic jams. Therefore the User Agency has

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Total non forest area involved in the project is 1.05 ha. The site inspection report of the Deputy Conservator of Forests, Bhamragarh Forest Division, Alapalli is enclosed on page no.186 to 188.

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- 4.9 As per Chapter 2 of the Handbook under FCA, 1980 para 2.5 special provision for CA for certain categories of project CA shall be raised and maintained at the cost of the user agency on degraded forest land twice of the forest land area diverted in case of:
- (g) Construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the area in hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 20 hectares..
- 5.0 In the instant case the construction of the aforesaid link road in less than 20 ha. and the Gadchiroli District is having forest area exceeding 50% of the total geographical area. Therefore the Deputy Conservator of Forests, Pusad Forest Division, Pusad has proposed Compensatory Afforestation over 39.854 ha. double degraded forest land (i) 17.00 ha in Comptt No. 851 of village Gaul Tal Pusad, Distt. Yavatmal (ii) 22.854 ha in Comptt No. 435 of village Nandgvhan Tal Mahagaon District Yavatmal and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.

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'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.

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8.00 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: –

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

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8.4 NPV:-

a) The State Government shall charge the Net Present Value (NPV) for the 19.927 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.

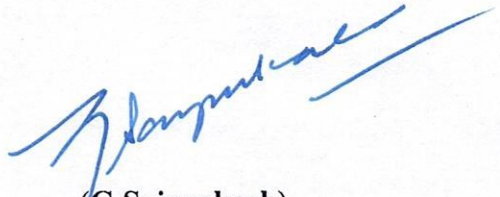
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- 8.21 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)
- 8.22 The said proposal is in area classified as LWE area in Maharashtra & proposal would benefited in ~~vicinity community~~.

Increasing Communication


(G.Saiprakash)
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 19.927 ha. forest land under Forest (Conservation) Act, 1980 in favour of Executive Engineer, Public Works Division, Allapalli for Link Road (MH-1057) Improvement/Upgradation and maintenance of Kasansur Ghotsur Gundram Bhumkam Road (ODR-16) including 2 major bridge at chainage 2+320 & chainage 5+010 in Etapalli, Tal of District. Gadchiroli in the State of Maharashtra (FP/MH/Road/48733/2020). The details of land proposed for diversion is as under-

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1	Proposal for diversion of 19.927 ha. Reserved Forest land under Forest (Conservation) Act, 1980 in favour of Executive Engineer, Public Works Division, Allapalli for Link Road (MH-1050) Improvement/Upgradation and maintenance of Kasansur Ghotsur Gundram Bhumkam Road (ODR-16) in Etapalli, Tal and District.	29/1, 30/1, 33, 136, 141	Kasansur	NE079	1400	12	1.68	Reserved Forest & Protected Forest
2		11,52/1, 57/1,60,61, 62,63,64/1, 79	Kotakonda (BK)	NE077 NE068	3900	12	4.68	
3		30,118, 119,145, 147,161	Ghotsur	NE069 NE076	1600	12	1.92	
4		11,47,53, 80,231	Manewara	NE070 NE073 NE072	2500	12	3.00	
5		16,29,35, 75,114	Gudram	NE071 NE072	2200	12	2.64	
6		11,17	Bhumkan	NE057	3200	12	3.84	
7		60, 106	Bhumkan	NE056 NE055	1806	12	2.167	

Gadchiroli in the State of Maharashtra								
Total Forest Area (in ha.)							19.927	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur is attached on page no. 1

Star, 22/9/21

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

Date: 22/09/2021
Place: Nagpur