



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS
& CLIMATE CHANGE

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F.No. FC-II/MH-97/2018-NGP/5000

Date: 15.02.2019

To,

The Secretary (Forests),
Revenue and Forest Department,
Hutatma Rajguru Chowk
Madam Cama Marg
Mantralaya, Mumbai - 400032.

Sub: Diversion of 11.78 ha Reserved Forest Land in favour of National Highway Authority of India (NHAI), PIU- Aurangabad for Rehabilitation and Up-gradation of existing two lane to four lane of Aurangabad- Koradi section of NH-211, to 4 lane from km 290.200 to Km 376.000 and Km 390.000 to Km 452.800 (Design Chainage 290.200 Km in Aurangabad to Koradi 320.640 Km) with partial green field alignment as bypass to Aurangabad city in Aurangabad District in the State of Maharashtra - Regarding.

Sir,

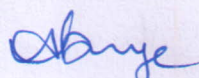
The undersigned is directed to refer to State Government of Maharashtra letter no. FLD-2018/CR-324/F-10 dated 14.12.2018 and APCCF & Nodal Officer (FCA), Maharashtra letter No. Desk-17/NC/I/I.D-/1697/17-18 dated 01.12.2018 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and Nodal Officer (FCA), Maharashtra letter no. Desk-17/NC/RS-I/ID- 12677/1989/18-19 dated 24.01.2019 and letter No. Desk-17/NC/RS-I/ID-12677/2151/18-19 dated 12.02.2019 forwarding additional information as sought by this Office vide letter of even number dated 07.01.2019 and 01.02.2019 and to say that the said proposal has been examined and approved by the Regional Empowered Committee constituted under Section - 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords 'in-principle' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 11.78 ha Reserved Forest Land in favour of National Highway Authority of India (NHAI), PIU- Aurangabad for Rehabilitation and Up-gradation of existing two lane to four lane of Aurangabad- Koradi section of NH-211, to 4 lane from km 290.200 to Km 376.000 and Km 390.000 to Km 452.800 (Design Chainage 290.200 Km in Aurangabad to Koradi 320.640 Km) with partial green field alignment as bypass to Aurangabad city in Aurangabad District in the State of Maharashtra subject to the fulfilment of the following conditions:

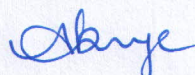
- Legal status of the diverted forest land shall remain unchanged;
- Compensatory afforestation, over non-forest land, equal in extent to the area proposed for diversion, shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance;

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- iv. The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927 or under the relevant sections of the local Forest Act, as the case may be, within the stipulated period to the Central Government for information and record;
- v. The User Agency shall transfer the cost of raising and maintaining the CA plantation as per conditions (ii) stipulated above, 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;
- vi. The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;
- vii. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- viii. 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 CAMPA through e-challan in the Savings Bank Account pertaining to the State concerned;
- ix. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- x. The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- xi. The User Agency shall arrange to raise strip plantation on either side of the road and central verge at project cost, as per IRC specification, with maintenance of 7-10 years. Three tier plantations shall be done on the either side of the express way and in the median as per the existing norms. Selection of species to be planted and afforestation of the same shall be done in consultation with the State Forest Department/FDCM Limited at the project cost. A plan, along with plantation design shall be submitted along with the Stage-I compliance report;
- xii. The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed;
- xiii. Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
- xiv. The User Agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.
- xv. The User Agency, if required, shall undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department. A Plan on the same shall be submitted along with the compliance report of the Stage-I approval;



- xvi. The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;
- xvii. No labour camp shall be established on the forest land;
- xviii. The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xix. The forest land shall not be used for any purpose other than that specified in the proposal;
- xx. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xxi. 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;
- xxii. No damage to the flora and fauna of the adjoining area shall be caused;
- xxiii. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xxiv. Ex-situ conservation of endemic species of flora/ fauna lost/ disturbed in the process of execution of the project may be ensured;
- xxv. No work after sunset and before sunrise should be carried out inside the Eco-Sensitive Zone and forest area;
- xxvi. Alignment of road passing through the forest patch should be provided with appropriate underpasses points to ensure safe movement of wildlife across the expressway. Provision of guided fencing may be provided at the crossing points to guide the wildlife to cross the expressway through the underpasses points. Location of underpasses shall be fixed in consultation with the PCCF (Wildlife), Maharashtra. Detail of the same shall be submitted along with Stage-I compliance report;
- xxvii. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xxviii. Maximum number of trees up to 60 Cm girth proposed to be felled may be translocated by the State Government at the cost of the User Agency;
- xxix. Naturally growing trees on the periphery of the proposed road may be retained as avenue trees. The User Agency shall submit layout plan of the road to concerned Divisional Forest Officer before marking of trees for felling and before handing over of proposed area to the User Agency;
- xxx. The User Agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests 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. A scheme will be submitted along with Stage- I compliance report;
- xxxi. The State Government shall ensure that settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, has been completed in accordance with the Guidelines issued by the MoEF&CC in this regard. Original FRA, 2006 certificate issued by concerned District Collector along supporting documents in the form of copies of the resolutions of the concerned Forest Rights Committee(s), Gram Sabha(s), Sub-Division Level Committee(s) recording their consent for the proposal and bearing

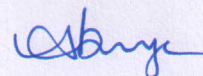


signature of the participants have not been submitted. In addition to this, copies of record of proceedings of the Forest Rights Committee, Sub Divisional Level Committee(s) may also be submitted shall be submitted along with Stage- I compliance report;

- xxxii. In the patches of forest land involving construction of bridges, storage of construction material shall be undertaken within the RoW sought for diversion. No forest land shall be used for storage of construction material;
- xxxiii. Vehicles and Officials of the State Forest Department should be allowed free access on the road without any sort of fee/toll;
- xxxiv. Space at cost of project authority should be provided by the User Agency in form of booths/Kiosk/hall etc. at nodes indicated by the Forest Department to facilitate setting of forest check Nakas by the Forest Department. Detail of the same, along with locations shall be submitted along with the compliance of Stage-I approval;
- xxxv. Afforestation to be done as per the norms of construction of roads along the road on either side or/ and in the median shall be allocated for completion/ maintenance by Forest Department/ F.D.C.M Ltd., on a project basis;
- xxxvi. The use of chemicals & explosive shall be prohibited inside the Eco-Sensitive Zone.
- xxxvii. The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State;
- xxxviii. The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year;
- xxxix. 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 forests & wildlife;
- xl. The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines and Court/ Tribunal directions for the time being in force, as applicable to the project; and
- xli. Grant of working permission to the extant proposal may be considered by the State Government in accordance with the provisions as contained in the MoEF&CC's Guidelines dated 28.08.2015.

After receipt of a satisfactory compliance report from the State Government in respect of conditions no. (iii), (v), (vi), (viii), (xi), (xv), (xxvi), (xxx), (xxxi), (xxxiv) and undertakings in respect of all other conditions, duly authenticated by the competent authority in the State Government, the proposal will be considered for grant of Stage-II approval under the Forest (Conservation) Act, 1980.

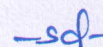
Yours faithfully,



(Dr. E Arockia Lenin)
Scientist 'C'

Copy to:

- i. The PCCF, Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iii. Director (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi.
- iv. User agency.
- v. Guard file.



(Dr. E Arockia Lenin)
Scientist 'C'