



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

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F.No. FC-II/MH-90/2018-NGP 4624

Date: 26.11.2018

To,

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

Sub: Diversion of 7.26 ha Reserved Forest Land in favour of National Highway Authority of India (NHAI), Pune for construction of new six lane tunnel in Khambatki Ghat including approaches from Ex. KM 771.730 to Ex. KM 782.000 in Pune District in the State of Maharashtra subject to fulfilment of conditions - Regarding.

Sir,

The undersigned is directed to refer to State Government of Maharashtra letter no. FLD-2018/C.R.253/F-10 dated 12.09.2018 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and APCCF & Nodal Officer (FCA), Maharashtra letter no. Desk-17/NC/II/ID 12639/(27)/1596/2018-19 dated 16.11.2018 forwarding additional information as sought by this Office vide letter of even number dated 05.10.2018 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 7.26 ha Reserved Forest Land in favour of National Highway Authority of India (NHAI), Pune for construction of new six lane tunnel in Khambatki Ghat including approaches from Ex. KM 771.730 to Ex. KM 782.000 in Pune District in the State of Maharashtra subject to the fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation, over degraded forest land of 15.00 ha, shall be raised by the State Forest Department at the cost of User Agency;
- (iii) 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.
- (iv) 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

(Signature)

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;

- (v) 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;
- (vi) 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 in the Saving Bank Account pertaining to the State concerned;
- (vii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (viii) 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;
- (ix) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost;
- (x) The User Agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.
- (xi) The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
- (xii) 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;
- (xiii) No labour camp shall be established on the forest land;
- (xiv) 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;
- (xv) All structures proposed for crossing in the forest patches should be of box culverts type with optimum height. Provisions of guided fencing, in consultation with the State Forest Department, shall be provided on either side of such culverts upto a length of 100 meters to guide the wildlife to cross the road through the proposed road crossing only.
- (xvi) Portion of the existing road (corresponding to re-alignment) falling in the forest land should be dismantled and planted with trees at the cost of the User Agency.
- (xvii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xviii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xix) 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;

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- (xx) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxi) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- (xxii) Proper fencing to the open space at the entry and exit of the tunnel should be provided by the State Government at the project cost.
- (xxiii) Felling of trees shall be restricted to 129 trees. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department. In situations where felling of trees is avoidable and such trees could be transplanted, all efforts to transplant such trees at a pre designated site will be taken and additional expenditure, if any, in such cases shall be at the cost of the user agency;
- (xxiv) Following additional conditions, recommended by the PCCF, State Government of Maharashtra at the time of submission of the proposal, shall be complied with by the user agency;
- (a) The tunnel will be laid well below as per norms from the ground level all along its length through forest.
- (b) The User Agency shall bear the cost of animal rescue centre being established by the State Forest Department for the animals injured in road accidents near the tunnel.
- (xxv) 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 and a scheme to this affect will be submitted along with Stage-I compliance.
- (xxvi) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009, in support thereof along with original certificate issued by District Collector, Satara;
- (xxvii) Hard copy of Part- II submitted by concerned DCF shall be uploaded on Ministry's web-portal before final approval and compliance to the same shall be submitted along with Stage- I compliance report;
- (xxviii) Differential GPS map along with KML/ Shape file of revised CA land identified by Deputy Conservator of Forests, Satara shall be submitted along with Stage- I compliance report;
- (xxix) Clarification regarding discrepancy observed in the details of employment potential likely to be generated from implementation of the project in online Part – I application and hard copy may be submitted by the User Agency along with Stage- I compliance report;
- (xxx) Complete enumeration list of tree proposed to be felled in the proposal shall be submitted by the User Agency along with Stage- I compliance report;
- (xxxi) 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;



(xxxii) 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;

(xxxiii) 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; and

(xxxiv) 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 project.

(xxxv) 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 report on the compliance of conditions no (iii), (iv), (vi), (xxiv) (b), (xxv), (xxvi), (xxvii), (xxviii), (xxix), (xxx) and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal order approving the diversion of forest land is issued by the Central Government.

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'