

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:- proposal for diversion of 54.274 ha. Forest land in 11.00 mtr. & 22.00 meter ROW for Up-gradation to 2/4 lane with paved shoulder configuration of Gadchiroli-Allapalli-Sironcha of NH-353 C from Gitali- Mosam-Zamela Nalla in Gadchiroli District in the State of Maharashtra by Ministry of Road Transport & Highway. (FP/MH/ROAD/119248/2021)

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

NH-353C ASHTI TO SIRONCHA FOREST AREA STATEMENT, ALLAPALLI DIVISION.											
Sr. no.	Taluka	Village Name	Range	Chainage	Old Comp . No.	New Comp No.	Forest Area			Legal status	Remark
							Length in M.	Width in M.	Area in Ha.		
1	Mulchera	Shantigram	Aheri	203630 to 206110			223.376	11.00	0.246	PF	
2	Mulchera	Forest	Aheri	206110 to 207670	590, 591	590, 591	1561.222	11.00	1.717	RF	
3	Aheri	Raipur Paich	Aheri	207670 to 211360	970		2633.239	11.00	2.897	PF	
4	Aheri	Rampur Chak	Aheri	208920 to 210400	969		927.619	11.00	1.020	PF	
5	Aheri	Mahagaon Khurd	Aheri	211360 to 213170	187		908.946	11.00	1.000	PF	
6	Aheri	Cherapallidina	Aheri	211670 to 212900	182, 891	927	1914.834	11.00	2.106	PF	
7	Aheri	Khamancheru	Aheri	213170 to 215880	183	935, 950	1141.284	11.00	1.255	PF	
8	Aheri	Italcheru	Aheri	215880 to 216960	11, 184	944, 942	641.86	11.00	0.706	PF	
9	Aheri	Forest	Aheri	216960 to 220620	31, 14, 15, 32		3659.871	22.00	8.052	RF	
10	Aheri	FDCM	Aheri	220620 to 221850	15,17		1225.342	11.00	1.348	RF	
11	Aheri	Nagepalli M.	Aheri	220620 to 224840	28	1745 to 1749	4578.809	11.00	5.037	PF	
12	Aheri	Burukmalamp alli	Aheri	224840 to 226920	192	645	4169.674	11.00	4.587	PF/RF	
13		Tekampalli	Aheri	226920 to 227920	1		998.854	22.00	2.197	PF	FDCM
14	Aheri	Tekampalli	Aheri	227920 to 230440	202	1047	2523.306	11.00	2.776	PF	
15	Aheri	Forest	Aheri	227920 to 230440	4		2523.306	11.00	2.776	RF	FDCM
16	Aheri	Forest	Aheri	230440 to 235170	4,6,5,12, 100,99,14		4728.001	22.00	10.402	RF	FDCM
17	Aheri	Mosam	Aheri	235170 to 237460	199	649 pt	1488.146	11.00	1.637	PF	
18	Aheri	Forest	Aheri	237460 to 239510	99,23,24	99,2 3,25	2052.343	22.00	4.515	RF	FDCM
		Total							54.274		

Specific recommendation of Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur is attached on page no. 85

(Naresh Zurmure)

Additional Principal Chief Conservator of
Forests & Nodal Officer

Date: 06/09/2022

Place: Nagpur

Subject:- Proposal for diversion of 54.274 ha. Forest land in 11.00 mtr. & 22.00 meter ROW for Up-gradation to 2/4 lane with paved shoulder configuration of Gadchiroli-Allapalli-Sironcha of NH-353 C from Gitali-Mosam-Zamela Nalla in Gadchiroli District in the State of Maharashtra by Ministry of Road Transport & Highway. (FP/MH/ROAD/119248/2021)

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 54.274 ha. Forest land in 11.00 mtr. & 22.00 meter ROW for Up-gradation to 2/4 lane with paved shoulder configuration of Gadchiroli-Allapalli-Sironcha of NH-353 C from Gitali-Mosam-Zamela Nalla in Gadchiroli District in the State of Maharashtra by Ministry of Road Transport & Highway. (FP/MH/ROAD/119248/2021)

2.00 The Proposal has been initiated by the Executive Engineer (NH) NH Division Gadchiroli for Seeking approval under Forest (Conservation) Act, 1980. The project alignment commences from Gadchiroli and terminates at Sironcha over a length of 204.5 km. Presently, State Highway Kilometer markings are at the site and the project corridor appears to start at km 172+650 as per kilometer markings (MSH 11) MSH 11 chainage has been compared with the NH-353 C Chainage and the Up-gradation to 2/4 lane with paved shoulder configuration of Gadchiroli-Sironcha of NH-353 C in the State of Maharashtra by Ministry of Road Transport & Highway (F.No.10-22/2015-IA-III) starting point, i.e., proposed Chingae of NH-353 C for the present project is km 113+650 at Indira Square Junction in Gadchiroli. The road traverses through Gadchiroli district of Maharashtra via Gadchiroli, Chamorshi, Ashti and Allapalli and reaches end point at Sironcha at Chainage km 318+200. Existing ROW of the Project Road varies from 16.00 m to 22.00 m (in urban area) and in other area it varies from 30 to 60 mtr. on an average. Improved road connectivity is vital for economic growth of a region in particular and Nation in general. They help in transporting men and material effectively to the destination in time. Thus it provides larger market for the product and produce giving remunerative returns to the producers.

3.00 The detailed area statement of forest land is shown as under:-

NH-353C ASHTI TO SIRONCHA FOREST AREA STATEMENT, ALLAPALLI DIVISION.											
Sr. no.	Taluka	Village Name	Range	Chainage	Old Comp . No.	New Comp No.	Forest Area			Legal status	Remark
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1	Mulchera	Shantigram	Aheri	203630 to 206110			223.376	11.00	0.246	PF	
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		Total							54.274		

4.00 The total non-forest area involved in the project is 77.610 ha. The site inspection report of the Deputy Conservator of Forests, Allapalli Forest Division, Allapalli is enclosed in the proposal file on **(page no.171 to 175.)**

5.00 The project alignment commences from Gadchiroli and terminates at Sironcha over a length of 204.5 km. Presently, State Highway Kilometer markings are at the site and the project corridor appears to start at km 172+650 as per kilometer markings (MSH 11) MSH 11 chainage has been compared with the NH-353 C Chainage and the Up- gradation to 2/4 lane with paved shoulder configuration of Gadchiroli-Sironcha of NH-353 C in the State of Maharashtra by Ministry of Road Transport & Highway (F.No.10-22/2015-IA-III) starting point, i.e., proposed Chingae of NH-353 C for the present project is km 113+650 at Indira Square Junction in Gadchiroli. The road traverses through Gadchiroli district of Maharashtra via Gadchiroli, Chamorshi, Ashti and Allapalli and reaches end point at Sironcha at Chainage km 318+200. Existing ROW of the Project Road varies from 16.00 m to 22.00 m (in urban area) and in other area it varies from 30 to 60 mtr. on an average. Improved road connectivity is vital for economic growth of a region in particular and Nation in general. They help in transporting men and material effectively to the destination in time. Thus it provides larger market for the product and produce giving remunerative returns to the producers.

Proposed Improvements the existing project highway is presently a 2-lane undivided carriage. The project proposes to:

- Development the carriageway with paved shoulders and strengthening the existing Carriage way by overlays/rehabilitation/reconstruction.
- In addition to strengthening the existing carriageway, the project would improve the geometric deficiencies through curve improvement and the various Intersections.
- The proposed improvement includes repair/rehabilitation of existing cross drainage (CD). Structures on the highway and provision of new CD structures.
- The project highway passes through many settlements.
- To minimize the adverse impacts on the various settlements and to minimize land acquisition, short realignments to reduce adverse impacts. The proposed works shall be limited to a proposed ROW of 30/60 m. It is also proposed to have concentric widening to the extent possible to remove discrimination and local conflicts.
- Service roads are also proposed to be provided at a number of locations. These locations were proposed based on the proximity to cultural properties, educational and health units, and size of settlements.
- Proper drainage, grade-separation, road furniture, utilities and amenities wherever required shall also be provided. (Project Note submitted by the Project Authority is enclosed in the file on (P/P no.240 to 254.)

6.00 The Deputy Conservator of Forests, Allapalli Forest Division, Allapalli and the Conservator of Forests (T), Gadchiroli have recommended the proposal for diversion of 54.274 ha. of forest land. (File Page No.7 to 09)

The Deputy Conservator of Forests, Allapalli Forest Division, Allapalli has certified that:-

- 6.1 No suitable alternate non forest land is available for Gitali-Mosam-Zamla Nalla in Gadchiroli District Marg 4-laning Project and demand for the forest land is minimum. (P.P.No_209)
- 6.2 Provisions of the Forest (Conservation) Act, 1980 and guidelines under it have not been violated by the User Agency. (P.P.No.14)
- 6.3 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 16)
- 6.4 As per clause 2.6 of the Handbook under the FCA, 1980. The Special provisions for CA for Certain categories of projects is as under:-

- (i) In the following cases, cost of plantation (including ten years maintenance) of ten times the number of tree likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation.
- (ii) Diversion of forest land upto 5.0 ha. in accordance with General Approval granted for activities carried out by Govt. Department in notified LWE Districts.
- 6.5 The proposed project area belongs to Eco value Class -III having Density 0.8 (Very Dense Forest) **(P.P.No 22 & 171)**
- 6.6 There are 4251 trees cutting and felling involved in the project. Girth wise details is as under:- **(P.P.No. 24 to 25)**

Tree Girth in Cm.						
0-30	31-60	61-90	91-120	121-150	150	Total
36	781	794	861	869	910	4251

- 6.7 The proposed project is not included in any National Park or Wild Life Sanctuary or Nature reserve. **(P.P. No. 19)**. The Chaprala WLS is at a distance to 0.00 KM & Pranhita WLS is at a distance of 3.500 km from the Forest area proposed for diversion **((P.P.No. 18).**
- 6.8 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. **(P.P.No.17)**
- 6.9 The total Compensatory Afforestation over 110.00 ha. double degraded forest land Details of 80.00 ha. in the jurisdiction of Allapalli Forest Division, are as under **(P.P.No. 145)**

Degraded land								
Sr.No.	District	Taluka	Range	Round	Bit	Comp. No.	Area in Sqmt.	Area in Ha.
1	Gadchiroli	Aheri	Markhanda	Rangewahi	Mallera	338	250000	25.00
2	Gadchiroli	Aheri	Markhanda	Rangewahi	Kothari	330	250000	25.00
3	Gadchiroli	Aheri	Aheri	Lagam	Bori	592	100000	10.00
4	Gadchiroli	Aheri	Aheri	Aheri	Tumargunda	593	200000	20.00
						Total	800000	80.00

Details of degraded forest land/non forest land in Wild life Sub-Division Allapalli 30.00 ha. area is available in Chaprala Wildlife Sanctuary, details are as under (P.P.No. 158)

Sr.No.	Degraded land							
	District	Taluka	Range	Round	Bit	Comp.No.	Area in Sqmt.	Area in Ha.
1	Gadchiroli	Aheri	Choudampalli	Choudampalli	Choudampalli	283	12000	12.00
2	Gadchiroli	Aheri	Choudampalli	Choudampalli	Choudampalli	284	10000	10.00
3	Gadchiroli	Aheri	Choudampalli	Choudampalli	Lagam	292	5500	5.500
4	Gadchiroli	Aheri	Choudampalli	Choudampalli	Lagam	292	4500	4.500
						Total	32000	32.00

This is to certify that the said land is found suitable for taking compensatory afforestation. The area is free from encroachment.

6.0 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 proposed forest land. (P.P.No -215)
- 7.2 Agreed to bear the cost of Net Present Value. (P.P.No -213)
- 7.3 Government of India vide letter No.11-43/2013-FC,dt.3/12/2018 has issued guideline 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-principal approval. This has be to 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) Act2006 has been applied and is under process and shall be submitted before in-principle approval.

- 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 260 to 283.)
- 7.5 Agreed to defray the cost of Compensatory Afforestation. (P.P.No -210 to 211)
- 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 As per clause 2.6 of the Handbook under the FCA, 1980. The Special provisions for CA for certain categories of projects is as under:-

(A) Compensatory Afforestation :-

Compensatory afforestation shall be taken up by the Forest Department over 110.00 ha. double degraded forest land in Compartment No. 338, Range-Markhanda, Round-Rangewahi, Beat- Mallera, Compartment No. 330, Range-Markhanda, Round- angewahi, Beat-Kothari, Compartment No. 592, Range-Aheri, Round-Lagam, Beat- Bori, Compt. No.593, Range-Aheri, Round-Aheri Beat-Tumargunda Compartment No.283, & 284 of Range-Choudampalli, Round-Choudampalli, Beat-Choudampalli, Compartment No.292 Range-Choudampalli, Round-Choudampalli, Beat- Lagam, Of Taluka Aheri, District Gadchiroli 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.

- (B)** The cost of plantation (including ten years maintenance) of ten times the number of Trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the User Agency towards compensatory afforestation.

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 54.274 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 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 regeneratin/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 sigh 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 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 engineering 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 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the proposal for diversion of 54.274 ha. Reserve Forest and Protected Forest Land under Forest (Conservation) Act-1980 for Up-gradation to 2/4 lane with paved shoulder configuration of Gadchiroli-Allapalli-Sironcha of NH-353 C from Gitali- Mosam- Zamela Nalla in Gadchiroli District in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.


(Dr.Y.L.P.Rao)

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


6/9/22


CIA

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

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER,

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

No. Desk-17/Nodal/Gadchiroli/ID-12987/1415/2022-23

Nagpur – 440 001, Date : 06/09/2022

To,

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

Sub:- Proposal for diversion of 54.274 ha. Forest land in 11.00 mtr. & 22.00 meter ROW for Up-gradation to 2/4 lane with paved shoulder configuration of Gadchiroli-Allapalli-Sironcha of NH-353 C from Gitali-Mosam-Zamela Nalla in Gadchiroli District in the State of Maharashtra by Ministry of Road Transport & Highway (FP/MH/ROAD/119248/2021)

Ref:- 1) This office letter no.Desk-17/Nodal/Gadchiroli/ID-12987/874, dtd.12.07.2022.
2) Govt. of Maharashtra's letter no.FLD-36A22/CR-205/F-10,dtd.12.08.22.
3) Executive Engineer, NH-Division, Gadchiroli's letter no.2041/2022/Forest/NH-353-C, dtd.23.08.2022.

The proposal submitted by the Conservator of Forests (T.), Gadchiroli on dated 16/12/2021, dt.23/02/2022 and dt. 11/04/2022 has submitted proposal for diversion of 54.274 ha. Forest land in 11.00 mtr. & 22.00 meter ROW for Up-gradation to 2/4 lane with paved shoulder configuration of Gadchiroli-Allapalli-Sironcha of NH-353 C from Gitali-Mosam-Zamela Nalla in Gadchiroli District in the State of Maharashtra by Ministry of Road Transport & Highway (FP/MH/ROAD/119248/2021) was submitted to State Government vide this office letter under reference 1.

The Govt. of Maharashtra vide letter under reference 2 has mentioned that proposed area is near to Chaparala Wildlife Sanctuary i.e. 0.00 Km, hence PCCF (WL) M.S. Nagpur may submit his remarks whether the proposal need Wildlife clearance or not.

In the meanwhile the User Agency vide letter under reference 3 has decided to omit 0.149 and 0.235 (Total Area 0.384 Ha) mentioned at serial no 1 and 2 respectively mentioned in the proposed Area Statement of the proposal which was submitted earlier.

Hence, the proposal is now revised and the revised area proposed by the User Agency is shown below

The detailed area statement of forest land is shown as under:-

NH-353C ASHTI TO SIRONCHA FOREST AREA STATEMENT, ALLAPALLI DIVISION.											
Sr. no.	Taluka	Village Name	Range	Chainage	Old Comp . No.	New Comp No.	Forest Area			Legal status	Remark
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2	Mulchera	Forest	Aheri	206110 to 207670	590, 591	590, 591	1561.222	11.00	1.717	RF	
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7	Aheri	Khamancheru	Aheri	213170 to 215880	183	935, 950	1141.284	11.00	1.255	PF	
8	Aheri	Italcheru	Aheri	215880 to 216960	11, 184	944, 942	641.86	11.00	0.706	PF	
9	Aheri	Forest	Aheri	216960 to 220620	31, 14, 15, 32		3659.871	22.00	8.052	RF	
10	Aheri	FDCM	Aheri	220620 to 221850	15,17		1225.342	11.00	1.348	RF	
11	Aheri	Nagepalli M.	Aheri	220620 to 224840	28	1745 to 1749	4578.809	11.00	5.037	PF	
12	Aheri	Burukmalamp alli	Aheri	224840 to 226920	192	645	4169.674	11.00	4.587	PF/RF	
13		Tekampalli	Aheri	226920 to 227920	1		998.854	22.00	2.197	PF	FDCM
14	Aheri	Tekampalli	Aheri	227920 to 230440	202	1047	2523.306	11.00	2.776	PF	
15	Aheri	Forest	Aheri	227920 to 230440	4		2523.306	11.00	2.776	RF	FDCM
16	Aheri	Forest	Aheri	230440 to 235170	4,6,5,12, 100,99,14		4728.001	22.00	10.402	RF	FDCM
17	Aheri	Mosam	Aheri	235170 to 237460	199	649 pt	1488.146	11.00	1.637	PF	
18	Aheri	Forest	Aheri	237460 to 239510	99,23,24	99,2 3,25	2052.343	22.00	4.515	RF	FDCM
		Total							54.274		

- 2.0** The total non-forest area involved in the project is 77.610 ha. The site inspection report of the Deputy Conservator of Forests, Allapalli Forest Division, Allapalli is enclosed in the proposal file on page no.171 to 175.
- 3.0** The project alignment commences from Gadchiroli and terminates at Sironcha over a length of 204.5 km. Presently, State Highway Kilometer markings are at the site and the project corridor appears to start at km 172+650 as per kilometer markings (MSH 11) MSH 11 chainage has been

compared with the NH-353 C Chainage and the Up-gradation to 2/4 lane with paved shoulder configuration of Gadchiroli-Sironcha of NH-353 C in the State of Maharashtra by Ministry of Road Transport & Highway (F.No.10-22/2015-IA-III) starting point, i.e., proposed Chingae of NH-353 C for the present project is km 113+650 at Indira Square Junction in Gadchiroli. The road traverses through Gadchiroli district of Maharashtra via Gadchiroli, Chamorshi, Ashti and Allapalli and reaches end point at Sironcha at Chainage km 318+200. Existing ROW of the Project Road varies from 16.00 m to 22.00 m (in urban area) and in other area it varies from 30 to 60 mtr. on an average. Improved road connectivity is vital for economic growth of a region in particular and Nation in general. They help in transporting men and material effectively to the destination in time. Thus it provides larger market for the product and produce giving remunerative returns to the producers.

Proposed Improvements the existing project highway is presently a 2-lane undivided carriage.

The project proposes to:

- Development the carriageway with paved shoulders and strengthening the existing Carriage way by overlays/rehabilitation/reconstruction.
- In addition to strengthening the existing carriageway, the project would improve the geometric deficiencies through curve improvement and the various Intersections.
- The proposed improvement includes repair/rehabilitation of existing cross drainage (CD). Structures on the highway and provision of new CD structures.
- The project highway passes through many settlements.
- To minimize the adverse impacts on the various settlements and to minimize land acquisition, short realignments to reduce adverse impacts. The proposed works shall be limited to a proposed ROW of 30/60 m. It is also proposed to have concentric widening to the extent possible to remove discrimination and local conflicts.
- Service roads are also proposed to be provided at a number of locations. These locations were proposed based on the proximity to cultural properties, educational and health units, and size of settlements.
- Proper drainage, grade-separation, road furniture, utilities and amenities wherever required shall also be provided. (Project Note submitted by the Project Authority is enclosed in the file on (P/P no.240 to 254.)

4.0 The Deputy Conservator of Forests, Allapalli Forest Division, Allapalli and the Conservator of Forests (T), Gadchiroli have recommended the proposal for diversion of 54.274 ha. of forest land. **(File Page No.7 to 09)**

The Deputy Conservator of Forests, Allapalli Forest Division, Allapalli has certified that:-

- 4.1 No suitable alternate non forest land is available for Gitoli-Mosam-Zamla Nalla in Gadchiroli District Marg 4-laning Project and demand for the forest land is minimum. **(P.P.No. 209)**
- 4.2 Provisions of the Forest (Conservation) Act, 1980 and guidelines under it have not been violated by the User Agency. **(P.P.No.14)**
- 4.3 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 16)**
- 4.4 As per clause 2.6 of the Handbook under the FCA, 1980. The Special provisions for CA for Certain categories of projects is as under:-
- (i) In the following cases, cost of plantation (including ten years maintenance) of ten times the number of tree likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation.
- (ii) Diversion of forest land upto 5.0 ha. in accordance with General Approval granted for activities carried out by Govt. Department in notified LWE Districts.
- 4.5 The proposed project area belongs to Eco value Class -III having Density 0.8 (Very Dense Forest) **(P.P.No 22 & 171)**
- 4.6 There are 4251 trees cutting and felling involved in the project. Girth wise details is as under:- **(P.P.No. 24 to 25)**

Tree Girth in Cm.						
0-30	31-60	61-90	91-120	121-150	150	Total
36	781	794	861	869	910	4251

- 4.7 The proposed project is not included in any National Park or Wild Life Sanctuary or Nature reserve. **(P.P. No. 19)**. The Chaprala WLS is at a distance to 0.00 KM & Pranhita WLS is at a distance of 3.500 km from the Forest area proposed for diversion **(P.P.No. 18)**.
- 4.8 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. **(P.P.No.17)**

- 4.9 The total Compensatory Afforestation over 110.00 ha. double degraded forest land Details of 80.00 ha. in the jurisdiction of Allapalli Forest Division, are as under
(P.P.No. 145)

Degraded land								
Sr.No.	District	Taluka	Range	Round	Bit	Comp. No.	Area in Sqmt.	Area in Ha.
1	Gadchiroli	Aheri	Markhanda	Rangewahi	Mallera	338	250000	25.00
2	Gadchiroli	Aheri	Markhanda	Rangewahi	Kothari	330	250000	25.00
3	Gadchiroli	Aheri	Aheri	Lagam	Bori	592	100000	10.00
4	Gadchiroli	Aheri	Aheri	Aheri	Tumargunda	593	200000	20.00
						Total	800000	80.00

Details of degraded forest land/non forest land in Wild life Sub-Division Allapalli 30.00 ha. area is available in Chaprala Wildlife Sanctuary, details are as under (P.P.No. 158)

Degraded land								
Sr.No.	District	Taluka	Range	Round	Bit	Comp.No.	Area in Sqmt.	Area in Ha.
1	Gadchiroli	Aheri	Choudampalli	Choudampalli	Choudampalli	283	12000	12.00
2	Gadchiroli	Aheri	Choudampalli	Choudampalli	Choudampalli	284	10000	10.00
3	Gadchiroli	Aheri	Choudampalli	Choudampalli	Lagam	292	5500	5.500
4	Gadchiroli	Aheri	Choudampalli	Choudampalli	Lagam	292	4500	4.500
						Total	32000	32.00

This is to certify that the said land is found suitable for taking compensatory afforestation. The area is free from encroachment.

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

- 5.1 Agreed to bear the cost of clearance/removal of the vegetation growth from the proposed forest land. (P.P.No -215)
- 5.2 Agreed to bear the cost of Net Present Value. (P.P.No -213)
- 5.3 Government of India vide letter No.11-43/2013-FC,dt.3/12/2018 has issued guideline 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-principal approval. This has be to 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 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 260 to 283.)**
- 5.5 Agreed to defray the cost of Compensatory Afforestation. **(P.P.No -210 to 211)**
- 5.6 The KML file of the proposed diverted area and C.A area is placed in the file at the top.
- 6.00 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:-**
- 6.1 Legal status of the diverted forest land shall remain unchanged:
- 6.2 As per clause 2.6 of the Handbook under the FCA, 1980. The Special provisions for CA for certain categories of projects is as under:-

(A) Compensatory Afforestation :-

Compensatory afforestation shall be taken up by the Forest Department over 110.00 ha. double degraded forest land in Compartment No. 338, Range-Markhanda, Round-Rangewahi, Beat- Mallera, Compartment No. 330, Range-Markhanda, Round- angewahi, Beat-Kothari, Compartment No. 592, Range-Aheri, Round-Lagam, Beat- Bori, Compt. No.593, Range-Aheri, Round-Aheri Beat-Tumargunda Compartment No.283, & 284 of Range-Choudampalli, Round-Choudampalli, Beat-Choudampalli, Compartment No.292 Range-Choudampalli, Round-Choudampalli, Beat- Lagam, Of Taluka Aheri, District Gadchiroli 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.

- (B)** The cost of plantation (including ten years maintenance) of ten times the number of Trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the User Agency towards compensatory afforestation.

- 6.3 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;
- 6.4 NPV:-**
- (a) The State Government shall charge the Net Present Value (NPV) for the 54.274 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 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.
- 6.5 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
- 6.6 All The funds received from the User Agency under the project, except the funds realized for nregenerati/demarcation of safty zone, shall be transferred to ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- 6.7 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.
- 6.8 The User Agency shall obtain the Environment clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- 6.9 No labour camp shall be established on the forest land;
- 6.10 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;
- 6.11 The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet sigh reinforced cement concrete pillars, each inscribed with its serial number forward and back bearing and distance from pillar to pillar;

- 6.12 The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- 6.13 The forest land shall not be used for any purpose other than that specified in the Proposal;
- 6.14 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.
- 6.15 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;
- 6.17 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;
- 6.18 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 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;
- 6.19 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 6.20 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 6.21 It shall be 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 engineering 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
- 6.22 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.
- 6.23 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;

- 6.24 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.
- 6.25 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
- 6.26 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.
- 7.00 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the proposal for diversion of 54.274 ha. Reserve Forest and Protected Forest Land under Forest (Conservation) Act-1980 for Up-gradation to 2/4 lane with paved shoulder configuration of Gadchiroli-Allapalli-Sironcha of NH-353 C from Gitali- Mosam- Zamela Nalla in Gadchiroli District in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.



(Naresh Zurmure)

Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy for Information:- 1) The Conservator of Forests, (T), Gadchiroli .
2) The Deputy Conservator of forests, Allapalli Forest Division, Allapalli.
3) The Executive Engineer, National Highway Division, Gadchiroli.