

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH, AT PUNE

Original Application No. 117 of 2024 (WZ)

In the matter of:

Tulshidas Sridhar Naik & Ors.

... Applicants

Versus

State of Goa & Ors.

... Respondent

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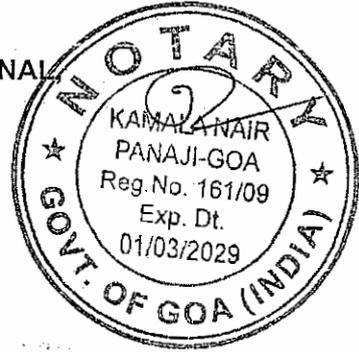
Presented by:

M.V.Kini Law Firm,

Advocates for Respondent No. 4

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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In the matter of:

Tulshidas Sridhar Naik & Ors.

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State of Goa & Ors.

... Applicants

... Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4

I, Shrivallabh R. Pai, son of Rajaram Upendra Pai, aged 59, an Indian Inhabitant, working as Chief Engineer (NH, R&B) at the office of PWD having my office at Altinho Panaji Goa, do hereby state on solemn affirmation as under:

1. I state that I am fully conversant with the facts and circumstances of the present case based on the record maintained in the ordinary course of official business. I state that the Respondent No. 3 i.e. the Executive Engineer Works Division XV (NH) of PWD reports to the Respondent No.4 i.e. the Chief Engineer (NH, R & B). Therefore, this Affidavit is being filed by the Chief Engineer (NH, R & B), PWD, Government of Goa i.e the Respondent No.4.
2. The Respondent No.4 repeats, confirms and adopts the contents of the Reply dated 22.11.2024 in entirety as if the same are set out and reproduced in seriatim herein. The Respondent No.4 reserves its right to file a further detailed Affidavit, if the circumstances so demand or if so directed by this Hon'ble Tribunal.
3. It is submitted that the present Affidavit is being filed in compliance with the directions issued by this Hon'ble Tribunal vide Order dated 23.04.2025, whereby Respondent No. 3 was directed to submit, by way of an affidavit, the reasons for the unavailability of the details sought by this Hon'ble Tribunal pertaining to the

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Chief Engineer
(NH), Roads & Bridges
Public Works Department
Altinho, Panaji-Goa

area and specifications of the proposed New Borim Bridge Project, along with a reasonable estimate of the time required to provide the same.

4. The Respondent No.4 submits that the project in question involves the construction of a High-Level New Borim Bridge on National Highway-566 (formerly NH-17B) in the State of Goa. The same forms an integral component of the sanctioned development of the remaining 8 km stretch of NH-566, out of the total 37.5 km of which 29.5 km has already been developed and four-laned.
5. The Respondent No.4 submits that the existing Borim Bridge is in a highly distressed condition and repeated repair works have had limited success in mitigating the growing structural concerns. It is submitted that the bridge also suffers from inadequate carriageway width, resulting in traffic congestion and posing serious safety hazards, especially given the increase in vehicular volume. It is further submitted that it is the only portion of the Highway by way of a bridge link connecting the major Talukas of Ponda, Salcete, and Mormugao, and its continued use without replacement carries a significant risk of disruption to socio-economic activity and emergency services in the region.
6. The Respondent No.4 submits that the subject project squarely falls under Entry 7(f) of Schedule-I to the EIA Notification, 2006, as amended, which deals with "Highways." This categorization is based on objective parameters, namely:
 - o The proposed bridge and approach road have a total length of approximately **5.277 km**, which is substantially below the threshold of 100 km as specified in the Notification dated 22.08.2013;
 - o The proposed Right of Way (ROW) does not exceed **40 meters** on existing alignments and **60 meters** on re-alignments or by-passes.
7. The Respondent No.4 submits that the Applicant has sought to rely on the judgement passed by the Hon'ble National Green Tribunal, Principal Bench in the case of Vikrant Kumar Tongad v.s Delhi Tourism and Transportation Corporation & Ors. (OA No. 137 of 2014), to mean that every project that exceeds 1,50,000 sq. mts. falls under the category of Entry 8(b) of Schedule to EIA Notification,




Chief Engineer
(NH), Roads & Bridges
Public Works Department
A. W. N. S. Penal-Goa

2006. Whereas, the Hon'ble Principal Bench, in the aforesaid case has examined the ambit and scope of Entry 8(b) as under:

"Thus, the Tribunal has too examine the ambit and scope of Entry 8(b) while keeping in mind the scheme and object of the Act of 1986, the Rules of 1986, the Regulations of 2006 along with its Schedule and most importantly Right to Clean Environment as an integral concept of our Constitutional Scheme. The Project in question is construction of a 'Signature Bridge' over River Yamuna, connecting Eastern and Western ends of the city of Delhi and to ensure fast and smooth flow of traffic in that part of the city. This certainly is an Area Development project falling within Entry 8 (b) of Schedule of Regulations of 2006. There is no dispute that the total constructed area of the 'Signature Bridge' is 1,55,260 sq. mts., which is higher than the threshold marker of 1,50,000 sq. mts. This project cannot fall within Entry 7(f) of the Schedule to the Regulations of 2006, as it is neither a national nor a City highway and not even any part thereof."

8. Therefore, the Respondent No.4 submits that the assertion by the Applicants that the project falls under Entry 8(b) (Township and Area Development) of the said Notification is incorrect, as the project is neither a township nor a residential area development project but a linear public infrastructure project forming part of a notified National Highway.
9. Notwithstanding the aforesaid, the Respondent No.4 submits that in compliance with the directions of this Hon'ble Tribunal dated 07.01.2025, Respondent Nos. 3 to 5 were required to submit details of the area and design of the New Borim Bridge Project, to assist this Tribunal in determining whether the area involved exceeds 1,50,000 sq. m., which is the threshold for applicability of Entry 8(b).
10. The Respondent No.4 submits that pursuant to the said direction, a meeting was held between Respondent No. 3, the DPR (Detailed Project Report) Consultant, and Respondent No. 5 i.e., the Ministry of Road Transport and Highways (MoRT&H), during which Respondent No. 5 recommended several changes to the feasibility and design proposals initially prepared. The said recommendations are crucial to align the design with updated technical, safety, and environmental



[Signature]

Chief Engineer
(NH), Roads & Bridges
Public Works Department
Alinho, Panaji-Goa

guidelines. The Minutes of the Meeting dated 29.01.2025 is annexed herewith and marked as **Exhibit-A**.

11. The Respondent No.4 submits that the DPR Consultant is in the process of incorporating these modifications into the final DPR, which is a complex and technical task given that the project involves:

- o A main bridge span of approximately 300 meters,
- o Approaches designed to integrate seamlessly with existing developed highway stretches,
- o Geotechnical challenges arising from the road alignment passing through a cutting section, including slope stabilization, soil and rock classification, and the design of an effective drainage system, all of which necessitate detailed analysis to ensure structural safety and long-term durability.
- o Section 3(D) of the National Highway Act, 1956 has been notified towards an area of 34.023 Hectare.



12. The Respondent No.4 submits that as per the latest communication dated 06.05.2025 as received from the DPR Consultant, the updated and finalized DPR is expected to be finalized by **15.06.2025**. The preparation of the DPR is time-consuming due to the following factors:

- Engineering design complexity arising from geological, hydrological, and topographical considerations;
- Integration with existing infrastructure on either end of the proposed bridge;
- Alignment with environmental safeguards and coastal regulation zone norms.

The copy of the said letter dated 06.05.2025 issued by the DPR Consultant is annexed herewith and marked as **Exhibit-B**.

13. The Respondent No.4 submits that once the DPR is prepared, it will be submitted to MoRT&H for final approval and sanction, which is a process governed by standard operating protocols and inter-departmental reviews. It is respectfully submitted that the said approval is expected to consume minimum of six (6) months from the date of submission of the DPR, based on prior experience in similarly scaled infrastructure projects.

Chief Engineer
(NH). Roads & Bridges
Public Works Department
Attinhe, Panaji-Goa

14. The Respondent No.4 submits that only upon receipt of DPR approval from the Ministry, will the Respondent No.4 be in a position to provide precise and final data regarding the project area, including built-up land coverage and construction footprint, as directed by this Hon'ble Tribunal.

15. The Respondent No.4 reiterates that no prior Environmental Clearance (EC) is applicable to the present project, in view of the specific exemption provided to National Highway projects under 100 km and within specified ROW limits, as per Gazette Notification dated 22.08.2013 and IRC SP 93:2017. In view of the above, the Respondent has not approached the MOEF&CC for EC, and this fact has also been noted in the prior Orders of this Hon'ble Tribunal. A copy of the aforementioned Guidelines IRC SP 93:2017 is annexed herewith and marked as Exhibit-C.

16. The Respondent No.4 submits that the CRZ delineation and approvals have been sought and obtained, and the project does not involve diversion of any forest land. It is further submitted that felling of trees, if any, will be undertaken strictly in accordance with applicable regulations and after obtaining all necessary permissions from the competent authorities.

17. In view of the above, it is most humbly submitted that Respondent No. 4 shall be in a position to submit complete project details as required by this Hon'ble Tribunal only after:

- Finalization of DPR by 15.06.2025;
- Approval and sanction by the MoRT&H, which will require approximately 6 months thereafter;
- Completion of balance land acquisition process.

18. It is most humbly submitted that the delay, if any, is neither deliberate nor intentional, but owing to the technical, procedural, and regulatory nature of the tasks involved, including design finalization, statutory approvals, and land acquisition procedures.



Chief Engineer
(MH), Roads & Bridges
Public Works Department
Alhno, Panaji-Goa

PRAYER:

Wherefore, in view of the foregoing facts and circumstances, the relevant correspondences, documents on record and the applicable law, the Respondent No. 4 most respectfully prays that this Hon'ble Tribunal may be pleased to reject the application as the Project does not fall within Entry 8(b) of EIA Notification, 2006.

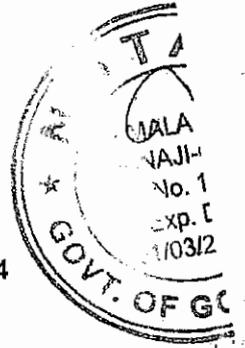
Date: 16/05/2025
Place: Panaji Goa


For M.V.KINI Law Firm
Advocates for Respondent No.4



FOR RESPONDENT NO.4


Chief Engineer
(Hd). Roads & Bridges
Public Works Department
Altinho, Panaji-Goa



VERIFICATION

I, Shrivallabh R Pai, son of Rajaram Upendra Pai, aged 59, an Indian Inhabitant, working as Chief Engineer (NH, R&B) at the office of PWD having my office at Altinho Panaji, Goa, state on solemn affirmation that the contents of this Additional Affidavit on behalf of the Respondent No.4 are true and correct and the same are based on the records maintained at our office and are correct to the best of my knowledge and belief.

In witness whereof, I have signed this day.

Date: 16/05/2025
Place: Panaji Goa

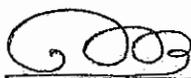
FOR RESPONDENT NO.4
Chief Engineer
(NH), Roads & Bridges
Public Works Department

Before Me

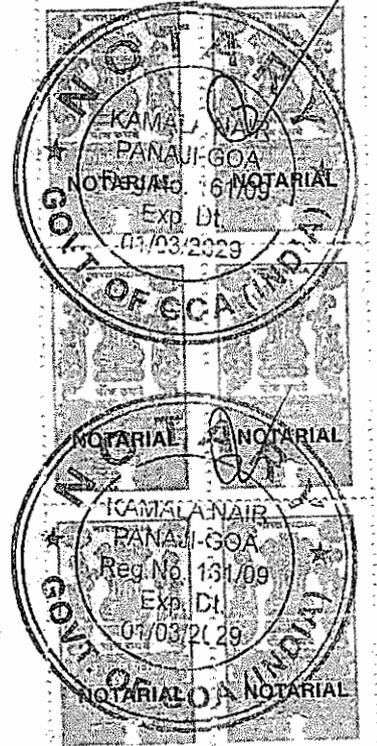

For M.V.KINI Law Firm
Advocates for Respondent No.4

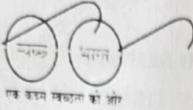


SOLEMNLY AFFIRMED AND VERIFIED
BEFORE ME BY Shrivallabh R. Pai
WHO IS IDENTIFIED BEFORE ME as Chief Engineer
BY Notary No. 1311/09
WHOM I KNOW
SERIAL No. 1111 DATED 16/05/2025


KAMALA NAIR
NOTARY AT PANAJI
STATE OF GOA

Serial No. 1111/2025
Dated 16/05/2025





PWD/WD XV /SD II (NH)

In No. 2255

Date..... 5/2/25

Ponda - Goa

Government of Goa
Office of the Executive Engineer
Work Division XV(NH)
Public Works Department
Ponda - Goa

Email id:- ee15-pwd.goa @nic.in

Website:-www.pwd.goa.gov.in

No.F.8024/PWD/WDXV (NH)/ASW/2024-25/334

Dated:- 30/01/2025

Name of WORK:Consultancy Services for the Preparation of Detailed Project Report and Bidding Documents for the "Proposed Construction of High-Level New Bridge along with its approaches across River Zuari at Borim on NH - 17B (NH-566) in the State of Goa".

MINUTES OF MEETING

Dated: - 29/01/2025

A meeting was held in Ministry of Road Transport & Highways, Transport Bhawan, 1, Parliament Street New Delhi-110001, under the chairmanship of Shri. Manoj Kumar, Chief Engineer, MoRTH on 09/01/2025 at 11:00 AM to discuss the subjected work.

Following were present in the meeting.

A) Ministry of Road Transport & Highways:

- i) Shir. Rohin Gupta - Superintending Engineer.
- ii) Shri. Vishal Pandey - Executive Engineer.

B) (NH) PWD, Panji- Goa:

- i) Shri. Dattaprasad Kamat - Superintending Engineer.
- ii) Shri. Satyendra Bhobe - Executive Engineer.

C) M/s Technagem Consultants Pvt. Ltd. (DPR Consultant):

- i) Shir. Vijay Pawar - Director, Highway.
- ii) Shri. Sahil S. Shinde - Highway Design Engineer.

A meeting was held to discuss modifications to Alternative Alignment No. 7, aiming to make it a signal-free route, as per instructions from the SE (NH) PWD, Goa, on 16th December 2024. The DPR Consultant presented a study of the alignment, highlighting changes at Dhavli and Baithakhol Junctions, which were previously at grade and signal-controlled. Key modifications included typical cross-sections, provisions for vehicle overpasses (VOP) and underpasses (VUP) for local traffic, and ramps to ensure smooth access for local traffic without disrupting the main traffic flow.

Shri. Tejendra Patil
To n.e.
M/s Tejendra Patil C.W.F/c

Following points were discussed and decisions taken:

1. Improvement of Dhavali junction: -

At the start of the project near Dhavali Junction, the DPR consultant proposed constructing a viaduct/flyover starting over the existing VOP approach at the Swami Narayan temple, featuring a 150m radius curve and a 45m transition for smooth traffic flow. This design required the acquisition of an additional 0.07 hectares of land. The consultant also noted that the carriageway width of the existing VOP is 2+2, which would gradually increase to 3+3 in the viaduct/flyover portion. However, the C.E. (MoRTH) and S.E. (MoRTH) instructed that no extra land should be acquired since the land acquisition 3D had already been published, and any modifications must be made within the existing ROW. Additionally, the viaduct/flyover should begin after the end of the existing VUP approach, with a steep 4% (1:25) gradient to achieve a minimum vertical clearance of 5.5m at the junction. The CE (MoRTH) also instructed exploring the feasibility of a one-way, three-lane flyover for right-turning traffic if a six-lane bidirectional flyover could not fit within the available ROW. If these conditions cannot be met, the junction should remain as originally approved in the earlier alternative alignment, with a signalized junction for National Highway traffic and a 2-lane bidirectional flyover for Ponda traffic.

Later, the existing road crosses the proposed alignment, where a viaduct is provided before the hill-cutting portion begins to ensure smooth traffic flow. Both the C.E. (MoRTH) and S.E. (MoRTH) agreed to this design, as it effectively addressed the intersection between the existing road and the proposed alignment, allowing for efficient traffic movement without disruptions.

2. Cross Section of High Cutting Sections in Hill: -

The DPR consultant presented the Plan & Profile and Typical Cross Section for the cutting section of the project, where the cutting height exceeded 20 meters. In response, the C.E. (MoRTH) and S.E. (MoRTH) instructed that the Typical Cross Section should be designed according to IRC-SP-84 and the latest ministry circulars. Additionally, the S.E. (MoRTH) emphasized the need for implementing protection measures to mitigate the risk of landslides in the area, ensuring the safety and stability of the cutting section. During the meeting, the S.E. (MoRTH) also shared a hill cutting protection work study, which he had, to minimize landslide risks in the area.

3. Improvement of Baithakhhol junction: -

To make the junction signal-free, the DPR consultant modified the approved alignment by providing a single curve towards the hillside for the free movement of national highway traffic, which required additional land acquisition of 0.71 hectares, along with ramps and a VOP at Baithakhhol Junction to accommodate Amigos/Belgum traffic. However, the C.E. (MoRTH) and S.E. (MoRTH) instructed that no extra land should be acquired, as the land acquisition 3D had already been published. As a result, it was decided to maintain the original arrangement at Baithakhhol Junction, as approved in the alternative alignment, which involves keeping National Highway traffic at a signalized junction and providing a 2+2 lane flyover for the Verna to Amigos/Belgum vice versa direction.

4. Durbhat junction: -

The DPR Consultant explained that the junction at Durbhat was kept as originally approved in the alternative alignment & the width of this viaduct/flyover is kept as per IRC-SP-84. In response, the C.E. (MoRTH) and S.E. (MoRTH) instructed the removal of the service road provided on the left-hand side (LHS) of the viaduct. Local traffic would instead use the existing road and take the up and down ramps provided at the junction. This change would also help minimize the trimming work required for the existing nala.

5. River Bridge Span arrangement: -

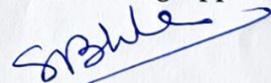
During the meeting, the DPR Consultant informed that a cable-stayed bridge had been considered for the navigational span of 300 meters (comprising 75m + 150m + 75m). And the width of this viaduct/flyover is kept as per IRC-SP-84. In response, the C.E. (MoRTH) and S.E. (MoRTH) instructed the DPR Consultant to explore other feasible options for the type of superstructure for the navigational span, such as using an open web girder with specialized anticorrosion steel or stainless steel, and to avoid opting for a cable-stayed bridge or balanced cantilever design.

6. Improvement of Loutolim junction: -

The DPR Consultant explained the junction design at Loutolim Junction, which required an additional land acquisition of 0.381 hectares, detailing the up and down ramps in all directions. In response, the C.E. (MoRTH) and S.E. (MoRTH) instructed the DPR Consultant to arrange all the up and down ramps within the approved land acquisition plan published in the 3D, ensuring that no extra land should be acquired separately.

The meeting ended with a vote of thanks to the Chair.

Minutes of meeting Approved By



Executive Engineer - XV (NH),
P.W.D., Ponda Goa

- CC: - i) The Chief Engineer, (NH, R & B), PWD, Altinho Panaji Goa
ii) The Superintending Engineer, Circle IX, PWD, Altinho - Panaji Goa.
iii) Project Director, Project Monitoring Unit, Goa (MoRTH).
✓ iv) The Assistant Engineer, S.D II, W.D.XV(NH), PWD, Ponda Goa.
v) M/s. Technogem Consultants Pvt. Ltd (TCPL).

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Website.: www.technogem.com

CIN No. U74210MH1998PTC113910

Exhibit - B

Ref. No. TCPL/364/Y2K-25/04

Date: 06th May 2025

To,
The Executive Engineer,
WD, XV (NH) PWD,
Ponda - Goa.

Sub: - Preparation of Detailed Project Report for the "Proposed Construction of High-Level New Bridge along with its approaches across River Zuari at Borim on NH - 17B (NH-566) in the State of Goa.

Reg: - DPR Submission

Ref:- Your letter no. PWD/WDXV (NH)/ASW/F.8024/25-26/06 dated 03/04/2025

Dear Sir,

With reference to the above-mentioned letter, we are writing to provide you with an update regarding the Detailed Project Report (DPR) for the above subject work, which includes the construction of a creek bridge, road in cutting section, flyovers, up/down ramps, and at-grade junction improvements.

As you are aware, this DPR undergone lots of changes due to Land Acquisition problems in Loutolim village and lots of inputs from various levels of authority to fix the alignment in bare minimum land acquisition. As it required various options to accommodate the required junctions in minimum possible land acquisition, the comprehensive DPR is being prepared and will submit it to Authority by 15th June, 2025. After various deliberations at authority's various levels now all-following parameters are finalised those have contributed the need of additional time to finalize the DPR.

1. Creek Bridge Design (Including Navigational Span):

The creek bridge design requires extensive hydrological, geotechnical, and environmental investigations. The necessity for a navigational span to accommodate waterway traffic also involves revisions in span length and vertical clearance to comply with maritime regulations and structural adjustments.

2. Road in Cutting Section:

The road alignment through a cutting section poses geotechnical challenges, such as slope stabilization, soil/rock classification, and drainage system design. Additional time is needed to complete the required detailed analysis and ensure the section's safety and long-term durability.



3. Flyovers and Up/Down Ramps:

The design of flyovers and up/down ramps requires comprehensive traffic analysis and structural design integration, particularly where space or clearance constraints exist. Alignment coordination with existing roadways and utilities further necessitates additional time.

4. At-Grade Junction Improvements:

The surface-level junction improvements involve traffic flow optimization, pedestrian safety enhancements, and reconfiguration of turning movements. These need careful modelling and multiple design iterations, ensuring optimal functionality and traffic management.

5. Client Suggestions and Instructions for Vertical and Horizontal Alignment Improvement:

Based on the client's feedback, several modifications were made to improve both the horizontal and vertical alignment of the corridor. These include:

- Modification of horizontal alignment within the proposed Right of Way (ROW), in accordance with the published 3D, to better accommodate the terrain and minimize land acquisition.
- Vertical alignment adjustments to reduce sharp grade changes and improve ride quality.
- Reevaluation of turning radii and grade specifications to accommodate heavy vehicles.
- Enhancements for safety, including clearer visibility and slower inclines.

Given the complexity of these tasks, the timeline for submission of the DPR have to be revised and now, we are targeting the final submission date for the Detailed Project Report by 15th June, 2025.

We appreciate your understanding and continued support as we work to complete the DPR in a manner that reflects the highest standards of safety, functionality, and technical excellence.

Assuring you of our best services and thanking you, we remain,

Yours faithfully,
for, TECHNOGEM CONSULTANTS PVT. LTD.




(Ravindra J. Panchal)
Authorized Signatory

- CC. i). Superintending Engineer, (NH) PWD Altinho, Panji, Goa.
ii). Executive Engineer, PDPMU, Goa.

IRC:SP:93-2017

**GUIDELINES ON REQUIREMENTS
FOR
ENVIRONMENTAL CLEARANCES
FOR ROAD PROJECTS**

(First Revision)

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Disclaimer: As regulations keep changing from time to time and with changing context, the guidelines provided in this document include only the most relevant issues as on the date of finalization of this document. The document aims to sensitize the reader regarding the regulatory requirements. The reader is advised to refer to the latest regulations before relying on any of the guidelines given in this document.

**PERSONNEL OF THE GENERAL SPECIFICATIONS
AND STANDARDS COMMITTEE (GSS)
(As on 24th June, 2017)**

1	Kumar, Manoj (Convenor)	Director General (RD) & Special Secretary to the Govt of India, Ministry of Road Transport & Highways, New Delhi
2	Singh, B.N. (Co-Convenor)	Additional Director General, Ministry of Road Transport & Highways, New Delhi
3	Verma, Dr. S.K. (Member Secretary)	Chief Engineer SR&T(R), Ministry of Road Transport & Highways, New Delhi

Members

4	Basu, Kaushik	Chief Engineer, Ministry of Road Transport & Highways
5	Bhardwaj, R.S.	Senior Principal Scientist, Central Road Research Institute, New Delhi
6	Chacko, Dr. K.M.	Director, Shriram Institute of Industrial Research, Delhi
7	Eligar, J.H.	Superintending Engineer, Ministry of Road Transport & Highways
8	Gupta, D.P.	DG(RD) & AS (Retd), Ministry of Road Transport & Highways, New Delhi
9	Jain, Prof (Dr) S.S.	Professor, IIT Roorkee
10	Jhamb, S.B.	Addl. Director General(Retd.), Central Public Works Department, New Delhi
11	Joshi, L.K.	Secretary(Retd.), Ministry of Road Transport & Highways, New Delhi
12	Lal, Bhure	Chairman, Environment Pollution (Prevention & Control) Authority, Delhi
13	Mathur, Dr. Ajay	Director General, The Energy & Resource Institute, New Delhi
14	Narain, Sunita	Director General, Centre for Science & Environment, New Delhi
15	Goel, O.P.	Director General(Retd), Central Public Works Department, New Delhi
16	Pandey, I.K.	Chief Engineer, Ministry of Road Transport & Highways, New Delhi
17	Parrikar, G.M. Naik	Superintending Engineer, PWD Goa
18	Pateriya, Dr. I.K.	Director (Technical), National Rural Road Development Agency, New Delhi
19	Puri, S.K.	DG(RD) & SS (Retd), Ministry of Road Transport & Highways, New Delhi
20	Rajoria, K.B.	Engineer-in-Chief(Retd.), Delhi PWD, New Delhi
21	Raju, Dr.G.V.S.	Engineer-in-Chief(Retd.), R& B Deptt., Hyderabad
22	Rajvanshi, Ms. Asha	Head, EIA Wild Life Institute, Dehradun
23	The Director (Reddy, D.N.)	Engineering Staff College of Engineering, Hyderabad
24	The CEO & PD (Sahay, Vishvajit)	National Automotive Testing and R&D Infrastructure Project, New Delhi

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- | | | |
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| 26 | Sharma, D. C. | Principal Scientist, Central Road Research Institute, New Delhi |
| 27 | Sharma, M. P. | Chief Engineer, Ministry of Road Transport & Highways, New Delhi |
| 28 | Sharma, R. S. | Managing Director, M/s STP Ltd New Delhi |
| 29 | Sharma, V. K. | Chief General Manager (LA), National Highways Authority of India, New Delhi |
| 30 | Sinha, A.V. | DG (RD) & SS (Retd.), Ministry of Road Transport & Highways, New Delhi |
| 31 | Sinha, B.N. | Chief Engineer (Retd.), Central Public Works Department, New Delhi |
| 32 | Tawade, D.O. | Member(Technical), National Highways Authority of India, New Delhi |
| 33 | The Director General, (Mathur, Vishnu) | Society of Indian Automobile Manufacturers, New Delhi |
| 34 | The Director (Urdhwareshe, Mrs. Rashmi) | Automotive Research Association of India, Pune |
| 35 | Vasantha, Dr. C. | Superintending Engineer, PWD Hyderabad |
| 36 | Verma, S.K. | Advisor, Engineering Staff College of India, Hyderabad |
| 37 | Verma, Maj V.C. | Director, M/s Oriental Structures Engineers Pvt. Ltd., New Delhi |
| 38 | Vyas, Neha | Senior Environment Specialist, World Bank, New Delhi |

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| 3. | Secretary General | (Nirmal, S.K.) Indian Roads Congress, New Delhi |

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GUIDELINES ON REQUIREMENTS FOR ENVIRONMENTAL CLEARANCES FOR ROAD PROJECTS

1 INTRODUCTION

IRC:SP:93 "Guidelines on Requirements for Environmental Clearances for Road Projects" was first published in March, 2011. The Committee on **Reduction of Carbon Footprint in Road Construction and Environment (G-3)** felt the necessity to revise the document. The draft was discussed by G-3 Committee in a number of meetings.

The **Reduction of Carbon Footprint in Road Construction and Environment Committee** (list of personnel given below) in its meeting held on 07.04.2017 finalized the revised Guidelines and recommended its submission to General Specifications and Standards Committee(GSS) for their consideration

Joshi, L.K.	—	Convenor
Jain, Prof S.S.	—	Co-Convenor
Sharma, S.P.	—	Member-Secretary

Members

Baroka, Arun	Khan, Shabana
Basu, S.B.	Khitoliya, Prof.(Dr.) R.K.
Bhandari, Dr. Kirti	Korulla, Mrs. Minimol
Bhattacharya, Dr A. K.	Mukhopadhyay, Dr. B.
Bhattacharya, Ms. Tamosi	Nadeem, R. M.
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Choudhary, Dr Harish C.	Sangal, M. M.
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Bhargava, Dr. Mrs. Renu	Harvey, Dr. John
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Secretary General, IRC (Nirmal, S.K.)	

The draft guidelines were approved by the General Specifications and Standards Committee (GSS) in its meeting held on 24.06.2017 and subsequently by the Executive Committee in its meeting held on 13.07.2017. The document was approved by the IRC Council in its 212th meeting held from 14th to 15th July, 2017 at Udaipur(Rajasthan).

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CHAPTER 1

ENVIRONMENT AND SOCIAL LEGAL FRAMEWORK

1.1 Preamble

The document on Environmental Clearance was first published in 2011. Since then a number of changes were brought about by the Government limiting the usefulness of the document. It was, therefore, felt necessary that the document be revised and made consistent with the current regulations on the subject. Some of the changes triggering the revision are: relaxed norm of project length requiring environmental clearance from 30 km to 100 km and width of additional land acquisition from 20 m to 40 m for widening and 60 m for realignment. Some other provisions relaxed in the meantime include de-linking of various clearance processes such as; environment & CRZ clearance, forest clearance and wildlife clearance and parallel processing of all clearances such as processing of forest clearances de-linked from wildlife clearance for activities falling beyond the boundary of protected area (ESZ), dispensing with the requirement of specific TORs for highway widening projects; delegation of powers of issuing forest clearance for linear projects to Regional Offices on the recommendation of Regional Empowered Committees (RECs) and treating the First Stage Forest Clearance as working permission for cutting of trees and commencement of work subject to funds meeting the statutory conditions being deposited, advisory to the State Governments not to impose additional conditions over and above those stipulated in the Forest Clearance; waiver of taking the consent of Gram Sabhas under the Forest Rights Act, 2006 for linear projects on the Collector's certificate that no population of tribal or forest dwellers are affected; borrowing of earth not attracting environment clearance, etc. Hon'ble Supreme Court has also dispensed with the requirement of filing an application before the Court for Wildlife Clearance if CEC has no objection on the recommendation of SCNBL.

1.2 Environment and Social Legal Framework

Even before India's Independence in 1947, several environmental and social/resettlement related legislations existed but the real impetus for bringing about a well-developed framework came only after the UN Conference on the Human Environment (Stockholm, 1972). Under the influence of this declaration, the National Council for Environmental Policy and Planning within the Department of Science and Technology was set up in 1972. After the Stockholm Conference, in 1976, constitutional sanction was given to environmental concerns through the 42nd Amendment, which incorporated them into the Directive Principles of State Policy and Fundamental Rights and Duties. The Department of Environment was established in 1980 and later evolved into a full-fledged Ministry of Environment and Forests (MoEF) in 1985, which was renamed as the Ministry of Environment, Forests & Climate Change (MoEFCC) in 2014, and is the apex administrative body in the country for regulating and ensuring environmental protection.

The legal environment framework of the country consists of several Acts, notifications, rules and regulations to protect environment and wildlife.

1.3 Regulatory Control of Road Projects

Environment Clearance is required only for certain categories of Highway Projects, and not all road projects. However, other Environmental Clearances may be required for all road projects, depending on location of the project alignment.

1.4 Enforcement Agencies for Environmental Regulations

1.4.1 Ministry of Environment, Forests & Climate Change (MoEFCC)

The Ministry of Environment, Forests & Climate Change (MoEFCC) is the key ministry of the Government of India (GoI) responsible for the preparation and implementation of the legislations to mitigate and control impacts on the Environment.

MoEFCC, through its Regional Offices and other subordinate organisations regulates Environmental compliances. Brief description of these organisations is given below:

1.4.2 Central Pollution Control Board

The Central Pollution Control Board (CPCB) basically design the schemes, procedures and standard to control the water, air, and noise pollution, land degradation and hazardous substances, and waste management. The executive responsibilities for the industrial pollution prevention and control are primarily executed by the CPCB at the Central level.

1.4.3 State Pollution Control Boards

The State Pollution Control Boards (SPCBs) were constituted to implement and monitor the environmental safeguards related to Air, Water, and Noise in respective States of the Indian Union. The SPCBs also provides advisory support to the Department of Environment in the States on Environmental Policy matters.

1.4.4 Coastal Zone Management Authority (CZMA)

Coastal Zone Management Authorities have been set up both at National and State/ Union Territory levels. The objective of these authorities is to take measures for protecting and improving the quality of coastal environment and preventing, abating and controlling environmental pollution in coastal areas. Roads passing through coastal regulation zones need to take clearance from the Coastal Zone Management Authority (CZMA) at the State level, and the MoFECC at Central level.

1.4.5 National Board of Wildlife/State Wildlife Advisory Boards

The National Board of Wildlife (NBWL) is the apex advisory body in the field of Wildlife Conservation in the country and is headed by the Honorable Prime Minister of India. The NBWL takes decisions regarding the impact on wildlife due to road development activities. The Standing Committee of NBWL (SCNBWL), headed by Hon'ble Minister of Environment, Forests & Climate Change, appraises and issues recommendations related to proposed projects in and around wildlife areas. The SCNBWL generally acts subsequent to, and on the

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recommendations of, the State Wildlife Advisory Boards (SWAB). The SWABs are headed by the respective Hon'ble Chief Ministers.

1.5 Environmental and Social Legal Framework

1.5.1 Relevant Regulations

The Constitution of India directs the State to endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country. Article 51(g) of the constitution states that it shall be the duty of every citizen of India to protect and improve the national environment including forests, lakes, rivers and wildlife and to have compassion for living creatures. The language of the Directive principles of the state policy (Article 47) also contains a specific provision, which commits the state to protect the environment. In addition to Constitutional provisions, India has established a comprehensive set of laws for the management and protection of the environment. The Environmental Acts, Notifications, Rules and Amendments applicable for the highway project includes the following:

- The Environment (Protection) Act, 1986 and the Rules/Notifications/Standards issued thereunder;
- Water (Prevention and Control of pollution) Act 1974 and the rules made thereunder
- The Air (Prevention and Control of Pollution) Act, Rules and Amendment, 1981 and the rules made thereunder
- The Water (Prevention and Control of Pollution) Cess Act, 1977
- Forest (Conservation) Act 1980, and the rules made thereunder
- National Environment Tribunal Act, 1995
- Wildlife Protection Act 1972
- Biodiversity Act, 2002
- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Legal Framework for highway projects, related to Environment and Social Safeguards is summarised below:

S.No.	Legal Framework	Coordinating Agency	Objectives/Highlights of Framework.
Environment Legal Framework			
1.	Constitution of India, Article 48, 51-A	Government of India	Article 48A of the Directive Principles of State Policy provides for the State's commitment to protecting the environment and Article 51A(g) states that to protect and improve the natural environment shall be the fundamental duty of the citizens of India

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S.No.	Legal Framework	Coordinating Agency	Objectives/Highlights of Framework.
2.	Wildlife Protection Act 1972	MoEFCC	Protection of wildlife (wild animals, defined plants and birds). Constitution of National Board of Wildlife, its Standing Committee, and the State Wildlife Advisory Boards. Regulates clearance in and around wildlife areas and along migratory corridors of wildlife
3.	Water (Prevention and Control of pollution) Act 1974	CPCB, SPCB	Prohibits the discharge of pollutants into water bodies beyond a given standard, and lays down penalties for non-compliance
4.	Water (Prevention and Control of Pollution) Cess Act, 1977	CPCB, SPCB	Provides for a levy and collection of a cess on water consumed by industries and local authorities
5.	Forest (Conservation) Act 1980, Forest Conservation Rules, 1981	MoEFCC, Regional, State Forest Department (SFD)	Restrictions on conversions of Forest for uses other than for forestry purposes, without the permission of Central Government. Regulates use of forest land for non-forestry purposes.
6.	Air (Prevention and Control of Pollution) Act, 1981	CPCB, SPCB	Provides means for the control and abatement of air pollution.
7.	The Air (Prevention and Control of Pollution) Rules, 1982	CPCB, SPCB	Define the procedures for conducting meetings of the boards, the powers of the presiding officers, decision-making etc.
8.	Environment (Protection) Act 1986(EPA)	Ministry of Environment and Forests (MoEFCC)	Ensures that appropriate measures are taken to conserve and protect the environment before commencement of operations.
8a.	Environmental Impact Assessment Notification 2006		Identifies highways among other project categories that need environmental clearance from the Central Government in form of an approved Environmental Impact Assessment (EIA) report and EMP.
8b.	Coastal Regulation Zone Notification 1991		Control on development in the zone between high and low tide lines, and on lands within 500 m of high tide line.

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S.No.	Legal Framework	Coordinating Agency	Objectives/Highlights of Framework.
8c.	Fly ash Notification 2011	MoEFCC	Mandates use of fly ash in Road construction within a radius of 300 km. For highway projects, flyash to be made available by the Thermal Power Plants at filling site free of cost up to 100 km and on cost sharing basis up to 300 km.
9.	The Environment (Protection) Rules, 1986	MoEFCC, CPCB & SPCB	lay down the procedures for setting standards of emission or discharge of environmental pollutants.
10.	National Environment Tribunal Act, 1995	National Environment Tribunal	To provide for strict liability for damages arising out of any accident occurring while handling any hazardous substance
11.	Biodiversity Act 2002	National Biodiversity Authority/State Authorities/	To provide for conservation of biodiversity, sustainable use of resources fair and equitable sharing of the benefits from use of resources
12.	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	Ministry of Tribal Affairs	To recognize the traditional rights of the Scheduled Tribes and other traditional forest dwellers on forest areas. District collectors required to certify that all such rights on the forest areas under diversion have been settled.
13.	Land Acquisition Act 1894	Government of India	Provided for the acquisition of land for public purposes and for Companies and for determining the amount of compensation to be made on account of such acquisition. The Act has been replaced by the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement & Rehabilitation Act, 2013.
14.	Right to Fair Compensation and Transparency in Land Acquisition, Resettlement & Rehabilitation Act, 2013	Govt of India	Provide procedures for land acquisition and compensation and resettlement & rehabilitation of project affected people.

S.No.	Legal Framework	Coordinating Agency	Objectives/Highlights of Framework.
15.	Indian Waterways Authority of India Act 1985	Inland Waterways Authority of India	Empowers the Government to develop waterways for efficient shipping and navigation. Regulates construction of bridges over navigational channels.
16.	The Ancient Monuments and Archaeological Sites and Remains Act 1958	Archaeological Survey of India (ASI)	Provides for the preservation of ancient and historical monuments and archaeological sites and remains of national importance. Regulates development activities in the vicinity of Protected monuments

1.6 Clearance Requirements for Road Projects

1.6.1 Clearance Requirements of Project Authorities

- Environment Clearance (EC) is required for only certain categories of National Highway and State Highway projects, as explained in the subsequent section, under EIA notification 2006
- "Consent to Establish" a project is required under the Air Act and Water Act
- "Consent to Operate" a Plant or Machinery is required under the Air Act and Water Act
- Clearance from the Coastal Zone Management Authorities (CZMA) of the concerned State is required for projects located in earmarked coastal areas, under the CRZ notification
- Forest clearance is required for all such projects where a forest area is to be diverted for the project, under the Forest Conservation Act, irrespective of the type of forest or area of forest under diversion.

For the sake of clarity, if a roadside plantation on the Right of Way (ROW) of the road is notified as a Protected Forest, use of any area under such plantation for road widening is construed as Diversion of Forest land, and Forest Clearance (FC) is required for the project.

- Wildlife clearance is required for all such projects where the project is located in a Protected Area (PA), which is a collective term for National Parks, Wildlife Sanctuaries, etc.
- Clearance is also required for designated Eco-Sensitive Zones (ESZ), as follows:
 - All the PAs have Eco-Sensitive Zones (ESZ) earmarked all along the periphery of a particular PA. The limits of an ESZ are notified, and vary across the PAs, and along different directions outside a PA. However, unless such boundaries are notified, a 10 km radius from the boundary

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of a PA is taken as the ESZ. Clearance for such areas is required, only in case the project requires Environment Clearance. In such an eventuality, clearance for the ESZ of a PA is granted by the Standing Committee of the National Board of Wildlife, as per the procedures for Wildlife Clearance

- For the areas covered under the Project Tiger, even outside the core area of a PA, and the migratory corridors of Tigers contiguous to such areas, clearance is required from the Standing Committee of the National Board of Wildlife on recommendation of the National Tiger Conservation Authority (NTCA) as per the procedure for Wildlife Clearance, under section 38(O)(G) of Wildlife Protection Act.
- For all other ESZs, notified under the Environment Protection Act, clearance is considered as a part of Environment Clearance, only if the requirement of EC is triggered.
- Clearance from the Inland Waterways Authority is required in case the project alignment crosses a navigational channel
- NOC from Central Ground Water Board is required for drawing ground water in notified blocks
- NOC from Archeological Survey of India is required for any construction/ operation within a certain notified distance of a protected monument

1.6.2 *Clearance Requirements for Road Projects at pre-construction Stage by Contractors*

- Consent to Establish from State Pollution Control Board under the Air Act and Water Act for Hot Mix Plant and Aggregate quarry
- Consent to Operate from State Pollution Control Board under the Air Act and Water Act for Hot Mix Plant and Aggregate quarry
- Hazardous Waste Authorisation under the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2009, from State Pollution Control Board
- Environmental Clearance from the District Level appraisal committees for borrowing of ordinary earth and extraction of minor minerals.

CHAPTER 2

PROCEDURE FOR OBTAINING ENVIRONMENT CLEARANCE

2.1 General Condition (GC)

The process of obtaining environmental clearance for road projects has been described in EIA Notification 2006, as amended from time to time. The applicability of Environment Clearance for highways projects is given under the SCHEDULE appended to the EIA Notification 2006. The relevant extract of the latest provision in relation to highway development projects is quoted below:

Project or Activity		Category with Threshold Limit	Category with Threshold Limit	Condition, if any
		A	B	
7(f)	Highways	i) New National Highways; and ii) Expansion of National Highways greater than 100 km, involving additional right of way or land acquisition greater than 40m on existing alignment and 60 m on re-alignments or bypasses.	i) All new State Highway Projects; and ii) State Highway expansion projects in hilly terrain (above 1000 m AMSL) and/or ecologically sensitive areas.	General Condition* shall apply. Note: Highways include expressways

***General Condition:**

Any highway project or activity specified in Category 'B' (please see the above table) will be treated as Category A, if located in whole or in part within 5 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as identified by the Central Pollution Control Board from time to time, (iii) Eco-sensitive areas as notified under section 3 of the Environment Protection Act, 1986, such as, Mahabaleshwar Pachgani, Matheran, Pachmarhi, Dahanu, Doon Valley, and, (iv) inter-State boundaries and international boundaries.

Provided that the requirement regarding distance of 10 km of the State boundaries can be reduced or completely done away with by an agreement between the respective States or U.Ts sharing the common boundary in case the activity does not fall within 10 km of the areas mentioned at item (i), (ii), and (iii) above.

All Highway projects included as Category 'A' in the above quoted Schedule require prior environmental clearance from the Central Government in the Ministry of Environment and

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Forests (MoEFCC) on the recommendations of an Expert Appraisal Committee (EAC) constituted by the Central Government;

All Highway projects included as Category 'B' in the above Schedule which fulfill the General Conditions (GC) stipulated in the Schedule, require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA bases its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC). In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project.

For the sake of clarity, Environment Clearance is not required in following cases:

1. Road development projects other than State Highways and National Highways
2. State Highway widening projects located below an altitude of 1000m AMSL
3. State Highway widening projects not located in an ecologically sensitive area
4. National Highway widening projects of upto 100 km length
5. National Highway widening projects of more than 100 km length involving additional right of way or land acquisition upto 40m (at any place) on existing alignment and 60 m (at any place) on re-alignments or bypasses.

"New National Highways", though not defined anywhere, is understood to mean Greenfield projects

2.2 Procedure for Environment Clearance

Since April 2014, MoEFCC has developed a single window web portal for all Environmental clearances. The portal is known as, 'Online Submission & Monitoring of Environmental, Forest and Wildlife Clearances (OSMEFWC). The project authorities need to register on the Portal. After successful registration, the application for seeking Terms of Reference (TOR) for conducting the Environment Impact Assessment for the Project, or for seeking Environment Clearance (EC) may be uploaded online. The step-wise process for uploading the applications is provided on the Portal.

Along with the online submission, the Project Authorities are also required to submit hard copies of the applications and other documents. The Procedure for submission of application for obtaining prior Environment Clearance for Highway Projects is defined below:

The project proponent submits application [to MoEF&CC for category A projects and to the SEIAA for category B projects] in prescribed Form 1 (**Annexure 1**) including proposed Terms of Reference for carrying out EIA along with Feasibility Report before commencing any construction activity or preparation of land at site by the applicant.

The Process can best be divided into four stages:

- Screening [Only For Category B Projects]

- Scoping
- Public Consultation
- Appraisal

2.2.1 *Screening (Stage I)*

Screening refers to the ascertaining the requirement of undertaking an Environmental Impact Assessment (EIA) study for a B category project. The SEIAA screens the B category projects and decide as to whether EIA study is required or not for the project. If a project is considered not to require EIA study, it is categorized as category B2. Category B projects requiring EIA are categorized as category B1.

2.2.2 *Scoping (Stage II)*

Scoping refers to the process of finalization of the Terms of Reference (TOR) for the EIA study, so that the outcome of EIA and the resultant Environment Management Plan (EMP) is precise and relevant to the environmental settings of a particular project.

As per the latest amendments in EIA notification, 2016, scoping is required only for new highway projects located in States which are not border States. In all other cases (all new highway projects in border States and all highway widening projects), the EIA and EMP report is prepared on the basis of model TOR specified by MoEFCC.

The expert appraisal committee (under MoEFCC or SEIAA) on the basis of:

- Information furnished by the applicant in the prescribed format (Form 1 of EIA notification, 2006) including proposed terms of reference, and
- A site visit by a sub group of Expert Appraisal Committee, only if considered necessary by the Expert Appraisal Committee,

determines the detailed comprehensive TOR addressing all relevant environmental concerns for the preparation of EIA and EMP.

Application for prior environment clearance may be rejected by the regulatory authority concerned on the recommendation of Expert Appraisal Committee concerned at this stage itself.

2.2.3 *Public Consultation (Stage III)*

“Public Consultation” refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category ‘A’ and Category B1 projects or activities require holding of Public Consultations, except the following:

- Highway widening projects not involving acquisition of land, and
- Highway projects in border States

The Public Hearing is required to be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close

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proximity District -wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

2.2.3.1 *The Process of Public Consultations:*

The Applicant makes a request through a simple letter to the Member Secretary of the SPCB or UTPCC, in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is extending beyond a State or Union Territory, the public hearing is mandated in each State or Union Territory in which the project is sited and the Applicant makes separate requests to each concerned SPCB or UTPCC for holding the public hearing.

The Applicant is required to enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA Report including the Summary Environment Impact Assessment report in English and in the local language, prepared strictly in accordance with the TOR communicated after Scoping (Stage-2), or the model TOR, as the case may be. Simultaneously, the applicant is required to forward copies, one hard and one soft, of the draft EIA Report along with the Summary EIA report to MoEFCC and to the following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate/s
- (b) Zila Parishad or Municipal Corporation
- (c) District Industries Office
- (d) Concerned Regional Office of MoEFCC

On receiving the draft Environmental Impact Assessment report, the above-mentioned authorities, except the MoEFCC, arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over. The MoEFCC displays the Summary of the draft Environmental Impact Assessment report on its website, and also makes the full draft EIA available for reference at a notified place during normal office hours in the Ministry at Delhi.

The SPCB or UTPCC concerned also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft EIA for inspection in select offices or public libraries or panchayats, etc.

The Member-Secretary of the concerned SPCB or UTPCC finalizes the date, time and exact venue for the conduct of public hearing within 7(seven) days of the date of receipt of the draft EIA report from the project proponent, and advertises the same in one major National Daily and one Regional vernacular Daily. A minimum notice period of 30(thirty) days is provided to the public for furnishing their responses;

The District Magistrate or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, supervises and presides over the entire public hearing process.

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The attendance of all those who are present at the venue is noted and annexed with the final proceedings. A representative of the applicant initiates the proceedings with a presentation on the project and the Summary EIA report. Every person present at the venue is granted opportunity to seek information or clarifications on the project from the Applicant. The summary of the public hearing proceedings accurately reflecting all the views and concerns expressed is recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the vernacular language and the agreed minutes are signed by the District Magistrate or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

A Statement of the issues raised by the public and the comments of the Applicant is prepared in the local language and in English and annexed to the proceedings.

The proceedings of the public hearing are conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate, and the SPCB or UTPCC . The SPCB or UTPCC also display the proceedings on its website for general information. Comments, if any, on the proceedings may be sent directly to the concerned regulatory authorities and the Applicant concerned.

2.2.3.2 *Time period for completion of Public Hearing*

The public hearing is required to be completed within a period of 45 (forty five) days from date of receipt of the request letter from the Applicant. Thereafter, the SPCB or UTPCC concerned is required to send the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing . The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final EIA report or supplementary report to the draft EIA report prepared after the public hearing and public consultations.

If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45(forty five) days, the Central Government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in the EIA notification, 2006.

2.2.4 *Appraisal (Stage IV)*

Appraisal refers to the detailed scrutiny, by the concerned Expert Appraisal Committee, of the application, Final EIA report, and public hearing proceedings, for grant of environmental clearance. This appraisal is made in a transparent manner in a proceeding to which the applicant is invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee makes categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application, together with reasons for the same.

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The appraisal of an application is completed by the Expert Appraisal Committee within sixty days of the receipt of the final EIA and other documents. Recommendations of the Expert Appraisal Committee are placed before the competent authority for a final decision within the next fifteen days.

2.2.5 *Grant or Rejection of Prior Environmental Clearance (EC)*

The regulatory authority considers the recommendations of the EAC or SEAC concerned and conveys its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or, in other words, within one hundred and five days of the receipt of the final EIA Report.

In cases where the regulatory authority disagrees with the recommendations, it requests reconsideration by the Expert Appraisal Committee within forty five days of the receipt of the recommendations while stating the reasons for the disagreement. An intimation of this decision is simultaneously conveyed to the applicant. The Expert Appraisal Committee, in turn, considers the observations of the regulatory authority and furnishes its views on the same within a further period of sixty days. The decision of the regulatory authority, after considering the views of the Expert Appraisal Committee, is final and conveyed to the applicant by the regulatory authority concerned within next thirty days.

In the event that the decision of the regulatory authority is not communicated to the applicant within the period mentioned above, the applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee.

Clearances from other regulatory bodies or authorities are not required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.

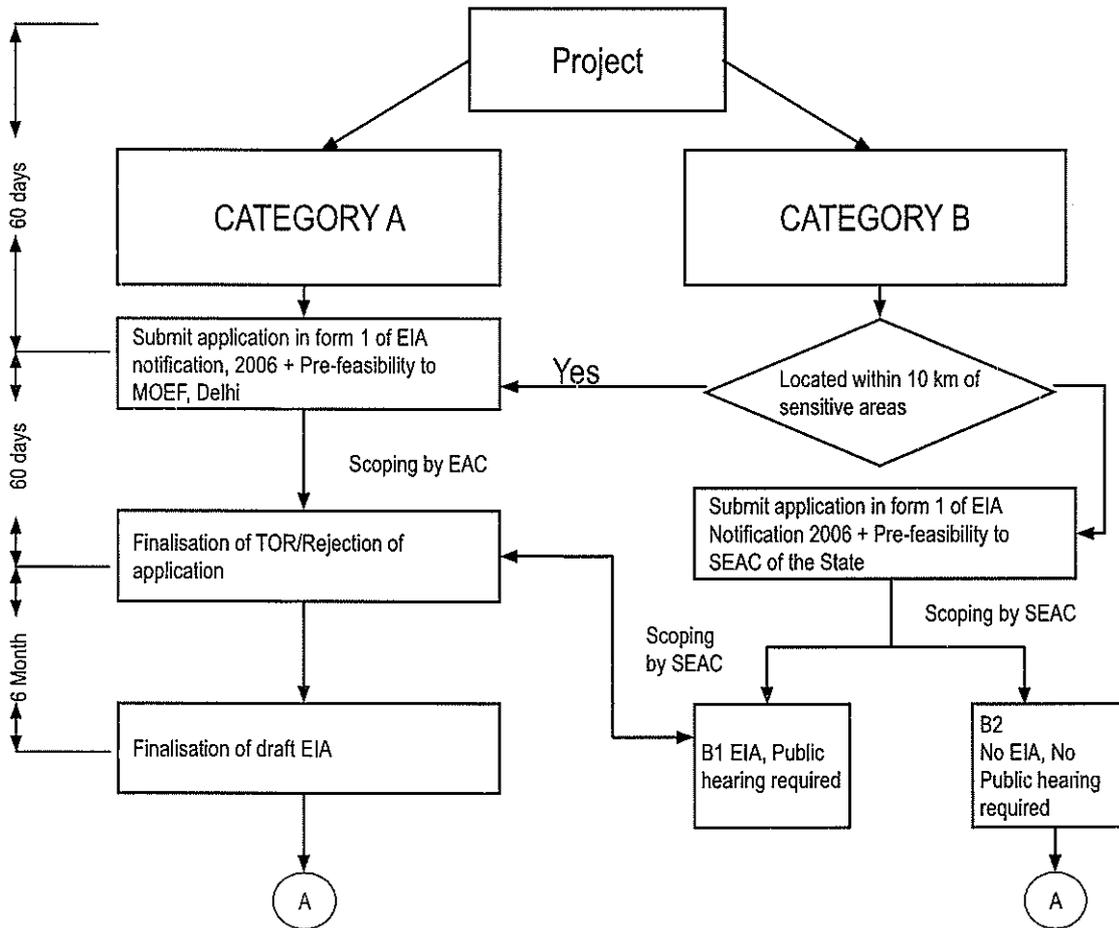
2.2.6 *Validity of Environmental Clearance (EC)*

The "Validity of Environmental Clearance" is for five years in the case of highway projects. This period of validity may be extended by the regulatory authority concerned to a maximum period of seven years provided an application is made to the regulatory authority by the applicant.

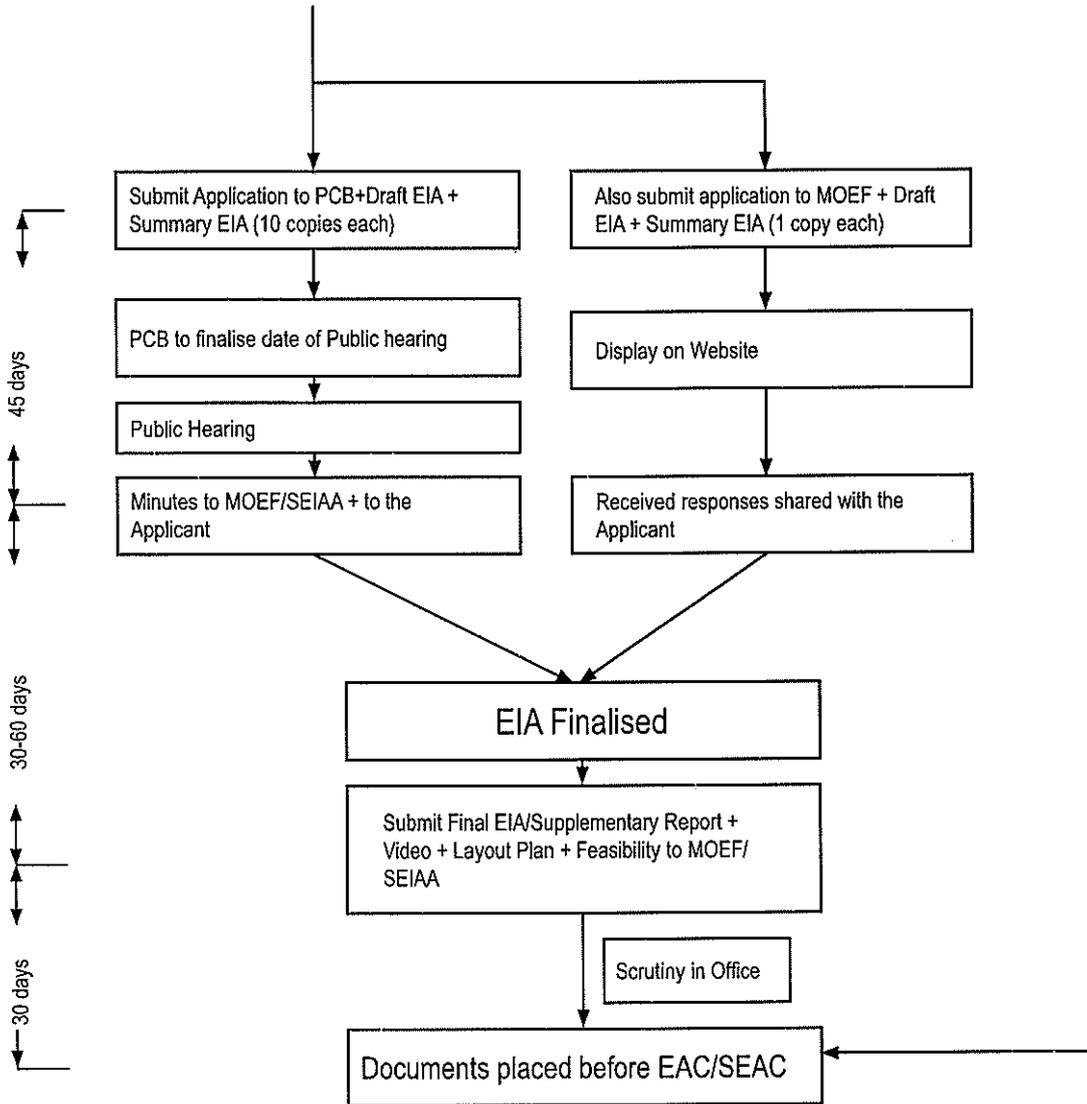
2.2.7 *Post Environmental Clearance Monitoring*

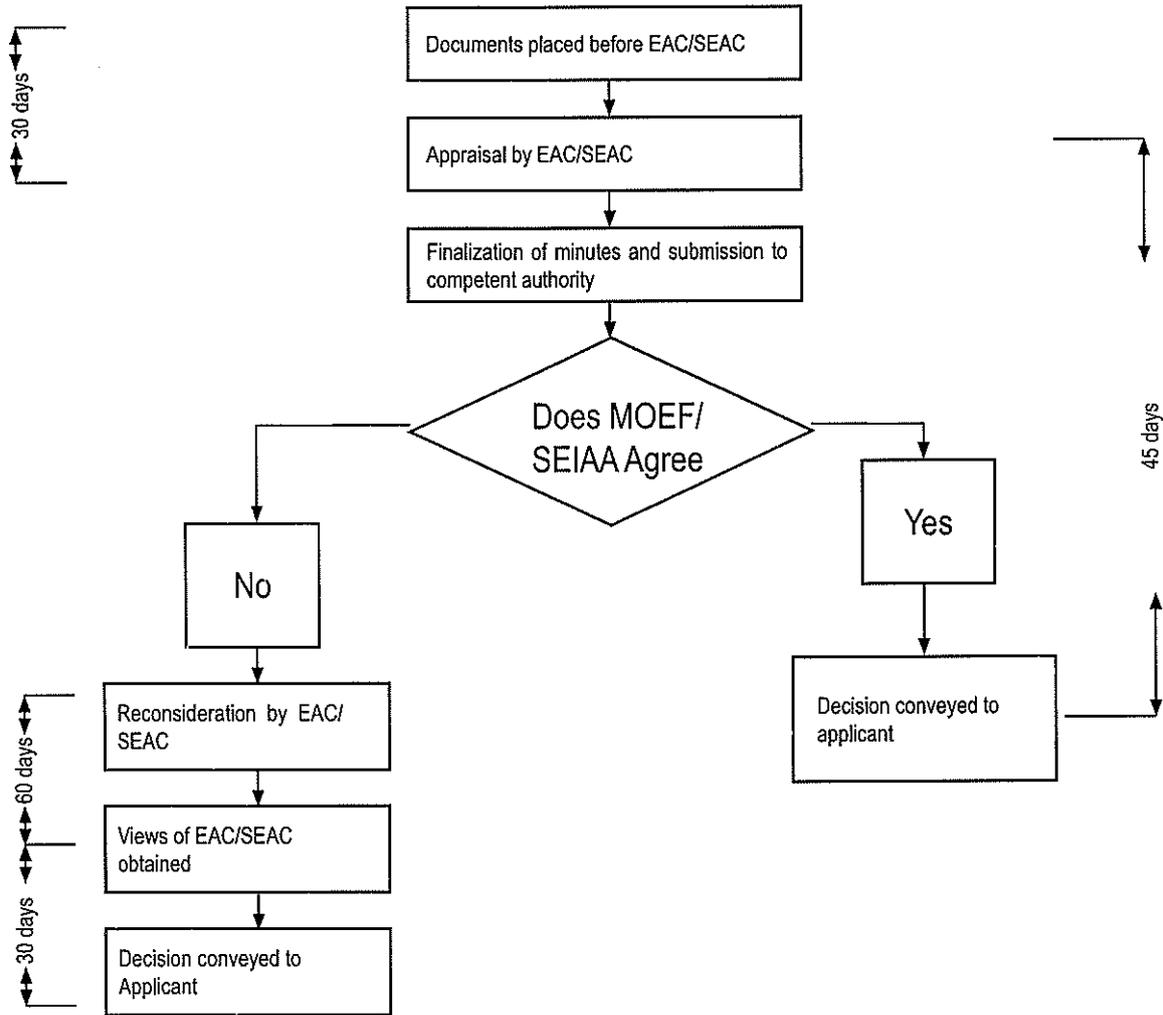
It is mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1st June and 1st December of each calendar year.

**Flow Chart:
Procedure for Obtaining Environmental Clearance.**



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CHAPTER 3

PROCEDURE FOR OBTAINING CRZ CLEARANCE

3.1 CRZ Clearance In Coastal Areas

As per Notification dated 6th January, 2011 under section 3(1), section 3(2)(v), and section 5(3) (d) of the Environment (Protection) Act, 1986 certain coastal stretches have been declared as coastal Regulation Zone (CRZ) and activities in the CRZ are thereby regulated.

In general, if a highway project passes within 500 m from high tide line or crosses back water/ creak, etc., prior CRZ clearance is required from Coastal Regulation Zone Authorities and MOEFCC. The boundary of 500 m is however, not sacrosanct, and the only way to ascertain the limits of CRZ is to refer to the CRZ map of the State.

For regulating development activities, the coastal stretches within 500 metres of High Tide Line on the landward side are classified into four categories, namely:

3.1.1 *Category I (CRZ-I)*

- A. The areas that are ecologically sensitive and the geo-morphological features which play a role in the maintaining the integrity of the coast,-
- (a) Mangroves, in case mangrove area is more than 1000 sq mts, a buffer of 50meters along the mangroves shall be provided;
 - (b) Corals and coral reefs and associated biodiversity;
 - (c) Sand Dunes;
 - (d) Mudflats which are biologically active;
 - (e) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986); including Biosphere Reserves;
 - (f) Salt Marshes;
 - (g) Turtle nesting grounds;
 - (h) Horse shoe crabs habitats;
 - (i) Sea grass beds;
 - (j) Nesting grounds of birds;
 - (k) Areas or structures of archaeological importance and heritage sites.
- B. The area between Low Tide Line and High Tide Line;

3.1.2 *Category-II (CRZ-II)*

The areas that have been developed upto or close to the shoreline.

Explanation.- For the purposes of the expression "developed area" is referred to as that area within the existing municipal limits or in other existing legally designated urban areas which

are substantially built-up and has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains;

3.1.3 *Category-III (CRZ-III)*

Areas that are relatively undisturbed and those do not belong to either CRZ-I or II which include coastal zone in the rural areas (developed and undeveloped) and also areas within municipal limits or in other legally designated urban areas, which are not substantially built up.

3.1.4 *Category-IV (CRZ-IV)*

- A. The water area from the Low Tide Line to twelve nautical miles on the seaward side;
- B. shall include the water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year.

3.1.5 *Special Category CRZ areas*

Besides the above categories, certain areas requiring special consideration for the purpose of protecting the critical coastal environment and difficulties faced by local communities have been designated separately, as given below:

- A.
 - (i) CRZ area falling within municipal limits of Greater Mumbai;
 - (ii) the CRZ areas of Kerala including the backwaters and backwater islands;
 - (iii) CRZ areas of Goa.
- B. Critically Vulnerable Coastal Areas (CVCA) such as Sunderbans region of West Bengal and other ecologically sensitive areas identified as under Environment (Protection) Act, 1986 and managed with the involvement of coastal communities including fisherfolk.

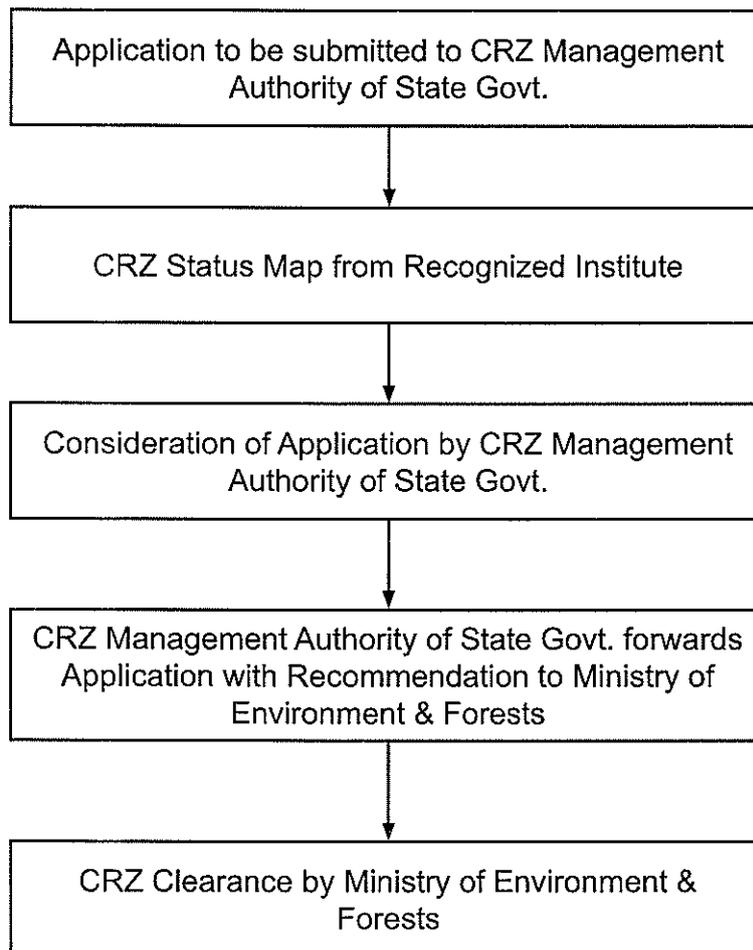
3.1.6 *Clearance procedure*

The CRZ notification provides elaborate regulatory requirements for different types of CRZ areas. Generally, development activities are not allowed in sensitive CRZ zones. The project authorities are required to consult the Coastal Zone Management Authority (CZMA) of the State for submitting the prescribed application. The alignment map of the highway project is superimposed on the CRZ map of the State to ascertain the location of the project in the CRZ.

The application for CRZ clearance is considered by CZMA, and the recommendation is submitted to MoEFCC. MoEFCC processes the proposal as per the procedure described above for Environment Clearance. In other words, if a road project does not otherwise require Environment Clearance as per the provisions of EIA notification, 2006, EC is still required in case the project alignment falls in CRZ area.

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Flow Chart:
Procedure for Obtaining CRZ Clearance.



CHAPTER 4

PROCEDURE FOR OBTAINING FOREST CLEARANCE

4.1 Forest Clearance

For any road project where a forest area is required to be taken under road construction, clearance for diversion of forest land (for non-forestry purpose) is necessary from the Ministry of Environment, Forests & Climate change (MoEFCC) under Forest Conservation Act, 1980. In J&K state, diversion of forest-land is done under Jammu & Kashmir Forest Conservation Act, 1997.

MoEFCC has ten Regional Offices (ROs). The ROs are authorized to clear linear projects, irrespective of the area or type of forest involved, with the recommendation of the Regional Empowered Committees (RECs). The headquarters and jurisdiction of the Regional Offices of MoEFCC are as given below:

S. No	HQs of RO, MoEFCC	States and UTs under Jurisdiction
1.	Bangalore	Karnataka, Kerala, Goa and Lakshadweep
2.	Bhopal	Dadra & Nagar Haveli, Daman & Diu, Gujarat and Madhya Pradesh
3.	Bhubaneswar	Odisha and West Bengal
4.	Chennai	Andhra Pradesh, Telangana, Tamilnadu, Puducherry, and Andaman & Nicobar Islands
5.	Chandigarh	Chandigarh, Haryana, Jammu & Kashmir and Punjab
6.	Dehradun	Himachal Pradesh and Uttarakhand
7.	Lucknow	Delhi, Rajasthan and Uttar Pradesh
8.	Nagpur	Chhattisgarh and Maharashtra
9.	Ranchi	Bihar and Jharkhand
10.	Shillong	Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura

The concerned Department of a State, looking after the subject of Forests, is responsible for processing of the proposals of Forest Clearance and submitting recommendations to the RO of MoEFCC.

4.2 Procedure for Diversion of Forest Land

The application is submitted online on the web portal of MoEFCC, The stepwise procedure for uploading the application form and other documents is given on the web Portal. Hard copies, in prescribed format are also required to be submitted by the project proponent, after registration with the office of the Concerned Forest Circle, to the designated Nodal Officer of the State and to the concerned DFO/DFOs under whose jurisdiction the forest area proposed to be diverted falls. The following documents need to be appended with the application:

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1. Proposal for diversion of forest land in the relevant Performas i.e. in form 'A' **(Annexure-II)**
2. Original seven sets of proposal along with:-
 - a. A certified copy of approved project/plan and Technical & Administrative sanction.
 - b. Original G.T. sheet on a 1:50000 scale map showing the required forest land & adjoining boundary of forest land with complete index (legend). Geo-reference boundary in shape file (kml/kmz files) and a digital map along with a hard copy duly authenticated by competent authority in the State Government of the forest land proposed for diversion, prepared by using Total Station or Differential GPS. G.T. Sheet/Revenue Map & other enclosed certificates/reports in original duly authenticated/signed (in blue ink) by competent authority of user agency and should be legible.
 - f. Purpose wise break up of required forest land with complete details of all activities proposed in the project justifying the total forest land required in hectare along with the details showing in the map of required forest land.
 - h. A certificate issued by District Collector under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, as per the format prescribed by MoEFCC.
 - j. Details of other alternatives explored on non-forest lands and reasons for the rejection of other alternatives explored on non-forest lands with details of forest land involved in each alternative alignment examined in the project by the project authority.
3. Undertakings to pay NPV (Net Present Value), additional NPV, C.A. (Compensatory Afforestation), A.C.A. (Additional Compensatory Afforestation), P.C.A. (Penal Compensatory Afforestation), if applicable.
4. Undertaking to provide equivalent non forest land/allotment/consent letter of the District Collector to provide equivalent non forest land for raising compensatory afforestation. Suitability certificate by Concerning DCF for the proposed non-forest land in respect to Compensatory Afforestation & management point of view. [Not required for Central Projects. In case of Central projects, Compensatory Afforestation is raised on double the degraded forest land]
5. Certificate regarding minimum forest land required for the proposed project and undertaking that the diverted forest land shall not be used for any purpose other than that specified in the proposal.
6. Details of employment likely to be generated due to the project.
7. Cost & cost-benefit analysis of the project.
8. Details of displacement of people due to the project including Rehabilitation Plan.

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9. If the project is a part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve etc., comments of Chief Wildlife Warden and approvals of State Board for Wildlife (SBWL), National Board for Wildlife (NBWL) and Hon'ble Supreme Court if the Central Empowered Committee raises any issue on the recommendation of NBWL.
10. If, project authority is taking forest land for similar/same project in more than one district/forest division, then consolidated proposal with complete details.
11. Index of enclosed documents, certificates, maps mentioning their page number.
12. A detail note on the present and future requirement of forest land (especially for construction of roads & railway line, canal etc.)
13. Map showing complete details of alternative alignments examined in the project.

Forest Clearance proposals are processed in two Stages. In the first Stage, in-principle approval is granted (or rejected) for diversion of the forest area, along with certain conditions. The conditions generally include:

- I. Demand towards the Net Present Value of Forest land under diversion
- II. Demand towards the amount for Compensatory Afforestation
- III. Demand for an undertaking to plant a specified number of trees by project authorities
- IV. Submission of a Plan for afforestation (For compensatory afforestation by the Forest Department, and for plantation along the project by the project authorities)
- V. For such highway stretches where plantations have been raised on the ROW and subsequently notified as 'Protected Forest', while issuing the in-principle approval, in place of normal provision for compensatory afforestation, the regional offices generally stipulate a condition that for every tree cut, at least two trees should be planted.
- VI. Demand for providing land for land for Compensatory Afforestation, to be transferred to the State Forest Department and notified as Protected Forest. This condition is not applicable in central Government projects. As a special provision for Central Government/Central Government undertaking projects, CA may be raised on degraded forest land spread over twice the forest area being diverted.

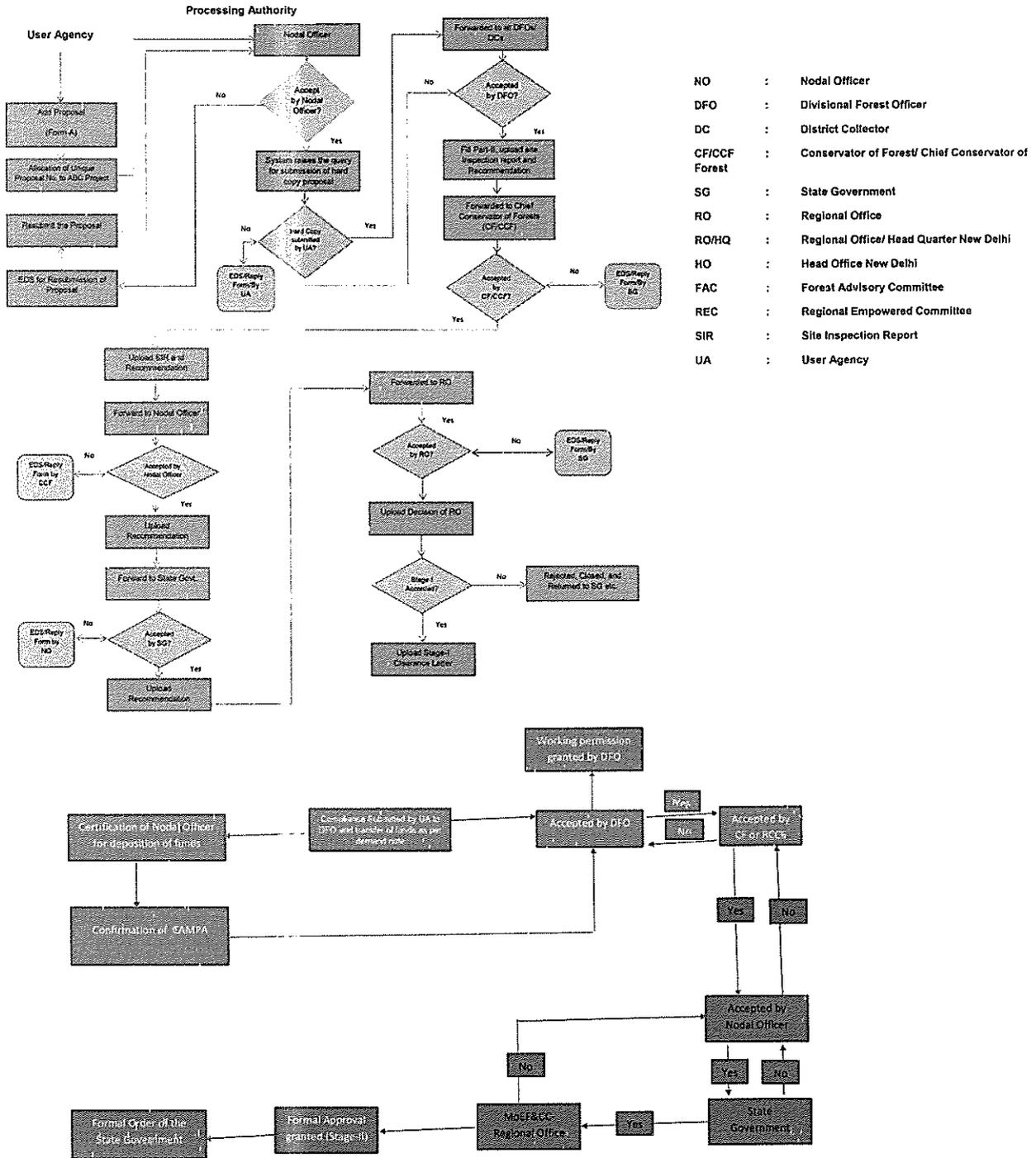
The Final (Second Stage) Clearance is issued by MoEFCC after fulfillment of the conditions and receiving an undertaking regarding compliance of the conditions which are due to be fulfilled in due course.

After the receipt of Compliance Report, fulfilling the conditions stipulated in Stage-I (in-principle approval) from the user agencies through the respective State/UT Governments, Stage-II clearance is accorded by concerned RO of MoEFCC. Following this, the project authorities are handed over the forest land for non-forestry use, by the State Government, provided they

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have other requisite clearances also. However, for linear projects, tree cutting permission and working permission is granted by the concerned DFO after the Stage-I clearance, after confirmation from the Central Government that the user agency has deposited the requisite amount for Compensatory Afforestation, NPV, etc.

FLOW CHART OF FOREST CLEARANCE FOR LINEAR PROJECTS



CHAPTER 5

PROCEDURE FOR OBTAINING WILDLIFE CLEARANCE

5.1 Wildlife Clearance

Wildlife clearance is a pre-requisite for diversion of forest land located in PAs. When a road project passes through a protected area (PA), viz., a National Park, Wildlife Sanctuary or biosphere reserve, etc. Prior wildlife clearance is necessary from National Board of Wildlife, even if the project does not involve diversion of forest land from the PA. In case Forest land diversion is also involved, the proposal of Forest Clearance for such areas is also processed simultaneously, both online, and in hard copies. However, Forest Clearance in such cases is received only after securing Wildlife Clearance.

It is important to mention that even surveys and geotechnical studies in PAs require prior clearance from the National Board of Wildlife. The form for wildlife clearance consists 5 parts (Attached as **Annexure III**).

5.2 Procedure for Forest Clearance in PAs

In case of PAs, the online proposal of Forest Clearance is submitted first. The proposal for wildlife Clearance can then be submitted. The step-wise procedure for uploading of proposals is given on the web Portal.

5.3 Data to be Supplied by Project Proponent

Maps:

1. Relevant survey of India (SOI) (scale 1:50000) sheets showing the boundary of the PA (Core+ Buffer)
2. Exact location on above of :
 - a) area proposed for diversion/denotification
 - b) larger area of proposed project
3. Demarcation on above map of total impact area of project
4. Relevant SOI sheets of scale 1:50,000 showing contiguous areas – to identify relevant wildlife use areas and corridors to adjacent project Area PAs
5. FSI Map of vegetation for above areas
6. Demarcation on the map of at least 3 best alternatives to proposal that do not impact on any PA

Informations to be provided:

1. The project report to be attached
2. Abstract of Trees to be felled after joint inspection.
3. Undertaking to bear the cost of CA, NPV, Mitigative measure for wildlife etc.
4. Certificate for non-availability of any other alternatives.

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5. Bar Chart for construction schedule.
6. Project Location details and cost benefit analysis of project
7. Project Location details and cost benefit analysis of 3 best alternatives to proposed project
8. EIA Report, EMP, if any already done

Report of Chief Wildlife Warden:

1. History and present Legal status of PA
2. Relevant biological data of area
3. List of relevant research work undertaken at any time in the PA (title, researcher, year)
4. Site inspection report of forest division
5. Wildlife movement patterns and corridors
6. Impact area and nature of impact of project including both direct and indirect impact of wildlife on its habitat;
 - a) During the project
 - b) Anticipated subsequent to project completion
7. List of any areas identified in the past or now identified in the State as suitable Wildlife Habitats and corridors
8. Settlement Report
9. NOC
10. Recommendations with reasons

FLOW CHART FOR WILDLIFE CLEARANCE

Project passing through Protected Area such as Wildlife Sanctuary, National Parks, Bio-Reserve, etc

Part 1 of Proposal is to be signed by User Agency, officer in-charge of the PA and wildlife Warden
 Part II is to be filled and signed by User Agency
 Part III is to be reviewed and signed by the officer in-charge of the PA
 Part IV is to be filled and proposal will be recommended by Chief Wild Life Warden
 Wildlife Warden is to forward proposal to State Wildlife Advisory Board

↓ 6 months

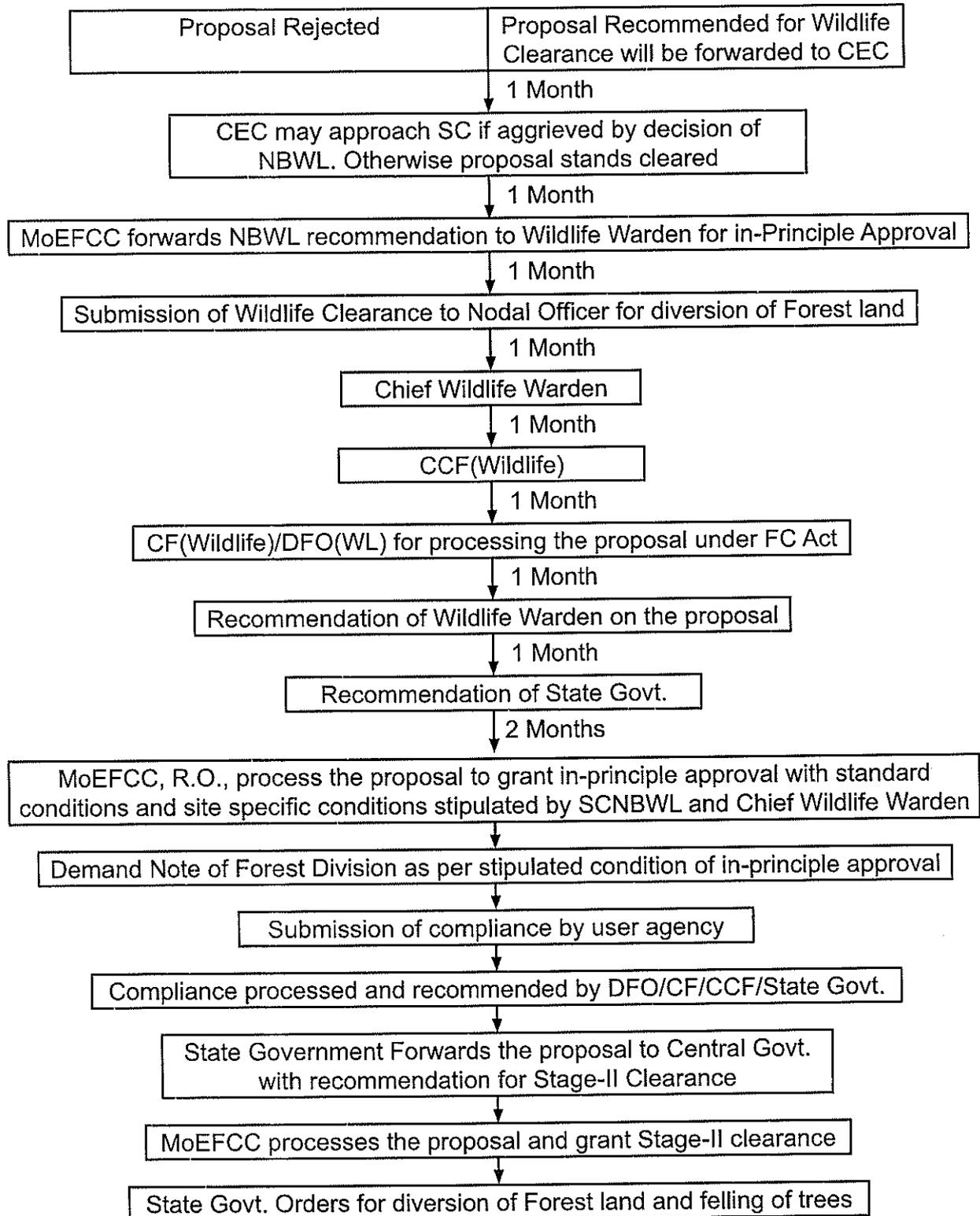
Part V is to be filled by State Wildlife Advisory Board and Secretary Forest. State Wildlife Advisory Board/Secretary Forest will forward proposal to National Board of Wildlife/DIG

↓ 3 months (6 months in case of site inspection)

National Board of Wildlife to consider the proposal

↓ 2 months

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CHAPTER 6

OTHER RELEVANT CLEARANCES

6.1 Clearance for Eco-Sensitive Zones

All the PAs have Eco-Sensitive Zones (ESZ) earmarked all along the periphery of a particular PA. The limits of an ESZ are notified, and vary across the PAs, and along different directions outside a PA. However, unless such boundaries are notified, a 10 km radius from the boundary of a PA is taken as the ESZ. Clearance for such areas is required, only in case the project requires Environment Clearance. In such an eventuality, clearance for the ESZ of a PA is granted by the Standing Committee of the National Board of Wildlife, as per the procedures for Wildlife Clearance

For the areas covered under the Project Tiger, even outside the core area of a PA, and the migratory corridors of Tigers contiguous to such areas, clearance is required from the Standing Committee of the National Board of Wildlife on recommendation of the National Tiger Conservation Authority (NTCA) as per the procedure for Wildlife Clearance, under Section 38(O)(G) of Wildlife Protection Act.

For all other ESZs, notified under the Environment Protection Act, clearance is considered as a part of Environment Clearance, only if the requirement of EC is triggered

6.2 Permission from State/Central Ground Water Authority

For the construction of highway, if water requirements are met through ground water, prior permission is required from State/Central Ground Water Board.

6.3 Permission of Irrigation Department/Water Resource Department

For the construction of highway, if water requirements are met through River/Canal, etc., prior permission is required from Irrigation Department//Water Resource Department.

6.4 NOC from Archaeological Department

When Highways passes within the 400 m of a protected Historical or Archaeological Monument, NOC is required from Archeological Department under Ancient Monuments and Archaeological Site and Remains Acts 1958, which is key legislation for preservation of culture and historical remains.

6.5 Permission for Quarrying and Borrowing Operations

At the time of construction of highway, permission of Department of Geology and Mines, State Government is required for new quarry and borrowing operations. Environmental Clearance is required for extraction of minor minerals as follows:

- a) For mining area upto 5 ha- From District Level Environmental Impact Assessment Authority (DEIAA)
- b) For mining area of more than 5 ha and less than 50 ha – From State Environmental Impact Assessment Authority(SEIAA)
- c) For mining area of 50 ha or more – From MoEFCC

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Annexure I

APPLICATION FOR ENVIRONMENTAL CLEARANCE

(Clause 2.2)

FORM I

(I) Basic Information

	Name of the Project	
	Location/ Site alternatives under consideration	
	Size of the project*	
	Expected cost of the Project	
	Contact Information	
	Screening Category	
	* Capacity corresponding to sectoral activity (such as production capacity for manufacturing, mining lease area and production capacity for mineral production, area for mineral exploration, length for linear transport infrastructure, generation capacity for power generation etc.)	

(II) Activity

1. Construction, operation or decommissioning of the project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/ rates, wherever possible) with source of information
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre- construction investigations e.g. bore house, soil testing?		
1.5	Construction works?		
1.6	Demolition Works?		

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S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/ rates, wherever possible) with source of information
1.7	Temporary sites used for construction works or Housing of Construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.9	Under ground works including mining or tunneling		
1.10	Reclamation Works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		
1.14	Facilities for Storages of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water form ground or surface waters?		

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S.No.	Information/Checklistconfirmation	Yes/No	Details thereof (with approximate quantities/ rates, wherever possible) with source of information
1.24	Changes in water bodies or the land surface affecting drainage or run-off?		
1.25	Transport of personnel or materials for construction, operation or decommissioning?		
1.26	Long-Term dismantling or decommissioning or restoration works?		
1.27	Ongoing activity during decommissioning which could have an impact on the environment?		
1.28	Influx of people to an area in either temporarily or permanently?		
1.29	Introduction of alien species?		
1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

2. Use of Natural resources for Construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply) :

S.No	Information/Checklistconfirmation	Yes/No	Details thereof (with approximate quantities/rates wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit : KLD		
2.3	Minerals (MT)		
2.4	Construction material- stone, aggregates, and /soil (expected source- MT)		
2.5	Forests and Timber (source- MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		

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S.No	Information/Checklistconfirmation	Yes/No	Details thereof (with approximate quantities/rates wherever possible) with source of information data
2.7	Any other natural resources (Use appropriate standard units)		

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S.No	Information/Checklistconfirmation	Yes/No	Details thereof (with approximate quantities/rates. Wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.		
3.5	Any other cause		

4. Production of solid wastes during construction or operation or decommissioning (MT/ month)

S.No	Information/Checklistconfirmation	Yes/No	Details thereof (with approximate quantities/rates. Wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous waste (as per Hazardous Waste Management Rules)		
4.4	Other industrial process wastes		
4.5	Surplus product		

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S.No	Information/Checklistconfirmation	Yes/No	Details thereof (with approximate quantities/rates. Wherever possible) with source of information data
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

5. Release of pollutants or any hazardous, toxic or noxious substances to air (kg/hr)

S. No	Information/Checklistconfirmation	Yes/No	Details thereof (with approximate quantities/rates. Wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationery or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling or materials including construction materials, sewage and waste		
5.6	Emissions form incineration of waste		
5.7	Emission from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

6. Generation of Noise and Vibration, and Emissions of Light and Heat :

S.No	Information/Checklistconfirmation	Yes/No	Details thereof (with approximate quantities/rates. Wherever possible) with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushes		
6.2	From industrial or similar processes		

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S.No	Information/Checklistconfirmation	Yes/No	Details thereof (with approximate quantities/rates. Wherever possible) with source of information data
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		
6.7	From any other sources		

7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, ground water, coastal waters or the sea :

S.No	Information/Checklistconfirmation	Yes/No	Details thereof (with approximate quantities/rates. Wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials.		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment.

S.No	Information/Checklistconfirmation	Yes/No	Details thereof (with approximate quantities/rates. Wherever possible) with source of information data
8.1	From explosions, spillages, fires etc. from storage, handling, use or production of hazardous substances.		
8.2	From any other causes ?		

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S.No	Information/Checklistconfirmation	Yes/No	Details thereof (with approximate quantities/rates. Wherever possible) with source of information data
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquake, landslides, cloudburst etc)?		

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S.No	Information/Checklistconfirmation	Yes/No	Details thereof (with approximate quantities/rates. Wherever possible) with source of information data
9.1	Lead to development of supporting, utilities, ancillary development or development stimulated by the project, which could have impact on the environment e.g. Supporting infrastructure (roads, power supply, waste or waste water treatment, etc) Housing development Extractive industries Supply industries Other		
9.2	Lead to after-use of the site, which could have an impact on the environment.		
9.3	Set a precedent for later developments.		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects.		

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(III) Environmental Sensitivity

S.No	Areas	Name/ Identity	Aerial distance (within 15 km.) proposed project location boundary
1.	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		
2.	Areas which are important or sensitive for ecological reasons- Wetlands, watercourse or other water bodies, coastal zone, biosphere, mountains, forests		
3.	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration		
4.	Inland, coastal, marine or underground waters		
5.	State, National boundaries		
6.	Routes or facilities used by the public for access to recreation or other tourist, pilgrim area		
7.	Defense Installations		
8.	Densely populated or built-up area		
9.	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)		
10.	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)		
11.	Areas already subjected to pollution or environmental damage (those where existing legal environmental standards are exceeded)		

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S.No	Areas	Name/ Identity	Aerial distance (within 15 km.) proposed project location boundary
12.	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquake, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)		

(IV). Proposed Terms of Reference for EIA studies

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Annexure II**APPLICATION FOR FOREST CLEARANCE**

(Clause 4.2)

Form 'A'

Form for Seeking Prior Approval Under Section 2 of the proposals by
the State Government and Other Authorities

Part I

(To be filled up by user agency)

1.	Project Details:	
i.	Short narrative of the proposal and project/ scheme for which the forestland is required.	
ii.	Map showing the required forestland, boundary of adjoining forest on a 1:50,00 sale map.	
iii.	Cost of the project.	
iv.	Justification for locating the project in forest area.	
v.	Cost benefit analysis (to be enclosed).	
vi.	Employment likely to be generated.	
2.	Purpose-wise break-up of the total land acquired for implementation of the project.	
3.	Details of displacement of people due-to the project if any.	
i.	Number of families.	
ii.	Number of Scheduled Castes/ Scheduled Tribe families.	
iii.	Rehabilitation Plan (to be enclosed).	
4.	Whether clearance under Environment (Protection) act, 1986 required (yes/No).	
5.	Undertaking to bear the cost of raising and maintenance of compensatory aforestation and/or penal compensatory aforestation as well as cost for protection and regeneration of safety zone, etc. as per the scheme prepared by the state Government (undertaking to be enclosed).	
6.	Details of Certificates/Documents enclosed as required under the instructions	

Date:

Place:

State Serial No. of Proposal -----

(to be filled up by the Nodal Officer with due date or receipt)

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Part-II

(To be filled by the concerned Deputy conservator of forest).

State Serial No. of proposal-----

7.	Location of the project/scheme	
(i)	State/union Territory	
(ii)	District	
(iii)	Forest Divisions	
(iv)	Area of forestland proposed for diversion (in ha.)	
(v)	Legal status of Forest	
(vi)	Density of vegetation.	
(vii)	Species-wise (Scientific names) and diameter class-wise enumeration of trees (to be enclosed. In case of irrigation/hydel projects enumeration at FRI.FRI-2 meter & FRI-4 meter also to be enclosed).	
(viii)	Brief note on vulnerability of the forest area to erosion.	
(ix)	Approximate distance of proposed site for diversion from boundary of forest.	
(x)	Whether forms part of National part wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so details of the area and comments of the Chief Wildlife Warden to be annexed)	
(xi)	Whether any rare/endangered/unique species of flora and fauna found in the area if so details thereof.	
(xii)	Whether any protected archaeological/heritage site/ defence establishment or any other important monument is located in the area. If so the details thereof with NOC from competent authority, if required.	
8.	Whether the requirement of forestland as proposed by the user agency in col.2 of part-I is unavoidable and barest minimum for the project. If no, recommended area item-wise with details of alternative examined.	
9.	Whether any work in violation of the Act has been carried out (Yes/No). If Yes, details of the same including period of work done, action taken on erring officials where work in violation is still in progress.	
10. (i)	Details of non-forest area/degraded forest area identification for compensatory aforestation, its distance from adjoining forest, number of patches and size of each patch.	

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(ii)	Map showing non-forest/degraded forest area identified for compensatory afforestation and adjoining forest boundaries.	
(iii)	Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	
(iv)	Total financial outlay for compensatory afforestation scheme.	
(v)	Certificates from competent authority regarding suitability of area identified for compensatory afforestation and from management point of View. (To be signed by the concerned Deputy Conservator of forest)	
11.	Site inspection report of the DCF (to be enclosed) especially highlighting facts asked in col. 7(xi, xii), 8 and 9 above.	
12.	Division/District profile:	
i.	Geographical area of the district	
ii.	Forest area of the district.	
iii.	Total Forest area diverted since 1980 with number of cases.	
iv.	Total Compensatory afforestation stipulated in the district/ division since 1980 on	
	(a) forestland including panel compensatory afforestation.	
	(b) Non-forest land.	
v.	Progress of compensatory afforestation as on (date)	
	(a) Forest land	
	(b) Non-forest land	
13.	Specific recommendation of the DCF for acceptance or otherwise of the proposal with reasons.	

Signature
Name
Official Seal

Date :

Place :

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Part III

(To be filled by the concerned Deputy Conservator of Forests).

14.	Whether site, where the forest land involved is located has been inspected by concerned Conservator of forest (Yes/No). If yes, the date of inspection & observation made in form of inspection note to be enclosed.	
15.	Whether the concerned Conservator of forest agree with the information given in part-B and the recommendations of Deputy Conservator of Forests.	
16.	Specific recommendation of concerned conservator of forests for acceptance if otherwise of the proposal with detailed reasons.	

Signature
Name
Official Seal

Date :

Place :

PART - IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

17.	Detailed opinion and specific recommendation of the state forest Department for acceptance of otherwise of the proposal with remarks. (While giving opinion, the adverse comments made by concerned conservator of forest or Deputy Conservator of forests should be categorically reviewed and critically commented upon).	
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Signature
Name
Official Seal

Date :

Place :

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PART -V

(To be filled in by the Secretary in Charge of Forests Department or by the other Authorised Officer of the State Government not Below the rank of an Under Secretary)

18.	<p>Recommendation of the State Government:</p> <p>(Adverse Comments made by any officer of Authority in Part – B or Part - C or Part - D above should be specially commenced upon).</p>
-----	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Signature
Name
Official Seal

Date :

Place :

INSTRUCTIONS (FOR PART – I)

1. The project authorities may annex a copy of the approved project/plan in addition to filling Col. I (I) e.g. IBM approved mining plan for major minerals/CMPDI plan with subsidence analysis reports, etc.
2. Map has to be in original duly authentically jointly by project authorities and concerted DCF-Col. I (ii).
3. Complete details of alternative alignments examined especially in case of project like roads, transmission lines railway lines, canals, etc to be shown on the map with details of area of forest land involved in each alternative to be given in Col. I (iii).
4. For proposals relating to mining certificate from competent Authority like District Mining officer about non – availability of the same minerals in surrounding/nearby non-forest areas.
5. In case the same company/individual has taken forest land for similar project in the state a brief detail of all such approvals/leases be given as an enclosure along with current status of the projects.
6. The latest clarification issued by the Ministry under Forest (Conservation) Act, 1980 may be kept in mind. In case such information do not fit in the given columns, the same shall be annexed separately.

GENERAL INSTRUCTIONS:

1. On receipt of proposal Nodal Officer Shall Issue a Receipt to the user agency indicating therein the Name of the Proposal User Agency in hectare serial number and date of receipt.
2. If the space provided above is not sufficient to specify any information, please attach separate details/documents.
3. While forwarding the proposal to the Central Government complete details on all aspects of the case as per form prescribed above read with the clarification should be given.

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Incomplete or deficient proposals shall not be considered and shall be returned to the state government in original.

4. the State Government shall submit the proposal to the Central Government within stipulated time limits. In case of delay while forwarding the reasons for the same to be given in the forwarding /covering letter.

Annexure III

FORMS FOR INVESTIGATION AND SURVEY IN THE NATIONAL PARK/SANCTUARY
(All documents to be submitted in triplicate and signed in Blue ink)

PART - I

Proposal for Investigation and Survey in the National Park/Sanctuary
(Details to be provided by the Applicant)

1. Name of the Organization
2. Aims and Objectives of the Proposed Project
3. Location and Map (1:150000 scale) of the area duly authenticated by the competent authority to be investigated/ surveyed
4. Whether investigation/survey requires clearing of vegetation
5. If yes, please specify the extent (in Ha.)
6. Opinion of the Officer In Charge of the N.P./ WLS (Attach signed copy)
7. Opinion of the Chief Wild Life Warden (Attach signed copy). The following be included in the opinion:
 - i) Brief history of the Protected Area
 - ii) Current status of Wildlife
 - iii) Current status of pressures on protected Areas.
 - iv) Projected impacts of projects on wildlife, habitat management and access/ use of resource by various stakeholders.
 - v) Contiguous wildlife areas which would benefit wildlife if added to National park/Sanctuary.
 - vi) Other areas in the State which have been recommended by State Government, Wildlife Institute of India, BNHS, SACON, IISC, IUCN or other expert body for inclusion in Protected Area network.

Signed

Signed

Signed

Project Head

The Officer In Charge
of the N.P./ WLS

The CWLW

Name
Organization

Office Seal

Office Seal

Date of submission to Govt. of India by the CWLW:

PART –II

(To be filled in by the Applicant)

1 Project details:

- (i) Copy of the Investigation and Survey report.
(The report should include the dates of survey and the names of the investigators, surveyors and all officials of the concerned NP/ WLS who remained present during the period.)
- (ii) Self contained and factual project report for which NP/WLS area is required
(Enclose copy of the Project Appraisal document)
- (iii) Map (Duly authenticated by the Divisional/District Head of the Department dealing with Forests and Wild Life) on a scale of 1: 150000 showing the boundaries of the NP/WLS, delineating the area in question in red color).
- (iv) Self contained and factual report of at least two alternatives considered by the project authorities along with technical and financial justification for opting national park/ sanctuary area.
- (v) Copy of the Bio diversity Impact Assessment report in case the proposal involves diversion of more than 50 ha. NP/WLS area.

2 Location of the project/Scheme

- (i) State/Union Territory
- (ii) District
- (iii) Name of the National Park/ Sanctuary

3 Details of the area required (in Hectares only)

(Provide break up of the land use under the project e.g., construction of dam, submergence, housing for staff, road etc)

2 Details of displacement of people, if any, due to the project

- (i) Total number of families involved in displacement
- (ii) Number of Scheduled Caste/Schedule Tribe families involved in displacement
- (iii) Detailed rehabilitation plan

3 Any other information relevant to the proposal but not covered in any of the columns above.

Signed by

Project Head

Name

Organization

Date of submission to the Head of the National Park/Sanctuary

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PART -III

(To be completed by the Officer-in-Charge of the National Park/Sanctuary completed and submitted to the Chief Wild Life Warden or officer authorized by him in his behalf within 30 days of the receipt of PART-II)

- 1 Date of receipt of the PART-II
- 2 Total Area (Ha.) of National Park/Sanctuary
- 3 Total area (Ha.) diverted from the NP/WLS so far for development purposes
- 4 List the past projects and the area (Ha.) diverted

Name of Project	Area diverted	Year of diversion
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- 5 Positive impact/s due to the diversion of area for the projects referred to in column 4 above

Name of the Project/s	Positive impact	Scientific Basis of Assessment
(Attach separate document, if required)		
- 6 Negative impact/s due to the diversion of area for the projects referred to in column 4 above

Name of the Project/s	Negative impact	Scientific Basis of Assessment
(attach separate document, if required)		
- 7 Management Plan Period

Attach copy of the Management Plan/Management Scheme/Recommendation of Chief Wildlife Warden
- 8 List Management actions taken/ proposed to be taken in the whole Block/Zone in which the proposed area is located.
- 9 Type of forest in which the proposed area falls.
- 10 Location of the proposed area w.r.t. the critical/intensive wildlife management areas/ wildlife habitats. (attach Map to scale)
- 11 List the likely POSITIVE AND NEGATIVE impact/s of the proposed project giving scientific and technical justification for each impact.
- 12 Provide COMPREHENSIVE details of the impact of the proposal in terms of Sections 29 and/or section 35 (6) of the Wild Life (Protection) Act, 1972 as the case may be.
- 13 Whether the project authorities have ever committed violation of the Wild Life (Protection) Act, 1972 or Forest Conservation Act, 1980. If yes, provide the EXHAUSTIVE details of the offence and the present status of the case.

(Concealing or misrepresenting the facts will lead to rejection of the case in addition to any other penalty as prescribed under Law)

- 14 Have you examined the Project Appraisal document and the alternatives as provided in PART – II.
- 15 Have you examined the Bio-diversity Impact Assessment Report.
- 16 If Yes, please give your comments on the recommendations given in the report.
- 17 Dates and duration of your field visits to the proposed site.
- 18 Do you agree that the present proposal of diversion of NP/WLS area is the best or only option and is viable.
- 19 Any other information that you would bring to the notice of the State Board, National Board or its Committee that may be relevant and assist in decision making
- 20 Do you recommend the project.
(Please provide full justification to support your recommendations)

Signed by

The Officer In Charge of the N.P./ WLS
Official Seal

Date of submission to the Chief Wild Life Warden or any other officer authorized by him in this regard

PART -IV

(To be completed by the Chief Wild Life Warden within 15 days of the receipt of PART – II and III)

- 1 Date of RECEIPT of PART II and III by the Chief Wild Life Warden or the officer authorized by him in this regard
- 2 Do you agree with the information and recommendations provided by the Officer -in-Charge in PART-III
- 3 If not, please provide the reasons
- 4 Have you visited the site yourself and held discussions with the applicant.
- 5 Do you agree that the present proposal for permitting use of NP/WLS area is the best option or only option and is viable.
- 4 Please provide specific comments w.r.t. Section 29 of the Wild Life (Protection) Act, 1972
- 5 Any other information that you would bring to the notice of the State Board, National Board or its Committee that may be relevant and assist in decision making
- 6 Do you recommend the project.
(Please provide full justification to support your recommendations)

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7 Conditions, if any, to be ensured in the interest of wildlife for allowing use of the area.

Signed by

The Chief Wild Life Warden

Name

State

Official Seal

Date of submission to the State Government

PART -V

(To be completed by the Department in Charge of Forestry and Wild Life in consultation with the State Board for Wild Life within 30 days of the receipt of PART – II, III and IV)

Date of RECEIPT of PART II, III and IV by the Department

Do you agree with the recommendation/s of the Chief Wild Life Warden

If not, please provide the reasons.

Did you provide PART II, III, and IV to the members of the State Board for Wild Life

Attach copy of the opinion of the State Board for Wild Life

Give details of the recommendations of the State Government

Signed by

The Principal Secretary

Name

State

Official Seal

Date of submission to the Central Government

Form VII**Application for Licence for Mining Operation/Construction within a Regulated Area
(See Rule 34)**

- 1) Name and address of applicant¹
- 2) Name of the monument near or adjoining which the regulated area is situated.

Locality	District	State
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- 3) Nature and details of the proposed mining operation/construction in respect of which permission is sought

(In the case of mining operation, a site-plan in triplicate showing in red outline, the extent of the operation in relation to the monument and the regulated area should be attached: and the details regarding the depth down to which the operation is to be carried out, the mode of the operation, the method of the muffling of sound, the kind and charge of blasting material and the depth and number of blast-holes to be fired at a time should be specified.

In the case of construction, a site-plan in triplicate showing in red outline the location of the building in relation to the monument and the regulated area and the plan and elevation of the building should be attached; and the colour, external appearance and method of the screening of the building and the depth down to which the soil will be excavated for the appurtenances of the building should be specified.)
- 4) Purpose of the proposed mining operation/construction
- 5) Approximate duration and date of commencement of the proposed mining operation/construction

I declare that the above information is correct. I also undertake to observe the provisions of the Ancient Monuments and Archaeological Sites and Remains Act 1958, and the rules thereunder.

Station

Seal of the Organisation

Date

Signature of the Applicant²

¹ If the application is on behalf of an organization, the name thereof should be given.

² If the application is on behalf of an organization, the signature should be that of the head of that organization.

Annexure-IV

**A Checklist for deciding the Clearance requirements as per the existing
Regulatory Framework**

S. No	Condition	Clearance requirement
1	Existing or new alignment ? Length/extent of widening ??	Environment Clearance (EC) for all new alignments. For widening, EC may be required depending upon the length and width of the alignment. Consent to Operate required from the Pollution Control Board if EC required.
2	Whether passing through a National Park/Sanctuary ?	Wildlife Clearance, even if no diversion of forest area is involved. Routine maintenance permitted
3	Whether passing through eco-sensitive zone ?	Clearance for eco-sensitive area required only if EC is required.
4	Whether falls in the migratory route of wild animals ?	Clearance from NTCA in case of Tiger Corridors. Comments of Chief Wildlife Warden required in case of other corridors
5	Whether passing through RF/ PF ? Diversion of forest land required ?	Forest Clearance if diversion of forest area is involved
6	Whether roadside plantation notified as PF ?	Forest clearance even for cutting trees from such notified PFs
7	Whether falls in the Coastal Regulation Zone ?	CRZ Clearance followed by Environment Clearance, even if EC is not required otherwise
8	Whether a protected monument is within 100m/400m?	NOC from Archeological Survey of India
9	Whether flyash available within 300 km ?	Use of flyash in embankment mandatory
10	Whether crosses a navigational channel ?	NOC from the Inland Waterways Authority of India mandatory
11	All projects	Consent to operate Plant and Machinery to be obtained from the Pollution Control Board by the Contractor.