

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

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER, MAHARASHTRA STATE, NAGPUR,
First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001.
Tel no. (0712) 2530166, 2556916, Fax no. (0712) 2550675 E-mail- apccfnodal@mahaforest.gov.in

No. Desk-17/NC/RS-1/ID-12683/165/19-20
Nagpur – 440 001, Date : 08/05/2019

To,
The Additional Director General (Central),
Ministry of Environment, Forests, and Climate Change,
Regional Office, Ground Floor, East Wing,
New Secretariat Building,
Civil Lines, Nagpur-440001

Sub:- Diversion of additional 11.4926 ha. Revised forest land for already approved 34.9831 ha. area, in favour of National highway authority of india (NHAI), PIU Yavatmal for rehabilitation and upgradation of existing 2 lane to 4 lane configuration of NH-361 between Km. 110.800 to Km. 207.200 (design Chainage – Km. 342.000 to 440.000) under NHDP Phase – IV in Yavatmal district in the state of Maharashtra.- regarding.

Ref:- 1) MoEF & CC, Government of India, Regional Office, Nagpur's vide letter No. FC-II/MH-101/2019-NGP/5067 dated 06/03/2019. p/36
2) Chief Conservator of Forests (T), Yavatmal vide letter No.CCF(Y)/Desk-10/FC/113. Dt.29/4/2019. p/87

Sir,
Ministry of Environment, Forests & Climate Change, Government of India, Regional Office, Nagpur vide letter under reference No.1 has sought compliance on 13 points. Accordingly, the Chief Conservator of Forests (T), Yavatmal vide letter under reference No. 2 has submitted the compliance of shortcoming in this regard to this office. The compliance report as desired by Regional Office, Government of India vide letter dt. 06/03/2019 is submitted as under:-

| Sr. No. | Points | Compliance |
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| 1 | State Government has mentioned that 11.4926 ha area as proposed for diversion under instant proposal in an additional area requirement for already approved 34.9831 ha area accordingly, proposal needs to be revised and clubbed together for 34.9831 ha plus 11.4926 ha. | It is clarified that the compliance with respect to the in-principle approval granted by the Central Government vide letter dt.19/02/2018 in respect of diversion of 34.9831 ha. forest area has already been submitted vide Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur office letter No.Desk-17/NC/RS-I/ID-12550/75/19-20, dt.24/04/2019 It is further clarified that the User Agency has deposited all the compensatory levies as stipulated with respect to the in-principle approval of diversion of 34.9831 ha. Therefore in accordance with the Government of India guidelines dated 07/05/2015, the working permission was granted by the Competent Authorities. Accordingly, the User Agency has partly carried out works. The present proposal of diversion of 11.4926 |

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| | | ha. forest land is over and above the above stated proposal. Therefore it would neither be appropriate nor feasible to club the two proposals. The letter dated 23/04/2019 of the User Agency is enclosed as (Annexure No. I) . |
| 2 | The Regional Office (WCZ), Nagpur vide letter dated 19.02.2018 accorded in-principal approval for 34.9831 ha forest area under instant proposal subject to general, standard and additional conditions. State Government need to submit complete compliance report of same. Further State Government need to submit complete compliance report of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. | The compliance report of the conditions of in-principle approval has been submitted vide Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur office letter No. Desk-17/NC/RS-I/ID-12550/75/19-20, dt.24/04/2019. (Annexure II) . |
| 3 | It is mentioned by the State Government in Para 2.3 of the covering letter that were some trees are not marked and there is a variation in the numbers of trees, but that area remains, same however, number of additional trees are not mentioned for 34.9831 ha area. | The compliance with respect to in-principle approval with respect to 34.9831 ha. has already been submitted vide Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur office letter No. Desk-17/NC/RS-I/ID-12550/75/19-20, dt.24/04/2019. Detail with respect to numbers of trees for 34.9831 ha is enclosed as (Annexure III) . |
| 4 | As now with the additional area of 11.4926 ha, the proposal will become more than 40 ha, The CF should inspect the area and submit his field inspection report dully recording his field observation. | The present proposal is a separate proposal with less than 40.00 ha. and hence the Site Inspection of Chief Conservator of Forest is not compulsory. The site inspection of the Deputy Conservator of Forest, Yavatmal Forest Division, Yavatmal is enclosed in the proposal. |
| 5 | State Government may submit the cogent justification for requirement of additional area along with comparative area calculation statement. | The Chief Conservator of Forests (T), Yavatmal in his compliance report has certified that the width of proposed road is 45 meter passing through Yavatmal Forest Division, Yavatmal as per the actual requirement of the user agency. While calculating the length and width of the road was incorrect due to technical and field demarcation mistakes on part of the user agency has lead to the situation. Due to which average width of existing road was taken as 17.5 meter and average width of proposed road was taken as 27.5 meter where road is passing through forest area having more turns and bends. For upgrading the existing road, such bends and turns have to be removed for straightening of road. This resulted to increase in the additional forest area required for diversion under the Forest (Conservation) Act, 1980. He has further stated that |

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| | | length of the road in forest area was also incorrect which led to increase in forest area from 21.8524 ha. to 33.345 ha. in Yavatmal Forest Division, Yavatmal and there is no variation in proposed forest area of other Forest Divisions. A comparative statement is enclosed herewith as (Annexure III) . |
| 6 | Details of proposal specifically with respect to additional proposed area, i.e. 11.4926 ha, like proposed additional Row, change in any previously proposed re-alignment, details of new or revised structures proposed in forest. | The Chief Conservator of Forests (T), Yavatmal in his compliance report has certified that there is no change in previously proposed alignment and ROW with respect to additional proposed area, i.e. 11.4926 ha. The width of the road is 45 meter passing through forest area. But while calculating the forest area for already sanctioned proposal length and width of the road was incorrect due to technical and field demarcation mistakes on part of the user agency. |
| 7 | DCF, Yavatmal has been mentioned that area endangered and Schedule-I species like Tiger, Leopard and Wolf. Further, DCF has suggested that to maintain the continuity of forest habitat construction of Flyover/Underpass in compartment No. 497 and 498 is proposed. Comments of PCCF Wildlife may be obtained on possible adverse impact on wildlife movement due to additional area and mitigation measures thereof, if any. | The User Agency has submitted an undertaking for fulfillment of the aforesaid condition. A copy of the same is enclosed herewith as (Annexure IV) . As regards the comments of Principal Chief Conservator of Forests (Wildlife) are concerned, the matter is being examined by him and the Central Government shall be apprised as soon as his comments are received. |
| 8 | In online submitted Part-II, density has been mentioned 0.1 to 0.4, however, in Part-II, submitted along with proposal same has been mentioned 0.4 to 0.6. Discrepancy may be revisited by the State Government and correct details may be furnished. | The Deputy Conservator of Forests, Yavatmal Forest Division has submitted online Part-II density motioned 0.1 to 0.4 by typographical mistake. The density details are now been mentioned in Part-II. The copy of the same is enclosed herewith as (Annexure VI) . |
| 9 | Original copy of site inspection report of DCF, Yavatmal has not been submitted along with proposal. | Original copy of site inspection report of Deputy Conservator of Forests, Yavatmal Forest Division, Yavatmal is enclosed herewith as (Annexure VII) . |
| 10 | State Government need to submit complete compliance report of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. For additional 11.4926 ha in accordance with the provisions of the MoEF&CC's Guideline dated 5.07.2013 and documentary | The Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines: <i>Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including</i> |

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| | evidences in support of settlement of rights as stipulated in cause (a) of the Form-I annexed to the MoEF&CC's advisory dated 5.07.2013 viz. copy of records of meetings and consultations with the Forest Rights Committee(S), Gram Sabha(S), Sub-Divisional Level Committee. | <i>forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval'. ✓</i> Hence, the User Agency has given an undertaking regarding the compliance under FRA, 2006 has been applied and is under process and shall be submitted before in-principle approval is enclosed herewith as (Annexure VIII). ✓ |
| 11 | Details of employment potential in terms of man days of skilled, semiskilled and unskilled persons on permanent (direct and indirect) basis have not been provided. | The details of employment potential in terms of man days of skilled, semiskilled and unskilled persons on permanent (direct and indirect) submitted by the user agency is enclosed herewith as (Annexure IX). ✓ |
| 12 | An undertaking may be obtained from the User Agency, in accordance with the MoEF&CC's Guidelines dated 7.01.2013 | The user agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure X). ✓ |
| 13 | It is mentioned by the State Government in covering letter that out of 9608 trees proposed for felling in Yavatmal Division under previously approved area, 5093 trees has been felled and 4515 trees are proposed for felling; however, worked has been completed in 15.2008 ha area. State Government may submit their comment on handing over the forest land prior to complete tree felling. | In accordance with the Government of Maharashtra, Revenue & Forest Department, Circular No. FLD-2015/C.No.77/F-10, Dated 01/07/2015 tree cutting and working permission has given by CCF Yavatmal as the proposal for diversion of 34.9831 ha forest land has been accorded in-principle approval by the Central Government vide their letter dt.19/2/2018. Based on which the user agency has worked on 15.2008 ha. of forest area in approved proposed alignment from where 5093 trees felling has been carried out by Forest Department. While executing the work it came to notice that there is change in number of trees to be felled in Manpur, Mahasola, Shivandhari, Hiwari and Kosdani villages in Yavatmal Forest Division, Yavatmal due to technical and field demarcation mistakes on part of the user agency. Also forest area was re-measured and it was found that 11.4926 ha. additional area is required by the user agency. Therefore, the Chief Conservator of Forests (T), Yavatmal vide letter No.2796, dt.24/09/2018 cancelled the working permission given to User Agency for Yavatmal and Pusad Divisions. Thereafter work was stopped and proposal for additional 11.4926 ha. of forest area has been submitted by user agency for the prior approval of the Central Government under the Forest (Conservation) Act, 1980. ✓ |

In view of the above, it is requested that the Government of India may kindly be moved for approval under section-2 (ii) of the Forest (Conservation) Act-1980, at the earliest.

Encl:- As above

Yours sincerely,

(Sanjeev Gaur)

Adl. Principal Chief Conservator of Forests
& Nodal Officer

Accepted
26/01/2019

6/5/2019

Copy submitted to the Principal Secretary (Forests), Revenue & Forest Department, Mantralaya, Mumbai -32 for information.

Copy submitted to the Principal Chief Conservator of Forests (Wildlife), M.S. Nagpur. He is requested to offer comments with respect to the point No.7 at the earliest.

Copy to the Chief Conservator of Forests (T), Yavatmal for information.

Copy to the Deputy Conservator of Forests, Yavatmal, Pusad, Wardha and Nanded Forest Division for information.

Copy to the Project Director, NHAI-PIU-Yavatmal, Chandan Nivas, Plot No.13, Kolhe Layout Part-2, Darvha Road, Yavatmal, Maharashtra-445001 for information.