



**Office of the Principal Chief Conservator of Forests (Head of Forests Force),
Maharashtra State**

Additional Principal Chief Conservator of Forests & Nodal Officer,
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No.Desk-17/Nodal/Aurangabad/ID-12796/(28)/ 1579 /2021-22
Nagpur - 440 001, Dated: 18/11/2021

To,

The Deputy Director General (Central),
Government of India, Ministry of Environment,
Forest & Climate Change, Integrated Regional Office (WCZ),
Ground Floor, East Wing, New Secretariat Building,
Civil Lines, Nagpur-440001.

Sub:- Diversion of 33.420 ha. of forest land in up gradation to two lanes with paved shoulder to four lane configuration of nanded-kinwat-mahur-arni road section of national highway 161 A 0.00 km at Bhokar and end at arni fata via Sarsam-Himayatnagar-Kinwat-Mahur of Nandede district in the State of Maharashtra.

- Ref:- 1. GOI, MOEF & CC, R.O.Nagpur letter No FC-II/MH-140/2021-NGP/7852, dt.23/02/2021.
2. The Conservator of Forest (Territorial) Aurangabad Letter no.Desk-5/Land/FCA/CR.49(20-21)/515, dt. 26/07/2021
3.The Conservator of Forest (Territorial) Aurangabad Letter no.Desk-5/Land/FCA/CR.130(19-20)/2951, dt. 11/11/2021

Sir,

Ministry of Environment, Forest and Climate Change, Government of India, Regional Office, Nagpur vide letter under reference No.1 has sought compliance on 10 points. Accordingly, the Conservator of Forest (Territorial) Aurangabad vide letter under reference No.2 and 3 has submitted the compliance of shortcoming in this regard to this office. The compliance report as desired by Government of India vide letter dt. 23/02/2021 is submitted as under :-

| Sr. No | Point | Compliance |
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| i | Clarification with respect to tenure of Monitoring Committee formed under para 5.1 of Gazette Notification dated 30 th November, 2016; notifying an area to an extent of up to one kilometer from the boundary of Painganga Wildlife Sanctuary as the Painganga Wildlife Sanctuary Eco-sensitive Zone. Te | The Eco Sensitive Zone of the Painganga WLS has been notified by the MOEC & CC on 30-11-2016. In this regard the Additional Principal Chief of Forests & Field Director, Melghat Tiger Reserve vide his letter No.Desk-2/536, dt.31-8-2020 has offer his remarks that the proposed area for the project comprising 2.3 km passes from the non-forest area of the Eco Sensitive Zone of the Painganga WildLife sanctuary. Having considered the remarks of the Additional Principal Chief of forests & Field Director, Melghat Tiger Reserve the CWLW vide his letter dt. 3-9-2020 has offered his comments that the proposal should be kept before the Monitoring Committee |

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| <p>Comments of CWLF in this regard need to be submitted.</p> | <p>under the Chairmanship of the Collector, Yavatmal for decision regarding mitigation measures.</p> <p>The CWLW vide office note No.Desk -23 (2)/Wildlife/Survey/C.R.76/1201/2021- 22, dated 26/08/2021 has offered remark in accordance said query. The CWLW has mentioned in this note has opined that the proposal place before the monitoring committee constituted vide said ESZ notification dated 30-11-2016 the terms of the committee are mentioned in para no.6. The said monitoring committee is formed for 3 years and the valid period 30-11-2019 and the CWLW has now been not formed the said monitoring committee. The copy of the same is enclosed herewith as (Annexure No.I)</p> <p>Subsequently the DCF, Pusad vide letter No 1257, dated 12-02-2020 has copy forwarded minutes of meeting as per the notification for ESZ, dated 30-11-2016. The copy of the same is enclosed herewith as (Annexure No.II)</p> <p>Thus looking at the details of the proposal , Role assigned to the monitoring committee and Notification dated 14-9-2006 read with notification dated 07-08-2013. It appears that the monitoring committee does not have any mandate whatsoever to take decision is respect of the said proposal for the reason that its function is restricted to the monitoring of compliance of the provision of notification and it is not a decision making body.</p> <p>On going through the area details the width measures maximum up to 24 meter. However the Ministry vide Notification dated 22-8-2013 whereby the relaxation from expansion of National Highway has been given upto 40 meter. The copy of the same is enclosed herewith as (Annexure No.III)</p> <p>In the instant proposal the SBWL/NBWL permission not to be required the said proposal.</p> |
| <p>ii</p> <p>Site specific Wildlife Management plan suggesting mitigation measures in form of underpasses and overpasses both in forest and non-forest area clearly mentioning the location and dimensions of all such structures shall be prepared and submitted to IRO after approval of Chief Wildlife Warden, Government of Maharashtra.</p> | <p>Wildlife Mitigation plan along with the location of underpasses duly signed by the Deputy Conservator of Forests, Nanded Forest Division, Nanded is enclosed as (Annexure No.IV).</p> <p>The said Wildlife Mitigation Plant onward Submission for obtaining approval of CWLW, GOM, Nagpur</p> |
| <p>iii</p> <p>Revised CA scheme proposed over larger forest patches instead of many smaller</p> | <p>The Deputy Conservator of Forests, Nanded Forest Division, Nanded has given site suitability of Compensatory Afforestation over 67.00 ha. in compartment o.572 a/1, Survey No.34 Pt 64</p> |

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| | patches. | <p>at Village Shiradhon, Tal. Khandar, Dist. Nanded. The copy of the same is enclosed herewith as (Annexure No.V)</p> <p>In this regard, the Compensatory Afforestation for 10 years, Geo-referred map in 1:10000 Scale, Topo-sheet showing the C.A. land in 1:50000 Scale, Satellite imagery map of C.A.land alongwith C.D.'s are enclosed herewith (Annexure No.VI)</p> |
| iv | Consolidated single KML file of entire road alignment under instant proposal, dully highlighting proposed forest area for diversion has not been submitted. The same needs to be submitted. | Consolidated single KML file of entire road alignment under instant proposal, dully highlighting proposed forest area for diversion is enclosed herewith as (Annexure No.VII) |
| v | Part-II has been submitted without mentioning the date of submission, Revised Part-II mentioning date of submission shall be submitted | Revised Part-II mentioning date of submission is enclosed herewith as (Annexure No.VIII) |
| vi | Cross sectional map of the proposed road is not submitted along with the proposal. The same shall be submitted. | Cross sectional map of the proposed road is enclosed herewith as (Annexure No.IX) |
| vii | KML file of land identified to carry out Compensatory Afforestation uploaded in Parivesh portal is not proper. Proper KML file of CA land shall be uploaded on Parivesh portal and soft copy of the same shall be submitted. | Revised KML file is uploaded on parivesh portal & soft copy of same is submitted herewith as (Annexure No.X) |
| viii | Cost Benefit analysis submitted along with the proposal is not calculated as per Ministry's guidelines. The same has to be calculated as per Ministry's guideline and correct Cost Benefit analysis shall be submitted. | Revised cost Benefit analysis as per guidelines of MOEF & CC is enclosed as (Annexure No.XI) |
| ix | Certificate ensuring importance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in not submitted along with the proposal. Original FRA-2006 certificate along with documentary evidences in the form of copies of the | <p>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:-</p> <p><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 FR (including forwarding its findings to be concerned CF), hence</i></p> |

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| | resolutions of the concerned Forest Rights Committee (s), Gram Sabha (s), Sub-Division Level Committee (s) recording their consent for the proposal and bearing signature of the participants shall be submitted. In addition to this copies of record of proceedings of the Forest Rights Committee, Sub Divisional Level Committee (s) may also be submitted. | <i>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 the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before formal approval (copy enclosed as Annexure No.XII) | | | | | | | | | | | | | | | | | | |
| x | Details of employment potential in terms of man days of skilled, semiskilled and unskilled persons on permanent (direct and indirect) and temporary (direct and indirect) basis have not been provided. | The employment potential in terms of man days of skilled, semiskilled and unskilled persons on permanent (direct and indirect) and temporary (direct and indirect) basis are as under :- <table><tr><td>Sr. No.</td><td>Employment generation</td><td>Skilled</td><td>Semiskilled</td><td>Unskilled</td><td>Total</td></tr><tr><td>1</td><td>Direct</td><td>05</td><td>25</td><td>20</td><td>50</td></tr><tr><td>2</td><td>Indirect</td><td>1000</td><td>1500</td><td>500</td><td>3000</td></tr></table> | Sr. No. | Employment generation | Skilled | Semiskilled | Unskilled | Total | 1 | Direct | 05 | 25 | 20 | 50 | 2 | Indirect | 1000 | 1500 | 500 | 3000 |
| Sr. No. | Employment generation | Skilled | Semiskilled | Unskilled | Total | | | | | | | | | | | | | | | |
| 1 | Direct | 05 | 25 | 20 | 50 | | | | | | | | | | | | | | | |
| 2 | Indirect | 1000 | 1500 | 500 | 3000 | | | | | | | | | | | | | | | |

In view of the above facts, it is requested that Government of India may kindly moved to issue formal approval order under section- 2(ii) of the forest (Conservation) Act 1980, as early as possible.

Encl.: As above.

Yours sincerely,

(Naresh Zurmure)

**Additional Principal Chief Conservator of Forests
& Nodal Officer**

Copy submitted to Principal Secretary (Forests), Revenue and Forests Department, Mantralaya, Mumbai for information.

Copy to Conservator of Forests (T) Aurangabad for information.

Copy to Deputy Conservator of Forests, Aurangabad for information.

Copy to Executive Engineer, National Highways Division Akola for information.