

Government of Maharashtra

No.FLD-1224/CR-154/F-10

Revenue and Forest Department,

Mantralaya, Mumbai - 400 032.

Date:- 09.10.2024

To,

Deputy Director General of Forests (Central),
Regional Office, MoEF&CC,
Government of India, Civil Lines, Nagpur.

Subject: Forest Land- Thane.

Diversion of 32.357 ha. forest land under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for construction of Alyani Minor Irrigation Scheme in Parhe Village in Dist. Thane in the State of Maharashtra (FP/MH/IRRIG/23779/2017).

The Additional Principal Chief Conservator of Forests, Maharashtra State, Nagpur has submitted proposal for diversion of 32.357 ha. forest land under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for construction of Alyani Minor Irrigation Scheme in Parhe Village in Dist. Thane in the State of Maharashtra.

The details of forest land proposed for diversion are as under:-

Sr. No.	Item work purpose	Name of Village	Survey No / Gut No.	Length and Width	Area (in ha.)	Status
1.	Dam Seat	Kundali	37	40 x 7.5	0.030	Private Forest
		Alyani	65A	225 x 156	3.510	Protected Forest
			65B	10 X 10	0.010	Private Forest
			5	120 X 53.75	0.645	
			53	73.2 X 25	0.183	
2.	Tail Channel	Alyani	65B	92.5 x 14	0.129	Private Forest
			53	133 x 24	0.319	
			5	45 x 20	0.090	
		Mahaj	56 pt	42.86 x 28	0.120	
3.	Submergence	Alyani	65A	130 x 36.2	0.470	Protected Forest
		Kundali	47	446 x 96	4.281	Protected Forest
			37	250 x 70	1.750	Private Forest
			38	170 x 54	0.918	
		Mahaj	17	60 x 35	0.210	
			34	125 x 113.36	1.417	
			35	184 x 30	0.552	
			36	135 x 20	0.270	
			56/1 Pt	997 x 157	15.676	Protected Forest
			20	42 x 38.1	0.160	Private Forest
			12	20 x 12	0.024	

4.	Canal	Parahe	4	166 x 16	0.267	Private Forest
			3	330 x 16	0.528	Protected Forest
		Kundali	31	136 x 16	0.218	Private Forest
			32	24.75 x 16	0.040	
			33	168 x 16	0.269	
			46	110 x 16	0.176	Protected Forest
		Alyani	5	55 x 16	0.088	Private Forest
5.	Road	Alyani	53	10 x 7.5	0.008	Protected Forest
Total Forest Land (in Ha)					32.557	

Abstract of forerst Land :-

Sr. No.	Item work purpose	Name of Village	Forest Area (in Ha)			Total Area
			Reserved Forest	Protected Forest	Private Forest	
1.	Dam Seat	Alyani, Kundali	0.000	3.510	0.868	4.378
2.	Tail Channel	Alyani, Mahaj	0.000	0.000	0.658	0.658
3.	Submergence	Alyani, Kundali, Mahaj	0.000	20.427	5.301	25.728
4.	Canal	Parahe, Alyani, Kundali	0.000	0.704	0.881	1.585
5.	Road	Alyani	0.000	0.008	0.000	0.008
6.	Chowki	Alyani	0.000	0.000	0.000	0.000
Total Area (in Ha)			0.000	24.649	7.708	32.357

2. The proposal has been initiated by the Executive Engineer, Small Irrigation (W.C) Division, Kalwa, Thane for approval under Van (Sanrakshan Evam Samvardhan) Adhiniyam. 1980. The non-forest land involved in the project is 17.792 ha. proposed Minor Irrigation Scheme is located across a local nall near Village Tal. Murbad, Dist. Thane in the village Alyani is located at a distance about 25 Kms away from Murbad Taluka. The proposed dam site is about 1.5 Km from Village Dhasai and situated in Village Alyani. The dam site latitude 19-15'30" and longitude about 73.34"30" with reference to Toposheet No.47/E/11 and 47/E/12. The proposed Alyani Minor Irrigation a earthen dam, waste weir, R.C.C Well type sluice, H.R on the local nalla on the local nalla having canal 4.20 Km. L.B.G is proposed to irrigate 214 ha. of land there is no scope for considering alternative site considering the Storage and other aspect.

For this scheme both the private and forest land needs to be acquired by the User Agency. The catchment area is 0.77 sq. Miles 1.99 Sq. Km the Catchment area is hilly and free with very good yield. The rain fall data has been collected from the nearest rain gauge station at The 50% dependable rainfall is 217.32 cm and yield 3560.96 T.Cum gross storage is proposed 2660,720 T. Cum.

The proposed length of Dam is 536 Mtr and Maximum height of dam in gorge portion is 20.90 Mtr the earthen dam consists of hearting and casing imperious and previous soil respectively. The top width of dam 0.60 dam is 0.60 Mtr. Top level is 100.00 M.H.FL is 98.50 M and FSL. is 97.50 Mtr, 0.30 M pitching is proposed on either side of dam with 0.15 m. thick. Quarry spoil bedding on LIP stream slop up to 0.50 m. below still level. The rock toe is proposed up to H/s height of dam at Down Stream of dam 1.00 m. thick sand Filter is

provided to only outer slope of hearting. Additional berms of 6.0 M & 7.0 width at 89.50 M. level and 79.50 level are provided on the upstream and Downstream slopes are as G.R. No. MHD/108/142/120/80, dated 21/04/1986.

3. The Deputy Conservator of Forests, Thane Forest Division, Thane has certified that:-

- 3.1 No suitable alternate land is available and the forest land required is barest minimum.
 3.2 The area belongs to Eco-value class-I having density is below 0.3.
 3.3 There are 797 trees involved the project out of which 383 trees required to be felled.
 The various species and trees is involved in implementation of the project the girth wise break up is as under:-

Level	Tree Girth in Cm										Total	Remarks
	0-30 cm	31- 45 cm	46- 60 cm	61- 75 cm	76- 90 cm	91- 105 cm	106- 120 cm	121- 135 cm	136- 150 cm	150 above		
Dam Seat & Waste Wier	00	0	4	3	0	0	0	0	0	0	7	
FRL to FRL-2m	46	20	13	6	0	5	2	0	0	0	92	FRL to FRL-4 Trees mentioned are not to be felled
FRL-2 to FRL-4M	68	71	60	52	43	18	6	3	1	0	322	
Submergence below FRL-4m	75	124	66	57	23	12	7	2	0	0	366	
Canal	00	3	5	2	0	0	0	0	0	0	10	
Total	189	218	148	120	66	35	15	5	1	0	797	

As per the Government of India, MoEF letter dated 30/01/2009 has mentioned that "No tree felling in the area between FRL, and 4 m. below FRL shall be carried out for the Minor Irrigation proposals. In this regard the actual tree felling for the said proposal is 383 required to be felled.

- 3.4 The area involved in the project does not form part of any existing National Park. Wildlife Sanctuary, Nature Reserve etc.
 3.5 Proposed project is not likely to affect any monumental site of cultural, historical. Religious, archaeological or recreational importance.
 3.6 There is no violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980
 3.7 Proposed Project area for the project is 6.270 Km away from the boundary of the Protected Area (Sanctuary & National Park)

In this regard, this office vide office note dated 01/02/2022 has sought remarks in this matter to PCCF (WL) State of Maharashtra. Accordingly, the PCCF (WL), State of Maharashtra has offer comments and informed that "Alyani Small Irrigation Scheme, Post. Murbad District the proposed area for Thane is 6.270 Km from the boundary of the eco-sensitive zone of Bhimashankar Wildlife Sanctuary. The said area is declared as Environmentally Sensitive Zone (ESZ) of

Bhimashankar Sanctuary vide notification no.2633 (E), dated 05/08/2020 not included, the proposal does not need to be approval by the Wildlife Board."

- 3.8 The non-forest area covered under the project is not under the provision of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of of Section 35 of Indian Forest Act 1927 and are not recognized as deemed reserved forest as well as not included in the area identified as "forest" as per dictionary meaning of forest as intimated to the expert committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.
- 3.9 Proposed Compensatory Afforestation over 32.36 ha. non forest land (i) 20.00 ha. in Survey No.308 at Village Jagji, Tal. Osmanabad, Dist. Osmanabad (ii) 12.36 ha. in Gut at Village Nilegaon, Tal & Dist. Osmanabad is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
- 3.10 The cost benefit analysis ration is 2.55.

4. The User Agency has submitted undertakings:-

- 4.1 to defray the cost of compensatory afforestation.
- 4.2 to defray the cost of Net Present Value of the forest land proposed for diversion.

5. The Collector, Thane has given certified that:-

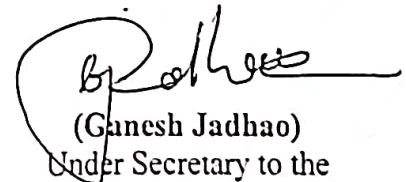
The certificate of Collector, Thane under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 issued vide letter No.RB/Desk-IV/T- IUFR-NOC/CR-11/15, dated 30/10/2020 issued in Form II as per Government of India latest guidelines dated 5/7/2013.

6. Deputy Conservator of Forest, Thane & Chief Conservator of Forests (T). Thane have recommended the proposal for approval under Section-2 of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980.
7. Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State, Nagpur, has recommended the proposal subject to the conditions, given in his recommendations, under Section-2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. His recommendations are enclosed in the proposal.
8. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal subject to the conditions, given in his specific recommendations, under Section-2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. His specific recommendations are enclosed in the proposal.
9. In the circumstances explained in the aforesaid paragraphs and enclosures, the State Government recommends that the said forest land may be allowed to be diverted subject the conditions proposed by the Principal Chief Conservator of Forests (HoFF). Maharashtra State, Nagpur as well as following additional conditions:-

- (1) Deputy Conservator of Forests, Thane shall ensure that proposed Chowki is not on Forest land.

- (2) A perusal of the KML file shows that the access road proposed in the project has a large amount of trees. Therefore, Deputy Conservator of Forests, Thane shall ensure there is no cutting of trees.
- (3) Deputy Conservator of Forests, Thane shall submit Revised Site Inspection Report, along with Stage-I compliance.
- (4) User Agency shall submit Technical Sanction order, along with Stage-I compliance.
- (5) User Agency shall submit Record of Rights of Proposed land at Survey/Gut. no. 37 of Village- Kundali, Survey/Gut. no. 56/1 pt. of Village- Mahaj, Survey/Gut. no. 5 & 53 of Village- Alyani, along with Stage-I compliance.
- (6) User Agency shall submit updated certificate of the Collector, Thane under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006, along with the Stage-I Compliance Report.
- (7) User Agency shall compensate private land holders as per prevalent Act and Rules.
- (8) User Agency shall submit no objection certificate of private land holders, along with Stage-I compliance.
- (9) Deputy Conservator of Forests, Thane & User Agency shall submit updated revised documents, along with Stage-I compliance.
- (10) A perusal of the KML File shows that CCT work and tree plantation has already been done on the area proposed for Compensatory afforestation at Survey No. 308 at - Jagji and Survey No. 176 at-Nilegaon. Further necessary action will be taken after re-investigation in this regard.
- (11) Divisional Forest Officer, Dharashiv shall submit a Compensatory afforestation Scheme for the Gut. No.176 of Nilegaon, along with Stage-I compliance.
- (12) The Divisional Forest Officer, Dharashiv will ensure that the proposed lands at - Jagji and Nilegaon proposed for Compensatory afforestation are not given for Compensatory afforestation for any other project.

The matter may kindly be placed before the Government of India for its approval under Section-2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980.


(Ganesh Jadhao)
Under Secretary to the

Government of Maharashtra
Under Secretary

Revenue and Forests Department
Hutaima Rajguru Chowk
Madam Cama Road, Mantralaya
Mumbai 400 032

Encl: A) Set of case papers

B) The following documents are enclosed:-

1. Prescribed form as per Rules.
2. Area Statement
3. Commitment from the Applicant for defraying the cost of Net Present Value & Compensatory Afforestation.
4. Brief note of the project

5. Site Inspection Report.
6. Certificate in Part V.

Copy:

1. Secretary, Ministry of Environment, Forests & Climate Change, Government of India, New Delhi
2. Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State, Nagpur.
3. Principal Chief Conservator of Forests & C.E.O, Maha-CAMPA, Nagpur.
4. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State Nagpur with reference to his letter No.Desk-17/Nodal/Thane/ID-23779/557/24-25, Dt.05.06.2024
5. Chief Conservator of Forests (T), Thane.
6. Deputy Conservator of Forests, Thane.
7. Executive Engineer, Small Irrigation (W.C) Division, Kalwa, Thane.
8. Select File (F-10).

Forest Land- Thane.

Diversion of 32.357 ha. forest land under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for construction of Alyani Minor Irrigation Scheme in Parhe Village in Dist. Thane in the State of Maharashtra (FP/MH/IRRIG/23779/2017).

PART -V

(To be filled up by the Secretary In charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

**1. Recommendation of the
State Government**

The proposal is recommended
vide Government letter
No. FLD-1224/CR-154/F-10
Dated:-09/10/2024



(Ganesh Jadhao)
Under Secretary to the
Government of Maharashtra

Under Secretary
Revenue and Forests Department
Hutatma Rajguru Chowk
Madam Cama Road, Mantralaya
Mumbai 400 032

Place: Mumbai

Date:-09/10/2024