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

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Sub.: - Diversion of 28.60 ha Forest land for  
"Storage Tank Mamdapur" at Village  
Mamdapur, Tal-Yeola In Nashik District in  
the State of Maharashtra.

No. : Desk-17/NC/II/ID 12746/(15)/1450/2019-20  
Nagpur - 440 001, Dated: 09/12/2019

To,

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

Ref:- CCF (T) Nashik letter No. Desk-2/Land/2/19.20/ID 37261/380/19-20 dated  
19/06/2019 and letter No Desk-2/Land/2/19.20/ID-37261/813/19.20 dated  
11/09/2019.

c/5  
c/35

The proposal is for diversion of 28.60 ha of Reserved Forest land for "Storage Tank Mamdapur" at Village -Mamdapur, Tal- Yeola, District - Nashik in the State of Maharashtra. No non forest area is involved in the project. The detailed area statement of forest land is as under :-

Item of Work	Name of Village, Tehsil and District	Compt No	Length/ Width	Area in Sq M	Area in Ha.	Legal Status
Submergence	Vill- Mamdapur	531, Coup	-	259000	25.90	Reserved Forest
Dam Seat	The-Yeola	No VII,	-	12100	1.21	
Waste Weir	Distt-Nashik	X Part	-	14900	1.49	
Total					28.60	

2. The Project Authority has highlighted that the scheme is situated in D.P.A.P. area of Yeola Tehsil and it is most essential for irrigation to maintain an assured supply of water for increasing food production by way of double cropping and also drinking water supply to Mamdapur and nearby villages.

2.1 Mamdapur storage tank irrigation scheme envisage construction of an earthen dam across local nalla near village Mamdapur, Tal-Yeola, Dist-Nashik. The catchment area up to



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the dam site is 18.00 Sq. Km. The 50% dependable yield utilized is 1010.29 T. Cum. Total irrigable area is 116 Ha. The dam site is 25 Km away from Yeola the Tehsil Place.

2.2 This project construction of an earthen dam 220 m in length with maximum height 14.95 m. in gorge. A clear over fall type non gated waste weir on left bank of 79 m length is proposed between ch. 0 m to -79m. Mamdapur storage tank scheme is Administratively Approved by Collector Nashik, vide Resolution No.. DPDC.C-12/SS-4/6368, Nashik Dated 20 August, 2014 for Rs. 645.64 Lacks. The scheme is technically sanctioned by Chief Engineer, Small Scale Irrigation (water Conservation) Pune vide TS No 287 letter No C.E./SDO-1/PB-3/3182 dated 06/07/2017 for Rs. 425.73 lacks.

2.3 Total population benefited by lift irrigation through reservoir and nalla about total irrigable command area of 116 ha. agriculture land for village Mamdapur of Yeola Tehsil near about 1200 souls form area of Mamdapur and nearby villages benefited. Drinking water supply to Mamdapur and nearby villages from the reservoir. The project value of overall benefits in terms of agriculture production and other indirect benefits are considerably more than the capital investment involved in the project.

2.4 There is no other suitable site nearby in private land for the construction of dam and submergence of the scheme present alternate but to acquire the required forest land. The forest land proposed for acquisition is the barest minimum required. Therefore the Project authority has submitted the proposal for diversion of 28.60 ha Reserved Forest land under section 2(ii) of the Forest (Conservation) Act, 1980.

3. The proposal has been submitted by Chief Conservator of Forests (T), Nashik vide letter dated 16/06/2019 and 11/09/2019 in prescribed format alongwith the requisite documents

**3.1 The Deputy Conservator of Forests, East Division, Nashik has certified that:-**

- 3.1.1** No suitable alternative land is available other than proposed for project and demand for the forest land is barest minimum.
- 3.1.2** The forest area involved in the project belongs to Eco Value CI - III ,Southern tropical dry deciduous forests.
- 3.1.3** Provisions of the Forest (Conservation) Act, 1980 and guidelines under it have not been violated by user agency.
- 3.1.4** The Deputy Conservator of Forests , East Division Nashik has submitted Site Inspection report dated 24/04/2019.
- 3.1.5** The proposed project is not included within 10.00 kms in the area of any National Park/Sanctuary and the project will not have any adverse effect the wildlife/National Park/Sanctuary or nature reserve. It is 57 Km from Nandur Madhmeshwar Bird Sanctuary.

The project is within the area of Conserved Reserve of village Mamdapur, Tal-Yeola, Distt-Nashik.



- 3.1.6** Non forest land 28.60 ha. of Survey No/Gut No 63,64,65,66 & 67 32 at Vill-Vadali bk, Tehsil-Nandgaon, Distt-Nashik identified for Compensatory afforestation is suitable for afforestation and Management purpose and it is free from encroachment and any encumbrances.
- 3.1.7** Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. The project is within the area of Conserved Reserve of village Mamdapur, Tal-Yeola, Distt-Nashik.
- 3.1.8** The non forest land covered under the project is not under the provision of Maharashtra Private forest (Acquisition) Act 1975 by virtue of application of section 35 of Indian Forest Act 1927, and are not recognized as deemed reserved forest as well as not included in the area identified as "Forest" as per dictionary meaning of forest as intimated to the expert committee under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.
- 3.1.9** There are 93 tree of various and girth class in the area proposed for diversion. Out of these 51 trees (FRL -4M = 42 + Dam Seat = 9) below FRL-4 are required to be felled. Girth wise details of trees are as under :-

Item	Girth in cms							Total
	Below 30 cms	31-45	46-60	61-75	76-90	91-105	Above 106	
Dam Seat	00	06	03	00	00	00	00	09
FRL to FRL 2M	03	06	06	00	00	00	00	15
FRL-2 to FRL-4m	09	11	03	03	00	01	00	27
Submergence below FRL 4M	21	13	04	04	00	00	00	42
Total	33	36	16	07	00	01	00	93

- 3.1.10** The non forest land identified for Compensatory afforestation , under the project is not under the provision of Maharashtra Private forest (Acquisition) Act 1975 by virtue of application of section 35 of Indian Forest Act 1927, and are not recognized as deemed reserved forest as well as not included in the area identified as "Forest" as per dictionary meaning of forest as intimated to the expert committee under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.
- 3.1.11** The District Collector , Nashik has certified vide letter dated 19/04/2018 that land admeasuring 28.60 ha at Survey No/Gut No 63 P,64 P,65 P,66P & 67P at Vill-Vadali bk, Tehsil-Nandgaon, Distt-Nashik is available for transfer to the Forest Department in lieu of Forest land required for the proposed Storage Tank Mamdapur at Vill-Mandapur, Tal-Yeole, Distt-Nashik .



### 3.2 The User Agency has submitted the following undertakings :-

- 3.2.1 To defray the cost of Net Present Value of the forest land proposed under diversion.
- 3.2.2 To defray the cost of compensatory afforestation.
- 3.2.3 To bear the cost of tree felling involved in the project.
- 3.2.4 The User Agency has submitted Cost Benefit Analysis report.
- 3.2.5 Agreed to provide Water supply facility from the Storage of the project as per requirement of Forest Department for afforestation and other forestry works.
- 3.2.6 No private land is affected for the purpose of construction of Storage Tank Mandapur, Tal-Yeola, Distt-Nashik
- 3.2.7 Being Minor irrigation Storage Tank Scheme Command Area Development plan is not required
- 3.2.8 Administrative Approval accorded vide Collector Nashik letter No DPC/K12/SS-4/6368 dated 20/08/2014 and Technical Sanction accorded vide Govt of Maharashtra Water Conservation Department order No 287 Year 2017.
- 3.2.9 The User Agency has fulfilled the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006. vide Chairman , District Level Forest Committee and Collector Nashik FRA-2006 Certificate dated 22/11/2018 for 28.60 ha.

4. The Deputy Conservator of Forests, East Division, Nashik has recommended the proposal for approval as the Storage Tank Mamdapur will irrigate 116 ha of land of DPAP area and will supply drinking water to nearby villages facing acute scarcity of water & also will be useful for drinking to the wildlife in the Forest area .

6. The Chief Conservator of Forests (T), Nashik has recommended the proposal for acceptance.

6. After going through the proposal, the remarks of the Deputy Conservator of East Division, Nashik and Chief Conservator of Forests (T) Nashik, , it appears that the proposed area for Storage Tank Mamdapur, is situated in Compt No 531 which is part of Mamdapur Conservation Reserve, which was Notificatified vide of Maharashtra Govt Notification dated 24/06/2014 , therefore the comments of PCCF (WL) & CWLW regarding applicability of NBWL has been offered. The remarks of the PCCF(WL) & CWLW are as under :-

The Mamdapur village tank (Storage tank) is situated in Compt No 531 which is part of Mamdapur Conservation Reserve. The Notification of Maharashtra Govt dated 24/06/2014 by which Mandapur Conservation Reserve is notified.. Whole area of Compt 531 ie. 282.565 ha is Reserve Forest and included in Mamdapur Conservation reserve. There is no doubt about location of Mamdapur Storage Tank and is confirmed to be in Compt 531.



*As the activity is inside conservation Reserve. As per revised Guideline of MOEF&CC, GOI dated 19/12/2012 para 3.4 " activities to be taken up inside a conservation Reserve can also be dealt with in Standing Committee of NBWL. Therefore procedure indicated under para 4 needs to be followed for planning and executing any activity inside conservation Reserve also ."*

*So in view of the location of project which fall 100% inside conservation reserve boundaries, Wildlife clearance from standing Committee of the NBWL is obligatory.*

8. In view of this, the proposal is recommended for approval under section 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions :-

- 7.1 The legal status of the land required will remain unchanged.
- 7.2 Compensatory afforestation will be raised at the cost of the user agency on 28.60 ha of Survey No/Gut No 63,64,65,66 & 67 32 at Vill-Vadali bk, Tehsil-Nandgaon, Distt-Nashik. As per GOI guidelines dated 08/11/2017 at least 1000 plants per ha. to be planted on Non forest land identified for compensatory afforestation.
- 7.3 The user agency will defray the cost of Net Present Value of 28.60 ha. of forest land as per latest guidelines of Government of India
- 7.4 The user agency will defray the additional / revised cost of Net Present Value of forest land as per the latest Guideline of Government of India.
- 7.5 The forest land shall not be used for any purposes other than specified in the project
- 7.6 As the proposed area falls within the Mamdapur Conservation Reserve , project authority has to obtain approval from National Board of Wild Life (NBWL) , MoEF &CC , New Delhi as per GOI guidelines dated 19/12/2012.
- 7.7 The user agency will obtain Environmental Clearance from competent authority, if required.
- 7.8 The agency will pay the cost of survey, demarcation and erection of permanent pillars on Non forest land provided for Compensatory Afforestation
- 7.9 The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars., each inscribed with its serial number, forward and back bearing and distance from pillar to pillar.
- 7.10 The user agency will defray the cost of removal of 51 trees in the area. However, only the required and minimum number of trees will be felled. In situations where felling of trees is avoidable and such trees could be transplanted, all efforts to transplant such trees at a pre designated site will be taken and additional expenditure, if any, in such cases shall be at the cost of the user agency.



- 7.11 The user agency shall provide free of cost water from the project for all forestry related activities.
- 7.12 The user agency shall ensure that there is no tree felling between FRL and FRL-4 Tree felling shall be confirmed below FRL (-4).
- 7.13 The user agency in consultation with the State Government shall create and maintain an alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nest artificially made out of eco-friendly material shall be used in the area., including forest area and human settlements, adjoining the forest area being diverted for the project
- 7.14 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work
- 7.15 It will be the responsibility of the user agency to ensure that the labourers, staffs engaged in construction / Laying activity do not damage nearby forest flora and fauna.
- 7.16 Construction of temporary dwelling / hutments etc. for labours will not be allowed in the forest areas.
- 7.17 Provisions of all Acts, Rules made there under and guidelines applicable to the project shall have to be strictly followed.
- 7.18 All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the user agency
- 7.19 All necessary approvals required for the project as per prevailing laws of the land would be obtained by the user agency before statutory sanction.

It is therefore requested that the Government of Maharashtra may kindly be moved to approve diversion of 28.60 ha. Forest Land in favour of District Water Conservation Officer, Soil Water Conservation Division, Nashik for "Storage Tank Mamdapur" at Village -Mamdapur, Tal- Yeola, District - Nashik in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encls : As above

(Sanjeev Gaur)

Additional Principal Chief Conservator of Forests  
& Nodal Officer

Copy forwarded to Chief Conservator of Forests (T) Nashik for information.

Copy forwarded to Deputy Conservator of Forests, East Division, Nashik for information.

Copy forwarded to District Water Conservation Officer, Soil Water Conservation Division,  
Nashik, Sinchan Bhavan Parisar, Nashik-422002



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**PART -IV**

**Nodal Officer or Principal Chief Conservator of Forests (Head of Forest Force)**

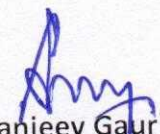
(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)


Sub.:- District Water Conservation Officer, Soil Water Conservation Division, Nashik, submitted the proposal for "Storage Tank Mamdapur" at Village -Mamdapur, Tal- Yeola, District - Nashik in the State of Maharashtra for which 28.60 ha. Forest Land required under Section - 2 (ii) of the Forest (Conservation) Act, 1980 has been proposed by user agency. The details of the forest land proposed for diversion is as under :-

Item of Work	Name of Village, Tehsil and District	Compt No	Length/ Width	Area in Sq M	Area in Ha.	Legal Status
Submergence	Vill- Mamdapur	531, Coup	-	259000	25.90	Reserved Forest
Dam Seat	The-Yeola	No VII,	-	12100	1.21	
Waste Weir	Distt-Nashik	X Part	-	14900	1.49	
Total					28.60	

***Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 12A.***

Date : 09/12/2019  
Place : Nagpur

  
(Sanjeev Gaur)  
Additional Principal Chief Conservator of Forests  
& Nodal Officer

  
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