



महाराष्ट्र वन विभाग

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9001:2015

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

**Additional Principal Chief Conservator of Forests and Nodal Officer,
Maharashtra State, Nagpur**

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E-mail- apccfnodal@mahaforest.gov.in Website: www.mahaforest.gov.in

Sub.:- Diversion of 3.70 ha Reserved Forest land for widening of part of existing S.H. 190 from Shivapur to Shirshinge (CH Km 68/800 to CH Km 72/500) in Sindhudurg district in Maharashtra State.

No. : Desk-17/NC/II/ID 12769/(70) / 1863 /2019-20

Nagpur - 440 001, Dated: 07/02/2020

To ,

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

Ref:- Chief Conservator of forests, (T) Kolhapur letter No Desk-6/Mosel/18-19/17 dated 02/04/2019 and letter dated 03/10/2019.

The proposal is for diversion of 3.70 ha. of Acquired Private Forest land under Section - 2 of the Forest (Conservation) Act, 1980 for widening of part of existing S.H. 190 from Shivapur to Shirshinge (CH Km 68/800 to CH Km 72/500) in Sindhudurg district in Maharashtra State. No non forest land involved in the project. The detailed area statement of forest land is shown as under:-

Item of Work	Name of Village	Tahsil and District	Survey No	Length x Width	Area in Sq mtr	Area in ha	Legal Status
Widening of part of existing SH 190 from Shivapur to Shirshinge (CH Km 68/800 to CH Km 72/500)	Shivapur	Tehsil- Sawantwadi Distt- Sindhudurg	68	3700x 10	37000	3.70	Reserved Forest
Total						3.70	

2. The proposal has been initiated by the Executive Engineer, Public Works Division, Sawantwadi.

3. The user agency has highlighted that, the transportation from Kolhapur district To Sindhudurg is operated through unsafe, inconvenient ghat roads of longer length which is time consuming, troublesome and with heavy pollution load. The said ghat roads are viz. Karulghat, take off from Talere on Panvel-Mahad-Panji (N.H.-17) road at Km. no. 393/00 and second is Ambolighat, take off from Sawantwadi take off on Panvel-Mahad-Panji(N.H.-17) road at Km. no. 460/00 and third one is Phondaghat take off from Humarth and Kankavali on Panvel-Mahad-Panji (N.H.-17) at

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Km 400/400 respectively. The distance between Sindhudurg and Kolhapur through these three ghat road is about 90 Kms. From Panvel-Mahad-Panji(N.H-17) road. It is proposed winding of part existing S.H. 190 road from Shivapur to Shirshinge, in Sindhudurg districts. Also, this facility shall ensure convenient, speedy, safe, and less pollution free transport to public residing in and around the districts mentioned.

3.1 The selected alignment of the proposed widening road is Administratively approved vide Govt of Maharashtra, PWD vide GR PLN-2017/CR(1190)/N-3 dated 29/06/2017.

3.2 The total length proposed for the project passing through forest area is 3.70 ha. The width of the right of way more or less is 10 Mtrs. Therefore Project Authority has submitted the proposal for diversion of 3.70 ha Reserved forest under section 2 of the Forest (Conservation) Act, 1980.

4. The proposal has been submitted by Chief Conservator of Forests, (T) Kolhapur vide letter No Desk-6/Nosel/18-19/17, dated 02/04/2019 in prescribed format alongwith the following documents:-

4.2 **Deputy Conservator of Forests, Sawantwadi, submitted the following documents :-**

- 4.2.1 No suitable alternative non forest land is available other than proposed project and demand for forest land is minimum.
- 4.2.2 Provisions of the Forest (Conservation) Act, 1980 and guidelines there under it , have not been violated by user agency .
- 4.2.3 The proposed project is not included in the area of any National Park/Wildlife Sanctuary or Nature Reserve. The proposed area is not within 10 kms of the boundary of the protected area.
- 4.2.4 The Deputy Conservator of Forests, Sawantwadi has submitted the site inspection reports dated 20/02/2019.
- 4.2.5 The proposed forest area for the project belongs to Eco Class – I, density below 0.4.
- 4.2.6 3.70 ha Government Revenue land from Survey No 23/1, of Village Kendra Budruk, Tal-Dodamarg, District-Sindhudurg proposed for compensatory afforestation is suitable for afforestation and management purposes and it is free from encroachment and encumbrances.
- 4.2.7 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 4.2.9 Tree felling of 27 various trees is involved in the proposed project. Girth wise details are as under :-

Girth Class in Cms					
Below 30	31-45	46-60	61-75	Above 76	Total
08	12	06	01	00	27

- 4.2.10 The non forest 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 .

- 4.2.11 Deputy Conservator of Forests, Sawantwadi certified that three alternatives have been examined and Alternative No 3 having area 3.70 ha is the most suitable for forestry point of view .

4.3 The user agency has submitted the following undertakings :-

- 4.3.1 To bear the cost of clearance/removal of the vegetation growth from the proposed forest land.
- 4.3.2 Agrees to pay Net Present Value (NPV) for the proposed forest land.
- 4.3.3 Agrees to bear the cost of Compensatory Afforestation.
- 4.3.4 User agency has submitted the copy of Administrative approval letter issued by Government of Maharashtra, PWD vide GR PLN-2017/CR(1190)/N-3 dated 29/06/2017.
- 4.3.5 The user agency has certified that, requirement of land as per the survey carried out and alignment fixed by the technical experts of PWD, Sawantwadi and accepted with minor modification.
- 4.3.6 The user agency has submitted the FRA-2006 certificate for 3.70 ha issued by District Collector, Sindhudurg vide letter No REV-5501/1/133/2019 dated 30/08/2019.

5. Deputy Conservator of Forests, Sawantwadi, has recommended the proposal.

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


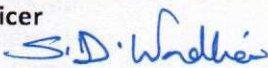
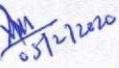
7. In view of this, the proposal is recommended for approval under section 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions-

- 7.1 The legal status of the land required will remain unchanged.
- 7.2 The forest land shall not be used for any purpose other than specified in the proposal;
- 7.3 The user agency will defray the cost of Net Present Value of 3.70 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 Compensatory Afforestation will be raised at the cost of user agency over 3.70 ha forest land (Reserved Forest) from Survey No 23/1, of Village Kendra Budruk, Tal- Dodamarg, District-Sindhudurg. 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.
- 7.6 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.
- 7.7 The user agency will defray the cost of removal of 27 trees in the proposed area. However, minimum number of trees will be felled.
- 7.8 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.

- 7.9 The user agency will obtain Environmental Clearance from competent authority, if required.
- 7.10 Construction of temporary dwelling / hutments etc. for labours will not be allowed in the forest areas.
- 7.11 No damage to the flora and fauna of the adjoining area shall be caused;
- 7.12 The user agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- 7.13 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 7.14 The forest department vehicles shall be permitted to use the bypass road without levying any toll.
- 7.15 Afforestation to be done as per the norms of construction of roads along the road on either side or / and in the median shall be allocated for completion / maintenance by Forest Department / F.D.C.M. Ltd on a project basis.
- 7.16 The user agency will undertake comprehensive soil conservation measures at the cost of project authority in consultation with the State Forest Department.
- 7.17 All necessary approvals required for the project as per prevailing laws of the land would be obtained by the user agency before statutory sanction
- 7.18 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

8. It is therefore requested that the Central Government may kindly be moved to approve diversion of 3.70 ha. Reserved Forest land in favour of Executive Engineer, Public Works Division, Sawantwadi for widening of part of existing S.H. 190 from Shivapur to Shirshinge (CH Km 68/800 to CH Km 72/500) in Sindhudurg district in Maharashtra State under section (ii) of the Forest (Conservation) Act 1980

Encls : As above


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



Copy submitted to Principal Secretary (Forest), Revenue & Forest Department, Mantralaya, Mumbai -32 for information alongwith a copy of proposal.

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

Copy forwarded to Deputy Conservator of Forests, Sawantwadi for information.

Copy forwarded to Executive Engineer, Public Works Division, Sawantwadi, Distt-Sindhudurg-416510.

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PART -IV

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

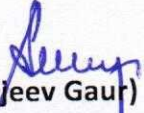
(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)


Sub.:- The Executive Engineer, Public Works Division, Sawantwadi has submitted the proposal for diversion of 3.70 ha. Reserved forest land for widening of part of existing S.H. 190 from Shivapur to Shirshinge (CH Km 68/800 to CH Km 72/500) in Sindhudurg district in Maharashtra State under section (ii) of the Forest (Conservation) Act 1980. The details of the forest land proposed for diversion is as under :-

Item of Work	Name of Village	Tahsil and District	Survey No	Length x Width	Area in Sq mtr	Area in ha	Legal Status
Widening of part of existing SH 190 from Shivapur to Shirshinge (CH Km 68/800 to CH Km 72/500)	Shivapur	Tehsil- Sawantwadi Distt- Sindhudurg	68	3700x 10	37000	3.70	Reserved Forest
Total						3.70	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 197A.

Date : 06/02/2020
Place : Nagpur


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



PART -V

(To be filled in by the Secretary in charge of the Forest Department or any other authorized officer of the State Government not below the rank of under Secretary)

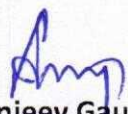
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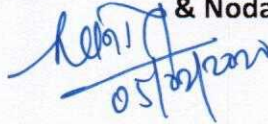
Item of Work	Name of Village	Tahsil and District	Survey No	Length x Width	Area in Sq mtr	Area in ha	Legal Status
Widening of part of existing SH 190 from Shivapur to Shirshinge (CH Km 68/800 to CH Km 72/500)	Shivapur	Tehsil- Sawantwadi Distt- Sindhudurg	68	3700x 10	37000	3.70	Reserved Forest
Total						3.70	

Recommended:

(MoEF, Government of India, vide letter No.5-5/86-FC (Pt) dated 17/4/2000 has suggested to submit proposals for projects in social sector requiring forest area up to 5.00 Ha., directly to Government of India. Accordingly, Government of Maharashtra has delegated the power to the Nodal Officer, Maharashtra State vide No. FLD-1000/CR-187/F-10 dated 10/05/2000 to submit proposals less than 5.00 Ha. (excluding National Parks and Sanctuaries) directly to Regional Office, MoEF&CC.)

Date : 06/02/2020
Place : Nagpur


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


 05/02/2020

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Proposal for diversion of 3.70 ha. of Acquired Private Forest land under Section - 2 of the Forest (Conservation) Act, 1980 for widening of part existing S.H. 190 road from Shivapur to Shirshinge (CH Km 68/800 to CH Km 72/500) in Sindhudurg district in Maharashtra State.

Specific recommendation of Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State with regards to acceptance or otherwise of the proposal supported by reasons.

The proposal is for diversion of 3.70 ha. of Acquired Private Forest land under Section - 2 of the Forest (Conservation) Act, 1980 for widening of part of existing S.H. 190 from Shivapur to Shirshinge (CH Km 68/800 to CH Km 72/500) in Sindhudurg district in Maharashtra State. No non forest land involved in the project. The detailed area statement of forest land is shown as under:-

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P/86
C/57

2. The proposal has been initiated by the Executive Engineer, Public Works Division, Sawantwadi.

3. The user agency has highlighted that, the transportation from Kolhapur district To Sindhudurg is operated through unsafe, inconvenient ghat roads of longer length which is time consuming, troublesome and with heavy pollution load. The said ghat roads are viz. Karulghat, take off from Talere on Panvel-Mahad-Panji (N.H.-17) road at Km. no. 393/00 and second is Ambolighat, take off from Sawantwadi take off on Panvel-Mahad-Panji(N.H.-17) road at Km. no. 460/00 and third one is Phondaghat take off from Humarth and Kankavali on Panvel-Mahad-Panji (N.H.-17) at Km 400/400 respectively. The distance between Sindhudurg and Kolhapur through these three ghat road is about 90 Kms. From Panvel-Mahad-Panji(N.H-17) road. It is proposed winding of part existing S.H. 190 road from Shivapur to Shirshinge, in Sindhudurg districts. Also, this facility shall insure convenient, speedy, safe, and less pollution free transport to public residing in and around the districts mentioned.

P/19-21

P/8J-84

3.1 The selected alignment of the proposed widening road is Administratively approved vide Govt of Maharashtra, PWD vide GR PLN-2017/CR(1190)/N-3 dated 29/06/2017.

3.2 The total length proposed for the project passing through forest area is 3.70 ha. The width of the right of way more or less is 10 Mtrs. Therefore Project Authority has submitted the proposal for diversion of 3.70 ha Reserved forest under section 2 of the Forest (Conservation) Act, 1980.

C/17

4. The proposal has been submitted by Chief Conservator of Forests, (T) Kolhapur vide letter No Desk-6/Nosel/18-19/17, dated 02/04/2019 in prescribed format alongwith the following documents:-

4.2 **Deputy Conservator of Forests, Sawantwadi, submitted the following documents :-**

P/32

4.2.1 No suitable alternative non forest land is available other than proposed project and demand for forest land is minimum.

P/36

4.2.2 Provisions of the Forest (Conservation) Act, 1980 and guidelines there under it, have not been violated by user agency.

P/46 & 58

4.2.3 The proposed project is not included in the area of any National Park/Wildlife Sanctuary or Nature Reserve. The proposed area is not within 10 kms of the boundary of the protected area.

P/22-23

4.2.4 The Deputy Conservator of Forests, Sawantwadi has submitted the site inspection reports dated 20/02/2019.

P/49

4.2.5 The proposed forest area for the project belongs to Eco Class – I, density below 0.4.

P/37

4.2.6 3.70 ha Government Revenue land from Survey No 23/1, of Village Kendra Budruk, Tal-Dodamarg, District-Sindhudurg proposed for compensatory afforestation is suitable for afforestation and management purposes and it is free from encroachment and encumbrances.

P/45

4.2.7 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.

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P/53-57

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P/42

- 4.2.11 Deputy Conservator of Forests, Sawantwadi certified that three alternatives have been examined and Alternative No 3 having area 3.70 ha is the most suitable for forestry point of view . P/65
- 4.3 The user agency has submitted the following undertakings :- P/52
- 4.3.1 To bear the cost of clearance/removal of the vegetation growth from the proposed forest land. P/48
- 4.3.2 Agrees to pay Net Present Value (NPV) for the proposed forest land. P/33,34
- 4.3.3 Agrees to bear the cost of Compensatory Afforestation. P/83-84
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5. Deputy Conservator of Forests, Sawantwadi, has recommended the proposal. P/15
6. Chief Conservator of Forests, (T) Kolhapur has recommended the proposal for acceptance. P/16
7. 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.
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- 7.17 All necessary approvals required for the project as per prevailing laws of the land would be obtained by the user agency before statutory sanction
- 7.18 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

(Dr. N. Rambabu)
Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur

26/11/2020

26/11/2020