

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,
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Sub:- 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 Vilage in Dist. Thane in the State of Maharashtra (FP/MH/IRRIG/23779/2017).

No.: Desk-17/Nodal/Thane/ID-23779/557/24-25
 Nagpur – 440 001, Dated :- 05/06/2024

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

The Executive Engineer, Small Irrigation (W.C) Division, Kalwa, Thane 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 Vilage in Dist. Thane in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

Sr.No.	Item of Work/purpose	Village	Survey/Gut No.	Length X 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
		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	
			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	Private Forest
			37	250 x 70	1.750	
			38	170 x 54	0.918	
		Mahaj	17	60x 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	
			3	330 x 16	0.528	
		Kundali	31	136 x 16	0.218	

			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.)					32.357	

Abstract (file P/24)

Sr.No.	Item	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

2.0 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. The proposed Minor Irrigation Scheme is located across a local nall near Village Alyani, 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 Scheme is 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.

2.1 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 Tokawade. The 50% dependable rainfall is 217.32 cm and yield 3560.96 T.Cum gross storage is proposed 2660.720 T. Cum.

2.2 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 is 0.60 dam is 0.60 Mtr. Top level is 100.00 M.H.F.L 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 UP stream slop up to 0.50 m. below still level. The rock toe is proposed up to H/6 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. (P/104 to 105)

2.3 The site inspection report of the Deputy Conservator of Forests, Thane Forest Division, Thane is enclosed on Page No.56 to 57.

3.00 Following documents as prescribed in Government Circular, Revenue and Forest Department No.FLD-1081/2041/(A)/F-3,dated 20/03/1982 and according to Government of India's instructions issued from time to time are enclosed in two copies.

3.1 Prescribed form dated 10/01/2003.

3.2 Certificate regarding minimum demand of forest land for the project,

3.3 Area Statement,

3.4 Index map in suitable scale

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

4.1 No suitable alternate land is available and the forest land required is barest minimum. (P/22)

4.2 The area belongs to Eco-value class-I having density is below 0.3 (P/92).

4.3 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:- (P/49A) (File P/336 to 308)

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	0	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	0	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.

- 4.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc., (P/45).
- 4.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance (P/99).
- 4.6 There is no violation of Forest (Conservation) Act, 1980 (P/28).
- 4.7 Proposed project area for the project is 6.270 Km away from the boundary of the Protected Area (Sanctuary & National Park) (P/50).

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." (file P/370)

- 4.8 The non-forest area 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 appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996 (P/43).
- 4.9 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 No.176 at Village Nilegaon, Tal & Dist. Osmanabad is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances (File P/216).
- 4.10 The cost benefit analysis ration is 2.55 (P/66).

5.0 The User Agency has submitted an undertaking that:-

- 5.1 To defray the cost of Compensatory Afforestation (P/48).
- 5.2 To defray the cost of Net Present Value of the forest land proposed under diversion (P/46).
- 5.3 Copy of the administrative approval accorded by Govt. of Maharashtra, Village Development and Water Conservation Department letter No.MIS/1203/569/Case No.345/Water-1, Mantralaya Mumbai dated 17/10/2005 (P/151&152)

5.4 Copy of the technical approval accorded by Govt. of Maharashtra, Village Development and Water Conservation Department letter No.MIS/1203/569/Case No.345/Water-1, Mantralaya Mumbai dated 17/10/2005 (P/151)

6.0 The Collector, Thane has given certified that :-

6.1 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-II/FRA-NOC/CR-11/15, dated 30/10/2020 issued in Form II as per Government of India latest guidelines dated 5/7/2013 (File P/207)

6.2 Details of Command area:- (P/106)

a) Total Catchment area	-	0.77 Sq.Km. (1.99)
b) Gross command area	-	230.80 ha.
c) <u>Cultivable</u> command area	-	214.00 ha.
d) Irrigable command area	-	194.00 ha.
e) Rain Fall	-	217.32 Cm and yield 3560.96T.Cum
f) Gross Storage	-	2660.720 T.Cum.
g) Length of Dam	-	563 Mtr. And Maximum <u>height</u> of dam
h) Gorge portion	-	20.90 Mtr.
i) Width of Dam	-	0.60 Mtr.

7.0 The Deputy Conservator of Forests, Thane and Chief Conservator of Forests (T.), Thane have recommended the proposal for diversion of 32.357 ha. of the forest land. (P/8A to 13)

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

8.1 The legal status of the forest land required will remain unchanged.

8.2 Compensatory Afforestation:-

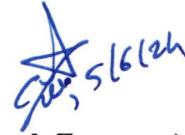
- a) The proposed Compensatory Afforestation over 32.36 ha. non forest land (i) 20.00 ha. in Survey No.308 at Village Jagji, Tal. Osmanabad, Dist. Osmanabad (ii) 12.36 ha. in Gut No.176 at Village Nilegaon, Tal & Dist. Osmanabad shall be undertaken at the cost of the User Agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- b) The Non-forest land proposed for CA shall be transferred and mutated in the name of forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section-4 or section 29 of the Indian forest act, 1927, or under the relevant section of the State

Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval.

- 8.3 The cost of compensatory Afforestation at the prevailing wage rates as per compensatory Afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provisions for anticipated cost increase for works scheduled for subsequent years.
- 8.4 **NPV:**
- a) The State Government shall charge the Net Present Value (NPV) for the 32.357 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No.566 in WP (C) No.202/1995 and as per the guidelines issued by the Ministry vide letters No.5-1/1998-FC (Pt. II), dated 18/09/2003 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009, 5-3/2011-FC(Vol-1), dated 06/01/2022 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- 8.5 The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- 8.6 Copy of approved Catchment Area Treatment (CAT) Plan shall be submitted in accordance to para no. 4.8(i) of Forest (Conservation) Act, 1980 Handbook, if applicable.
- 8.7 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 8.8 All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>).
- 8.9 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- 8.10 The layout plan of the proposal shall not be changed without prior approval of Central Government;
- 8.11 No labour camp shall be established on the forest land;

- 8.12 The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;
- 8.13 The forest land shall not be used for any purpose other than that specified in the project proposal;
- 8.14 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- 8.15 Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018;
- 8.16 Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife;
- 8.17 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- 9.0 It is therefore, requested that Government of Maharashtra may kindly recommend the proposal approving for diversion of 32.357 ha. Forest land under VAN (SANRAKSHAN EVAM SAMVARDHAN) ADHINIYAM, 1980 for construction of Alyani Minor Irrigation Scheme in Parhe Vilage in Dist. Thane in the State of Maharashtra under section 2 (ii) of the VAN (SANRAKSHAN EVAM SAMVARDHAN) ADHINIYAM, 1980

Encl. :- Proposal 2 copies



(Naresh Zurmure)
Addl. Principal Chief Conservator of Forests
& Nodal Officer

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

Copy to the Deputy Conservator of Forests, Thane Forest Division, Thane for formation.

Copy to the Executive Engineer, Small Irrigation (W.C) Division, Kalwa, Thane for information.

PART –IV

**(To be filled by 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.:- 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 Vilage in Dist. Thane in the State of Maharashtra (FP/MH/IRRIG/23779/2017). The details of land proposed for diversion is as under-

Sr.No.	Item of Work/purpose	Village	Survey/Gut No.	Length X 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		
			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
Kundali	47			446 x 96	4.281	Private Forest	
	37			250 x 70	1.750		
	38			170 x 54	0.918		
Mahaj	17			60x 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	Protected Forest	
			3	330 x 16	0.528		
		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.)			32.357	

Abstract (file P/24)

Sr.No.	Item	Village	Forest Area (in ha)			Total Area
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1	Dam Seat	Alyani, Kundali	0.000	3.510	0.868	4.378
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6	Chowki	Alyani	0.000	0.000	0.000	0.000
Total Area (in ha.)			0.000	24.649	7.708	32.357

Specific recommendation of Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur is attached on page no.

(Handwritten signature)

(Naresh Zurmure)
Additional Principal Chief Conservator of Forests
& Nodal Officer

Date: 5/06/2023
Place: Nagpur

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 Vilage in Dist. Thane in the State of Maharashtra (FP/MH/IRRIG/23779/2017).

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.

1) The proposal is for diversion of 32.357 ha. Forest land under VAN (SANRAKSHAN EVAM SAMVARDHAN) ADHINIYAM, 1980 for construction of Alyani Minor Irrigation Scheme in Parhe Vilage in Dist. Thane in the State of Maharashtra (FP/MH/IRRIG/23779/2017).

2.0 The details of the forest land proposed for diversion are as under:- (P/60).

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Total Area (in ha.)			0.000	24.649	7.708	32.357

3.0 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. The proposed Minor Irrigation Scheme is located across a local nall near Village Alyani, 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 Scheme is 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.

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3.2 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 is 0.60 dam is 0.60 Mtr. Top level is 100.00 M.H.F.L 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 UP stream slop up to 0.50 m. below still level. The rock toe is proposed up to H/6 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. **(P/104 to 105)**

3.3 The site inspection report of the Deputy Conservator of Forests, Thane Forest Division, Thane is enclosed on Page **No.56 to 57**.

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

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Tree Girth in Cm												
Level	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	Total	Remarks
Dam seat & Waste Wier	0	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	0	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.

- 4.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc., (P/45).
- 4.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance (P/99).
- 4.6 There is no violation of Forest (Conservation) Act, 1980 (P/28).
- 4.7 Proposed project area for the project is 6.270 Km away from the boundary of the Protected Area (Sanctuary & National Park) (P/50).

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." (file P/370)

- 4.8 The non-forest area 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 appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996 (P/43).

- 4.9 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 No.176 at Village Nilegaon, Tal & Dist. Osmanabad is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances (File P/216).
- 4.10 The cost benefit analysis ration is 2.55 (P/66).

5.0 The User Agency has submitted an undertaking that:-

- 5.1 To defray the cost of Compensatory Afforestation (P/48).
- 5.2 To defray the cost of Net Present Value of the forest land proposed under diversion (P/46).
- 5.3 Copy of the administrative approval accorded by Govt. of Maharashtra, Village Development and Water Conservation Department letter No.MIS/1203/569/Case No.345/Water-1, Mantralaya Mumbai dated 17/10/2005 (P/151&152)
- 5.4 Copy of the technical approval accorded by Govt. of Maharashtra, Village Development and Water Conservation Department letter No.MIS/1203/569/Case No.345/Water-1, Mantralaya Mumbai dated 17/10/2005 (P/151)

6.0 The Collector, Thane has given certified that :-

- 6.1 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-II/FRA-NOC/CR-11/15, dated 30/10/2020 issued in Form II as per Government of India latest guidelines dated 5/7/2013 (File P/207)

6.2 Details of Command area:- (P/106)

a) Total Catchment area	-	0.77 Sq.Km. (1.99)
b) Gross command area	-	230.80 ha.
c) <u>Cultivable</u> command area	-	214.00 ha.
d) Irrigable command area	-	194.00 ha.
e) Rain Fall	-	217.32 Cm and yield 3560.96T.Cum
f) Gross Storage	-	2660.720 T.Cum.
g) Length of Dam	-	563 Mtr. And Maximum <u>height</u> of dam
h) Gorge portion	-	20.90 Mtr.
i) Width of Dam	-	0.60 Mtr.

- 7.0 The Deputy Conservator of Forests, Thane and Chief Conservator of Forests (T.), Thane have recommended the proposal for diversion of 32.357 ha. of the forest land. (P/8A to 13)

- 8.0 In view of this, the proposal is recommended for approval under the section-2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions:-**
- 8.1 The legal status of the forest land required will remain unchanged.
- 8.2 Compensatory Afforestation:-**
- a) The 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 No.176 at Village Nilegaon, Tal & Dist. Osmanabad shall be undertaken at the cost of the User Agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- b) The Non-forest land proposed for CA shall be transferred and mutated in the name of forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section-4 or section 29 of the Indian forest act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval.
- 8.3 The cost of compensatory Afforestation at the prevailing wage rates as per compensatory Afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provisions for anticipated cost increase for works scheduled for subsequent years.
- 8.4 NPV:**
- a) The State Government shall charge the Net Present Value (NPV) for the 32.357 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No.566 in WP (C) No.202/1995 and as per the guidelines issued by the Ministry vide letters No.5-1/1998-FC (Pt. II), dated 18/09/2003 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009, 5-3/2011-FC(Vol-1), dated 06/01/2022 in this regard.
- b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- 8.5 The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

- 8.6 Copy of approved Catchment Area Treatment (CAT) Plan shall be submitted in accordance to para no. 4.8(i) of Forest (Conservation) Act, 1980 Handbook, if applicable.
- 8.7 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 8.8 All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>).
- 8.9 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- 8.10 The layout plan of the proposal shall not be changed without prior approval of Central Government;
- 8.11 No labour camp shall be established on the forest land;
- 8.12 The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;
- 8.13 The forest land shall not be used for any purpose other than that specified in the project proposal;
- 8.14 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- 8.15 Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018;
- 8.16 Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife;
- 8.17 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

14.0 It is therefore, requested that Government of Maharashtra may kindly recommend the proposal approving for diversion of 32.357 ha. Forest land under VAN (SANRAKSHAN EVAM SAMVARDHAN) ADHINIYAM, 1980 for construction of Alyani Minor Irrigation Scheme in Parhe Vilage in Dist. Thane in the State of Maharashtra under section 2 (ii) of the VAN (SANRAKSHAN EVAM SAMVARDHAN) ADHINIYAM, 1980



(Shailesh G. Tembhurnikar)
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