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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.:- Executive Engineer, Nandurbar Medium Project Divisional Unit, Nandurbar has submitted the proposal for diversion of 12.92 ha. Reserved Forest land for Nimbhel Storage Tank under Prakasha Burai Lift Irrigation Scheme at Village –Nimbhel, Tal & District-Nandurbar in the State of Maharashtra under Section - 2 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	Gut No	Length x Width	Area in Sq mtr	Area in ha	Legal Status
Dam Seat	Nimbhel	Nandurbar	208	50x200	10000	1.00	Reserved Forest
Submergence			208	3280 x 35	114800	11.48	
Pipeline			208	434 x 10	4340	0.44	
Total						12.92	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 10A.

Date: 23 /05/2019

Place: Nagpur

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



<u>Diversion of 12.92 ha. Forest Land for "Nimbhel Storage Tank" under Prakasha</u> <u>Burai Lift Irrigation Scheme at Village-Nimbhel, Tal & District-Nandurbar</u>

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 12.92 ha of Reserved Forest land for Nimbhel Storage Tank under Prakasha Burai Lift Irrigation Schemeat Village –Nimbhel, Tal & District-Nandurbar in the State of Maharashtra. Total non forest area involved in the project is 101.74 ha. The detailed area statement of forest land is as under:-

Item of Work	Name of Village	Tahsil and District	Gut No	Length x Width	Area in Sq mtr	Area in ha	Legal Status
Dam Seat	Nimbhel	Nandurbar	208	50x200	10000	1.00	Reserved
Submergence			208	3280 x 35	114800	11.48	Forest
Pipeline			208	434 x 10	4340	0.44	
		1			Total	12.92	

P/12-13

- 2. The Project Authority has highlighted that Maharashtra state is divided into five irrigation Development corporation for providing irrigation facilities to the farmers Tapi Irrigation Development Corporation (TIDC) is one of them.
- 2.1 The TIDC has planned many minor and major irrigation projects on the Tapi River and its tributaries. Nandurbar medium Project Division of TIDC has proposed "Nimbhel Storage Tank" under Prakasha Burai Lift Irrigation Scheme Tal. & Dist. Nandurbar to provide irrigation facilities to the drought prone and backlog villages of Nandurbar Taluka and to promote agriculture by realizing the heart felt needs of the people of the region.
- 2.3 There is scope for lifting collecting flood water from Tapi River. The main objects of the project are to irrigate the higher areas approximately 1204 ha. and to utilize the flood water of Tapi River to fulfill the irrigation requirement of the Nandurbar District. The project will be beneficial to 5 villages from Nandurbar Taluka. The Jack well and intake well be located at Hatmohide lowest river bed site. Location of Dam site is at village Nimbhel which is 26 kms from District place Nandurbar. Executive Engineer, Tapi Irrigation Development Corporation, Jalgaon accorded Administrative Approval for the project vide decision dated 02/02/1999.

P163-65

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Therefore the project authority has submitted the proposal for diversion of 12.92 ha. Reserved 3. Forest land for "Nimbhel Storage Tank" under Prakasha Burai Lift Irrigation Scheme Tal. & Dist. Nandurbar in the State of Maharashtra. The proposal has been submitted by Chief Conservator of Forests (T), Dhule vide letter dated 27/02/2019 and 12/04/2019 in prescribed format alongwith the requisite documents 4.1 The Deputy Conservator of Forests, Nandurbar has certified that:-0/25 No suitable alternative non-forest land is available other than proposed for project 4.1.1 and demand for the forest land is minimum. The forest area involved in the project belongs to Eco Value CI - III density 0.2. 4.1.2 Provisions of the Forest (Conservation) Act, 1980 and guidelines under it have not 4.1.3 been violated by user agency. The non forest land covered under the project is not under the provision of 4.1.4 Maharashtra Private forest (Acquisition) Act 1975 by virtue of application of 1131 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. There are 09 tree felling involved in this project. Girth wise details of trees are as 4.1.5 under:-Total Girth in cms Item Above 46-60 31-45 Below 61 P158 30 cms 07 02 00 05 00 Trees affecting under Submergence FRL-4 to MDDL 02 01 00 01 00 Trees affecting under Pipeline 03 00 09 06 00 Total P/33 The area involved in the project does not form part of any existing National Park, 4.1.6 Wildlife Sanctuary, Nature Reserve etc. The proposed project is beyond 10.00 kms from the protected area.(Sanctuary 4.1.7 and National Park). Proposed project is not likely to affect any monumental site of cultural, historical, 4.1.8

religious, archeological or recreational importance.

the most suitable from forestry point of view.

4.1.9

The three alternatives have been examined and alternatives alignmenet No II is



	4.1.10	Non forest land 12.92 ha. of Gut No 32 at Vill-Junone, Tal-Amalner, Distt-Jalgaon proposed for Compensatory afforestation is suitable for afforestation and Management purpose and it is free from encroachment and any encumbrances	8/29
	4.1.11	The District Collector, Nandurbar has certified that land admeasuring 12.92 ha at Gut No 32 at Vill-Junone, Tal-Amalner, Distt-Jalgaon is available for transfer to the Forest Department in lieu of Forest land required for the proposed Prakasha Burai LIS Storage Tank Nimbhel at Vill-Nimbhel, Tal & Distt-Nandurbar.	p) (8
	4.2	The User Agency has submitted the following undertakings:-	
	4.2.1	To defray the cost of Net Present Value of the forest land proposed under diversion.	P)34
	422	To bear the cost of tree felling involved in the project.	P137
	4.2.2		p/26
	4.2.3	To defray the cost of compensatory afforestation.	
	4.4.4	Agreed to provide Water from the Storage of the project as per requirement of Forest Department for afforestation at prevailing rate at the time of supply as fixed by Government	P 36
	4.4.5	Agrees to take up the catchment area Treatment plan operation in the forest and non forest catchment areas as per the approved plan of operation.	P)43
	4.4.6	Agreed to bear the cost of Barbed Wire Fencing & provision of Choukidar for protection of non forest area proposed for Compensatory afforestation.	7/49
	4.4.7	The User Agency has fulfilled the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006. vide District Collector Nandurbar FRA-2006 Certificate dated 14/11/2018 for 12.92 ha.	PK9A
5. intere	The Dep	puty Conservator of Forests, Nandurbar has recommended the proposal being in the c.	418
6.	The Chi	ef Conservator of Forests (T), Dhule has recommended the proposal for sanction.	19
7. (Cons	In view ervation)	of this, the proposal is recommended for approval under section 2 (ii) of Forest Act, 1980 subject to the following conditions:-	

The legal status of the land required will remain unchanged

identified for compensatory afforestation.

Compensatory afforestation will be raised at the cost of the user agency on 12.92

ha of Gut No 32 at Vill-Junone, Tal-Amalner, Distt-Jalgaon. As per GOI guidelines dated 08/11/2017 at least 1000 plants per ha. to be planted on Non forest land

7.1

7.2



7.3 The forest land shall not be used for any purposes other than specified in the project The user agency will defray the cost of Net Present Value of 12.92 ha. of forest land 7.4 as per latest guidelines of Government of India The user agency will defray the additional / revised cost of Net Present Value of 7.5 forest land as per the latest Guideline of Government of India. 7.6 The agency will pay the cost of survey, demarcation and erection of permanent pillars on Non forest land provided for Compensatory Afforestation The boundary of the diverted forest land, shall be demarcated on ground at the 7.7 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. The user agency will defray the cost of removal of 09 trees in the area. However, 7.8 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 The user agency will undertake comprehensive soil conservation measures at the 7.9 cost of project authority in consultation with the State Forest Department The user agency shall provide free of cost water from the project for all forestry 7.10 related activities. The user agency will obtain Environmental Clearance from competent authority, if 7.11 required The user agency shall ensure that there is no tree felling between FRL and FRL-4 7.12 Tree felling shall be confirmed below FRL(-4). The user agency in consultation with the State Government shall create and 7.13 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 No additional or new path will be constructed inside the forest area for 7.14 transportation of construction materials for execution of the project work It will be the responsibility of the user agency to ensure that the labourers, staffs 7.15 engaged in construction / Laying activity do not damage nearby forest flora and fauna. Construction of temporary dwelling / hutments etc. for labours will not be allowed 7.16

in the forest areas.



7.17 All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the User Agency

7.18 All necessary approvals required for the project as per prevailing laws of the land would be obtained by the User Agency before statutory sanction.

(U K Agrawal)

Principal Chief Conservator of Forests

(Head of Forest Force)

Maharashtra State, Nagpur



Certified by ISO

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

First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001 Tel no. (0712) 2556916, Fax no. (0712) 2550675

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

Sub.:- Diversion of 12.92 ha of Reserved Forest land for Nimbhel Storage Tank under Prakasha Burai Lift Irrigation Scheme at Village -Nimbhel, Tal & District-Nandurbar in the State of Maharashtra.

No.: Desk-17/NC/II/ID 12717/(31)/ 2-64 /2019-20 Nagpur - 440 001, Dated: 9-3/08/2019

To,

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

> Chief Conservator of Forests (T) Dhule letter No Desk-5/Nodal/C R /125/2018-19 dated 11/12/2018 and , Desk-5/Nodal/C R /125/2018-19 dated 12/04/2019.

The proposal is for diversion of 12.92 ha of Reserved Forest land for Nimbhel Storage Tank under Prakasha Burai Lift Irrigation Schemeat Village -Nimbhel, Tal & District-Nandurbar in the State of Maharashtra has been initiated by Executive Engineer, Nandurbar Medium Project Divisional Unit, Nandurbar. Total non forest area involved in the project is 101.74 ha. The detailed area statement of forest land is as under :-

Item of Work	Name of Village	Tahsil and District	Gut No	Length x Width	Area in Sq mtr	Area in ha	Legal Status
Dam Seat	Nimbhel	Nandurbar	208	50x200	10000	1.00	Reserved
Submergence			208	3280 x 35	114800	11.48	Forest
Pipeline			208	434 x 10	4340	0.44	
	.1	L		1	Total	12.92	

- The Project Authority has highlighted that Maharashtra state is divided into five irrigation 2. Development corporation for providing irrigation facilities to the farmers. Tapi Irrigation Development Corporation (TIDC) is one of them.
- The TIDC has planned many minor and major irrigation projects on the Tapi River and its tributaries. Nandurbar medium Project Division of TIDC has proposed "Nimbhel Storage Tank" under Prakasha Burai Lift Irrigation Scheme Tal. & Dist. Nandurbar to provide irrigation facilities to the drought prone and backlog villages of Nandurbar Taluka and to promote agriculture by realizing the heart felt needs of the people of the region.

- 2.3 There is scope for lifting collecting flood water from Tapi River. The main objects of the project are to irrigate the higher areas approximately 1204 ha. and to utilize the flood water of Tapi River to fulfill the irrigation requirement of the Nandurbar District. The project will be beneficial to 5 villages from Nandurbar Taluka. The Jack well and intake well be located at Hatmohide lowest river bed site. Location of Dam site is at village Nimbhel which is 26 kms from District place Nandurbar. Executive Engineer, Tapi Irrigation Development Corporation, Jalgaon accorded Administrative Approval for the project vide decision dated 02/02/1999.
- 3. Therefore the project authority has submitted the proposal for diversion of 12.92 ha. Reserved Forest land for "Nimbhel Storage Tank" under Prakasha Burai Lift Irrigation Scheme Tal. & Dist. Nandurbar in the State of Maharashtra.
- 4. The proposal has been submitted by Chief Conservator of Forests (T), Dhule vide letter dated 27/02/2019 and 12/04/2019 in prescribed format alongwith the requisite documents
 - 4.1 The Deputy Conservator of Forests, Nandurbar has certified that:-
 - 4.1.1 No suitable alternative non-forest land is available other than proposed for project and demand for the forest land is minimum.
 - 4.1.2 The forest area involved in the project belongs to Eco Value CI III density 0.2.
 - 4.1.3 Provisions of the Forest (Conservation) Act, 1980 and guidelines under it have not been violated by user agency.
 - 4.1.4 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.
 - 4.1.5 There are 09 tree felling involved in this project. Girth wise details of trees are as under:-

Item	Girth in cms					
-	Below 30 cms	31-45	46-60	Above 61		
Trees affecting under Submergence FRL-4 to MDDL	00	05	02	00	07	
Trees affecting under Pipeline	00	01	01	00	02	
Total	00	06_	03_	00	09	

- 4.1.6 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 4.1.7 The proposed project is beyond 10.00 kms from the protected area.(Sanctuary and National Park).

- 4.1.8 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 4.1.9 The three alternatives have been examined and alternatives alignment No II is , the most suitable from forestry point of view.
- 4.1.10 Non forest land 12.92 ha. of Gut No 32 at Vill-Junone, Tal-Amalner, Distt-Jalgaon proposed for Compensatory afforestation is suitable for afforestation and Management purpose and it is free from encroachment and any encumbrances
- 4.1.11 The District Collector, Nandurbar has certified that land admeasuring 12.92 ha at Gut No 32 at Vill-Junone, Tal-Amalner, Distt-Jalgaon is available for transfer to the Forest Department in lieu of Forest land required for the proposed Prakasha Burai LIS Storage Tank Nimbhel at Vill-Nimbhel, Tal & Distt-Nandurbar.
- 4.2 The User Agency has submitted the following undertakings:-
- **4.2.1** To defray the cost of Net Present Value of the forest land proposed under diversion.
- **4.2.2** To bear the cost of tree felling involved in the project.
- 4.2.3 To defray the cost of compensatory afforestation.
- 4.4.4 Agreed to provide Water from the Storage of the project as per requirement of Forest Department for afforestation at prevailing rate at the time of supply as fixed by Government
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- 4.4.7 The User Agency has fulfilled the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006. vide District Collector Nandurbar FRA-2006 Certificate dated 14/11/2018 for 12.92 hav
- 5. The Deputy Conservator of Forests, Nandurbar has recommended the proposal being in the interest of public.
- 6. The Chief Conservator of Forests (T), Dhule has recommended the proposal for sanction.
- 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:-

 - 7.2 Compensatory afforestation will be raised at the cost of the user agency on 12.92 ha of Gut No 32 at Vill-Junone, Tal-Amalner, Distt-Jalgaon. 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 forest land shall not be used for any purposes other than specified in the project The user agency will defray the cost of Net Present Value of 12.92 ha. of forest 7.4 land as per latest guidelines of Government of India, The user agency will defray the additional / revised cost of Net Present Value of 7.5 forest land as per the latest Guideline of Government of India. The agency will pay the cost of survey, demarcation and erection of permanent 7.6 pillars on Non forest land provided for Compensatory Afforestation The boundary of the diverted forest land, shall be demarcated on ground at the 7.7 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. The user agency will defray the cost of removal of 09 trees in the area. 7.8 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 > The user agency will undertake comprehensive soil conservation measures at 7.9 the cost of project authority in consultation with the State Forest Department The user agency shall provide free of cost water from the project for all forestry 7.10 related activities. The user agency will obtain Environmental Clearance from competent 7.11 authority, if required The user agency shall ensure that there is no tree felling between FRL and FRL-4 7.12 Tree felling shall be confirmed below FRL(-4). The user agency in consultation with the State Government shall create and 7.13 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 No additional or new path will be constructed inside the forest area for 7.14 transportation of construction materials for execution of the project work It will be the responsibility of the user agency to ensure that the labourers, 7.15 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 All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the User Agency —
- 7.18 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 the diversion of 12.92 ha. Reserved Forest land for Nimbhel Storage Tank under Prakasha Burai Lift Irrigation Scheme at Village –Nimbhel, Tal & District-Nandurbar in the State of Maharashtra in favour of Executive Engineer, Nandurbar Medium Project Divisional Unit, Nandurbar ,under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encls: As above

(San eev Gaur)

Additional Principal Chief Conservator of Forests

& Nodal Officer

Copy forwarded to Chief Conservator of Forests (T), Dhule

Copy forwarded to Deputy Conservator of Forests, Nandurbar

Copy forwarded to Executive Engineer, Nandurbar Medium Project Divisional Unit, Nandurbar, Tokar Talav Road, Near SP Office, Nandurbar-425412