



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

Additional Principal Chief Conservator of Forests & Nodal Officer,

1st Floor, B Wing,

VanBhavan, Ramgiri Road, Civil Lines, Nagpur- 440 001

Tel.No.: 0712- 2556916 , E-mail: apccfnodal@mahaforest.gov.in

Sub:- Proposal for diversion of 0.1655 ha. forest land under section-2 of the Forest (Conservation) Act, 1980 for providing of drinking water supply pipeline for Village Vekhandwadi proposed pipeline passing through Village Badewadi, Tal.Panhala, Dist.Kolhapur in the State of Maharashtra

No. :- Desk-17/Nodal/Kolhapur/ID-12896/(28)/1602/2021-22

Nagpur- 440 001, Dated 23/11/2021

To,

The Deputy Director General (Central)
Ministry of Environment, Forests, and Climate Change,
Regional Office, Ground Floor, East Wing,
New Secretariat Building,
Civil Lines, Nagpur-440001

Sir,

The Executive Engineer, Rural Water Supply Division, Zilha Parishad, Kolhapur has submitted proposal for diversion of 0.1655 ha. forest land under section-2 of the Forest (Conservation) Act, 1980 for providing of drinking water supply pipeline for Village Vekhandwadi proposed pipeline passing through Village Badewadi, Tal.Panhala, Dist.Kolhapur in the State of Maharashtra. The details of forest land proposed for diversion is as given below:-

Purpose	Name of Village	Taluka	District	Compt. No.	Gut No.	Area (In ha.)	Legal Status
Proposed for providing of drinking water supply pipeline for Village Vekhandwadi passing through Village Badewadi.	Badewadi	Panhala	Kolhapur	836	185	0.1603	Protected Forest
					186	0.0052	Reserved Forest
Total Forest Land (In ha.)						0.1655	

2.0 The proposal has been initiated by the Executive Engineer, Rural Water Supply Division, Zilha Parishad, Kolhapur for seeking approval under the Forest (Conservation) Act, 1980. The User Agency has certified that in Village Vekhandwadi approximately 700 villagers are staying for agricultural and other purposes. In the month of December to June the natural water spring gets dried up and unavailability of drinking water occurs for Vekhandwadi villagers and also for their Pet animals. Right now the population of Vekhandwadi villagers is increasing therefore above providing of drinking water supply pipeline scheme is the most important essential requirement for all Villager and their Pet animals. The total non-forest area involved in the project is 0.0702 ha.

3.0 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 one 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,

4.0 The Deputy Conservator of Forests, Kolhapur Forest Division, Kolhapur has certified that:-

- 4.1 No suitable alternate land is available and the forest land required is barest minimum.
2.2 The area belongs to Eco class-I and having density of forest is 0.4 (Very Dense Forest).
4.3 The Project involves felling of total 4 number of trees for implementation of the project.
The Girth wise abstract is as under:-

Tree Girth in Cm.									
15-30	31-45	46-60	61-75	76-90	91-105	106-120	121-150	151-180	Above 180
4	0	0	0	0	0	0	0	0	0

- 4.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
4.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
4.6 There is no violation of Forest (Conservation) Act, 1980.
4.7 The proposed area for the project is beyond 10 km of the boundary of the Protected Area (Radhanagari Sanctuary and STR/National Park).
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.
4.9 Proposed Compensatory Afforestation over 1.00 ha degraded Forest land in Gut No.186, Village-Badewadi, Tal. Panhala, Dist. Kolhapur and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
4.10 Details of the alternative examined by the Deputy Conservator of Forests, Kolhapur Forest Division, Kolhapur for the project is as under:-

Sl. No.	Alignments	F.G.No.	Compt. No.	Lenght	Area
1.	Proposed Alignment	185,186	836	827.50 m.	0.1655 ha.
2.	1 st alignment	185,186	836	1200.7 m.	0.2401 ha.
3.	2 nd alignment	185,186	836	1278.2 m.	0.2556 ha.

After examination of the Deputy Conservator of Forests, Kolhapur Forest Division, Kolhapur has come to the conclusion that the alternative mentioned at Sl.No.1 is the most suitable from the forestry point of view. The other alternatives are being rejected on grounds that they require more forest areas.

- 4.11 Alignment has been decided only after considering such site factors the said proposal implementing agency is National Rural Water Supply Program. Hence the proposal is categorized as "Site Specific".

5.0 The User Agency has submitted undertaking that:-

- 5.1 Agreed to defray the cost of Compensatory Afforestation.
5.2 Agreed to defray the cost of Net Present Value of the forest land proposed under diversion.
5.3 Agrees to defray the cost of felling of trees.

6.0 The Collector, Kolhapur has issued Certificate:-

Under Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act, 2006 issued vide their letter No. Desk-IV-FRA-SR-182/2019, dated 23/02/2021 in prescribed format Form-II as per Government of India guidelines dated 05/07/2013.

7.0 The Deputy Conservator of Forests, Kolhapur Forest Division, Kolhapur and the Chief Conservator of Forest (T.), Kolhapur have recommended the proposed for diversion.

8.0 KML files in C.D of the three alternative alignments, proposed diverted area and C.A area is enclosed herewith.

9.0 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:-

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

9.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.

9.3 Compensatory Afforestation:-

Compensatory afforestation shall be taken up by the Forest Department over 1.00 ha. degraded Forest land in Gut No.186, Village-Badewadi, Tal.Panhala, Dist.Kolhapur 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.

9.4 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.

9.5 NPV:-

a) The State Government shall charge the Net Present Value (NPV) for the 0.1655 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 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.

9.6 User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

9.7 All the funds received from the User Agency under the project shall be transferred/deposited to CAMPA fund only through e-portal. (<http://parivesh.nic.in/>)

9.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

- 9.9 The pipeline shall be laid down 1.5 meter below the ground and after laying down of pipeline the ground will be leveled.
- 9.10 No labour camp shall be established on the forest land.
- 9.11 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 9.12 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.
- 9.13 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 9.14 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.
- 9.15 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, dated 29/01/2018.
- 9.16 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.
- 9.17 The compliance report shall be uploaded on e-portal. (<http://parivesh.nic.in>)

8.0 It is therefore, requested that the Government of India may kindly be moved for approving the proposal for diversion of 0.1655 ha. forest land under section-2 of the Forest (Conservation) Act, 1980 for providing of drinking water supply pipeline for Village Vekhandwadi proposed pipeline passing through Village Badewadi, Tal.Panhala, Dist.Kolhapur in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl: (Proposal in one copy)

Yours sincerely,

(Naresh Zurmure)

Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy submitted to the Principal Secretary (Forests), Revenue & Forest Department, Mantralya, Mumbai- 400032 for information. {Encl: (Proposal in one copy)}

Copy forwarded for information to:-

1. The Chief Conservator of Forests (T.), Kolhapur
2. The Deputy Conservator of Forests, Kolhapur Forest Division, Kolhapur.
3. The Executive Engineer, Rural Water Supply Division, Zilha Parishad, Kolhapur.
(eebnkolhapur@rediffmail.com)

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PART -IV


(To be filled by the Nodal Officer or the 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)

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Specific recommendation of the Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur is attached on page no. 22A

 23/11/21

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

Date: 23/11/2021
Place: Nagpur

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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 0.1655 ha. forest land under section-2 of the Forest (Conservation) Act, 1980 for providing of drinking water supply pipeline for Village Vekhandwadi proposed pipeline passing through Village Badewadi, Tal. Panhala, Dist. Kolhapur in the State of Maharashtra.

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

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- 22B
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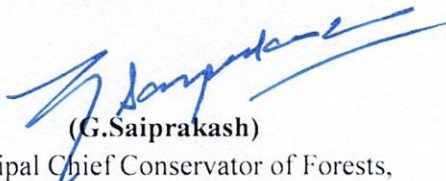
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Ministry vide letters No.5-1/1998-FC (Pt.II), dated 18/09/2003 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009 in this regard.

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(G.Saiprakash)
Principal Chief Conservator of Forests,
(Head of Forest Force),
Maharashtra State, Nagpur