

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF FOREST FORCE), MAHARASHTRA STATE, NAGPUR

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Sub:- Proposal for diversion of 73.94 ha. forest land under Forest (Conservation), 1980 for Construction of Kareghat Minor Irrigation Tank is Irrigation at Kareghat, Tal. Nawapur, Dist. Nandurbar in the State of Maharashtra (FP/MH/IRRIG/61238/2020)

No. : Desk-17/Nodal/Dhule /I.D-12942 (25)/2208/2021-22
Nagpur - 440 001, Dated 25/01/2022

To,
The Principal Secretary (Forests),
Revenue & Forest Department,
Mantralaya, Mumbai - 400032

The Executive Engineer, Nandurbar Medium Project Divisional Unit, Nandurbar has submitted proposal for diversion of 73.94 ha. forest land under Forest (Conservation), 1980 for Construction of Kareghat Minor Irrigation Tank is Irrigation at Kareghat, Tal. Nawapur, Dist. Nandurbar in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

below: -

Sr No.	Item of work / purpose	Village,	Taluka	District	Compt no.	Area (in ha.)	Legal Status of Forest Land
1	Submergence	Kareghat	Nawapur	Nandurbar	41A	54.71	Reserved Forest
2	Submergence				42 APB	15.23	
3	Dam Component				41 APB	3.64	
4	Canal				41 APB	0.36	
Total Forest Land (in ha.)						73.94	

Project Engineer, Nandurbar Medium Project

2.00 The proposal has been initiated by the Executive Engineer, Nandurbar Medium Project Divisional Unit, Nandurbar for approval under Forest (Conservation) Act, 1980. This Minor Irrigation Tank of Kareghat, Tal. Nawapur, Dist. Nandurbar Scheme envisages construction of an earthen dam across local nalla Tal. Nawapur Dist. Nandurbar. The catchment area up to the dam site is 4.66 sq.Mile i.e. 12.08 Sq.Km and total approx 5000 population dependable 100% tribal area. The total Irrigation area is 757 ha. and the maximum height of Tank 22.91 m. Thus project will benefit 3 villages namely Khokarwad, Kareghat, Lakkadkot in Nandurbar District.

2.1 The benefits of the projects is as under:-

- | | | |
|--|----|------------|
| (i) Details about Rehabilitation & affected person | :- | nil |
| (ii) Area of submergence at H.F.L | :- | 105.50 ha. |
| (iii) Area of submergence at FRL | :- | 69.94 ha. |
| (iv) Area of Submergence below 2 Mtr. FRL | :- | 60.54 ha. |
| (v) Area of Submergence below 4 Mtr. FRL | :- | 54.60 ha. |

(vi) Area of submergence at minimum draw down level :- 20.40 ha.

(vii) Area of submergence at MDDL @ RL :- 7.20 ha.

2.2 The total non forest land involved in the project is 77.54 ha. The site inspection report of the Deputy Conservator of Forests, Nandurbar Division Shahada is enclosed on page no. 52 to 59.

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 thwo 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, Nandurbar Division Shahada has certified that:-

4.1 no suitable alternate land is available and the forest land required is barest minimum.

4.2 the area belongs to Eco-value class-III having density is 0.7 (Tropical Dry Deciduous Forest)

4.3 there are 30166 trees involved in the project out of which 28294 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:-

Particular	Tree Girth in Cm.							Total cutting and felling of trees	Total	Remarks
	15-30 cm	31-45 cm	46-60 cm	61-90 cm	91-105 cm	106-150 cm	Above 150 cm			
Dam Seat	127	156	119	153	81	47	0	683	683	The Deputy Conservator of Forests, Nandurbar Division Shahada has certified that 907 trees involved to be felled in Dam Seat and approach tail channel & link canal.
Approach and Tail Channel & link Canal	47	49	52	32	19	25	0	224	224	
FRL & FRL-2	284	189	93	131	195	66	0	0	958	---
FRL-2 & FRL-4	281	143	130	170	154	36	0	0	914	---
FRL-4 to MDDL	11159	7569	2813	2904	1950	992	0	27387	27387	The Deputy Conservator of Forests, Nandurbar Division Shahada has certified that

										27387 trees involved to be felled in FRL-4 to MDDL.
Total	11333	7774	2984	3089	2050	1064	0	28294	30166	

As per the Government of India, MoEF letter dated 30/01/2009 has mentioned that 'No tree felling in the area between FRL-4 m below shall be carried out' for the Minor Irrigation proposals. In this regard the actual tree felling for the said proposal is 28924 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.
- 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 proposed project area for the project is beyond 10 kms from the boundary of the Protected Area (Sanctuary and National Park). The instructions given by the PCCF (HoFF) on 26/11/2021 intimated seek remarks from the PCCF (WL). Accordingly the PCCF (WL) vide note letter No. Desk-23(2)/WL/Survey/CR.136 (Nodal)/2403, dated 17/12/2021 has offer remarks is as mentioned below:-
"The proposed project in Dhule Circle Nadurbar Division an area of 92.92 Km from the Kareghat Conservation the proposal is yet to be received from CF (T), Dhule to CWLW. At present the area is not a 'Protected Area' as per the definition under WLPS, 1972. Hence wildlife clearance would not be required"
- 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 and proposed compensatory afforestation over 87.00 ha non forest land (i) Area 77.00 ha. in Gut No.117 at Village Sutare, Tahsil Sakari, Dist. Dhule (ii) Area 10.00 ha. in Gut No.83/2 at Village Satarpada, Taluka Sakari, Dist. Dhule is contiguous; suitable for afforestation and management purpose also it is free from encroachment an encumbrance.
- 4.10 The cost benefit analysis ratio is 1.35
- 4.11 the proposed site is considered downstream of proposed site the forest land will require more. If the project site is considered upstream of proposed site dam length will increase resulting requirement of more forest land and less water storage. As the area required for the proposed site is barest minimum the proposed site for the Minor Irrigation Tank at Kareghat, Tal. Nawapur, Dist. Nandurbar is most suitable from Technical, Economical and Forest point of view.

5.00 The User Agency has submitted an undertaking that:-

- 5.1 to defray the cost of compensatory afforestation.
- 5.2 to defray the cost of Net Present Value of the forest land proposed under diversion.

- 5.3 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines:-

'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval'.

Hence, the user agency has given an undertaking regarding the compliance under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before formal approval.

- 5.4 the catchment area is small as compared to Medium and Major Irrigation Project and there is no provision in estimate for catchment area treatment.
- 5.5 Copy of the administrative approval accorded by the Executive Engineer, Tapi Irrigation Development Corporation, Jalgaon letter No. TIDC/E.E./PB-1/20-93, dated 17/05/1998
- 5.6 Copy of the technical approval accorded by Chief Engineer, Tapi Irrigation Development Corporation, Jalgaon vide letter No. O.No.Pb/TS/888/1999, dated 10/03/1999

6.00 **The Collector, Dhule has given certificated that:-**

- 6.1 the certificate of Collector, ^{Dhule} the all other alternative for the purpose have been explored and the demand for the forest land is barest minimum demand
- 6.2 The User Agency has certified that the aforesaid Environmental Clearance is not required as the command area 412.00 ha of the project is less than 2000 ha.

6.3 **Details of Command area:-**

- | | |
|-------------------------------------|--|
| a) Total Catchment area of dam :- | 949 ha. GCA, 4.66 sq.Mile i.e. 12.08 Sq.Km |
| b) Height of Tank :- | 22.91 M |
| c) Full Reservoir Level :- | 148.70M |
| d) High Flood level :- | 151.20 M |
| e) MDDL (Sill R.L) :- | 139.55 M |
| f) Gross Command Area :- | 412 Ha. |
| g) Curable Command Area :- | 949 Ha. |
| h) Irrigable Command Area :- | 757 Ha. |
| i) Total No. of family benefited :- | 5974 |
| (Population) | |

- 7.0 The Deputy Conservator of Forests, Nandurbar Division Shahada and Conservator of Forest (T), Dhule have recommended the proposal for diversion of 73.94 ha. of Reserved forest land.

8.00 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: –

- 7.1 The legal status of the forest land required will remain unchanged.
- 7.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.
- 7.3 **Compensatory Afforestation :-**

Compensatory afforestation shall be taken up by the Forest Department over 87.00 ha non forest land (i) Area 77.00 ha. in Gut No.117 at Village Sutare, Tahsil Sakari, Dist. Dhule (ii) Area 10.00 ha. in Gut No.83/2 at Village Satarpada, Taluka Sakari, Dist. Dhule 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.
- 7.4 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 provision for anticipated cost increase for works scheduled for subsequent years.
- 7.5 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 toward and back bearing and distance from pillar to pillar.
- 7.6 The Project Authority should provide water to forestry and allied purposes at the rate fixed by the Government of Maharashtra.
- 7.7 The forest land shall not be used for any purpose other than specified in the project.
- 7.8 The project authority will defray the cost of Net Present Value of **73.94** ha. of forest land as per the latest Guideline of the Government of India.
- 7.9 The project authority will defray the additional/revised cost of Net Present Value of forest land as per the latest guidelines of Government of India.
- 7.10 The forest land shall not be utilized for any purpose other than specified in the project proposal
- 7.11 No damage shall be caused to the flora and fauna of the area.
- 7.12 No labour camp shall be established on the forest land;
- 7.13 The user agency, if required, shall undertake comprehensive soil conservation measure at the project cost in consultation with the Forest Department.
- 7.14 A Catchment Area Treatment Plan shall be prepared, and implemented under the supervision of the Forest Department at the project cost, if applicable;
- 7.15 The user agency shall obtain environmental clearance, 2006, if required.

- 7.16 The user agency shall carry out muck disposal at pre- designated sites in such manner so as to avoid its rolling down;
- 7.17 The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per plan;
- 7.18 The user agency shall consult organizations (s) having experience in construction of roads in hilly areas to avoid frequent road blocks due to landslides etc. and shall provide breast walls and retaining walls wherever necessary;
- 7.19 The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- 7.20 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

8.00 It is therefore, requested that Government of India may kindly be moved for approving the proposal for diversion of 73.94 ha. forest land under Forest (Conservation), 1980 for Construction of Kareghat Minor Irrigation Tank is Irrigation at Kareghat, Tal. Nawapur, Dist. Nandurbar in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies

 25/1/22

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

Copy to the Conservator of Forest (T), Dhule for information.

Copy to the Deputy Conservator of Forests, Nandurbar Division Shahada for information.

Copy to the Executive Engineer, Nandurbar Medium Project Divisional Unit, Nandurbar for information

PART -IV

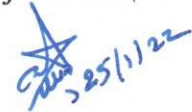
**(To be filled by Nodal Officer or Principal Chief Conservator of Forests
(Head of Forest Force)**

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

Sub.:- Proposal for diversion of 73.94 ha. forest land under Forest (Conservation), 1980 for Construction of Kareghat Minor Irrigation Tank is Irrigation at Kareghat, Tal. Nawapur, Dist. Nandurbar in the State of Maharashtra (FP/MH/IRRIG/61238/2020). The details of land proposed for diversion is as under-

Sr No.	Item of work / purpose	Village,	Taluka	District	Compt no.	Area (in ha.)	Legal Status of Forest Land
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4	Canal				41 APB	0.36	
Total Forest Land (in ha.)						73.94	

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



(Naresh Zurmure)

**Additional Principal Chief Conservator of Forests
& Nodal Officer**

Date: 25/01/2022

Place: Nagpur

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

1) proposal is for diversion of 73.94 ha. forest land under Forest (Conservation), 1980 for Construction of Kareghat Minor Irrigation Tank is Irrigation at Kareghat, Tal. Nawapur, Dist. Nandurbar in the State of Maharashtra (FP/MH/IRRIG/61238/2020).

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- (vi) Area of submergence at minimum draw down level

Deputy Conservator of Forests, Nandurbar Division Shahada is enclosed on page no. 52 to 59.

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Forest)

break up is as under:-

Tree Girth in Cm.

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- b) Height of Tank :- 22.91 M
- c) Full Reservoir Level :- 148.70M
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- e) MDDL (Sill R.L) :- 139.55 M
- f) Gross Command Area :- 412 Ha.
- g) Curable Command Area :- 949 Ha.
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- i) Total No. of family benefited :- 5974
(Population)

7.0 The Deputy Conservator of Forests, Nandurbar Division Shahada and Conservator of Forest (T), Dhule have recommended the proposal for diversion of 73.94 ha. of Reserved forest land.

8.00 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: –

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- 8.19 The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- 8.20 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

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