

**PART -IV**

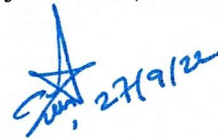
**(To be filled by the Nodal Officer or the Principal Chief Conservator of Forests, Head of Forest Force)**

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

Sub.- Proposal for diversion of 18.94 ha. forest land for construction of Minor Irrigation Tank in Village Nirukhe, Taluka Kudal, District Sindhudurg, Division Sawantwadi in the State of Maharashtra. The details of forest land proposed for diversion are as under-

Sr. No.	Name of Village	Taluka	District	Division	Item of work/ purpose	No. of item	Survey / Gut No.	L. x W. (in M.)	Area (In ha.)	Legal Status
1.	Nirukhe	Kudal	Sindhudurg	Sawantwadi	Submergence area	1	125/1, 125/2, 125/3, 130/1, 143/1, 149/2A, 149/2B, 152/1, 152/2	-	10.386	RF & Identified Forest
2.					Dam seat	1	125/1, 125/2, 152/1, 152/2	326.00 x 240.00	7.824	RF
3.					Tail channel	1	192/1, 192/4	131.00 x 45.00	0.590	RF & Identified Forest
4.					Approach road	1	192/4	155.55 x 9.00	0.140	RF & Identified Forest
Total Forest Land (in ha.)									18.940	

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



**(Naresh Zurmure)**

Additional Principal Chief Conservator of Forests  
& Nodal Officer

Date: 27/09/2022

Place: Nagpur



**Proposal for diversion of 18.94 ha. forest land for construction of Minor Irrigation Tank in Village Nirukhe, Taluka Kudal, District Sindhudurg, Division Sawantawadi in the State of Maharashtra.**

**(FP/MH/IRRIG/127453/2021)**

**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 18.94 ha. forest land for construction of Minor Irrigation Tank in Village Nirukhe, Taluka Kudal, District Sindhudurg, Division Sawantawadi in the State of Maharashtra.

**2.00 The details of the forest land proposed for diversion are as under:- (PPN-33,72 & 73)**

Sr. No.	Name of Village	Taluka	District	Division	Item of work/ purpose	No. of item	Survey / Gut No.	L. x W. (in M.)	Area (In ha.)	Legal Status
1.	Nirukhe	Kudal	Sindhudurg	Sawantwadi	Submergence area	1	125/1, 125/2, 125/3, 130/1, 143/1, 149/2A, 149/2B, 152/1, 152/2	-	10.386	RF & Identified Forest
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4.					Approach road	1	192/4	155.55 x 9.00	0.140	RF & Identified Forest
<b>Total Forest Land (in ha.)</b>									<b>18.940</b>	

**3.00** The proposal has been initiated by the Executive Engineer, Minor Irrigation Division, Oros-Sindhudurg diversion of 18.94 ha. forest land for construction of Minor Irrigation Tank in Village Nirukhe, Taluka Kudal, District Sindhudurg, Division Sawantawadi in the State of Maharashtra. The User Agency has certified that the project is demanded by the villagers for irrigation and drinking water purpose. The topography of the project is such that there is no alternative alignment available to avoid the forest land. The proposed scheme is surrounded by Forest and there is no other sustainable source for Irrigation and drinking purpose for Nirukhe and adjoining villages. Non-forest land required for this project is 16.847 ha. (PPN-68) Project Note submitted by the User Agency is enclosed on pages No.3 & 4. Project Note certified by the User Agency is enclosed on Pages no.3 & 4. The site inspection report of the Deputy Conservator of Forests, Sawantwadi Forest Division, Sawantwadi is enclosed on pages no.33 to 35. Joint Inspection Report of the of the Sub Divisional Engineer, Irrigation Construction, Sub division No.1 Kankawali, the Executive Engineer, Minor Irrigation Division, Oros-Sindhudurg and the Deputy Conservator of Forests, Sawantwadi Forest Division, Sawantwadi is enclosed on pages no.36 & 37.

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

- 4.1 No suitable alternate non-forest land is available and the forest land required is barest minimum. (PPN-44 & 46)
- 4.2 The area belongs to Very Dense Forest, Eco class-I Category and having density of forest is above 0.5. (PPN-18 & 33)
- 4.3 Agreed to bear the cost of removal of the vegetation growth from the forest land proposed for diversion. (PPN-76)



- 4.4 The project is not included in the area of any National Park, Wildlife Sanctuary or Nature reserve. (PPN-70)
- 4.5 The area involved in the project is beyond 10 km. from the boundary of protected area i.e. away 15.17 km. from Radhanagari Wildlife Sanctuary, beyond 27 km. from Amboli-Dodmarg Conservation Reserve Area and beyond 53 km form Tillari Conservation Reserve Area. (PPN-89)
- 4.6 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. (PPN-69)
- 4.7 The proposed project has not been started in the forest land as well as in non-forest land and no violation of the Forest (Conservation) Act, 1980 or its guidelines has been committed. (PPN-49)
- 4.8 The User Agency propose to give 18.94 ha. non-forest land in Survey/Gut No.23/1 at Village Kendre Budruk, Taluka Dodamarg, District Sindhudurg from Tillari Irrigation project for Compensatroy Afforestation. The said land contiguous and suitable for management purpose. It is also free from encroachment and encumbrances. The said area adjoining with Tillari Conservation Reserve which is notified vide Government of Maharashtra notification dated 22/06/2020. Therefore, the proposed land is acceptable as per Government of Maharashtra circular dated 27/08/2014.

But, the above mentioned land proposed for the Compensatory Afforestation by the User Agency having more than 60% tree cover, hence no need to take up Compensatory Afforestation on the same land. Therefore, Deputy Conservator of Forests, Sawantwadi Forest Division, Sawantwadi suggested Compensatory Afforestation over the degraded reserved forest land 18.94 ha. in Compartment No. 174, Gut No.288 at Village Amboli, Taluka Sawantwadi, District Sindhudurg which is free from encroachment and suitable for Compensatory Afforestation. (PPN-50, 51 & 66)

- 4.9 The non-forest land covered under the proposal of 16.847 ha. is not included in the area as forest as identified by the expert committee appointed under the judgment of the Hon'ble Supreme Court order dated 12/12/1996. Also this land is not acquired under the provisions of Private Forest (Acquisition) Act, 1975 by virtue of application of section 35 of Indian Forest Act, 1975 by virtue of application of section 35 of India Forest Act, 1975 and is not recognized as deemed reserved forest. (PPN-68)
- 4.10 Total No. of trees to be felled:- 3071 (PPN-34)

Number of trees to be felled of girth below 60 cm	Number of trees to be felled of girth above 60 cm	Total
2147	924	3071

**5.00 The User Agency has submitted undertaking /certificate /document:-**

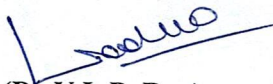
- 5.1 Agreed to defray the cost of Compensatory Afforestation. (PPN-47)
- 5.2 Agreed to defray the cost of Net Present Value of the forest land proposed for diversion. (PPN-72)
- 5.3 Agreed to provide water supply from the storage of the project as per the requirement of the forest department for afforestation at the prevailing rate at the time of water supply as fixed by the Government. (PPN-74)
- 5.4 Agreed to take up Catchment Area Treatment (CAT) Plan operation in the forest land and non-forest catchment area as per the approved plan of operation and also agreed to abide by all conditions stipulated by the Government of India letter dated 18/06/2004 of F.No.8-227/87-FC. (PPN-94)



- 5.5 Project Authority working on the Catchment Area Treatment (CAT) Plan. Copy of the same will be submitted along with Stage-II Compliance. (PPN-209)
- 5.6 Agreed to bear the cost of removal of the vegetation growth from the forest land proposed for diversion. (PPN-75)
- 5.7 Revenue land is not being transferred for the purpose of Compensatory Afforestation therefore the certificate of Collector in this regard is not necessary. (PPN-67)
- 5.8 The proposed area is outside the Scheduled Tribal Area. (PPN-90)
- 5.9 The fund's allotment has been made in the budget to acquire forest for the proposed Diversion. (PPN-151)
- 5.10 The land to be acquired for the Project has been demarcated physically on site. (PPN-153)
- 5.11 There is no rehabilitation under submergence of the proposed diversion of forest land for the project. (P-154)
- 6.00 Benefit Cost Analysis Report has been submitted by the User Agency and enclosed on Pages no.161 to 167.
- 7.00 Copy of Administrative approval issued by the Executive Director, Kokan Irrigation Development Corporation, Thane issued vide KIDC Resolution No.KIDC/PB-3/2004, dt.02/08/2004 is enclosed on pages no.155 to 158.
- 8.00 The District Collector, Sindhudurg has certified that the complete process for the identification and settlement of rights under the FRA has been carried out. Certificate No.REV-2705/1/2019, dated 25/06/2019 has been issued by the District Collector, Sindhudurg for the same. (PPN-139)
- 9.00 The Deputy Conservator of Forests, Sawantwadi Forest Division, Sawantwadi and the Chief Conservator of Forests (T.), Kolhapur have recommended the proposed for diversion. (PPN-18 to 30)
- 10.00 The KML file in C.D shows the area to be diverted and the area proposed for Compensatory Afforestation is kept in the file at the top.
- 11.00 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:-**
  - 11.1 The legal status of the forest land required will remain unchanged.
  - 11.2 Compensatory Afforestation shall be taken up by the Forest Department over the degraded reserved forest land 18.94 ha. in Compartment No. 174, Gut No.288 at Village Amboli, Taluka Sawantwadi, District Sindhudurg 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.
  - 11.3 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.
  - 11.4 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.
  - 11.5 The Project Authority should provide water to forestry and allied purpose at the rate fixed by the Government of Maharashtra.
  - 11.6 The forest land shall not be used for any purpose other than specified in the project.
  - 11.7 The State Government shall charge the Net Present Value (NPV) for the 18.94 ha. forest area to be diverted under this proposal from the User Agency as per the Government of India guidelines dated 06/01/2022, 19/01/2022 and 22/03/2022.



- 11.8 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.
- 11.9 The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- 11.10 The User Agency, if required, shall undertake comprehensive soil conservation measure at the project cost in consultation with the Forest Department.
- 11.11 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 11.12 No labour camp shall be established on the forest land.
- 11.13 No damage shall be caused to the flora and fauna of the area.
- 11.14 A Catchment Area Treatment (CAT) Plan shall be prepared as per provisions laid down under para 9.2 of Handbook of FCA, 1980, published in March 2019 and shall be implemented under the supervision of the Forest Department at the cost of the User Agency, if applicable.
- 11.15 The User Agency shall obtain environment clearance, 2006, if required.
- 11.16 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/>)
- 11.17 The compliance report shall be uploaded on e-portal (<http://parivesh.nic.in/>).

  
(Dr. Y.L.P. Rao)

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





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

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

1<sup>st</sup> Floor, B Wing,

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

Tel.No.: 0712- 2556916 , E-mail: [apccfnodal@mahaforest.gov.in](mailto:apccfnodal@mahaforest.gov.in)

Sub:- Proposal is for diversion of 18.94 ha. forest land for construction of Minor Irrigation Tank in Village Nirukhe, Taluka Kudal, District Sindhudurg, Division Sawantawadi in the State of Maharashtra.

No. :- Desk-17/Nodal/Kolhapur/ID-13121/(29)/1603 /2022-23

Nagpur- 440 001, Dated 27/09/2022

To,

The Principal Secretary (Forests),

Revenue & Forest Department,

Mantralaya, Mumbai- 32

Sir,

The proposal is for diversion of 18.94 ha. forest land for construction of Minor Irrigation Tank in Village Nirukhe, Taluka Kudal, District Sindhudurg, Division Sawantawadi in the State of Maharashtra. The details of the forest land proposed for diversion are as under:-

(PPN-33,72 & 73)

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<b>Total Forest Land (in ha.)</b>									<b>18.940</b>	

**2.00** The proposal has been initiated by the Executive Engineer, Minor Irrigation Division, Oros-Sindhudurg diversion of 18.94 ha. forest land for construction of Minor Irrigation Tank in Village Nirukhe, Taluka Kudal, District Sindhudurg, Division Sawantawadi in the State of



Maharashtra. The User Agency has certified that the project is demanded by the villagers for irrigation and drinking water purpose. The topography of the project is such that there is no alternative alignment available to avoid the forest land. The proposed scheme is surrounded by Forest and there is no other sustainable source for Irrigation and drinking purpose for Nirukhe and adjoining villages. Non-forest land required for this project is 16.847 ha. (PPN-68) Project Note submitted by the User Agency is enclosed on pages No.3 & 4. Project Note certified by the User Agency is enclosed on Pages no.3 & 4. The site inspection report of the Deputy Conservator of Forests, Sawantwadi Forest Division, Sawantwadi is enclosed on pages no.33 to 35. Joint Inspection Report of the of the Sub Divisional Engineer, Irrigation Construction, Sub division No.1 Kankawali, the Executive Engineer, Minor Irrigation Division, Oros-Sindhudurg and the Deputy Conservator of Forests, Sawantwadi Forest Division, Sawantwadi is enclosed on pages no.36 & 37.

**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 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

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

- 4.1 No suitable alternate non-forest land is available and the forest land required is barest minimum. (PPN-44 & 46)
- 4.2 The area belongs to Very Dense Forest, Eco class-I Category and having density of forest is above 0.5. (PPN-18 & 33)
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- 9.00 The Deputy Conservator of Forests, Sawantwadi Forest Division, Sawantwadi and the Chief Conservator of Forests (T.), Kolhapur have recommended the proposed for diversion. (PPN-18 to 30)
- 10.00 The KML file in C.D shows the area to be diverted and the area proposed for Compensatory Afforestation is kept in the file at the top.
- 11.00 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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- 11.2 Compensatory Afforestation shall be taken up by the Forest Department over the degraded reserved forest land 18.94 ha. in Compartment No. 174, Gut No.288 at Village Amboli, Taluka Sawantwadi, District Sindhudurg 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.



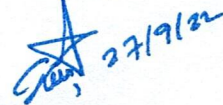
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- 11.4 The boundary of the diverted forest land shall be demarcated on ground at the project cost by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number toward and back bearing and distance from pillar to pillar.
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- 11.6 The forest land shall not be used for any purpose other than specified in the project.
- 11.7 The State Government shall charge the Net Present Value (NPV) for the 18.94 ha. forest area to be diverted under this proposal from the User Agency as per the Government of India guidelines dated 06/01/2022, 19/01/2022 and 22/03/2022.
- 11.8 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.
- 11.9 The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- 11.10 The User Agency, if required, shall undertake comprehensive soil conservation measure at the project cost in consultation with the Forest Department.
- 11.11 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 11.12 No labour camp shall be established on the forest land.
- 11.13 No damage shall be caused to the flora and fauna of the area.
- 11.14 A Catchment Area Treatment (CAT) Plan shall be prepared as per provisions laid down under para 9.2 of Handbook of FCA, 1980, published in March 2019 and shall be implemented under the supervision of the Forest Department at the cost of the User Agency, if applicable.
- 11.15 The User Agency shall obtain environment clearance, 2006, if required.
- 11.16 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/>)
- 11.17 The compliance report shall be uploaded on e-portal (<http://parivesh.nic.in/>).



**12.00** It is therefore, requested that the Government of India may kindly be moved for diversion of 18.94 ha. forest land for construction of Minor Irrigation Tank in Village Nirukhe, Taluka Kudal, District Sindhudurg, Division Sawantawadi in the State of Maharashtra.

Encl: (Proposal in one copy)

Yours sincerely,



**(Naresh Zurmure)**

Addl. Principal Chief Conservator of Forests  
& Nodal Officer

**Copy forwarded for information and necessary action:-** 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.  
Encl: (Proposal in one copy)

**Copy forwarded for information to:-**

1. The Chief Conservator of Forests (T.), Kolhapur.
2. The Deputy Conservator of Forests, Sawantwadi Forest Division, Sawantwadi
3. The Executive Engineer, Minor Irrigation Division, Oros-Sindhudurg  
(E-mail address: nirukheee@gmail.com)