



भारत सरकार

GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

MINISTRY OF ENVIRONMENT, FORESTS &
CLIMATE CHANGE

Regional Office, Ground Floor, East Wing,
New Secretariat Building Civil Lines,
Nagpur - 440001,

apccfcetral-ngp-mef@gov.in

F.No. FC-II/MH-211/2023-NGP/ 12885

Date: 15.02.2024

To,

The Principal Secretary (Forests),
Revenue and Forest Department,
Hutatma Rajguru Chowk
Madam Cama Marg, Mantralaya, Mumbai - 400032.

Sub: Diversion of 18.94 ha of forest land in favour Minor Irrigation Division, Sindhudurg for construction of Minor Irrigation Tank in Village- Nirukhe, Taluka- Kudal, District- Sindhudurg in the State of Maharashtra- regarding.

Sir,

Please refer to the Government of Maharashtra's letter no. FLD-2022/CR-285/F-10 dated 20.03.2023 and online proposal No. FP/MH/IRRIG/127453/2021 seeking prior approval of the Central Government for diversion of forest land in accordance with Section '2' of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, for the above mentioned project.

After careful consideration of the proposal and with the recommendation of the Regional Empowered Committee (REC), I am directed to convey the Central Government's 'in-principle' approval under Section '2' of **Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980** for diversion of 18.94 ha of forest land in favour Minor Irrigation Division, Sindhudurg for construction of Minor Irrigation Tank in Village- Nirukhe, Taluka- Kudal, District- Sindhudurg in the State of Maharashtra subject to the e following conditions:

- i. Legal status of the forest land shall remain unchanged;
- ii. The forest land diverted for non-forest purpose shall be appropriately demarcated on the ground by way of appropriate permanent boundary marks at the cost of the user agency and handed over by the Forest Department or land-owning Department to the user agency prior to starting of any non-forest
- iii. As the identified non forest area is having more than 0.4 canopy density, programme for improvement of the forest crop shall be implemented by the Forest Department in a time-bound manner over **18.94 ha.** non-forest land identified in Survey No. 23/1 at Village- KendreBudruk, Taluka-Dodamarg,

District-Sindhudurg at the cost of the User Agency. As proposed by the State Government, Compensatory afforestation shall be carried out over **18.94 ha.** of degraded forest land in Gut. No. 288, Compt.no. 171 at Village-Amboli, Taluka-Sawantwadi, District- Sindhudurg at the cost of the User Agency. As far as possible, a mixture of local indigenous species along with 10% RET species of Sindhudurg District shall be planted and monoculture of any species may be avoided;

- iv. **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;**
- v. 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 in to the designated CAMPA account by the project authority.
- vi. 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 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 in this regard;
- vii. 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;**
- viii. **The State Government and the User Agency shall ensure that the trees available between Full Reservoir level (FRL) and FRL-4 meters are not felled. Further, the trees having bird nests shall not be felled without written permission from the DCF concern both in forest as well as non-forest land;**
- ix. The User Agency shall undertake plantation of native forest tree species along the periphery of the reservoir;
- x. The State Forest Department at the cost of User Agency shall prepare and implement comprehensive Soil and Moisture Conservation Plan for 10 years and copy of the such SMC plan shall be submitted to this office for record and monitoring purpose;
- xi. Catchment Area Treatment (CAT) Plan shall be implemented at the cost of the project;
- xii. 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/>);

- xiii. The State Government, Maharashtra/ Nodal Officer (FCA), Maharashtra shall ensure settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007) before issuing an order for handing over of forest land to the User Agency;
- xiv. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xv. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xvi. No labour camp shall be established on the forest land;
- xvii. 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;
- xviii. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xix. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- xx. The total forest area utilized for the project shall not exceed **18.94 ha** and the forest area diverted shall not be used for any purpose other than those shown in the diversion proposal. **The User Agency shall furnish an undertaking to this effect;**
- xxi. 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;
- xxii. Violation of any of these conditions will amount to violation of **Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980** and action would be taken as per the provision of **Adhiniyam** and rules /guidelines issued there under;
- xxiii. 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;
- xxiv. The State Government shall process and submit compliance report on the above conditions through online (<https://parivesh.nic.in/>);

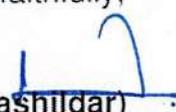
After receipt of the complete compliance report from the State Government, proposal will be considered for final approval and no working permission shall be issued prior to final approval. The in-principle approval shall be valid for a period of 2 years from the date of issue of the same. In the event of non-compliance of the above conditions within the stipulated period,



this in-principle approval shall be deemed to be null and void;

This issues with the approval of DDGF (Central), Regional Office, MoEF & CC, Nagpur.

Yours faithfully,


(C.B. Tashildar)
AIGF (Central)

Copy to:

- i. The IGF (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi- 110003 for information please
- ii. The PCCF (HoFF), Government of Maharashtra, Nagpur.
- iii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iv. User agency.
- v. Guard file.


(C.B. Tashildar)
AIGF (Centra)