

No.FLD-2022/CR-285/F-10
Revenue and Forest Department,
Mantralaya, Mumbai - 400 032.
Dated: 20.03.2023

Subject: Forest Land- Sindhudurg.

The Additional Principal Chief Conservator of Forests, Maharashtra State, Nagpur has submitted proposal for diversion of 18.94 ha. forest land for construction of Minor Irrigation Tank in Village Nirukhe, Taluka-Kudal, Dist. Sindhudurg in the State of Maharashtra

Sr. No.	Name of Village	Taluka	District	Item of work / purpose	No. of item	Survey & Gut No.	L. X W. (in M.)	Area (in ha)	Legal Status
1.	Nirukhe	Kudal	Sidhu-durg	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
Grand Total								18.94	

2. 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 Sawantwadi 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 Ninukhe and adjoining villages Non-forest land required for this project is 16.847 ha.

3. The Deputy Conservator of Forests, Sawantwadi has certified that:-

- 3.1 No suitable alternate non-forest land is available and the forest land required is barest minimum.
- 3.2 The area belongs to Very Dense Forest, Eco-value class-I Category and having density of forest is above 0.5.
- 3.3 The project is not included in the area of any National Park, Wildlife Sanctuary or Nature Reserve.
- 3.4 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 from Tillari Conservation Area.
- 3.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance.
- 3.6 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.
- 3.7 The User Agency propose to give 18.94 ha non-forest land in Survey/Gut No:23/1 at Village Kendre Budruk, Taluka Dodmarg, District Sindhudurg from Tillari irrigation project for Compensatory 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.

- 3.8 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.

3.9 Total No of tress likely to be affected:- 7477.

4. The User Agency has submitted undertakings:-

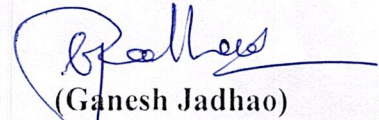
- 4.1 to defray the cost of compensatory afforestation.
- 4.2 to defray the cost of Net Present Value of the forest land proposed for diversion.
- 4.3 to provide water supply from the storage of the project as per requirement of the Forest Department for afforestation at prevailing rate at the time of water supply as fixed by the Government.
- 4.4 to bear the cost of clearance/remove vegetation growth & expenditure done for raising plantation on the forest land.
- 4.5 to submit compliance under FRA-2006.

5. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal subject to the conditions, given in his specific recommendations, under Section-2 (ii) of the Forest (Conservation) Act, 1980. His specific recommendations are enclosed in the proposal.

6. In the circumstances explained in the aforesaid paragraphs and enclosures, the State Government recommends that the said forest land may be allowed to be diverted subject the conditions proposed by the Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur as well as following additional condition:-

“User Agency shall compensate private land holders as per prevalent Act and Rules.”

The matter may kindly be placed before the Government of India for its approval under Section-2 (ii) of the Forest (Conservation) Act, 1980, be obtained and communicated to this Government.



(Ganesh Jadhao)

Under Secretary to the
Government of Maharashtra

Encl: A) Set of case papers

B) The following documents are enclosed:-

1. Prescribed form as per Rules.
2. Area Statement
3. Commitment from the Applicant for defraying the cost of Net Present Value & Compensatory Afforestation.
4. Brief note of the project
5. Site Inspection Report.
6. Certificate in Part V.

Copy:

1. Principal Chief Conservator of Forests & C.E.O. Maha-CAMPA. Nagpur.
2. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State Nagpur with reference to his letter No.Desk-17/Nodal/Kolhapur/ID-13121(29)/1603/2022-23, Dt.27.09.2022
3. Chief Conservator of Forests (T), Kolhapur.
4. Deputy Conservator of Forests, Sawantwadi.
5. The Executive Engineer, Minor Irrigation Division. Oros-Sindhudurg.
6. Select File (F-10).

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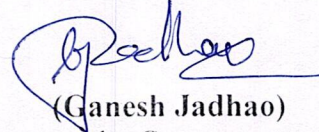
Diversion of 18.94 ha. forest land for construction of Minor Irrigation Tank in Village Nirukhe, Taluka-Kudal, Dist. Sindhudurg in the State of Maharashtra.

PART - V

(To be filled up by the Secretary in charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

1. Recommendation of the State Government

The proposal is recommended
vide Government letter
No.FLD-2022/C.R.285/F-10
Dated: 20.03.2023



Under Secretary to the Government of Maharashtra

**Under Secretary
Revenue and Forests Department
Hutatma Rajguru Chowk
Madam Cama Road, Mantralaya
Mumbai 400 032**

Place: Mumbai.

Date: 20.03.2023