

Subject:- Forest Land- Nandurbar

Diversion of 12.92 Ha. Reserved Forest land for Nimbhel Storage Tank under Prakasha Burai Lift Irrigation Scheme at Village-Nimbhel. Taluka & District-Nandurbar 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-16A19/ CR-181/ F-10

Dated: 24/06/2019


(Virendra Tiwari)

**Additional Principal Chief Conservator of Forest
(Mantralaya)**

Place : Mumbai

Date : 24/06/2019

VIRENDRA TIWARI
Additional Principal
Chief Conservator of Forests (Mantralaya)
Revenue and Forest Department
Mantralaya, Mumbai 400 032

Government of Maharashtra

By Speed Post

No.FLD-16A19/ C.R.181/ F-10
Revenue and Forest Department,
Room No.456/461 Annex,
Hutatma Rajguru Chowk,
Madam Cama Marg,
Mantralaya, Mumbai- 400 032.
Date: - 24/06/2019

To,

The Additional Principal Chief Conservator of Forests (Central),
Government of India,
Ministry of Environment, Forests & Climate Change,
Regional Office, West Central Region,
Ground Floor, East Wing,
New Secretariat Building, Civil Lines,
Nagpur- 440 001.

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Diversion of 12.92 Ha. Reserved Forest land for Nimbhel Storage Tank under Prakasha Burai Lift Irrigation Scheme at Village-Nimbhel. Taluka & District-Nandurbar in the State of Maharashtra.

Sir,

The Proposal is for diversion of 12.92 ha of Reserved Forest land for Nimbhel Storage Tank Under Prakasha Burai Lift Irrigation Scheme at Village –Nimbhel, Tal & District-Nandurbar in the State of Maharashtra has been initiated by Executive Engineer, Nandurbar Medium Project Divisional Unit, Nandurbar. Total non-forest area involved in the project is 101.74 ha. The detailed area statement of forest land is as under:-

Item of Work	Village Name	Tehsil & District	Gut No.	Length x Width (in Meter)	Area in Hectare	Legal Status
Dam Seat	Nimbhel	Tal-Nandurbar	208	50 x 200	1.00	Reserved Forest
Submergence		Dist-Nandurbar	208	3280 x 35	11.48	
Pipeline			208	434 x 10	0.44	
Total Area in Hectare					12.92	Reserved Forest

2. The Project Authority has highlighted that Maharashtra state is divided into five irrigation Development corporation for providing irrigation facilities to the farmers Tapi irrigation Development Corporation (TIDC) is one of them. The TIDC has planned many minor and major irrigation projects on the Tapi River and its tributaries. Nandurbar medium Project Division of TIDC has proposed " Nimbhel Storage Tank " under Prakasha Burai Lift Irrigation Scheme Tal & Dist. Nandurbar to provide irrigation facilities to the drought prone and backlog villages of Nandurbar Taluka and to promote agriculture by realizing the heart felt needs of the people of the region.

3. There is scope for lifting collecting flood water from Tapi River. The main objects of the project are to irrigate the higher areas approximately 1204 ha. and to utilize the flood water of Tapi River to fulfill the irrigation requirement of the Nandurbar District. The project will be beneficial to 5 villages from Nandurbar Taluka. The Jack well and intake well be located at Hatmohide lowest river bed site. Location of Dam site is at village Nimbhel which is 26 kms from District place Nandurbar. Executive Engineer, Tapi irrigation Development Corporation, Jalgaon accorded Administrative Approval for the project vide decision dated 02/02/1999.

4. The Deputy Conservator of Forests, Nandurbar has certified that:-

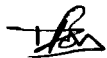
- i. No suitable alternative non-forest land is available other than proposed for project and demand for the forest land is barest minimum.
- ii. The forest area involved in the project belongs to Eco Value CI – III density 0.2.
- iii. Provisions of the Forest (Conservation) Act, 1980 and guidelines under it have not been violated by user agency.
- iv. The non-forest land 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 under interim judgment of the Hon’ble Supreme Court dated 12/12/1996.
- v. There are 09 tree felling involved in this project.
- vi. The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- vii. The Proposed project is beyond 10.00 kms from the protected area. (Sanctuary and National Park).
- viii. Proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance.
- ix. The three alternatives have been examined and alternatives alignment No II is the most suitable from forestry point of view.
- x. Non forest land 12.92 ha. of Gut No 32 at Vill-junone, Tal-Amalner, Dist-Jalgaon proposed for Compensatory afforestation is suitable for afforestation and Management purpose and it is free from encroachment and any encumbrances.
- xi. The District Collector, Nandurbar has certified that land admeasuring 12.92 ha at Gut No 32 at Vill-Junone, Tal-Amalner, Dist-Jalgaon is available for transfer to the Forest Department in lieu of Forest land required for the proposed Prakasha Burai LIS Storage Tank Nimbhel at Vill-Nimbhel, Tal & Dist- Nandurbar.

5. The User Agency has submitted the following undertakings:-
- To defray the cost of Net Present Value of the forest land proposed under diversion.
 - To bear the cost of tree felling involved in the project.
 - To defray the cost of compensatory afforestation.
 - Agreed to provide Water from the Storage of the project as per requirement of Forest Department for afforestation at prevailing rate at the time of supply as fixed by Government.
 - Agrees to take up the catchment area Treatment plan operation in the forest and non-forest catchment areas as per the approved plan of operation.
 - Agreed to bear the cost of Barbed Wire Fencing & provision of Choukidar for protection of non-forest area proposed for Compensatory afforestation.
 - The User Agency has fulfilled the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006, vide District Collector Nandurbar FRA-2006 Certificate dated 14/11/2018 for 12.92 ha.
6. Chief Conservator of Forests (T), Dhule & Deputy Conservator of Forests, Nandurbar have recommended the proposal being in the interest of public.
7. 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.
8. In the circumstances explained in above paragraphs and enclosures, the State Government recommends that the said forest land may be allowed to be diverted for the non-forestry use on the conditions imposed by the Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur. The matter may kindly be placed before Government of India for its approval under Section-2 (ii) of the Forest (Conservation) Act ,1980 and the same may please be obtained and communicated to this Government at earliest.

Yours faithfully,



(Virendra Tiwari) 24/6/19
Additional Principal Chief Conservator of Forest
(Mantralaya)


Issued
28-06-2019

O/c

Encl: A) Set of case papers

b) The following documents are enclosed:-

- Prescribed form as per Rules
- Certificate regarding minimum demand for forest land for the project
- Area Statement

4. Index map of suitable scale
5. User Agency has given an undertaking of Net Present Value
6. Brief note of the project from the project authority
8. Map of non-forest land for compensatory afforestation
7. Site Inspection Report
8. Certificate that there is no violation of Forest (Conservation) Act, 1980
9. Certificate in Part-V

Copy to:

1. Principal Secretary, Environmental Department, Mantralaya, Mumbai.
2. Principal Secretary, Water Resources Department, Mantralaya, Mumbai.
3. Principal Secretary (Tribal), Tribal Development Department, Mantralaya, Mumbai.
4. Additional Principal Chief Conservator of Forests & CEO (Maha-CAMPA), Maharashtra State, Nagpur.
5. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur.
6. Chief Conservator of Forests (Territorial), Dhule.
7. Collector, Nandurbar.
8. Deputy Conservator of Forest, Nandurbar.
9. Executive Engineer, Nandurbar Medium Project Division Unit, Nandurbar, Tokar Talav Road, Near SP Office, Nandurbar-425 412.
10. Select File F-10.