

Sub.- Forest Land- Nashik

Diversion of 28.60 Ha. of forest land for Mamdapur Storage Tank at Village-Mamdapur, Tal.Yeola, Dist.Nashik 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-1520/ CR-21/ F-10
Dated: 25/03/2021

apt
25/03/21
(Arvind Apte)

Chief Conservator of Forests (Mantralaya)

Place : Mumbai

Date : 25/03/2021

Arvind Apte
Chief Conservator of Forests (Mantralaya)
Revenue and Forests Department
Mantralaya, Mumbai - 400032

Government of Maharashtra

By Speed Post

No.FLD-1520/ C.R.21/ F-10
Revenue and Forest Department,
Room No.456/461 Annex,
Hutatma Rajguru Chowk,
Madam Cama Marg,
Mantralaya, Mumbai- 400 032.
Date:- 25/03/2021

To,
✓ Regional Officer (Central),
Government of India,
Ministry of Environment, Forests & Climate Change,
Integrated Regionl Office,
Ground Floor, East Wing,
New Secretariat Building, Civil Lines,
Nagpur-440 001.

Sub.:- Forest Land- Nashik

Diversion of 28.60 Ha. of forest land for Mamdapur Storage Tank at
Village-Mamdapur, Tal.Yeola, Dist.Nashik in the State of Maharashtra.

Sir,

District Water Conservation Officer, Soil & Water Conservation Division, Nashik has submitted a proposal for diversion of 28.60 Ha. of forest land for Mamdapur Storage Tank at Village-Mamdapur, Tal.Yeola, Dist.Nashik in the State of Maharashtra. There is no non-forest land involved in this project. The detailed area statement of forest land is as under:-

Sr. No.	Type of Work	Village Name	Taluka & District	Compt. No.	Area (in Ha.)	Legal Status
1.	Submergence	Mamdapur	Taluka-Yeola, Dist-Nashik	531, Coup No.VII, X Part	25.90	Reserved Forest
2.	Dam Seat				1.21	
3.	Waste Weir				1.49	
Total Forest Area in Hectare					28.60	Reserved Forest

2. The Project Authority has highlighted that, the scheme is situated in DPAP area of Yeola district and it is most essential for irrigation to maintain an assured supply of water for increasing food production by way of double cropping and also drinking water supply to Mamdapur and nearby villages.

Mamdapur Storage Tank Irrigation Scheme envisages construction of an earthen dam across local nalla near Village-Mamdapur, Tal.Yeola, Dist.Nashik. The catchment area up to the dam site is 18.00 Sq.Km. The 50 % dependable yeiled utilized is 1010.29 T.Cum. Total irrigable area is 116 Ha. The dam site is 25 KM away from Yeola tehsil place. This project construction of an earthen dam 220m in length with maximum height 14.95 m. in gorage. A clear over fall type non gated waste weir on left bank of 79 m. length is proposed between ch 0 m. to 79 m. Mamdapur Storage Tank Scheme is administratively approved by Collector, Nashik, vide resolution no.DPDC.C-12/SS-4/6368, Nashik, dated 20/08/2014 for Rs.645.64

Lakh. The scheme is technically sanctioned by Chief Engineer, Small Scale Irrigation (Water Conservation), Pune, vide TS No.287 Letter No. C.E./SDO-1/PB-3/3182, dated 06/07/2017 for Rs.425.73 Lakh.

The population benefitted by lift irrigation through reservoir and nalla about total irrigable command area of 116 Ha. agricultural land for village-Mamdapur of Yeola Tehsil near about 1200 souls form area of Mamdapur and nearby villages benefitted. Drinking water supply to Mamdapur and nearby villages from the reservoir. The product value of overall benefits in terms of agriculture production and other indirect benefits area considerably more than the capital investment involved in the project.

There is no other suitable site nearby in private land for the construction of dam and submergence of the scheme present alternate but to acquire the required forest land. The forest land proposed for acquisition is the barest minimum required. Hence, User Agency has submitted the proposal for diversion of 28.60 Ha. forest land under section-2(ii) of FCA, 1980.

3. Deputy Conservator of Forests, East Division, Nashik has certified that:-

- i. No suitable alternate non forest land is available for the proposed project and demand for the forest land is the barest minimum.
- ii. The proposed area belongs to Eco Value Class-III, Southern Tropical Dry Deciduous Forest.
- iii. There are 93 trees of various species involved in the implementation of the project.
- iv. The proposed project is not included within 10.00 KMs in the area of any National Park/ Sanctuary and the project will not have any adverse effect on the wildlife/ National Park/ Sanctuary or Nature Reserve. It is 57 KM from Nandur Madhameshwar Bird Sanctuary. The project is within the area of conserved reserve of village-Mamdapur, Tal-Yeola, Dist-Nashik.
- v. Proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance.
- vi. There is no violation of Forest (Conservation) Act, 1980.
- vii. 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.
- viii. Deputy Conservator of Forests, East Division, Nashik has submitted the site inspection report.

- ix. Deputy Conservator of Forests, East Division, Nashik has certified that 28.60 Ha. of non-forest land of survey no./ gut no. 63,64,65,66 & 67 at Village-Vadali BK, Tal-Nandgaon, Dist-Nashik has been identified for Compensatory Afforestation. The said land is suitable for afforestation and management purpose and also it is free from encroachment and encumbrances.

4. The User Agency has submitted the following undertakings:-

- i. To defray the cost of Net Present Value of the forest land proposed for diversion.
- ii. To defray the cost of Compensatory Afforestation as determined by the forest Department.
- iii. The User Agency has fulfilled the compliance under FRA-2006, vide Chairman, District Level Forest Committee and Collector, Nashik certificate dated 22/11/2018.
- iv. Agree to bear the cost of clearance/ removal of the vegetation growth from the proposed forest land.
- v. User Agency has submitted the cost benefit analysis report.
- vi. Agreed to provide water supply facility from the storage of the project as per requirement of Forest Dept for afforestation and other forestry works.
- vii. Copy of administrative approval accorded, vide Collector, Nashik letter dated 20/08/2014 and technical sanction accorded by Govt. of Maharashtra, Water Conservation Dept, vide order no.287 year 2017.

5. The Deputy Conservator of Forests, East Division, Nashik and Chief Conservator of Forests (T), Nashik have recommended the proposal.

6. After going through the proposal, it appears that the proposed area for Storage Tank Mamdapur is situated in compt no.531 which is part of Mamdapur Conservation Reserve, which was notified, vide GOM notification dated 24/06/2014. Therefore, the comments of PCCF (WL) & CWLW regarding applicability of NBWL has been offered. The remarks of PCCF (WL) & CWLW are as under:-

Storage Tank Mamdapur is situated in compt no.531 which is part of Mamdapur Conservation Reserve, which was notified, vide GOM notification dated 24/06/2014. Whole area of compt. no.531 i.e. 282.565 Ha. is Reserved Forest and included in Mamdapur Conservation Reserve. There is no doubt about location of Mamdapur Storage Tank and is confirmed to be in compt. no.531.

As the activity is inside conservation reserve. As per revised guideline of MoEF & CC, GOI, dated 19/12/2012, para 3.4 "activities to be taken up inside a conservation reserve can also be dealt with in standing committee of NBWL. Therefore, procedure indicated under para 4 needs to be followed for planning and executing any activity inside conservation

reserve also." So, in view of the location of project which fall 100 % inside conservation reserve boundaries, wildlife clearance from standing committee of NBWL is obligatory.

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 subject to conditions proposed 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,

apd
25.3.2024
(Arvind Apte)

Chief Conservator of Forests (Mantralaya)

Encl: A) Set of case papers

b) The following documents are enclosed:-

1. Prescribed form as per Rules
2. Certificate regarding minimum demand for forest land for the project
3. Area Statement
4. Index map of suitable scale
5. Commitment from the Applicant for defraying the cost of exploitation as well as cost of compensatory plantation
6. User Agency has given an undertaking of Net Present Value
7. Brief note of the project from the project authority
8. Map of non-forest land for compensatory afforestation
9. Site Inspection Report
10. No violation of Forest (Conservation) Act, 1980
11. Certificate in Part-V

Copy to:

1. Additional Chief Secretary, Water Resources Department, Mantralaya, Mumbai
2. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur
3. Additional Principal Chief Conservator of Forests (CAMPA), Maharashtra State, Nagpur
4. Chief Conservator of Forests (T), Nashik

5. Collector, Nashik
6. Deputy Conservator of Forests, East Division, Nashik
7. District Water Conservation Officer, Soil & Water Conservation Division, Sinchan
Bhavan Parisar, Nashik-422 002
8. Select File F-10.