



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS
& CLIMATE CHANGE

Integrated Regional Office
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
apccfcentral-ngp-mef@gov.in

F.No. FC-II/MH-160/2021-NGP /10346

Date: 25.09.2022

To,

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

Sub: Diversion of 28.60 ha forest land in favour of Water Conservation Division, Nashik for Mamdapur Storage Tank at Village- Mamdapur, in Nashik District in the State of Maharashtra- regarding.

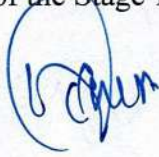
Sir,

The undersigned is directed to refer to State Government of Maharashtra letter No. FLD-1522/CR-28/F-10 dated 10.03.2022 and APCCF & Nodal Officer (FCA), Maharashtra letter No. Desk-17/Nodal/Nashik/I.D-12918/2086/2021-22 dated 13.01.2022 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and APCCF & Nodal Officer (FCA), Maharashtra letter No. Desk-17/2/Nodal/Nashik/ID-12918(15)/1216/22-23 dated 17.08.2022 and to say that the said proposal has been examined in the Integrated Regional Office in light of the relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder and approved by the Regional Empowered Committee constituted under Section - 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords 'in-principle' approval under Section - 2 of the Forest (Conservation) Act, 1980 diversion of 28.60 ha forest land in favour of Water Conservation Division, Nashik for Mamdapur Storage Tank at Village- Mamdapur, in Nashik District in the State of Maharashtra subject to the fulfilment of the following conditions:

- i. Legal status of the forest land shall remain unchanged;
- ii. Forest land will be handed over only after required non-forest land for raising CA is handed over by the User Agency;
- iii. **Compensatory afforestation**
 - a. Compensatory afforestation shall be taken up by the Forest Department over 28.60 ha of non-forest land at Survey No. 63, 64, 65, 66, 67 at Village- Vadali BK, Taluka- Nandgaon, District- Nashik at the cost of the User Agency. As far as possible, a mixture of local indigenous species along with 10% RET species of Nashik District shall be planted and monoculture of any species may be avoided. Atleast four water bodies shall be constructed in the form of tank/ stop dams etc if the same are not available in the area or in nearby vicinity. Further, if existing tanks/ stop dams are available and needs desilting/ repair; same shall be carried out to meet the water requirement of wild animals throughout the year;

- b. State Government shall ensure plantation of 1000 plants per ha for proposed non-forest land. In case it is not possible to raise plantation at the rate of 1000 plants per ha on the selected non-forest land, then the balance plants shall be planted on degraded forest land as per working plan prescriptions at the cost of User Agency. A scheme in this regard shall be submitted to IRO, MoEF&CC;
 - c. 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;
- iv. 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 provision for anticipated cost increase for works scheduled for subsequent years;
- v. **NPV:**
 - a) The State Government shall charge the Net Present Value(NPV) for the 28.60 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 vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, letter No. 5-2/2006-FC dated 03/10/2006, letter No. 5-3/2007-FC dated 05/02/2009 and letter No. 5-3/2011-FC(Vol-I) dated 06.01.2022 in this regard;
 - b) 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;
- vi. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department. Further, State Government and the User Agency shall insure that the trees available between Full Reservoir level (FRL) and FRL-4 meters are not felled;
- vii. Copy of approved Catchment Area Treatment (CAT) Plan shall be submitted in accordance to para no. 4.8 (i) of Forest (Conservation) Act, 1980 Handbook, if applicable;
- viii. The User Agency shall provide free water to the all forestry related activities taken up by the State Forest Department;
- ix. The User Agency shall undertake plantation of native forest tree species along the periphery of the reservoir;
- x. The User Agency shall undertake comprehensive Soil and Moisture Conservation measures at the project cost in consultation with the State Forest Department. A 10 years Soil and Moisture Conservation plan shall be prepared and submitted along with the compliance report of the Stage-I approval;
- xi. To control crop damage and reduce man-animal conflict, a Wildlife Conservation Plan, for 10 years shall be prepared at the cost of User Agency and submitted to IRO, Nagpur along with the compliance report of the Stage-I approval;



- 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. 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 as per Rule- 9 (6) (b) (ii) of Forest (Conservation) Rules, 2002 dated 28.06.2022;
- xiv. To improve the Forest/ Tree cover and to reduce pollution in the State, as mandated in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency with involvement of Joint Forest Management Committees (JFMC's) and in consultation with local DCF shall raise at least 5,000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local for 10 years. At least 50% of seedlings shall be planted in the vicinity of project area and remaining 50% of seedlings shall be distributed among villagers as per choice of villagers. The concerned JFMC's shall maintain record of plantation/ seedling distribution to villagers;
- xv. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018;
- xvi. 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;
- xvii. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>);

After receipt of a report on the compliance of conditions no iii (b), iv, v (a), x, xi and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980.

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

Yours faithfully,

(N.K. Dimri)

Technical Officer (Gr. I)

Copy to:

- i. The Inspector General of Forests (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi-110003.
- 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.

(N.K. Dimri)

Technical Officer (Gr. I)