



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

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F.No. FC-II/MH-83/2018-NGP 4479

Date: 22.10.2018

✓ To,

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

Sub: Diversion of 30.399 Ha. of Forest Land in favour of Mumbai Metropolitan Region Development Authority (MMRDA), Bandra (East) Mumbai for laying underground water pipeline under 403 MLD Surya Regional Water Supply Scheme in Mumbai District in the State of Maharashtra - Regarding.

Sir,

I am directed to refer to State Government of Maharashtra letter no. FLD-2018/C.R.215/F-10 dated 18.07.2018 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/NC/II/ID 12606/(64)/1258/2018-19 dated 25.09.2018, letter No. Desk-17/NC/II/ID 12606/(64)/1257/2018-19 dated 25.09.2018 and letter No. Desk-17/NC/II/ID 12606/(64)/1408/2018-19 dated 15.10.2018 forwarding additional information as sought by this Office vide letter of even number dated 20.08.2018, 04.09.2018 and 05.10.2018 and to say that the said proposal has been examined 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' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 30.399 Ha. of Forest Land in favour of Mumbai Metropolitan Region Development Authority (MMRDA), Bandra (East) Mumbai for laying underground water pipeline under 403 MLD Surya Regional Water Supply Scheme in Mumbai District in the State of Maharashtra subject to the fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over 31.00 non-forest land shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance;

- (iv) The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with 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 sections of the local Forest Act, as the case may be, within the stipulated period to the Central Government for information and record;
- (v) The User Agency shall transfer the cost of raising and maintaining the CA plantation as per conditions (ii) stipulated above, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (vi) The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;
- (vii) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (viii) All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to CAMPA through the e-payment module to the designated account of the State concerned;
- (ix) Revised site specific CA scheme with sufficient funds for watch and ward and fencing of CA area shall be submitted by the concerned DCF/ DFO along with the compliance report;
- (x) Revised Part-II including all the parameters shall be submitted by Deputy Conservator of Forests and Chief Conservator of Forests & Director concerned along with the compliance report;
- (xi) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xii) The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xiii) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures within the RoW of the pipeline, in consultation with the State Forest Department at the project cost;
- (xiv) *RoW falling in the forest area, after laying of the pipeline will be restored to its natural state by undertaking plantation of local species and barriers at appropriate places in consultation with the State Government to check likely use of the RoW by locals or other agencies for transportation purposes;*
- (xv) The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water,

does not give rise to water-logging, and also does not hamper movement of wild animals.

- (xvi) No labour camp shall be established on the forest land;
- (xvii) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xviii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xix) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xx) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xxi) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxii) Felling of trees shall be restricted to 2109 trees. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxiii) *User Agency shall deposit an amount equivalent to 2% of the total cost of the project for carrying out the activities of protection and conservation of Tungareshwar Wildlife Sanctuary;*
- (xxiv) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project and submit a scheme along with Stage-I compliance.
- (xxv) The user agency shall provide free water for the forestry related projects;
- (xxvi) All the conditions recommended by the Standing Committee of the NBWL shall be complied with by the User Agency. The State Government shall ensure that all the conditions have been complied with by the User Agency.
- (xxvii) Permission from National Board for Wildlife may be obtained if the same has not been obtained by the User Agency for area falling within Eco-sensitive Zone of Sanjay Gandhi National Park.
- (xxviii) As few activities comes under non-linear category, revised FRA, 2006 certificate in prescribed format for non-linear project under provisions of MoEF&CC advisory dated 5.07.2013 may be submitted accordingly by the User Agency for those areas where non-linear activity has been proposed. The User Agency will also submit FRA, 2006 certificate project wise instead of submitting consolidated certificate.
- (xxix) The State Government shall ensure settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has been completed and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009, in support thereof along with English translated copies;
- (xxx) The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State;



- (xxxi) The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year;
- (xxxii) The State Government shall get the area of 195.265 ha forest land for construction of Surya Right Bank Canal and Left Bank Canal and for an area of 1095.394 ha forest land for construction of Surya project regularised from the Gol before seeking final approval for this project;
- (xxxiii) As the project area lies inside Dahanu Eco-Sensitive area, the Project Authority shall obtain approval from Dahanu Eco-Sensitive Committee, if required, before execution of the project.
- (xxxiv) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (xxxv) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxxvi) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines and Court/ Tribunal directions for the time being in force, as applicable to the project; and
- (xxxvii) As the project is considered as a hybrid project, no working permission inside forest area will be issued by the State Government before obtaining stage –II approval for this project. However, execution of works in non-forest land will be governed as per Ministry's guideline dated 07.01.2013.

After receipt of the compliance report on the fulfilment of the conditions no. (iii), (iv), (v), (vi), (viii), (ix), (x), (xxiii), (xxiv), (xxviii), (xxix) (xxxii) 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. The transfer of forest land to the User Agency shall not be affected by the State Government till formal order approving the diversion of forest land is issued by the Central Government.

Yours faithfully,



(Dr. E Arockia Lenin)
Scientist 'C'

Copy to:

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



(Dr. E Arockia Lenin)
Scientist 'C'