

Government of Maharashtra

By Speed Post

No.FLD-1320/ C.R.37/ F-10
Revenue and Forest Department,
Room No.456/461 Annex,
Hutatma Rajguru Chowk,
Madam Cama Marg,
Mantralaya, Mumbai- 400 032.
Date:- 08/12/2020

To,
Deputy Director General 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.

Subject:- Forest Land- Raigad

Diversion of 18.8136 Ha. forest land for rehabilitation & up-gradation of NH-548A section from Indapur to Agardanda (Design Ch 0+000 to 42+345) to two lane with paved shoulders in Tal.Mangaon, Roha & Murud, District-Raigad.

Sir,

The proposal is for diversion of 18.8136 ha. of Forest land under Section - 2 of the Forest (Conservation) Act, 1980 for Rehabilitation and up-gradation of Nh-548A section from Indapur to Agardanda (Design Ch.0+000 to 42+345) to Two lane with paved shoulders in Tal. Managaon, Roha & Murud, District Raigad in the State of Maharashtra Total non-forest land involved in the project is 61.0792 ha. The detailed area statement of forest land is as under:-

Sr. No	Village	Taluka	District	Reserved Forest	Protected Forest	Finally Acquired Private Forest U/s 22A of MPF Act, 1975	(Pending on Enquiry) Reserved Forest U/s 22A of MPF Act, 1975	Restored to Owner U/s 22A of MPF Act, 1975	Mangrove U/s 24 Reserved Forest	Unclassed Forest U/s 4	Total
1.	Nivi	Mangaon	Raigad	1.7893	-	-	0.0825	0.3720	-	-	2.2438
2.	Kasbe Tale	Tala		-	0.0106	-	0.3443	0.3177	-	-	0.6726
3.	Pitsai	Tala		-	-	-	-	0.2168	-	-	0.2168
4.	Mandad	Tala		-	-	-	-	2.5321	-	-	2.5321
5.	Khajani	Roha		-	-	-	-	-	0.4420	-	0.4420
6.	Bhalgaon	Roha		-	-	3.6266	0.1676	0.7370	-	-	4.5312
7.	Sawali	Murud		-	-	1.3729	0.4740	2.1505	0.2304	0.6339	4.8617
8.	Khamde	Murud		-	-	0.0110	-	-	-	-	0.0110
9.	Usadi	Murud		-	-	-	-	-	1.7489	-	1.7489
10.	Hafizkhar	Murud		-	-	-	0.1995	0.1811	0.1200	-	0.5006
11.	Kharshet	Murud		-	-	0.3037	0.0910	0.6582	-	-	01.0529
Total				1.7893	0.0106	5.3142	1.3589	7.1654	2.5413	0.6339	18.8136

2. The Deputy Engineer (NH), Maharashtra State Road Development Corporation, Mumbai has initiated the proposal. The User Agency has highlighted that Govt. of India, Ministry of Road Transport & Highways, New Delhi, vide letter No. NH-12014/131/2016-MAH(P-6), dated 25/01/2017 accorded technical, administrative and financial sanction for

up-gradation to two lane with paved shoulder from km 0.000 to 42.345 km of Pune-Mulshi-Mangaon-Mhalsa-Dighi Port and Indapur (NH-66)-Tala-Mandad-Agardanda-Dighi Port (Indapur-Tala-Mandad-Agardanda Section of NH-753F on EPC mode in the State of Maharashtra.

Keeping in view the length of the project, the design parameters and likely facilities to be provided in the project. It is proposed to have rigid pavement for 2 lane carriageway including paved shoulders for this project package. Based on engineering surveys, investigations, traffic analysis and projections the design standards have been adopted as per manual of specifications and standards for 2-laning of highways with paved shoulder published by IRC. In section where 2-laning have been accommodated within existing ROW, no land acquisition have been proposed. Land acquisition has been proposed to the extent of 30m in realigned & geometrical improvement sections. Therefore, the User Agency has submitted the proposal for diversion of 18.8136 ha. forest land under the provisions of the Forest (Conservation) Act, 1980.

3. The Deputy Conservator of forests, Roha certified that:-

- i. No suitable alternate non-forest land is available for the purpose and demand for the required forest land is lowest minimum demand and unavoidable for the same.
- ii. The proposed area is not included in the area of any National Park/Wildlife Sanctuary or Nature Reserve.
- iii. Proposed area is within 10 KMs (Approx 6.00 Km) of Phansad Wildlife Sanctuary but the proposed project is not within notified Eco Sensitive zone area of Phansad Wildlife Sanctuary (Notification No dt. 17/05/2017)
- iv. DCF, Roha certified that 38.00 ha (Out of 112.12 ha) Degraded Forest area from Reserved Forest Compt. No. 314pt at Village Nijampur & Shirsad, Tal-Mangaon, Dist. Raigad identified for Compensatory Afforestation and is suitable for afforestation and management purpose also it is free from encroachment and encumbrances. CA Scheme for 10 years submitted.
- v. The Deputy Conservator of forests, Roha submitted the Site Inspection Report dated 30/04/2019.
- vi. The proposed project area is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 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. The proposed project area of Roha Forest Division belongs to Eco Class-I, Dense Forest, density below 0.4.
- ix. Deputy Conservator of Forest, Roha has certified that provisions of the Forest (Conservation) Act, 1980 and guidelines under it have been violated by user agency over 0.7244 ha during 28/05/2019 to 13/06/2019. Violation report submitted.
- x. Cost benefit analysis report is not required in this project as proposed diversion is below 20.00 ha.
- xi. There are 1055 tree felling involved in the project.

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

- i. Agrees to bear the cost of Compensatory Afforestation.
- ii. Agrees to bear the cost of Net Present Value.
- iii. Agrees to bear the cost of felling of trees, clearance/removal of the vegetation growth from the forest land involved in the project.
- iv. The User Agency has not submitted the FRA-2006 Certificate, however submitted the undertaking stating that the case has been initiated and FRA-2006 cert will be submitted on receipt from District Collector.
- v. User Agency has submitted the Copy of Govt. of India , Ministry of Road Transport & Highways, New Delhi, vide letter No NH-12014/131/2016-MAH(P-6), dated 25/01/2017 under which the technical, administrative and financial sanction accorded for the proposed project.
- vi. The User Agency has submitted the undertaking regarding non-indemnity to forest Department, Govt. of Maharashtra in the matter pending for inquiry under section 22A, of Maharashtra Private Forest (Acquisition) Act 1975. The liability of such an event shall completely with the User Agency.

5. The Deputy Conservator of Forests, Roha recommended the proposal for sanction as every possibility of finding out alternative alignment through non-forest land for the purpose has been explored and such alternative alignment avoiding this minimum of forest land is not possible and the forest land required is unavoidable.

6. The Chief Conservator of Forests (T), Thane recommended the proposal for approval.

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,

apd
108/112/2020

(Arvind Apte)

Chief Conservator of Forest (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. User Agency has given an undertaking of Net Present Value
6. Brief note of the project from the project authority
7. Map of non-forest land for compensatory afforestation
8. Site Inspection Report
9. Certificate that there is violation of Forest (Conservation) Act, 1980, Violation Report submitted.
10. Certificate in Part-V

Copy to:

1. Additional Chief Secretary, Public Works Department, Mantralaya, Mumbai
2. Principal Secretary, Environmental Department, Mantralaya, Mumbai.
3. Principal Secretary (Tribal), Tribal Development Department, Mantralaya, Mumbai.
4. Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur.
5. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur.
6. Additional Principal Chief Conservator of Forests (Wildlife) West, Mumbai.
7. Additional Principal Chief Conservator of Forests & CEO (Maha-CAMPA), Maharashtra State, Nagpur.
8. Chief Conservator of Forests (T), Thane.
9. Collector, Raigad.
10. Deputy Conservator of Forests, Roha.
11. Deputy Engineer (NH), Maharashtra State Road Development Corporation, Bandra (W), Mumbai.
12. Select File F-10.

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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-1320/ CR-37/ F-10
Dated: 08/12/2020

 08/12/2020

(Arvind Apte)
Chief Conservator of Forest (Mantralaya)

Place : Mumbai

Date : 08/12/2020

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