

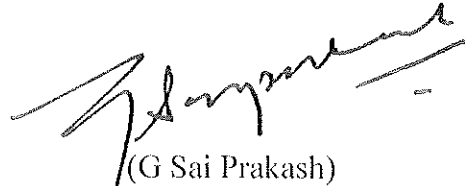
PART -IV**Nodal Officer or Principal Chief Conservator of Forests (Head of Forest Force)**

(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)

Sub.:- Diversion of 0.2794 ha. land for construction of storm water Pumping Station on SNDT Nalla at Gazarbandh in village Bandra at Santacruz near Khardanda Mumbai (West). The details of land proposed for diversion are as under-

| Sr. No | Item of work | Village | Survey/CTS No. | Area (in ha.) | Legal Status |
|--------|---|-----------|----------------|---------------|---------------------------------|
| 1 | Construction of Strom Water Pumping Station | Khardanda | D/1159 | 0.2503 | Mangrove land (Mangrove Forest) |
| 2 | Approach access to the site | Khardanda | D/1160 | 0.0291 | |
| | Total Area | | | 0.2794 | |

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 16A



(G Sai Prakash)
Additional Principal Chief Conservator of Forests
& Nodal Officer, Maharashtra State, Nagpur.

Date:

Place: Nagpur

Proposal for diversion of 0.2794 ha. land for construction of storm water Pumping Station on SNTD Nalla at Gazarbandh in village Bandra at Santacruz near Khardanda Mumbai (West).

Specific Recommendation of Principal Chief Conservator of Forests, Maharashtra State (Head of Forest Force) with regards to acceptance or otherwise of the proposal supported by reasons.

- 1) The proposal is for diversion 0.2794 ha. Mangrove Forest land for construction of Storm Water Pumping Station on SNTD Nalla at Gazarbandh in village Bandra at Santacruz near Khardanda, Mumbai (West). The details of land proposed for diversion are as under-

| Sr. No | Item of work | Village | Survey/CTS No. | Area (in ha.) | Legal Status |
|--------|---|-----------|----------------|---------------|---------------------------------|
| 1 | Construction of Storm Water Pumping Station | Khardanda | D/1159 | 0.2503 | Mangrove land (Mangrove Forest) |
| 2 | Approach access to the site | Khardanda | D/1160 | 0.0291 | |
| | Total Area | | | 0.2794 | |

The project is initiated by Assistant Engineer, (Storm Water Drain) Municipal Corporation of Greater Mumbai for construction of Storm Water Pumping Station on SNTD Nalla at Gazarbandh in village Bandra at Santacruz near Khardana Mumbai (West). The location of this Storm Water Pumping Station is proposed on the land allotted by District Collector, Mumbai Suburban District to Municipal Corporation of Greater Mumbai (MCGM) vide order No.78/2010 dated 13/06/2014.

The project will be implemented as per BRIMSTWAD report. The location of the proposed project is optimal considering the technical requirements and environmental site specific conditions as well. As a result of this, there are no alternative to the proposed project and its construction has to be near the Sea and at the end of the Nallah. The total non forest land involved in the project is 0.9210 ha. This public utility project shall enhance the functioning of the existing storm water drainage system and it will improve the drainage in western Suburbs and due to which flooding of water and water stagnation in monsoon will reduced. The total area required for the project is 1.2004 ha out of which 0.2794 ha area falls in mangrove area. The proposed area is not a notified forest area but it is an area under Mangrove vegetation. However Hon'ble High Court Bombay in order dt. 27/1/2010 in PIL 87 of 2006 has ordered that:-

“The state has not been able to notify the areas which are covered by mangroves which has been identified and whether it falls under the public or private domain. No non forests activity should be permitted by the respondent state in these mangroves area through out the State of Maharashtra which shall be subject to section 2 of the Forests (Conservation) Act 1980”.

As per Hon'ble Bombay High Court order dated 06/10/2005 in WP 3246/2004, the mangrove areas which are government owned shall be declared and notified as “Protected Forests” in accordance with law after carrying out ground survey etc.

Hence the project agency has submitted this proposal for diversion of mangrove vegetation area under Forest (Conservation) Act 1980.

The area under mangrove land has to be considered as forest land needs clearance under Section 2 of Forest (Conservation), Act-1980.

2) Following documents as prescribed in Government Circular, Revenue and Forest Department No. FLD-1081/2041/(A)/F-3, dated 20/03/1982 as well as per Government of India's instructions issued from time to time are enclosed in single copy.

1) Prescribed form dated 10/01/2003

2) Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Mumbai has certified that no alternate alignment is possible and the forest land required is the barest minimum.

3) The area belongs to Eco-value class-I and density of forest is 0.4 to 0.6.

4) The Divisional Forest Officer, Mumbai Mangrove conservation unit, Mumabi is of the opinion that the alternate alignment is not possible & the forest land required is the barest minimum.

5) There are 156 mangrove trees of various species and girth class in the area proposed for diversion. Girth wise break up is as under.

| Tree Girth in Cm | | | | | | |
|------------------|-------|-------|-------|-------|--------|-------|
| 15/30 | 31/45 | 46/60 | 61/75 | 76/90 | 91/105 | Total |
| 105 | 40 | 11 | - | - | - | 156 |

6) The User Agency has submitted an undertaking to defray the cost of Net Present Value of the forest land proposed for diversion.

- 7) The Divisional Forest Officer, Mumbai Mangrove, Mumbai has certified that the area involved is not included in the area of any existing National Park, Wild life Sanctuary, Nature Reserve etc.
- 8) The Divisional Forest Officer, Mumbai Mangrove, Mumbai conservation unit has certified that the project is not likely to affect any monument site of cultural, historical, religious, archeological or recreational importance.
- 9) The Divisional Forest Officer, Mumbai Mangrove conservation unit, Mumbai has certified that the work has been started in non forest land and no violation of Forest (Conservation) Act 1980 in forest area and/ or its guidelines have been committed by the user agency. The work in forest land will be started only after prior approval of Government of India.
- 10) The Divisional Forest Officer, Mumbai Mangrove conservation unit, Mumbai has certified that the proposed project is beyond 10 km of the boundaries of the Sanjay Gandhi National Park.
- 11) The instant proposal involves construction of Strom Water Pumping Station and approach road. The item of work proposed for the aforesaid project falls in linear and other than linear category. The User Agency has submitted a copy of Certificate of Collector, Mumbai Suburban District in compliance of the Schedule Tribes and Other traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 in prescribed format (Form I) as per the Government of India guidelines dt. 5/7/2013.
- 12) The Divisional Forest Officer, Mumbai Mangrove conservation unit, Mumbai and Chief Conservator of Forests, Mangrove Cell, Mumbai has certified that the non-forest area covered under the project is not under the provisions of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of Section 35 of Indian Forests 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 appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.
- 13) Site Inspection Report of Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Mumbai is attached in the proposal on page no. 13.
- 14) The Divisional Forest Officer, Mumbai Mangrove conservation unit, Mumbai and Chief Conservation of Forests, Mangrove Cell, Mumbai have recommended the proposal for approval.
- 15) The User Agency has obtained CRZ clearance and the same is enclosed in the proposal.

In view of this, the proposal is recommended for approval under section - 2 (ii) of FCA-1980 subject to the following conditions: –

- i) The legal status of the land required will remain unchanged.
- ii) Compensatory afforestation will be raised at the cost of the User Agency on 1.00 ha. degraded forest land.
- iii) The User Agency will defray the cost of Net Present Value of 0.2794 ha. of forest land as per the latest Guideline of Government of India Of forest land
- iv) The User Agency will defray the additional/revised cost of Net Present Value of forest land in case so required by the Government of India.
- v) The User Agency will defray the cost of removal of trees in the area proposed for diversion. However only the required and minimum number of trees will be felled.
- vi) The forest land shall not be used for any purpose other than specified in the project.
- vii) The User Agency will seek environmental clearance if required for this project.
- viii) ~~Permission of Hon'ble High Court Bombay shall be obtained for implementing the project in mangrove areas as per Bombay High Court order dated 27/01/2010 in PIL No. 87/2006.~~
- ix) Provision of all Acts, Rules made there under and guidelines applicable to the project shall have to be strictly followed.
- x) All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be complied with by the User Agency.


Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur



**Office of the Principal Chief Conservator of Forests
(Head of Forest Force), Maharashtra State Nagpur**

**Additional Principal Chief Conservator of Forests and Nodal Officer,
Maharashtra State, Nagpur**

First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001

Tel no. (0712) 2530166, 2556916, Fax no. (0712) 2550675

E-mail- apccfnodal@mahaforest.gov.in

Website: www.mahaforest.gov.in



Sub.: Diversion 0.2794 ha. of Mangrove Forest land for
construction of Storm Water Pumping Station on
SNDT Nalla at Gazarbandh in village Bandra at
Santacruz near Khardanda, Mumbai (West).

No. : Desk-17/NC/II/ID / () / 1956 / 16-17

Nagpur - 440 001, Dated: 23/01/2017

To,

Addl. Principal Chief Conservator of Forests (Central),
Government of India, Ministry of Environment, Forests & Climate Change,
Regional Office (WCZ), Ground Floor, East Wing,
New Secretariat Building, Civil Lines,
Nagpur 440001

Sir,

Assistant Engineer, (Storm Water Drain) Municipal Corporation of Greater Mumbai
has submitted the proposal for diversion of 0.2794 ha for construction of Storm Water Pumping
Station on SNDT Nalla at Gazarbandh in village Bandra at Santacruz near Khardana Mumbai
(West). The location detailed of the land proposed for diversion are as under:-

| Sr. No | Item of work | Village | Survey/CTS No. | Area (in ha.) | Legal Status |
|--------|---|-----------|----------------|---------------|---------------------------------|
| 1 | Construction of Strom Water Pumping Station | Khardanda | D/1159 | 0.2503 | Mangrove land (Mangrove Forest) |
| 2 | Approach access to the site | Khardanda | D/1160 | 0.0291 | |
| | Total Area | | | 0.2794 | |

The project will be implemented as per BRIMSTWAD report. The location of the proposed project is optimal considering the technical requirements and environmental site specific conditions as well. As a result of this, there are no alternative to the proposed project and its construction has to be near the Sea and at the end of the Nallah. The total non forest land involved in the project is 0.9210 ha. The public utility project shall enhance the functioning of the existing storm water drainage system. This project will improve the drainage in western Suburbs and due to which water flooding and water stagnation in monsoon will reduced. The total area required for the project is 1.2004 ha out of which 0.2794 ha falls in mangrove area.

The proposed area is not a notified forest area but it is an area under Mangrove vegetation. However Hon'ble High Court Bombay in order dt. 27/1/2010 in PIL 87 of 2006 has ordered that:-

“The state has not been able to notify the areas which are covered by mangroves which has been identified and whether it falls under the public or private domain. No non forests activity should be permitted by the respondent state in these mangroves area through out the State of Maharashtra which shall be subject to section 2 of the Forests (Conservation) Act 1980”.

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Hence the project agency has submitted this proposal for diversion of mangrove vegetation area under Forest (Conservation) Act 1980.

The area under mangrove land has to be considered as forest land needs clearance under Section 2 of Forest (Conservation), Act-1980.

2) Following documents as prescribed in Government Circular, Revenue and Forest Department No. FLD-1081/2041/(A)/F-3, dated 20/03/1982 as well as per Government of India's instructions issued from time to time are enclosed in single copy

- 1) Prescribed form dated 10/01/2003
- 2) Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Mumbai has certified that no alternate alignment is possible and the forest land required is the barest minimum.
- 3) The area belongs to Eco-value class-I and density of forest is 0.4 to 0.6.
- 4) The Divisional Forest Officer, Mumbai Mangrove conservation unit, Mumabi is of the opinion that the alternate alignment is not possible & the forest land required is the barest minimum.
- 5) There are 156 mangrove trees of various species and girth class in the area proposed for diversion. Girth wise break up is as under.

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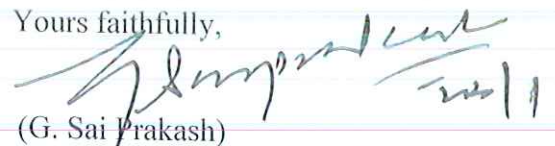
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- v) The User Agency will defray the cost of removal of trees in the area proposed for diversion. However only the required and minimum number of trees will be felled.
- vi) The forest land shall not be used for any purpose other than specified in the project.
- vii) The User Agency will seek environmental clearance if required for this project.

- viii) Permission of Hon'ble High Court Bombay shall be obtained for implementing the project in mangrove areas as per Bombay High Court order dated 27/01/2010 in PIL No. 87/2006.
- ix) Provision of all Acts, Rules made there under and guidelines applicable to the project shall have to be strictly followed.
- x) All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be complied with by the User Agency.

It is therefore requested that the Government of India may kindly be moved for diversion 0.2794 ha. of Mangrove Forest land for construction of Storm Water Pumping Station on SNTD Nalla at Gazarbandh in village Bandra at Santacruz near Khardanda, Mumbai (West) under section 2(ii) of the Forest (Conservation) Act, 1980.

Encl.:- As above

Yours faithfully,



(G. Sai Prakash)

Dep
22/01/17

**Additional Principal Chief Conservator of Forests
& Nodal Officer, Maharashtra State, Nagpur**

Copy submitted to Secretary (Forests), Revenue and Forests Department, Mantralaya, Mumbai for information along with a copy of the proposal.

Copy to Chief Conservator of Forests (T), Thane for information.

Copy to Chief Conservative of Forests, Mangrove Cell, Mumbai for information.

Copy to the Divisional Forest Officer, Mumbai Mangrove conservation unit, Mumbai for information.

Copy to the Assistant Engineer, (Storm Water Drain) Municipal Corporation of Greater Mumbai for information.