

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF FOREST FORCE), MAHARASHTRA STATE, NAGPUR

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Sub:- Proposal for diversion of 2.0847 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of Mumbai Trans Harbour Line (Sewri to Nhava up to NH-4B) Link road for Bridge and Link Road in Village Jasai, Taluka Urban, Dist. Raigad in the State of Maharashtra (FP/MH/ROAD/152589/2022).

No.: Desk-17/Nodal/Thane/ID-13818(NH)/34/23-24
Nagpur – 440 001, Dated :- 03/05/2023

To,
The Principal Secretary (Forests),
Revenue and Forest Department,
Mantralaya, Mumbai -32

The Executive Engineer, Mumbai Metropolitan Region Development Authority, Bandra Kurla Complex, Bandra East, Mumbai has submitted proposal for diversion of 2.0847 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of Mumbai Trans Harbour Line (Sewri to Nhava up to NH-4B) Link road for Bridge and Link Road in Village Jasai, Taluka Urban, Dist. Raigad in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

Sr. No	Item work purpose	District	Taluka	Name of Village	Gut No.	Length & Width	Area (in ha.)	Legal Status
1	Construction of Road	Raigad	Uran	Jasai	71/A/1B/1/5/1	Irregular Shape	0.0447	Restored Forest land
					71/A/1B/1/5/2		0.1150	
					71/1B/1/A/2		0.3500	
					71/1B/1/B/1		0.6400	Pending on Enquiry
					71/1B/1/B/2		0.0550	
					71/1B/1/B/3		0.5340	
					71/1B/1/B/4		0.3060	
					71/A/3		0.0400	Restored Forest land
Total Forest land required (in ha.)							2.0847	

2.0 The proposal has been initiated by the Executive Engineer, Mumbai Metropolitan Region Development Authority, Bandra Kurla Complex, Bandra East, Mumbai for seeking approval under Forest (Conservation) Act, 1980 for proposal for diversion of 2.0847 ha. Restored Private Forest land under section-2 of the Forest (Conservation) Act, 1980 for Construction of Sewri to Nhava up to NH-4B for Bridge and Link Road (MTHL) in Village Jasai, Taluka Uran Dist. Raigad in the State of Maharashtra. This is a part of original proposal i.e. 47.4171 ha. of Mumbai Trans Harbour Link Road Sewri to Nhava. This original proposal is given

Stage-I clearance by Government of India. At the time of the construction, it is coming into notice that the land parcel having forst No.71/1/B/1/A/2 coming in proposed work is restored private forest, having width of corridor 14.8 m length 40 m and Ramp width 9.00 mtrs and length of 200 mtrs. The prosed ramp is necessary for dispersal of traffic to SH-54 near Jasai i.e., connectivity to Panvel Uran State Highway (SH-54). Therefore, a proposal for diversion of 2.0847 ha. Restored Private Forest land for Non-forest activities is submitted by the User agency. The site inspection report of the Deputy Conservator of Forests, Alibag Forest Division, Alibag is enclosed on page No.52 to 54.

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

3.1 Prescribed form dated 10/01/2003.

3.2 Certificate regarding minimum demand of forest land for the project,

3.3 Area Statement,

3.4 Index map in suitable scale

4.0 The Deputy Conservator of Forests, Alibag Forest Division, Alibag has certified that:-

4.1 No alternate alignment is possible and the forest land required is lowest minimum.

4.2 The area belongs to Eco-value class-I having density is below 0.1.

4.3 There are 12 trees of various species and trees involved in implementation of the project. The Girth wise break up is as under:-

Tree Girth in Cm.									
0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136 above	Total
1	8	3	0	0	0	0	0	0	12

4.4 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.

4.5 There violation of Forest (Conservation) Act, 1980. The detail violation report is enclosed herewith on page No.20 to 21.

4.6 Proposed project is about 8.35 Km. from boundary of Karnala Bird Sanctuary and is about 1.64 Km from boundary of Karnala Eco-Sensitive Zone. This project will not have any adverse effect on the wildlife within National Park/Sanctuary or Eco-Sensitive area.

4.7 The User Agency has given Compensatory Afforestation over 2.0847 ha. Non forest land in Gut No. 169, S.No.188/0 at Village Pitsai, Taluka Tala, Dist. Range. The Deputy Conservator of Forests, Roha Forest Division has submitted that on this proposed non forest compensatory land all ready crown density more than 40%.

However, the proposed Compensatory Afforestation over 2.0847 ha. degraded forest land of Protected Forest S.No.46 (Old S.No.157/A/1) at Village Navenagar (Old Village Poynad), Taluka Alibag, Dist. Raigad is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.

- 4.8 The non-forest area 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 appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.
- 4.9 There is no suitable alternative non forest land is available.

5.0 The User Agency has submitted an undertaking that:-

- 5.1 The User Agency has submitted an undertaking to defray the cost of Net Present Value.
- 5.2 The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation.
- 5.3 The cross section map is enclosed herewith on 53.
- 5.4 The copy of the administrative approval accorded by the Secretary, Executive Committee, Mumbai Metropolitan Region Development Authority, Bandra Kurla Complex, Bandra East, Mumbai is enclosed on file page No.72.
- 5.5 The User Agency has submitted an undertaking regarding the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before final approval as per Government of India vide letter No.11-43/2013-FC, dt. 3/12/2018.
- 6.0 The Deputy Conservator of Forests, Alibag Forest Division, Alibag and Chief Conservator of Forests (T), Thane have recommended the proposal for diversion of 2.0847 ha. of Forest land.

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

- 2.1 The legal status of the forest land required will remain unchanged.
- 2.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.

2.3 Compensatory Afforestation :-

- a) Compensatory Afforestation over 2.0847 ha. degraded forest land of Protected Forest S.No.46 (Old S.No.157/A/1) at Village Navenagar (Old Village Poynad), Taluka Alibag, Dist. Raigad at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- 2.4 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.

2.5 NPV:-

- a) The State Government shall charge the Net Present Value (NPV) for the 2.0847 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 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009 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.
- 2.6 User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- 2.7 All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal (<http://parivesh.nic.in/>).
- 2.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector before Stage-II approval.
- 2.9 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 2.10 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 2.11 It Shall be mandatory to provide underpass for safe crossing of wild animals:-
- (a) The underpass shall have a minimum size of width 4.00 mt and Height 3.00 mt.
 - (b) Wherever natural cross drainage works are in existence, then no need to construct new underpass subject to existing structure nearly complying above mentioned dimensions, as suggested in (a) above.
 - (c) Wherever natural cross drainage works are in existence but as per engineering requirement, it is required to reconstruct then that structure shall comply with the minimum dimensions as suggested in (a) above.
 - (d) Interval between such underpasses shall not be more than 2.00 km
- 2.12 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.
- 2.13 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 2.14 The layout plan of the proposal shall not be changed without prior approval of Central Government
- 2.15 No labour camp shall be established on the forest land
- 2.16 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 2.17 The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- 2.18 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 2.19 The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.

- 2.20 The forest land shall not be used for any purpose other than that specified in the project proposal
- 2.21 The forest land proposed to be diverted shall under no circumstance be transferred to any other agencies, department or person without prior approval of Government of India.
- 2.22 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 Guidelines F.No.11-42/2017-FC, dated 29/01/2018.
- 2.23 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.
- 2.24 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

3.0 It is therefore, requested that Government of Maharashtra may kindly recommended the proposal for approving for diversion of 2.0847 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of Mumbai Trans Harbour Line (Sewri to Nhava up to NH-4B) Link road for Bridge and Link Road in Village Jasai, Taluka Urban, Dist. Raigad in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies



(Naresh Zurmure)
Addl. Principal Chief Conservator of Forests
& Nodal Officer

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

Copy to the Deputy Conservator of Forests, Alibag Forest Division, Alibag for formation.

Copy to the Executive Engineer, Mumbai Metropolitan Region Development Authority, Bandra Kurla Complex, Bandra East, Mumbai for information.

PART -IV

**(To be filled by 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.:- Proposal for diversion of 2.0847 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of Mumbai Trans Harbour Line (Sewri to Nhava up to NH-4B) Link road for Bridge and Link Road in Village Jasai, Taluka Urban, Dist. Raigad in the State of Maharashtra (FP/MH/ROAD/152589/2022). The details of land proposed for diversion is as under-

Sr. No	Item work purpose	District	Taluka	Name of Village	Gut No.	Length & Width	Area (in ha.)	Legal Status
1	Construction of Road	Raigad	Uran	Jasai	71/A/1B/1/5/1	Irregular Shape	0.0447	Restored Forest land
					71/A/1B/1/5/2		0.1150	
					71/1B/1/A/2		0.3500	Pending on Enquiry
					71/1/B/1/B/1		0.6400	
					71/1/B/1/B/2		0.0550	
					71/1/B/1/B/3		0.5340	
					71/1/B/1/B/4		0.3060	Restored Forest land
					71/A/3		0.0400	
Total Forest land required (in ha.)							2.0847	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur is attached on page no.



**(Naresh Zurmure)
Additional Principal Chief Conservator of Forests
& Nodal Officer**

Date: 03/05/2023
Place: Nagpur

Proposal for diversion of 2.0847 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of Mumbai Trans Harbour Line (Sewri to Nhava up to NH-4B) Link road for Bridge and Link Road in Village Jasai, Taluka Urban, Dist. Raigad in the State of Maharashtra (FP/MH/ROAD/152589/2022).

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

1) Proposal is for diversion of 2.0847 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of Mumbai Trans Harbour Line (Sewri to Nhava up to NH-4B) Link road for Bridge and Link Road in Village Jasai, Taluka Urban, Dist. Raigad in the State of Maharashtra (FP/MH/ROAD/152589/2022) for seeking approval under FCA 1980.

2) The details of the forest land proposed for diversion are as under:-

Sr. No	Item work purpose	District	Taluka	Name of Village	Gut No.	Length & Width	Area (in ha.)	Legal Status
1	Construction of Road	Raigad	Uran	Jasai	71/A/1B/1/5/1	Irregular Shape	0.0447	Restored Forest land
					71/A/1B/1/5/2		0.1150	
					71/1B/1/A/2		0.3500	Pending on Enquiry
					71/1/B/1/B/1		0.6400	
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Total Forest land required (in ha.)							2.0847	

3.0 The proposal has been initiated by the Executive Engineer, Mumbai Metropolitan Region Development Authority, Bandra Kurla Complex, Bandra East, Mumbai for seeking approval under Forest (Conservation) Act, 1980 for proposal for diversion of 2.0847 ha. Restored Private Forest land under section-2 of the Forest (Conservation) Act, 1980 for Construction of Sewri to Nhava up to NH-4B for Bridge and Link Road (MTHL) in Village Jasai, Taluka Uran Dist. Raigad in the State of Maharashtra. This is a part of original proposal i.e. 47.4171 ha. of Mumbai Trans Harbour Link Road Sewri to Nhava. This original proposal is given Stage-I clearance by Government of India. At the time of the construction, it is coming into notice that the land parcel having forest No.71/1/B/1/A/2 coming in proposed work is restored private forest, having width of corridor 14.8 m length 40 m and Ramp width 9.00 mtrs and length of 200 mtrs. The proposed ramp is necessary for dispersal of traffic to SH-54 near Jasai i.e., connectivity to Panvel Uran State Highway (SH-54). Therefore, a proposal for diversion of 2.0847 ha. Restored Private Forest land for Non-forest activities is submitted by the User agency. The site inspection report of the Deputy Conservator of Forests, Alibag Forest Division, Alibag is enclosed on page No.52 to 54.

4.0 The Deputy Conservator of Forests, Alibag Forest Division, Alibag has certified that:-

- 4.1 No alternate alignment is possible and the forest land required is lowest minimum.
- 4.2 The area belongs to Eco-value class-I having density is below 0.1.
- 4.3 There are 12 trees of various species and trees involved in implementation of the project. The Girth wise break up is as under:-

Tree Girth in Cm.									
0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136 above	Total
1	8	3	0	0	0	0	0	0	12

- 4.4 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 4.5 There violation of Forest (Conservation) Act, 1980. The detail violation report is enclosed herewith on page No.20 to 21.
- 4.6 Proposed project is about 8.35 Km. from boundary of Karnala Bird Sanctuary and is about 1.64 Km from boundary of Karnala Eco-Sensitive Zone. This project will not have any adverse effect on the wildlife within National Park/Sanctuary or Eco-Sensitive area.
- 4.7 The User Agency has given Compensatory Afforestation over 2.0847 ha. Non forest land in Gut No. 169, S.No.188/0 at Village Pitsai, Taluka Tala, Dist. Range. The Deputy Conservator of Forests, Roha Forest Division has submitted that on this proposed non forest compensatory land all ready crown density more than 40%.

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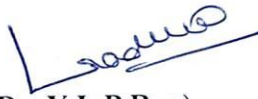
- 4.8 The non-forest area covered under the project is not under the provision of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of Section 35 of Indian Forest Act 1927 and are not recognized as deemed reserved forest as well as not included in the area identified as "forest" as per dictionary meaning of forest as intimated to the expert committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.
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- 6.0 The Deputy Conservator of Forests, Alibag Forest Division, Alibag and Chief Conservator of Forests (T), Thane have recommended the proposal for diversion of 2.0847 ha. of Forest land.
- 2.00 In view of this, the proposal is recommended for approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions: –**
- 2.1 The legal status of the forest land required will remain unchanged.
- 2.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.
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- a) Compensatory Afforestation over 2.0847 ha. degraded forest land of Protected Forest S.No.46 (Old S.No.157/A/1) at Village Navenagar (Old Village Poynad), Taluka Alibag, Dist. Raigad at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
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- 2.5 NPV:-**
- a) The State Government shall charge the Net Present Value (NPV) for the 2.0847 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 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009 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.
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- 2.17 The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- 2.18 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 2.19 The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- 2.20 The forest land shall not be used for any purpose other than that specified in the project proposal
- 2.21 The forest land proposed to be diverted shall under no circumstance be transferred to any other agencies, department or person without prior approval of Government of India.
- 2.22 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 Guidelines F.No.11-42/2017-FC, dated 29/01/2018.
- 2.23 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.
- 2.24 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)


(Dr. Y.L.P Rao)

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