

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.:- Executive Engineer (Engineering Division), MMRDA, Bandra Kurla complex, Bandra (E), Mumbai, submitted the proposal for construction of Link road from NH-4 (Mumbai -Pune Road) to Katai Junction in Thane District for which 0.8325 ha Mangrove land not notified as protected forest required under section 2 (ii) of the Forest (Conservation) Act, 1980, has been proposed by User Agency. The details of the forest land proposed for diversion is as under :-

Village, Taluka and District	Details of Forest land			
	Old survey No	Survey No/ Gut No	Area in Ha.	Legal Status
Vill- Desai Taluka & Distt Thane	174	174 Pt	0.0234	Mangrove land not notified as protected forest
	235	235 Pt	0.1782	
	223 pt	223 Pt	0.0928	
	180	180 Pt	0.1340	
	74	74 Pt	0.0626	
	75	75 Pt	0.0115	
	90	90 Pt	0.0550	
	91	91 Pt	0.2750	
	Total		0.8325	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 21A.

Date : 02/06/2018
Place : Nagpur


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


02/6/18

**Construction of Link Road from NH-4 (Mumbai -Pune Road)
to Katai Junction in Thane District**

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

The proposal is for diversion of Mangrove Forest land for construction of Link road from NH-4 (Mumbai -Pune Road) to Katai Junction in Thane District. Total non forest land involved in the project is 26.2215 ha. The detailed Forest area statement is as under:-

Village, Taluka and District	Details of Forest land			
	Old survey No	Survey No/ Gut No	Area in Ha.	Legal Status
Vill- Desai Taluka & Distt Thane	174	174 Pt	0.0234	Mangrove land not notified as protected forest
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	75	75 Pt	0.0115	
	90	90 Pt	0.0550	
	91	91 Pt	0.2750	
	Total		0.8325	

The project has been initiated by Executive Engineer (Engineering Division), MMRDA, Bandra Kurla complex, Bandra (E), Mumbai for construction of Link road from NH-4 (Mumbai -Pune Road) to Katai Junction in Thane District. The project has been administratively approved by Secretary MMRDA vide letter MMRDA/Meeting/134 dated 19/08/2014.

The Mumbai is the most populous city in the world. The city is driven by commerce and attracts people in search of livelihood from across the country. The population of the city has grown exponentially over the past few decades. The current infrastructural facilities are under severe stress. Roads at Key junctions are clogged with vehicles resulting traffic jam at peak hours. This affects people's movement across various parts of the city and indirectly affects business and commerce.

People have to run long via Mahape to reach Shilphata and then Kalyan/Dombivali/Badlapur etc. In view of exponential increase in traffic on this route, and to cater to further increase, Mumbai Metropolitan Road Development Authority (MMRDA) proposes to construct elevated road and road connecting NH-4 to Katai (near toll Naka on

Kalyan Shil Road). This new road will help smoothen traffic flows, shorten the travel distance between Navi Mumbai and towns like Kalyan, Dombivali, Badlapour etc.

Since the proposed alignment passes through Mangrove Land/Creeks at village Desai and Katai followed by urbanized area. In order to have minimum disturbance, this stretch will be elevated. Since the proposed road alignment passes through Mangrove land, forest Clearance is mandatory for the Mangrove land. There is negligible felling of trees in the project as the link road passing through maximum marshy land and creek. The Project will save time fuel and reduce traffic congestion as well as pollution.

Therefore the Project Authority has submitted the proposal for diversion of 0.8325 ha. Mangrove land under section 2 of Forest Conservation Act 1980.

Government of India has conveyed its general approval under section-2 of the Forest (Conservation) Act 1980 for diversion of up to 1.00 ha forest land to Government Departments, Government undertakings, Boards, Corporations etc vide letter No. 11-9/98-FC dated 13/02/2014 & 21/08/2014 for 13 activities subject to some conditions. 'Road' is included in these 13 activities.

The proposal has been submitted by CCF (T) Thane vide letter Desk-10/FCA/CR-30/18-19/OW-155/18-19 dated 18/05/2018 along with 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 .

- 1) The Deputy Conservator of Forests Thane certified that no suitable alternate Non Forest land is available for the purpose except proposed in the project. The demand for the forest area is barest minimum demand. The proposed alignment is unavoidable for link road. P/42
- 2) The Deputy Conservator of Forests Thane certified that alternatives have been examined and no suitable alternate Non forest land is available other than proposed alignment. The demand for the link road project is the barest minimum. P/44, 65
- 3) There are negligible 07 trees of Avicenna marina involved for cutting and felling in the proposed area. Girth wise break up is as under:-

Tree Girth in Cm							
15-30	31-45	46-60	61-75	76-90	91-105	106 & above	Total
00	03	00	01	00	03	00	07

P/54c

- 4) Deputy Conservator of Forests, Thane certified that there is no violation of Forest (Conservation) Act 1980 or its guidelines. P/52
- 5) Regarding Compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006 , the User Agency has submitted the Collector Thane letter dated 28/02/2018 stating that Land in question are not notified under Act and not covered under the definition of Forest, therefore the prescribed certificate under this Act cannot be issued. P/53


- 6) The User Agency has submitted the undertaking to bear the cost of raising and maintenance of Compensatory Afforestation and /or penal Compensatory afforestation as well as cost of protection and regeneration of Safety Zone etc as per scheme prepared by the State Government. P/45
- 7) The User Agency has submitted an undertaking to defray the cost of Net Present Value of the forestland proposed for diversion. P/46
- 8) The User Agency has submitted that Environment clearance is not necessary in this project, and submitted the undertaking, if necessary, the project Authority will get the Environment clearance as per Environment Act 2006. P/49
- 9) The project Mangrove area belongs to Eco-Value class I having density 0.1 to 0.2. P/48
- 10) The Deputy Conservator of Forests, Thane has certified that proposed site is not likely to affect any monuments site of cultural, historical, religious archeological or recreational importance. P/55
- 11) The Deputy Conservator of Forests, Thane has certified that the proposed project is not within 10 Km from boundaries of the Sanjay Gandhi National Park, Borivali, Mumbai The project will not have any adverse effect/impact on the Wildlife within Sanjay Gandhi National Park Borivali, Mumbai. P/67
- 12) The Deputy Conservator of Forests, Thane has certified that the area involved in project does not included of any existing National Park, Wildlife Sanctuary and the Nature Reserve etc. The project will not have any adverse effect/impact on the Wildlife within Sanjay Gandhi National Park Borivali, Mumbai. The distance from the boundary of SGNP Borivali 10.640 kms. P/56
- 13) The Deputy Conservator of Forests, Thane certified that the non forest land involved in the project are not under provisions 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 the dictionary meaning of Forests as intimated to the expert Committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996. P/57
- 14) The Deputy Conservator of Forests, Thane certified that area 1.00 ha from Compartment No 722 of Village Savarne, Taluka-Murbad, Distt- Thane is contiguous, suitable for afforestation and management purpose and also it is free from encroachment and an encumbrances. CA Scheme submitted. P/67
P/67(2-15)
- 15) Site Inspection of Deputy Conservator of Forests Thane is on Page No 31 to 33 P/31-33
- 16) The Deputy Conservator of Forests Thane has recommended the proposal being public interest and most of the alignment is on elevated and embankment with negligible minimum disturbance of Mangrove Land surface. P/19
- 17) Chief Conservator of Forests (T), Thane has recommended the proposal for approval. P/20

In view of this, the proposal is recommended for approval under section - 2 (ii) of Forest (Conservation) Act, 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 User Agency on 1.00 ha. degraded forest land of Compartment No 722 of Village Savarne, Taluka-Murbad, Distt- Thane.
- iii) The forest land shall not be used for any purpose other than specified in the project.
- iv) The User Agency will defray the cost of Net Present Value of 0.8325 Ha. of Mangrove forest land as per the latest guideline of Government of India.
- v) The User Agency will defray the cost of removal of 07 trees in the area. However, only the required and minimum number of trees will be felled. In situations where felling of trees is avoidable and such trees could be transplanted, all efforts to transplant such trees at a pre designated site will be taken and additional expenditure, if any, in such cases shall be at the cost of the User Agency.
- vi) The User Agency will defray the additional / revised cost of Net Present Value of forestland as per the latest Guideline of Government of India.
- vii) All vehicles of forest department will not be charged Toll Tax while using this road.
- viii) The User Agency will obtain Environmental Clearance from competent authority, if required.
- ix) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- x) The User Agency in consultation with the State Government shall create and maintain an alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nest 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.
- xi) 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.
- xii) The User Agency shall obtain permission from the competent authority under CRZ Notification, if required.
- xiii) The User Agency shall plant and maintain 20 indigenous forest trees species on the diverted forest land to maintain the green cover at the cost of Project Agency. Plantation site for the purpose will be identified by the State Forest Department i.e. Deputy Conservator of Forests , Thane (Preferably within or in the surrounding area of the project).
- xiv) For additional diversion of forest land for extension/strengthening of such road shall not be permitted within next five years.


- xv) All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the User Agency.
- xvi) All necessary approvals required for the project as per prevailing laws of the land would be obtained by the User Agency before statutory sanction.


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


25/05/18


25/5/18


21.5


28/05/2018



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

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) 2556916, Fax no. (0712) 2550675

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9001:2015

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Sub.:- Proposal for diversion of 0.8325 ha Mangrove land not notified as Protected forest for construction of Link road from NH-4 (Mumbai -Pune Road) to Katai Junction in Thane District.

No. : Desk-17/NC/II/ID 12616/(63)/⁴⁸⁹ /2018-19
Nagpur - 440 001, Dated: 02/06/2018

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

Ref:- CCF (T) Thane letter No. Desk-10/FCA/CR-30/18-19/OW-155/18-19 dated 18/05/2018.

The project has been initiated by Executive Engineer (Engineering Division), MMRDA, Bandra Kurla complex, Bandra (E), Mumbai for of diversion of 0.8325 ha mangrove land for construction of Link road from NH-4 (Mumbai -Pune Road) to Katai Junction in Thane District. Total non forest land involved in the project is 26.2215 ha. The detailed Forest area statement is as under

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	75	75 Pt	0.0115 ✓	
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Total			0.8325 ✓	

The project has been administratively approved by Secretary MMRDA vide letter MMRDA/Meeting/134 dated 19/08/2014.

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- xvi) All necessary approvals required for the project as per prevailing laws of the land would be obtained by the User Agency before statutory sanction.

Government of India has conveyed its general approval under section-2 of the Forest (Conservation) Act 1980 for diversion of up to 1.00 ha forest land to Government Departments, Government undertakings, Boards, Corporations etc vide letter No. 11-9/98-FC dated 13/02/2014 & 21/08/2014 for 13 activities subject to some conditions. 'Road' is included in these 13 activities.

It is therefore requested that the Government of Maharashtra may kindly be moved to approve diversion of 0.8325 ha of Mangrove land (not notified as Protected forest) in favour of Executive Engineer (Engineering Division), MMRDA, Bandra Kurla complex, Bandra (E), Mumbai for construction of Link road from NH-4 (Mumbai -Pune Road) to Katai Junction in Thane District. , under section 2(ii) of the Forest (Conservation) Act, 1980. —

Encls : As above

(G Sai Prakash)

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

Copy to Chief Conservator of Forests (T) Thane.

Copy to Deputy Conservator of Forests Thane

Copy to Executive Engineer (Engineering Division), MMRDA, Bandra Kurla complex, Bandra (E), Mumbai.