

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 MSRDC Ltd Mumbai submitted the proposal for construction of Major bridge across Thane Creek (TCB III) on Sion Panvel Road at Village-Vashi & Turbhe District - Thane and Mumbai Suburban in the State of Maharashtra for which 1.4074 ha. Reserved /Mangrove forest land 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 :-

Name of Village	Taluka	District	Survey No	Length x Width	Area in Sq Mtr	Area in ha	Legal Status
Vashi	Thane	Thane	17 Pt (1Pt)	Irregular Shape	1400.00	0.1400	Reserved Forest Under section 4
				560.2 x 6.380	3574.00	0.3574	Mangrove Forest (Unclassified)
				594.6 x 6.4077	3810.00	0.3810	
			18 Pt	191 x 8.848	1690.00	0.1690	
			Sub Total		1047.00	1.0474	
Turbhe	Kurla	Mumbai Suburban	Creek New CST No 507	Irregular Shape	334.00	0.0334	Reserved Forest Under section 4 of IAF-1927
				75x 11.55	866.00	0.0866	Mangrove Forest (Unclassified)
				Irregular Shape	1100.00	0.1100	Reserved Forest Under section 4 of IAF-1927
				150 x 8.67	1300.00	0.1300	Mangrove Forest (Unclassified)
			Sub Total		3600.00	0.3600	
Grand Total					14074.00	1.4074	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 7A.

(Sanjeev Gaur)

**Additional Principal Chief Conservator of Forests
& Nodal Officer**

Date : 02/04/2019

Place : Nagpur

Proposal for diversion of 1.4074 ha. of Reserved /Mangrove Forest land for construction of Major bridge across Thane Creek (TCB III) on Sion-Panvel Road by , Maharashtra State Road Development Corporation.

Specific recommendation of the 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 has been initiated by Executive Engineer MSRDC Ltd Mumbai for diversion of 1.4074 ha. Reserved/Mangrove Forest land under Section 2 (ii) of the Forest (Conservation) Act, 1980 for construction of Major bridge across Thane Creek (TCB III) on Sion Panvel Road . Total non forest land involved in the project is 6.8996 ha. The detailed area statement of forest land is shown as under :-

Name of Village	Taluka	District	Survey No	Length x Width	Area in Sq Mtr	Area in ha	Legal Status
Vashi	Thane	Thane	17 Pt (1Pt)	Irregular Shape	1400.00	0.1400	Reserved Forest Under section 4
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				150 x 8.67	1300.00	0.1300	Mangrove Forest (Unclassified)
			Sub Total		3600.00	0.3600	
Grand Total					14074.00	1.4074	

2. The user agency has highlighted that, the Vashi bridge also known as Thane Creek Bridge (TCB) built across Thane creek that connects the city of Mumbai to Navi Mumbai. The bridge links the suburb of Manakhurd in Mumbai Suburban with Vashi in Navi Mumbai, it is one of the 4 entry points into Mumbai and handles traffic directed towards the region to the South and East of Mumbai. The first TCB was built in 1973 for light motor vehicles. The Second TCB completed in 1997 having six lanes (3+3) carriage way.

2.1 The current traffic is bound to increase because of increased traffic load over the period of time. Traffic at Sion-Panvel Highway is expected almost to double by 2026. Congestion of traffic result into air pollution and emission of gases .Also the office commuters and workers are held up in traffic causing heavy loss of man hours and resultant

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loss of productivity. Hence it is essential to construct proposed TCB III Bridge.(2 No). The TCB III Bridge is to be constructed in accordance with specific alignment decided after detailed study. As the TCB III Bridge (2 No) is to be constructed on either side of existing TCB II Bridge and its purpose is to cater the existing excess traffic at TCB II Bridge, hence there is no alternative for the project, therefore the project is site specific. The patch of TCB III Bridge and road passing through mangrove cannot be located on non forest land and as such.

2.3. Government of Maharashtra, Public Works Department vide GR dated 24/11/2017 accorded administrative approval for the proposed project. P/87-91

2.4 Collector, Mumbai Suburban certified project is site specific , all other alternative have been explored and demand for the forest land is the barest minimum demand P/98

3.1 The Additional Principal Chief Conservator of forests Mangrove Cell, Mumbai has submitted the proposal vide his letter dated 17/01/2019 in prescribed format alongwith the requisite documents :- C/11

3.2 Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Mumbai has certified that :-

3.2.1 There is no possibility of locating this project on any other alternative. The proposed project is site specific and requirement of the demand of forest land is the barest minimum. P/14,18

3.2.2 Provisions of the Forest (Conservation) Act, 1980 and guidelines there under it, have not been violated by user agency . P/15

3.2.3 Proposed area is not included in area of National Park/Wildlife Sanctuary. Nearest boundary of Sanjay Gandhi National Park is at 10.10 km. and Distance from Thane Creek Flamingo Sanctuary is at 0.2 to 0.7 km from proposed area for diversion. P/25

3.2.4 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. P/24

3.2.5 Tree cutting of 430 mangrove tree is involved in the proposed project. Girth wise details of trees is as under :- P/14

Name of species	Girth in cm						Total
	0-15	16-30	31-45	46-60	61-75	76-90	
Avicennia Marina	01	80	174	88	19	05	367
Sonneratia Apetala	00	09	34	14	03	03	63
Total	01	89	208	102	22	08	430

3.2.6 Gairan/private area 1.4074 ha of survey No 145/CTS No 1432 of Erangal village, Borivali Taluka, Mumbai Suburban , Distt- Mumbai Suburban proposed by user agency for Compensatory Afforestation is free from all sorts of encumbrances and encroachments. P/17,31

- 3.2.7 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 . P/23
- 3.2.8 The forest area proposed for the project belongs to Eco Class – II having density 0.7 to 0.9 . P/26
- 3.2.9 Divisional Forest Officer, Mumbai Mangrove Conservation Unit Mumbai submitted Site Inspection Report dated 05/01/2019. P/8-10
- 3.3 The user agency has submitted the following undertakings :-
- 3.3.1 To bear the cost of Net Present Value of proposed project P/73
- 3.3.2 To bear the cost of tree felling involved in the proposed project P/91,7
- 3.3.3 To bear the cost of Compensatory Afforestation as per scheme prepared by the State Govt. P/72
- 3.3.4 User agency has submitted the compliance under Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act 2006 vide District Collector Thane Certificate dated 12/11/2018 for area 1.0474 ha . and District Collector Mumbai Suburban Certificate dated 03/04/2018 for area 0.36 ha . P/102
P/112
4. Divisional Forest Officer, Mumbai Mangrove Conservation Unit Mumbai has recommended the project as it is critical infrastructure project for the benefit of society P/6
5. Additional Principal Chief Conservator of Forests, Mangrove Cell, Mumbai recommended the proposal for approval , as it is for public use. P/7
6. The Maharashtra Coastal Zone Management Authority in its 114th meeting held on 2nd & 3rd November 2016 recommended the proposed proposal to SEIAA subject to compliance of certain conditions. P/75-7
7. The SBWL in its 14th meeting held on 05/12/2018 has recommended the said proposal with the conditions stipulated by Chief Wildlife Warden , Maharashtra State which are as under :- P/256
- 7.1 No damage to Floara & Fauna of the adjoining area shall be caused.
- 7.2 The agency shall adhere to muck disposal plan submitted as part of their proposal.
- 7.3 The user agency in consultation with forest department shall be create and maintain alternative habitat/home for avi-founa, whose nesting to to be cleared in this project.
- 7.4 As decided in the 8th meeting of State Board of Wildlife held on 20th February 2014, the project proponent shall deposit 2 % cost of the proposed project (775.80 Crores) which passes though Thane Creek Flamingo Sanctuary proposed ESZ should be deposited with the Mangrove and Marine Biodiversity Conservation Foundation of Maharashtra for the conservation of wildlife of Thane Creek Flamingo Sanctuary.

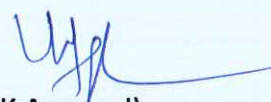
8. The Govt of Maharashtra vide letter dated 14/01/2019 has recommended the said proposal to the NBWL. Standing Committee of NBWL in its 53rd meeting held on 25/02/2019 has recommended the proposal tentatively subject to conditions stipulated by SBWL.

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

- 9.1 The legal status of the land proposed under diversion shall remain unchanged.
- 9.2 The forest land shall not be used for any purpose other than specified in the proposal;
- 9.3 The user agency will defray the cost of Net Present Value of Forest land as per the latest Guideline of Government of India.
- 9.4 The user agency will defray the additional / revised cost of Net Present Value of Forest land as per the latest Guideline of Government of India.
- 9.5 Compensatory Afforestation will be raised at the cost of user agency on 1.4074 ha Gairan/private area of survey No 145/CTS No 1432 of Erangal village, Borivali Taluka, Mumbai Suburban, Distt- Mumbai Suburban proposed by user agency for Compensatory Afforestation. As per GOI guidelines dated 08/11/2017 at least 1000 plants per ha. to be planted on non forest land identified for compensatory afforestation.
- 9.6 The user agency will pay the cost of survey, demarcation and erection of the permanent pillars on the compensatory afforestation land made available by the user agency.
- 9.7 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.
- 9.8 The user agency will defray the cost of removal of 430 mangroves 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
- 9.9 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.
- 9.10 The user agency will obtain Environmental Clearance from competent authority, if required.
- 9.11 The user agency will obtain CRZ Clearance from competent authority.
- 9.12 Construction of temporary dwelling / hutments etc. for labours will not be allowed in the forest areas.
- 9.13 No damage to the flora and fauna of the adjoining area shall be caused;

- 9.14 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 9.15 The user agency shall obtain the clearance from the NBWL and the condition laid down by the NBWL and the Chief Wildlife Warden, Maharashtra State as stated in para 7.1 above shall be binding on it.
- 9.16 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.
- 9.17 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.
- 9.18 Provisions of all Acts, Rules made there under and guidelines applicable to the project shall have to be strictly followed
- 9.19 All necessary approvals required for the project as per prevailing laws of the land would be obtained by the User Agency before statutory sanction



(U K Agrawal)

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


29/3/19



Certified by ISO
9001:2015

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

E-mail- apccfnodal@mahaforest.gov.in Website: www.mahaforest.gov.in

Sub.:- Diversion of 1.1074 ha. Reserved Forest / Mangrove Forest land for construction of Major bridge across Thane Creek (TCB III) on Sion Panvel Road at Village-Vashi & Turbhe District - Thane and Mumbai Suburban in the State of Maharashtra.

No. : Desk-17/NC/II/ID 12705 / (68) / 12 / 2019-20
Nagpur - 440 001, Dated: 02/04/2019

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

Ref:- Additional Principal Chief Conservator of Forests, Mangrove Cell, Mumbai letter No land/2172/2018-19 dated 17/01/2019.

The proposal has been initiated by Executive Engineer MSRDC Ltd Mumbai for diversion of 1.4074 ha. Reserved/Mangrove Forest land under Section 2 (ii) of the Forest (Conservation) Act, 1980 for construction of Major bridge across Thane Creek (TCB III) on Sion Panvel Road . Total non forest land involved in the project is 6.8996 ha. The detailed area statement of forest land is shown as under :-

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2. The user agency has highlighted that, the Vashi bridge also known as Thane Creek Bridge (TCB) built across Thane creek that connects the city of Mumbai to Navi Mumbai. The bridge links the suburb of Manakhurd in Mumbai Suburban with Vashi in Navi Mumbai, it is one of the 4 entry points into Mumbai and handles traffic directed towards the region to the South and East of Mumbai. The first TCB was built in 1973 for light motor vehicles. The Second TCB completed in 1997 having six lanes (3+3) carriage way.

2.1 The current traffic is bound to increase because of increased traffic load over the period of time. Traffic at Sion-Panvel Highway is expected almost to double by 2026. Congestion of traffic result into air pollution and emission of gases. Also the office commuters and workers are held up in traffic causing heavy loss of man hours and resultant loss of productivity. Hence it is essential to construct proposed TCB III Bridge. (2 No). The TCB III Bridge is to be constructed in accordance with specific alignment decided after detailed study. As the TCB III Bridge (2 No) is to be constructed on either side of existing TCB II Bridge and its purpose is to cater the existing excess traffic at TCB II Bridge, hence there is no alternative for the project, therefore the project is site specific. The patch of TCB III Bridge and road passing through mangrove cannot be located on non forest land and as such.

2.3. Government of Maharashtra, Public Works Department vide GR dated 24/11/2017 accorded administrative approval for the proposed project.

2.4 Collector, Mumbai Suburban certified project is site specific, all other alternative have been explored and demand for the forest land is the barest minimum demand.

3.1 The Additional Principal Chief Conservator of forests Mangrove Cell, Mumbai has submitted the proposal vide his letter dated 17/01/2019 in prescribed format alongwith the requisite documents :-

3.2 Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Mumbai has certified that :-

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- 3.2.8 The forest area proposed for the project belongs to Eco Class – II having density 0.7 to 0.9. ✓
- 3.2.9 Divisional Forest Officer, Mumbai Mangrove Conservation Unit Mumbai submitted Site Inspection Report dated 05/01/2019. ✓
- 3.3 **The user agency has submitted the following undertakings :-**
- 3.3.1 To bear the cost of Net Present Value of proposed project
- 3.3.2 To bear the cost of tree felling involved in the proposed project ✓
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- 3.3.4 User agency has submitted the compliance under Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act 2006 vide District Collector Thane Certificate dated 12/11/2018 for area 1.0474 ha, and District Collector Mumbai Suburban Certificate dated 03/04/2018 for area 0.36 ha. ✓
4. Divisional Forest Officer, Mumbai Mangrove Conservation Unit Mumbai has recommended the project as it is critical infrastructure project for the benefit of society. ✓
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7. The SBWL in its 14th meeting held on 05/12/2018 has recommended the said proposal with the conditions stipulated by Chief Wildlife Warden, Maharashtra State which are as under :-
- 7.1 No damage to Flora & Fauna of the adjoining area shall be caused. ✓
- 7.2 The agency shall adhere to muck disposal plan submitted as part of their proposal. ✓
- 7.3 The user agency in consultation with forest department shall be create and maintain alternative habitat/home for avi-fauna, whose nesting to to be cleared in this project. ✓
- 7.4 As decided in the 8th meeting of State Board of Wildlife held on 20th February 2014, the project proponent shall deposit 2 % cost of the proposed project (775.80 Crores) which passes though Thane Creek Flamingo Sanctuary proposed ESZ should be deposited with the Mangrove and Marine Biodiversity Conservation Foundation of Maharashtra for the conservation of wildlife of Thane Creek Flamingo Sanctuary. ✓
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- 9.13 No damage to the flora and fauna of the adjoining area shall be caused;
- 9.14 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 9.15 The user agency shall obtain the clearance from the NBWL and the condition laid down by the NBWL and the Chief Wildlife Warden, Maharashtra State as stated in para 7.1 above shall be binding on it.
- 9.16 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.

- 9.17 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency. ✓
- 9.18 Provisions of all Acts, Rules made there under and guidelines applicable to the project shall have to be strictly followed ✓
- 9.19 All necessary approvals required for the project as per prevailing laws of the land would be obtained by the User Agency before statutory sanction ✓

It is therefore requested that the Central Government may kindly be moved to approve diversion of 1.4074 ha. Reserved/Mangrove Forest Land in favour of Executive Engineer MSRDC Ltd Mumbai for construction of Major bridge across Thane Creek (TCB III) on Sion Panvel Road at Village-Vashi & Turbhe District - Thane and Mumbai Suburban in the State of Maharashtra under section (ii) of the Forest (Conservation) Act 1980.

Encls : As above

(Sanjeev Gaur)

Additional Principal Chief Conservator of Forests
& Nodal Officer,

Copy submitted to Principal Secretary (Forest), Revenue & Forest Department, Mantralaya, Mumbai -32 for information alongwith a copy of proposal.

Copy forwarded to Additional Principal Chief Conservator of Forests, Mangrove Cell, Mumbai for information.

Copy forwarded to Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Mumbai for information.

Copy forwarded to Executive Engineer MSRDC Opposite Bandra Reclamation bus depot, Bandra (W) Mumbai.