

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 0.0728 ha. forest land under section 2 of the Forest (Conservation) Act, 1980 for widening of existing Shri Krishna Nagar Bridge near Western Express Highway, Borivali (East) in R/Central Ward Survey No.11 (pt) of village Kanheri, Tal. Borivali, Dist. Mumbai Suburban in the State of Maharashtra (FP/MH/ROAD/155480/2022). The details of land proposed for diversion is as under-

Sr. No	Item work purpose	District	Name of Village	Survey No.	Length & Width	Area (in ha.)	Legal Status
1	Widening of existing Shri Krishna Nagar Bridge near Western Express Highway, Borivali (East) in R/Central Ward Survey No.11 (pt) of village Kanheri, Tal. Borivali, Dist. Mumbai Suburban in the State of Maharashtra	Mumbai Suburban	Kanheri	11 Pt	26 x 30	0.0728	Unclassed Forest
Total Forest Land (in ha.)						0.0728	

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 06/04/2023

Place: Nagpur

Proposal for diversion of 0.0728 ha. forest land under section 2 of the Forest (Conservation) Act, 1980 for widening of existing Shri Krishna Nagar Bridge near Western Express Highway, Borivali (East) in R/Central Ward Survey No.11 (pt) of village Kanheri, Tal. Borivali, Dist. Mumbai Suburban in the State of Maharashtra (FP/MH/ROAD/155480/2022)

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) The proposal is for diversion of 0.0728 ha. forest land under section 2 of the Forest (Conservation) Act, 1980 for widening of existing Shri Krishna Nagar Bridge near Western Express Highway, Borivali (East) in R/Central Ward Survey No.11 (pt) of village Kanheri, Tal. Borivali, Dist. Mumbai Suburban in the State of Maharashtra (FP/MH/ROAD/155480/2022) has been initiated by the Assistant Engineer, Bridges, Brihanmumbai Municipal Corporation for seeking approval under Forest (Conservation) Act, 1980.
- 2) The Shri Krishna Nagar Bridge across Dahisar River near Sanjay Gandhi National Park Borivali East in R/Central Ward in a vital link for people of Shri Krishna Nagar, CTIRC, Abhinav nagar connecting to Western Express Highway. This bridge also carries vital link for communication, electricity & water supply for the locality. It was reported by Assistant Commissioner R/Central Ward office on 12/11/2021 that portion of the footpath on south side has collapsed and is in dangerous condition and slab beneath the footpath has collapsed resulting into a hole in footpath. Also the soffit of the bridge was inspected and it was observed that the slab reinforcement at the bottom is severely corroded, making the bridge unsafe. Accordingly, the said bridge has been closed for all types of traffic. The said bridge is required to be reconstructed. The existing bridge width of the bridge is 26.00 m approximately. As per the recommendation it is proposed to maintain a clear width of 35.00 m or more to avoid flooding in the vicinity. The proposed project is expansion of the existing bridge on the land bearing Survey No.11 (pt) of village Kanheri, Tal. Borivali, Dist. Mumbai Suburban.
- 3) The details of the forest land proposed for diversion are as under:-

Sr. No	Item work purpose	District	Name of Village	Survey No.	Length & Width	Area (in ha.)	Legal Status
1	Widening of existing Shri Krishna Nagar Bridge near Western Express Highway, Borivali (East) in R/Central Ward Survey No.11 (pt) of village Kanheri, Tal. Borivali, Dist. Mumbai Suburban in the State of Maharashtra	Mumbai Suburban	Kanheri	11 Pt	26 x 30	0.0728	Unclassed Forest
Total Forest Land (in ha.)						0.0728	

- 4) Copy of the Administrative /Technical approval has accorded by the Chief Engineer (Bridges), Municipal Corporation of Brihanmumbai vide letter No.10373, dated 21/12/2021.

- 5) The cross section map is enclosed herewith on page no.119.
- 6) The site inspection report of the Conservator of Forests & Director, Sanjay Gandhi National Park, Borivali is enclosed on page no.17 to 22.
- 7) No alternate alignment is possible and the forest land required is barest minimum.
- 8) The area belongs to Eco-value class-I having density is 0.1 (open forest)
- 9) There are 04 trees of various species and trees involved in implementation of the project. The Girth wise break up is as under:-

Tree Girth in Cm.									Total
0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136 above	
0	0	1	0	0	2	1	0	0	4

- 10) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 11) There is no violation of Forest (Conservation) Act, 1980.
- 12) Proposed project is within 10 Km of Sanjay Gandhi National Park and the project will not have any adverse effect on the wildlife within National Park/Sanctuary
- 13) 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.
- 14) Proposed Compensatory Afforestation over 1.00 ha. in Survey No.419, Compt. No.1144 at Village Panchpakhadi, Tal & Dist. Thane and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances
- 15) There is no alternative alignment possible as this is widening of existing road.
- 16) The User Agency has submitted an undertaking to defray the cost of Net Present Value.
- 17) The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation.
- 18) 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.
- 19) The Conservator of Forests & Director, Sanjay Gandhi National Park, Borivali has recommended the said proposals subject to compliances of the following conditions:-
- Depositing of 2% the project cost by the project agency for protection and conservation of the Sanjay Gandhi National Park (SGNP).
 - Getting prior permission of monitoring committee of ESZ of Sanjay Gandhi National Park (SGNP) before commencement of the road works in the project area.
 - Construction of cement concrete wall with barbed wire fencing on top of it along the boundary of the Sanjay Gandhi National Park in the patches of diverted forest area.

- Installation of one big bill board (Hoarding) of size (4 meters length x 3 meters width x meters height) near the diverted forest land along the road and hand it over to SGNP authorities for displaying wildlife related education contents/alert message.

20) The Additional Principal Chief Conservator of Forests (Wildlife), West Mumbai has recommended the proposal for diversion of 0.0728 ha. Unclassed Forest.

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 shall be taken up by the Forest Department over 1.00 ha. in Survey No.419, Compt. No.1144 at Village Panchpakhadi, Tal & Dist. Thane 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 0.0728 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/>)


(Dr. Y.L.P Rao)
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

Sub:- Proposal for diversion of 0.0728 ha. forest land under section 2 of the Forest (Conservation) Act, 1980 for widening of existing Shri Krishna Nagar Bridge near Western Express Highway, Borivali (East) in R/Central Ward Survey No.11 (pt) of village Kanheri, Tal. Borivali, Dist. Mumbai Suburban in the State of Maharashtra (FP/MH/ROAD/155480/2022)

No.: Desk-17/Nodal/Thane/ID- 14241(79)/ 52 /2023-24
Nagpur – 440 001, Dated :- 06/04/2023

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

The Assistant Engineer, Bridges, Brihanmumbai Municipal Corporation has submitted proposal for diversion of 0.0728 ha. forest land under section 2 of the Forest (Conservation) Act, 1980 for widening of existing Shri Krishna Nagar Bridge near Western Express Highway, Borivali (East) in R/Central Ward Survey No.11 (pt) of village Kanheri, Tal. Borivali, Dist. Mumbai Suburban in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

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existing bridge on the land bearing Survey No.11 (pt) of village Kanheri, Tal. Borivali, Dist. Mumbai Suburban.

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) Copy of the Administrative /Technical approval has accorded by the Chief Engineer (Bridges), Municipal Corporation of Brihanmumbai vide letter No.10373, dated 21/12/2021.

5) The cross section map is enclosed herewith on page no.119.

6) The site inspection report of the Conservator of Forests & Director, Sanjay Gandhi National Park, Borivali is enclosed on page no.17 to 22.

7) No alternate alignment is possible and the forest land required is barest minimum.

8) The area belongs to Eco-value class-I having density is 0.1 (open forest)

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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.

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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.

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- 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/>)
- 3.00 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the proposal for proposal for diversion of 0.0728 ha. forest land under section 2 of the Forest (Conservation) Act, 1980 for widening of existing Shri Krishna Nagar Bridge near Western Express Highway, Borivali (East) in R/Central Ward Survey No.11 (pt) of village Kanheri, Tal. Borivali, Dist. Mumbai Suburban 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 Additional Principal Chief Conservator of Forests (Wildlife), West Mumbai for information.

Copy to the Conservator of Forests & Director, Sanjay Gandhi National Park, Borivali for formation.

Copy to the Assistant Engineer, Bridges, Brihanmumbai Municipal Corporation for information.