

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 Director (Planning), Mumbai Metro Railway Corporation, Bandra (East). Mumbai has submitted a proposal of 0.91 ha of forest land for construction of Bandra Kurla Railway Station for Metro Rail Project-III in Mumbai Suburban district. The details of land proposed for diversion is as under-

Village	Dist.	CTS. No	Legal Status	Area in Ha.
Bandra East (Kolye Kalyan)	Mumbai Suburban	629 Sur. No. 427	Mangrove	0.17
Parighachi Khadi		8 Sur. No. 4	Protected Mangrove Forest/ Identified Mangrove Forest	0.74
Total area in Ha.				0.91

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

Wase
9/8/16

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

Date:

Place: Nagpur

Construction of Bandra Kurla Railway Station for Metro Rail Project-III in Mumbai City district

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 of 0.91 ha of forest land for construction of Bandra Kurla Railway Station for Metro Rail Project-III in Mumbai Suburban district. The details of land proposed for diversion is as under.

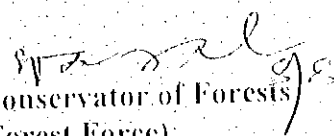
Village	Dist.	CTS, No	Legal Status	Area in Ha.
Bandra East (Kolye Kalyan)	Mumbai Suburban	629 Sur. No. 427	Mangrove	0.17
Parighachi Khadi		8 Sur. No. 4	Protected Mangrove Forest/ Identified Mangrove Forest	0.74
Total area in Ha.				0.91

- The project has been initiated by Executive Director (Planning), Mumbai Metro Railway Corporation, Bandra (East), Mumbai for construction of Bandra Kurla Railway Station for Metro Rail Project-III. Total non-forest area involved in this project is 0.55 ha. Mumbai Metro Line - III project approved by Government of Maharashtra, Urban Development Department vide Resolution No. MRD-3311/CR 149/Navi-7 dated 03/03/2014 for implementation of the Metro Railway Project Protect on Colaba-Bandra-Seepz corridor. Government of India, MoEF & CC (IA, III Division), New Delhi letter dated 20/11/2015 has stated that the Metro Rail projects are not covered under the EIA, Notification, 2006. If any construction proposed within CRZ area, clearance shall be obtained under the Notification, 2011. Any construction within CRZ-I shall be on stilts. Maintenance and repair activities (industrial activities) are not permissible within CRZ.
- 2) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has stated that no alternate alignment is possible and the forest land required is the barest minimum.
 - 3) There is no violation of Forest (Conservation) Act 1980 as certified by the Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai.
 - 4) The area involved does not form part of any existing National Park, Wildlife Sanctuary, and the Nature Reserve etc. as certified by the Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai.
 - 5) The proposed area belongs to Eco-value class-I and very dense forest.
 - 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 Chief Conservator of Forests & Director, Sanjay Gandhi National Park, Borivali has certified that the proposed project is within 10 km (8.80 Km) of the boundaries of the Protected Area (SGNP) and within eco-sensitive zone of SGNP. The project will not have adverse effect on the SGNP, if due precautions are taken as suggested by the environmental experts.
 - 8) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that the proposed area is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
 - 9) The project involves felling of 108 trees of below 30 cm girth class in the area falling in diversion.
 - 10) Site Inspection Report of Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai is enclosed in the proposal on page no. 19.

- 11) The User Agency has not submitted the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006 as prescribed by Government of India letter Dt. 05/07/2013. However, they have submitted an undertaking.
- 12) The Chief Conservator of Forest, Mangrove Cell, Mumbai and Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai have recommended the proposal for approval.

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 the User Agency on double degraded forest land made available by the Forest Department.
- iii. The forest land shall not be used for any purposes other than specified in the project.
- iv. The User Agency will defray the cost of Net Present Value of 0.91 Ha. of forest land as per the latest guideline of Government of India.
- v. 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.
- vi. Any other conditions stipulated by Government at the time of submission of the proposal will be binding to User Agency.
- vii. The User Agency will defray the cost of felling of 108 trees in the area. However, only the required and minimum number of trees will be felled.
- viii. As the project area is within 10 km. of the boundary of the Protected Area (SGNP), the User Agency will have to seek the clearance of Hon'ble National Green Tribunal for felling of trees in proposed area with respect to the order dated 27/04/2005 in Writ Petition No. 1277/2000, before formal approval of the project.
- ix. Permission of Hon'ble High Court shall be obtained by the User Agency for implementing the project in mangrove areas as per Bombay High Court order dated 27/01/2010 in PII. No. 87/2006.
- x. The User Agency shall obtain permission from the competent authority under CRZ Notification, if required.
- xi. Provisions of all Acts, Rules made thereunder and guidelines applicable to the project shall have to be strictly followed.


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 & Nodal Officer, M. S. Nagpur
 1st floor, B wing, Vanbhavan, Civil Line, Nagpur-440001
 E-Mail- apccfnodal@mahaforest.gov.in, Phone No. (0712) 2556916, Fax- (0712) 2550675

Sub.:- Diversion of 0.91 ha of forest land for construction of Bandra Kurla Railway Station for Metro Rail Project-III in Mumbai Suburban district of Maharashtra.

No. : Desk-17/NC/II/ID 12446/(60)/ **885** /16-17
 Nagpur - 440 001, Dated: **9/8/16**

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,

The Executive Director (Planning), Mumbai Metro Railway Corporation, Bandra (East), Mumbai has submitted a proposal of 0.91 ha of forest land for construction of Bandra Kurla Railway Station for Metro Rail Project-III in Mumbai Suburban district. The details of land proposed for diversion is as under-

Village	Dist.	CTS. No	Legal Status	Area in Ha.
Bandra East (Kolye Kalyan)	Mumbai Suburban	629 Sur. No. 427	Mangrove	0.17
Parighachi Khadi		8 Sur. No. 4	Protected Mangrove Forest/ Identified Mangrove Forest	0.74
Total area in Ha.				0.91

Total non-forest area involved in this project is 0.55 ha. Mumbai Metro Line -III project approved by Government of Maharashtra, Urban Development Department vide Resolution No. MRD-3311/CR 149/Navi-7 dated 03/03/2014 for implementation of the Metro Railway Project Protect on Colaba-Bandra-Seepz corridor. Government of India, MoEF & CC (IA, III Division), New Delhi letter dated 20/11/2015 has stated that the Metro Rail projects are not covered under the EIA, Notification, 2006. If any construction proposed within CRZ area, clearance shall be obtained under the Notification, 2011. Any construction within CRZ-I shall be on stilts. Maintenance and repair activities (industrial activities) are not permissible within CRZ.

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 Two copies.

1. Prescribed form dated 10/01/2003,

2. The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has stated that no alternate alignment is possible and the forest land required is the barest minimum.
3. There is no violation of Forest (Conservation) Act 1980 as certified by the Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai.
4. The area involved does not form part of any existing National Park, Wildlife Sanctuary, and the Nature Reserve etc. as certified by the Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai.
5. The proposed area belongs to Eco-value class-I and very dense forest.
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 Chief Conservator of Forests & Director, Sanjay Gandhi National Park, Borivali has certified that the proposed project is within 10 km (8.80 Km) of the boundaries of the Protected Area (SGNP) and within eco-sensitive zone of SGNP. The project will not have adverse effect on the SGNP, if due precautions are taken as suggested by the environmental experts.
8. The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that the proposed area is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
9. The project involves felling of 108 trees of below 30 cm girth class in the area falling in diversion.
10. Site Inspection Report of Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai is enclosed in the proposal on page no. 19.
11. The User Agency has not submitted the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006 as prescribed by Government of India letter Dt. 05/07/2013. However, they have submitted an undertaking.
12. The Chief Conservator of Forest, Mangrove Cell, Mumbai and Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai have recommended the proposal for approval.

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 the User Agency on double degraded forest land made available by the Forest Department.
- iii. The forest land shall not be used for any purposes other than specified in the project.
- iv. The User Agency will defray the cost of Net Present Value of 0.91 Ha. of forest land as per the latest guideline of Government of India.
- v. 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.
- vi. Any other conditions stipulated by Government at the time of submission of the proposal will be binding to User Agency.
- vii. The User Agency will defray the cost of felling of 108 trees in the area. However, only the required and minimum number of trees will be felled.

- viii. As the project area is within 10 km of the boundary of the Protected Area (SGNP), the User Agency will have to seek the clearance of Hon'ble National Green Tribunal for felling of trees in proposed area with respect to the order dated 27/04/2005 in Writ Petition No. 1277/2000, before formal approval of the project.
- ix. Permission of Hon'ble High Court shall be obtained by the User Agency for implementing the project in mangrove areas as per Bombay High Court order dated 27/01/2010 in PIL No. 87/2006.
- x. The User Agency shall obtain permission from the competent authority under CRZ Notification, if required.
- xi. Provisions of all Acts, Rules made thereunder and guidelines applicable to the project shall have to be strictly followed.

It is therefore requested that the Government of India may kindly be moved for diversion of 0.91 ha of forest land for construction of Bandra Kurla Railway Station for Metro Rail Project-III in Mumbai Suburban district under section 2(ii) of the Forest (Conservation) Act, 1980.

Encl.:- As above

Yours faithfully,

[Handwritten signature]
9/8/16

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

[Handwritten signature]
8-8-16

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

Copy submitted to Principal Chief Conservator of Forests (WL) MS, Nagpur for information.

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

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

Copy to Executive Director (Planning), Mumbai Metro Railway Corporation, Bandra (East), Mumbai for information.

NOTED IN COMPUTER

Case No. 12397

11-08-296 