

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.:- Joint Project Director (Environment), Mumbai Metropolitan Regional Development Authority, Bandra Kurla Complex, Bandra, East Mumbai has submitted the proposal for construction of Car Maintenance Yard at Malvani (Charkop) and for Metro Piers of the Mumbai Metro Line 2-A in the state of Maharashtra for which 3.2744 ha. Forest/mangrove 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 :-

Item of work/proposed	Name of the village	Survey No /CTS No	Length (M)	Width (M)	Area in sq.m	Area in Ha	Legal Status of the land
Construction of Maintenances of Car Yard	Malvani	Survey 263 CTS 6 A pt	195	300	29235.83	2.9534	Identified Forest
Construction of piers	Vlanai	CTS No 1 (Pt)	25	132	3210	0.321	Forest (Private mangrove land)
Working Space around the Piers	Valnai	CTS No 1 (Pt)	6	6	0	-	
Total					32744.83	3.2744	
Total Area in sq.m					32744.83	Total in Ha	3.2744
Note - All Shapes of the components are of Irregular shape hence total area of Width and length does not match							

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 10B.


(G Sai Prakash)

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

Date : 11 /01 /2019
Place : Nagpur

Construction of the Car Maintenance Yard at Malvani (Charkop) and for Metro Piers of the Mumbai Metro Line 2-A

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.

The proposal is for diversion of 3.2744 ha of Protected Forest/ Private notified Mangrove land for construction of the Car maintenance yard at Malvani (Charkop) and for Metro piers of the Mumbai Metro line 2-A. Total 13.3 ha non forest land is involved in the project. The details of land proposed for diversion is as under :-

Item of work/proposed	Name of the village	Survey No /CTS No	Length (M)	Width (M)	Area in sq.in.m	Area in Ha	Legal Status of the land
Construction of Maintenances of Car Yard	Malvani	Survey 263 CTS 6 A pt	195	300	29235.83	2.9534	Identified Forest
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Total					32744.83	3.2744	
		Total Area in sq.m		32744.83	Total in Ha	3.2744	

Note - All Shapes of the components are of irregular shape hence total area of Width and length does not match

The project has been initiated by Joint Project Director (Environment), Mumbai Metropolitan Regional Development Authority, Bandra Kurla Complex, Bandra, East Mumbai for construction of the Metro piers along the Vakola Nalla for the Mumbai Metro Line 2-B.

The Mumbai Metropolitan Region Development Authority (MMRDA) is engaged in long term planning, promotion of new growth centers, implementation of strategic projects and financing infrastructure development of Mumbai Metropolitan Region.

Mumbai Metropolitan Region (MMR) is one of the fast growing metropolitan regions in India. In MMR, public transport systems are overcrowded and the road network is congested as there is a large gap between the demand and supply. Currently major challenge is to provide

connectivity and promote growth by providing additional infrastructure which would improve the quality of life of the residents.

A Master Plan for Mumbai Metro was prepared by MMRDA in 2004, which proposed implementation of metro corridors to decongest the city traffic and better connectivity in the MMR region. Mumbai Metro line 2-B Line is part of the same Master plan prepared by the MMRDA. The Mumbai Metro line 2-A (Line2-A) is proposed between Dahisar to D. N. Nagar is 18.60 km long and fully elevated with 17 stations. This line will be vital for the easing of passenger on the Mumbai Suburban (Western line.)

The Mumbai Metro line 2-B has been granted the administrative approval by the Government of Maharashtra vide its government resolution No MMRDA-3315/Project No41/UD-7 dated 17th October 2016. The project has been declared as "Public project of urgency" and "Vital urban transportation Project"

Mumbai Metro line 2-A alignment has proposed a Car Maintenances yard at Malvani (Charkop) at Survey No 263 CTS No. 6A PT on 14.4 Ha Land. The Car Maintenances yard is important component of the metro rail system and needs to be very close to the serving line. The car depot is used for the following functions :-

- 1) Major overhauls of all the trains.
- 2) All minor schedules and repairs of the rail coaches and trains.
- 3) Lifting for replacement of heavy equipment and testing thereafter.
- 4) Repair of heavy equipments in the

The proposed land for construction of the Car Maintenances Yard land has mangroves trees on the plot, and as per Hon'ble High Court Bombay order dated 06/10/2006 in the PIL No.87 Of 2006. The government land indentified by the MRSAC mapping as Mangroves are declared as "protected Forest" and Privately Owned land is Notified as 'Forest'.

For the Mumbai Metro Line 2-A Project, Accordingly in MRSAC Mapping of mangroves area of around 3.0 Hectare (29534.83sq M) is required to divert for non-forest purpose in Survey No 263 CTS No : 6A (Pt) At Village Malvani Taluka Borivali are marked a mangroves. Whereas at the line connecting the main line to Car Maintenances Yard for construction of the metro piers (320 Sq M) land is required at Village Valanai Survey No 39 CTS 1 (Pt) land is also marked as mangroves. As per the property Card record the land is Private property, thus it is private forest. Hence total 3.3 Ha (32745 Sq M) land of Mangroves (forest land) is required diversion for the construction of Car Maintenances Yard for Mumbai Metro line 2 A.

Therefore the project authority has submitted the proposal for diversion of 3.2744 ha forest land under section 2 (ii) of the Forest Conservation Act, 1980.

The proposal has been submitted by Additional Principal Chief Conservator of Forests, Mangrove Cell Mumbai vide letter No land/1101/2018-19 dated 13/08/2018 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 .

- 1.2 } 1) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that demand of the mangrove forest land admeasuring to 3.2744 ha. for the proposed project is the barest minimum demand of the

forest land. (12)

- 63 | 2) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that 3.30 ha. non forest land selected for compensatory afforestation at Survey No 40 CTS No 3 of Village-Dharivali, Tal-Borivali Distt-Mumbai Suburban is suitable for plantation from management point of view and is free and all sorts of encumbrances and encroachments. (63,66)
- 66 |
- 14 | 3) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that the area proposed for the project is not included in the area of any National Park/Wildlife Sanctuary or Nature reserve. The nearest boundary of Sanjay Gandhi National Park is at 4.3 km and distance from Thane Creek-Flamingo Sanctuary is at 16 km from proposed area for diversion. The proposal is outside the Eco Sensitive boundary of Sanctuaries (14)
- 53 | 4) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has submitted in Violation note that the project authority has started work and dumped debris around meters from mangroves area, **the user agency has not started any work in mangroves tree area.** As per the Hon'ble High Court PIL 87 of 2006 has restricted dumping debris in 50 meters from the mangroves area. This could be violation of Hon'ble High Court but as per direction of the Hon'ble High Court in Notice of Motion 538 of 2006 dated 28/07/2008 certain projects which do not involved cutting of mangroves but within the 50 meters from mangroves can be exempted. The Hon'ble Court has mentioned the category 1 to 5 in this order. This project fall in the category 1 of the referred order. The user agency has submitted the proposal which requires mangroves cutting for the diversion under section 2 of the forest (Conservation) Act, 1980. Prim facie it may be a violation but the exemption as per the above referred order shields the violation, And recommended that the user agency has to pay double NPV and additional compensation in lieu of the project. (51-53)
- The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai vide letter dated 15/10/2018 intimated that then DFO in his site inspection report mentioned that user agency has not started work on forest land, however started work on non forest land hence violation report not submitted.
- 11 | 5) 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. (11)
- 43 | 6) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that the proposed area belongs to Eco-value class-II and density 0.4-0.6. (43)
- 32 | 7) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that the alternative have been examined in detail and have come to conclusion that the alternative No 1 is the most suitable for

forestry point of view (32)

- 48/49 | 8) Site Inspection Report of Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai dated 13/10/2017 is enclosed on page no. 48-49
- 9) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that there are 86 species (*Avicennia marina*) involved in the proposed project. Girth wise break up is as under :- (13, 44, 46)

46 |

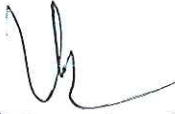
Tree Girth in Cm										
Below 30	31-45	46-60	61-75	76-90	91-105	106-120	121-150	151-180	181-200	Total
02	11	10	11	16	14	07	04	05	06	86

- 15 | 10) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has 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. (15)
- 40 | 11) The user agency has submitted an undertaking to defray the cost of Net Present Value of the forest land proposed for diversion. (40)
- 39 | 12) The user agency has submitted an undertaking to defray the cost of compensatory afforestation as per prevailing wages rates at the time of plantation. (39)
- 41 | 13) The user agency has fulfilled the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006 vide Collector, Mumbai Suburban certificate dated 17/05/2018 for 3.30 ha. (41)
- 38 | 14) The user agency has submitted the undertaking to bear the cost of removal of Mangrove vegetation from the proposed diversion area. (38)
- 67 | 15) The user agency has submitted that proposed project of railway is rapid mass transport and it is exempted from obtaining of the Environment Clearances as per the EIA notification, 2006. (67)
- 9 | 16) Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has recommended the proposal for approval as it is critical infrastructure project for the benefit of society. (9)
- 9/A | 17) Additional Principal Chief Conservator of Forest, Mangrove Cell, Mumbai has recommended the proposal for approval as it is for public use. (9A)

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) The forest land shall not be used for any purposes other than specified in the project
- iii) The user agency will defray the cost of Net Present Value of 3.2744 Ha. of forest land as per the latest guideline of Government of India.
- iv) 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.
- v) Compensatory afforestation will be raised at the cost of user agency on 3.30 ha. non forest land selected for compensatory afforestation at Survey No 40 CTS No 3 of Village-Dharivali, Tal-Borivali Distt-Mumbai Suburban.
- vi) The user agency will defray the cost of removal of 86 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.
- vii) 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
- viii) The user agency will obtain Environmental Clearance from competent authority, if required.
- ix) The user agency will obtain CRZ Clearance from competent authority, if required.
- x) 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.
- xi) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- xii) Any other conditions stipulated by Government at the time of submission of the proposal will be binding to user agency.
- xiii) It will be the responsibility of the user agency to ensure that the labourers, staffs engaged in construction activity do not damage nearby forest flora and fauna.
- xiv) Provisions of all Acts, Rules made there under and guidelines applicable to the

- project shall have to be strictly followed
- xv) Any other conditions stipulated by Government at the time of submission of the proposal will be binding to 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.

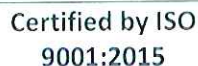

Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur


08/11/19


08/01/2014


211


08/11/2019.



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 3.2744 ha. forest land for construction of the Car Maintenance Yard at Malvani (Charkop) and for Metro Piers of the Mumbai Metro Line 2-A in the state of Maharashtra

No. : Desk-17/NC/II/ID 12644/(66)/1889/2018-19
Nagpur - 440 001, Dated: 11/01/2019

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/1101/2018-19 dated 13/08/2018.

The project has been initiated by Joint Project Director (Environment), Mumbai Metropolitan Regional Development Authority , Bandra Kurla Complex , Bandra, East Mumbai for construction of Car Maintenance Yard at Malvani n(Charkop) and for Metro Piers of the Mumbai Metro Line 2-A in the state of Maharashtra. Total 13.3 ha non forest land is involved in the project. The details of land proposed for diversion is as under :-

[illegible]

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Mumbai Metropolitan Region (MMR) is one of the fast growing metropolitan regions in India. In MMR, public transport systems are overcrowded and the road network is congested as there is a large gap between the demand and supply. Currently major challenge is to provide connectivity and promote growth by providing additional infrastructure which would improve the quality of life of the residents.

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Therefore the project authority has submitted the proposal for diversion of 3.2744 ha forest land under section 2 (ii) of the Forest Conservation Act, 1980.

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- 10) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has 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.
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- 13) The user agency has fulfilled the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006 vide Collector, Mumbai Suburban certificate dated 17/05/2018 for 3.30 ha.
- 14) The user agency has submitted the undertaking to bear the cost of removal of Mangrove vegetation from the proposed diversion area.
- 15) The user agency has submitted that proposed project of railway is rapid mass transport and it is exempted from obtaining of the Environment Clearances as per the EIA notification , 2006.
- 16) Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has recommended the proposal for approval as it is critical

infrastructure project for the benefit of society.

- 17) Additional Principal Chief Conservator of Forest, Mangrove Cell, Mumbai has recommended the proposal for approval as it is for public use.

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

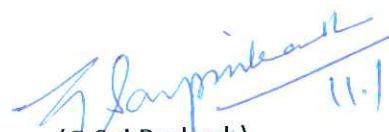
- i) The legal status of the land required will remain unchanged
- ii) The forest land shall not be used for any purposes other than specified in the project
- iii) The user agency will defray the cost of Net Present Value of 3.2744 Ha. of forest land as per the latest guideline of Government of India.
- iv) 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.
- v) Compensatory afforestation will be raised at the cost of user agency on 3.30 ha. non forest land selected for compensatory afforestation at Survey No 40 CTS No 3 of Village-Dharivali, Tal-Borivali Distt-Mumbai Suburban.
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- viii) The user agency will obtain Environmental Clearance from competent authority, if required
- ix) The user agency will obtain CRZ Clearance from competent authority, if required
- x) 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.
- xi) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- xii) Any other conditions stipulated by Government at the time of submission of the proposal will be binding to user agency.

- xiii) It will be the responsibility of the user agency to ensure that the labourers, staffs engaged in construction activity do not damage nearby forest flora and fauna.
- xiv) Provisions of all Acts, Rules made there under and guidelines applicable to the project shall have to be strictly followed
- xv) Any other conditions stipulated by Government at the time of submission of the proposal will be binding to 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.

It is therefore requested that the Government of India may kindly be moved for diversion of 3.2744 ha. Forest land/Mangrove land in favour of Joint Project Director (Environment), Mumbai Metropolitan Regional Development Authority, Bandra Kurla Complex, Bandra, East Mumbai for construction of Car Maintenance Yard at Malvani (Charkop) and for Metro Piers of the Mumbai Metro Line 2-A in the state of Maharashtra under section 2 (ii) of the Forest (Conservation) Act 1980.

Encls : As above

Yours faithfully,


(G Sai Prakash)

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

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

Copy to Additional Principal Chief Conservator of Forests, Mangrove Cell, Mumbai

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

Copy to Joint Project Director (Environment), Mumbai Metropolitan Regional Development Authority, Bandra Kurla Complex, Bandra, East Mumbai