OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF FOREST

FORCE), MAHARASHTRA STATE, NAGPUR
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Sub:- Proposal for diversion of 12.7808 ha. Un-notified Mangrove forest land for construction of 5th and 6th lines between Boriwali to Virar stations (MUTP-III A Project) in Tal. Vasai, Borivali & Thane, Dist.Thane in the State of Maharashtra (FP/MH/RAIL/145390/2021)

No.: Desk-17/Nodal/Thane/ID-12927 (79)/3064/2022-23 Nagpur – 440 001, Dated :- \6 \02 2023

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

The Assistant Engineer, Mumbai Railway Vikas Corporation Ltd. Mumbai has submitted proposal for diversion of 12.7808 ha. Un-notified Mangrove forest land for construction of 5th and 6th lines between Boriwali to Virar stations (MUTP-III A Project) in Tal. Vasai, Borivali & Thane, Dist.Thane in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

Sr. No.	Item of work/ purpose	Village	Taluka	District	Survey No.	Length x Width	Area (in ha.)	Status
1	Construction of Railway	Umele (Block 1)	Vasai	Palghar	118	789 x	4.9842	Un- notified
	line	Umele (Block 2)	Will			140 x 20	0.2952	Forest
		Umele (Block 3)				134 x	0.4627	
		Umele (Block 4)	_ N	= 1		163 x	0.3031	
		Umele (Block 5)				966 x 18	1.6203	
		(A) Total	Forest Ar	ea in Daha	nu Divisio	n (in ha.)	7.6655	
2	Construction of Railway	Dahisar	Borivali	Mumbai Suburban	Railway land	874 x 42		Railway land (Un-
	line	Penpada	Thane	Thane	(Un- survey)	594x24	1.4274	surveyed)
	(B) Total F	orest Area	in Mangr	ove Conser	- ,	it (in ha.)	5.1153	
	20, 11			Grand 7	otal (A+B	(in ha.)	12.7808	

- 2.0 The Assistant Engineer, Mumbai Railway Vikas Corporation Ltd. Mumbai has submitted proposal for diversion of 12.7808 ha. un-notified mangrove forest land for construction of 5th & 6th lines between Boriwali to Virar stations (MUTP-III A Project) in Tal. Vasai, Borivali & Thane, Dist.Thane in the State of Maharashtra. This project is undertaken by Govt. of India (MRVC) is part of public infrastructure facility and essential for convenient, fast and safe travel. Hence, this public infrastructure is of utmost need and the un-notified mangroves land involved is unavoidable due to the existing alignment of the railway line over non forest land. The total non forest land involved in the project is 8.543 ha. The site inspection report of the Deputy Conservation of Forests, Dahanu and Divisional Forest Officer, Mumbai Mangrove Conservation Unit are enclosed on page No.248 to 251 & 255 to 259.
- 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

4.0 The Deputy Conservator of Forests, Dahanu Forest Division, Dahanu and Divisional Forest Officer, Mumbai Mangrove Conservation Unit have certified that:-

- 4.1 No alternate alignment is possible and the forest land required is barest minimum.
- 4.2 (i) The area belongs to Eco-value class-II having density is above 0.6 (Dense Forest).
 - (ii) The area belongs to Eco-value class-II having density is above 0.6
- 4.3 There are 633 mangrove trees in Dahanu Forest Division and 1465 mangroves and 514 non mangroves trees proposed to be felled in the area proposed for diversion. Girth and species wise break up of Mangrove trees is as under:-

E especial so		1	T	ree Gir	th in C	n.				
Division	Below 30	31- 45	46- 60	61- 75	76- 90	91- 105	106- 120	121- 150	150 above	Total
Dahanu	117	370	107	30	6	1	0	1	1	663
Mangrove Conservation Unit	101	559	506	413	211	134	43	12	0	1979
Total	218	929	613	443	217	135	43	13	1	2612

4.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.

- 4.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 4.6 There is no violation of Forest (Conservation) Act, 1980.
- 4.7 (i) The proposed project distance is 2.58 Km from the nearest boundary of Tungareshwar Wildlife Sanctuary.
 - (ii) The proposed project distance is 1.8 Km from Sanjay Gandhi National Park and 16.3Km distance Thane Creek Flamingo Sanctuary. The proposed alignment does not fall within Eco-Sensitive Zone of Thane Creek Flamingo Sanctuary.
- 4.8 Proposed Compensatory Afforestation over 30.00 ha. degraded forest land in Compartment No.10 at village Deloda, Taluka-Wadsa, Dist.Gadchiroli is contiguous & suitable for afforestation and management purpose, it is also free from encroachment and encumbrances.
- 4.9 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.
- 4.10 The proposed alignment is best suitable from forestry point of view.

5.0 The User Agency has submitted an undertaking that:-

- 5.1 The cross section plan is enclosed herewith on page no.281.
- 5.2 The User Agency has submitted an undertaking to defray the cost of Net Present Value.
- 5.3 The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation.
- 5.4 The User Agency has submitted an undertaking that Environmental Clearance not required to the project.
- 5.5 Copy of the Administrative Approval accorded by the Govt. of India, Ministry of Railways (Railway Board) vide letter No.2018/Proj/MUTP-3A/1/1/Vol. II dated 02/04/2019 is enclosed on page no.264.
- 5.6 Copy of the Technical Approval accorded by the Govt. of India, Ministry of Railways (Railway Board) vide letter No.2018/Proj/MUTP-3A/1/1/Vol. II dated 01/04/2019 is enclosed on page no.265.
- 5.7 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.
- 6.0 Deputy Conservator of Forests, Dahanu Forest Division, Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Chief Conservator of Forests (T), Thane and Additional Principal Chief Conservator of Forests, Mangrove Cell, Mumbai have

recommended the proposal for diversion of 12.7808 ha. of Un-notified Forest and Railway land (Un-notified).

- 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 Legal status of the forest land shall remain unchanged.
- 2.2 Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.

2.3 Compensatory afforestation

- a) Compensatory afforestation shall be taken up by the Forest Department over 30.00 ha. degraded forest land in Compartment No.10 at village Deloda, Taluka-Wadsa, Dist.Gadchiroli 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 12.7808 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 and File No.5-3/2011-FC (Vol-I), dated 06/01/2022 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 (https://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.
- 2.9 Speed regulating signage will be erected along the railway line at regular intervals in the Protected Areas/ Forest Areas.
- 2.10 The user agency shall provide suitable under/ over passes in ProtectedArea/ Forest Area as per recommendations of CWLW / NBWL / FAC / REC.
- 2.11 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 2.12 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 2.13 No labour camp shall be established on the forest land.
- 2.14 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.
- 2.15 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.
- 2.16 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 2.17 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.
- 2.18 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 2.19 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
- 2.20 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 Guideline F. No. 11-42/2017-FC dt 29/01/2018.
- 2.21 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.

3.00 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the proposal for diversion of 12.7808 ha. Un-notified Mangrove forest land for construction of 5th and 6th lines between Boriwali to Virar stations (MUTP-III A Project) in Tal. Vasai, Borivali & Thane, Dist. Thane in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980. 10/2/23

Encl.:- Proposal 2 copies

(Naresh Zurmure) Addl. Principal Chief Conservator of Forests & Nodal Officer

Copy to the Additional Principal Chief Conservator of Forests, Mangrove Cell, Mumbai for formation.

Copy to the Chief Conservator of Forest (T), Thane for information.

Copy to the Deputy Conservator of Forests, Dahanu Forest Division for information.

Divisional Forest Officer, Mumbai Mangrove Conservation Unit Copy to the

Copy to the Assistant Engineer, Mumbai Railway Vikas Corporation Ltd. Mumbai for information.

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 12.7808 ha. Un-notified Mangrove forest land for construction of 5th and 6th lines between Boriwali to Virar stations (MUTP-III A Project) in Tal. Vasai, Borivali & Thane, Dist.Thane in the State of Maharashtra (FP/MH/RAIL/145390/2021). The details of land proposed for diversion is as under-

Sr. No.	Item of work/ purpose	Village	Taluka	District	Survey No.	Length x Width	Area (in ha.)	Status
1	Construction	Umele	Vasai	Palghar	118	789 x	4.9842	Un-
	of Railway	(Block 1)				71		notified
	line	Umele				140 x	0.2952	Forest
	T 10	(Block 2)	IS.			20		
		Umele			* 13	134 x	0.4627	
	5	(Block 3)				33		6.5
		Umele				163 x	0.3031	
		(Block 4)	- 42			17		
		Umele			=	966 x	1.6203	=
		(Block 5)				18	our time to the control of	
		(A) Total	Forest Ar	ea in Daha	nu Divisio	n (in ha.)	7.6655	
2	Construction	Dahisar	Borivali	Mumbai	Railway	874 x	3.6879	Railway
	of Railway			Suburban	land	42		land (Un-
	line	Penpada	Thane	Thane	(Un-	594x24	1.4274	surveyed)
					survey)			
	(B) Total F	orest Area	in Mangr	ove Conser	vation Un	it (in ha.)	5.1153	
		-		Grand T	Total (A+E	(in ha.)	12.7808	

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: 10/02/2023 Place: Nagpur

Proposal for diversion of 12.7808 ha. Un-notified Mangrove forest land for construction of 5th and 6th lines between Boriwali to Virar stations (MUTP-III A Project) in Tal. Vasai, Borivali & Thane, Dist.Thane in the State of Maharashtra (FP/MH/RAIL/145390/2021)

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.

The proposal is for diversion of 12.7808 ha. Un-notified Mangrove forest land for construction of 5th and 6th lines between Boriwali to Virar stations (MUTP-III A Project) in Tal. Vasai, Borivali & Thane, Dist.Thane in the State of Maharashtra (FP/MH/RAIL/145390/2021)

2.0 The details of the forest land proposed for diversion are as under:-

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_ //	(B) Total F	orest Area	in Mangr	ove Conser	vation Un	it (in ha.)	5.1153	
				Grand 7	Total (A+E	B) (in ha.)	12.7808	A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

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Total	218	929	613	443	217	135	43	13	1	2612

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- 4.6 There is no violation of Forest (Conservation) Act, 1980.
- 4.7 (i) The proposed project distance is 2.58 Km from the nearest boundary of Tungareshwar Wildlife Sanctuary.
 - (ii) The proposed project distance is 1.8 Km from Sanjay Gandhi National Park and 16.3Km distance Thane Creek Flamingo Sanctuary. The proposed alignment does not fall within Eco-Sensitive Zone of Thane Creek Flamingo Sanctuary.
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- 6.0 Deputy Conservator of Forests, Dahanu Forest Division, Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Chief Conservator of Forests (T), Thane and Additional Principal Chief Conservator of Forests, Mangrove Cell, Mumbai have recommended the proposal for diversion of 12.7808 ha. of Un-notified Forest and Railway land (Un-notified).
- 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 Legal status of the forest land shall remain unchanged.
- 2.2 Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.

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- a) Compensatory afforestation shall be taken up by the Forest Department over 30.00 ha. degraded forest land in Compartment No.10 at village Deloda, Taluka-Wadsa, Dist.Gadchiroli 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 12.7808 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 and File No.5-3/2011-FC (Vol-I), dated 06/01/2022 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 (https://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.
- 2.9 Speed regulating signage will be erected along the railway line at regular intervals in the Protected Areas/ Forest Areas.
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- 2.13 No labour camp shall be established on the forest land.
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- 2.15 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.
- 2.16 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 2.17 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.
- 2.18 The forest land shall not be used for any purpose other than that specified in the project proposal.

- 2.19 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
- 2.20 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 Guideline F. No. 11-42/2017-FC dt 29/01/2018.
- 2.21 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.

2.22 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