

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, Package-V, M.S.R.D.C Ltd., opposite Bandra Reclamation bus depot, Bandra (W) Mumbai submitted the proposal for Construction of Nagpur-Mumbai Super Communication Expressway (Package –V) from Taranganpada, Igatpuri Taluka, Nashik District to Amane, Bhiwandi Taluka, Thane district of 78 Kms in the State of Maharashtra for which 383.8535 ha forest land 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 :-

District	Circle	Division	Reserved Forest	Protected Forest	Finally Acquired Forest	Restored Private Forest	Pending Enquiry Private Forest	Total
Nashik	Nashik	West Nashik	37.555	0.00	0.00	1.622	0.00	39.177
Thane	Thane	Shahapur	104.2802	143.7654	3.5125	60.1452	6.1453	317.8486
		Thane	0.00	13.4723	0.9497	0.00	12.4059	26.8279
		Total	141.8352	157.2377	4.4622	61.7672	18.5512	383.8535

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no - section IV of Vol I

Date : 20 / 11 / 2018
Place : Nagpur


(G Sai Prakash)
Additional Principal Chief Conservator of Forests
& Nodal Officer, Maharashtra State, Nagpur

Proposal for diversion of 383.8535 ha. of Reserved Forest/Protected Forest/Finally Acquired Forest/Restored Pvt Forest and Pending Inquiry Private Forest land under Section - 2 of the Forest (Conservation) Act, 1980 for development of access controlled Nagpur-Mumbai Expressway (Package -V) passing through from Taranganpada, Igatpuri Taluka, Nashik District to Amane, Bhiwandi Taluka, Thane District of 78 Kms in the State of Maharashtra

Specific recommendation of 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 is for diversion of 383.8535 ha. of Reserved Forest/Protected Forest/Finally Acquired Forest/Restored Private Forest and Pending Inquiry Private Forest land under Section - 2 of the Forest (Conservation) Act, 1980 for Construction of Nagpur-Mumbai Super Communication Expressway (Package -V) from Taranganpada, Igatpuri Taluka, Nashik District to Amane, Bhiwandi Taluka, Thane District of 78 Kms in the State of Maharashtra. Total non forest land involved in the project is 526.3215 ha. The detailed area statement of forest land is shown as under:-

District	Circle	Division	Reserved Forest	Protected Forest	Finally Acquired Forest	Restored Private Forest	Pending Enquiry Private Forest	Total
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The proposal has been initiated by Executive Engineer, Package-V, M.S.R.D.C Ltd., opposite Bandra Reclamation bus depot, Bandra (W) Mumbai for Construction of Nagpur-Mumbai Super Communication Expressway (Package -V) from Taranganpada, Igatpuri Taluka, Nashik District to Amane, Bhiwandi Taluka, Thane district of 78 Kms in the State of Maharashtra under section 2 of the Forest (Conservation) Act, 1980.

The Maharashtra State Road Development Corporation Ltd, (MSRDC) is planning development, coordinating and implementing agency established by the Government of Maharashtra. The Nagpur-Mumbai Expressway has been designated as Maharashtra prosperity corridor basically with the three objectives, viz, to cut down distance/travel time between Nagpur and Mumbai, bring prosperity to the area by an agro-economic sustainable development model and curb the migration from rural areas to cities within Maharashtra. It is the first project being set up by pooling/land purchasing through prevailing laws of Government of Maharashtra. The project will also support the development of Marathwada and Vidarbha regions. It is planned to develop new industrial/educational/commercial/tourism nodes in vicinity of express way at a regular interval of 40-50 kms. The project will, side by side, generate large scale temporary and permanent employment to the skilled and unskilled workers, thereby, offering employment opportunity of mainly to local population.

The proposed alignment of Expressway has been chosen out of many alternatives studies by the experts based on various parameters. Hence the project location is site specific, and it is justified to locate the project on forest land where ever it is barely essential. wherever possible non forest land has been used but, in view of above reason, the patch of Expressway passing through forest cannot be located on non forest land and as such the proposed diversion of 383.8535 ha is justified.

This project has been sanctioned by the Government of Maharashtra vide resolution No. Pasus 2015/C.R.28/Ka.1461, dt. 14/1/2016. The project is demarcated on Survey of India Top sheet No. 47/E9, 47/E13, 47/I1, 47/I5 and 47/I9.

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 has been submitted by Chief Conservator of forests (T), Thane vide their letter dated 13/08/2018 :-

- 1) Deputy Conservator of Forest, Shahapur and ^{co-ordinating} Nodal Officer for Package -V has certified that the project is site specific, there is no suitable alternative non forest land is available other than proposed forest land and demand for the diversion is barest minimum.
- 2) District Collector ,Nashik has certified that the project is site specific, wherever possible non forest land has been used but, in view of above reason, the patch of Express Way passing through forest cannot be located on non-forest and as such the proposed diversion of 39.177 ha in Nashik district is required and same is the barest minimum demand.
- 3) District Collector ,Thane has certified that the project is site specific, Wherever possible non forest land has been used but, in view of above reason, the patch of Express Way passing through forest cannot be located on non-forest and as such the proposed diversion of 344.6765 ha in Thane district is required and same is the barest minimum demand.
- 4) Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have certified that provisions of the Forest (Conservation) Act, 1980 and guidelines under it have not been violated by user agency.
- 5) Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have certified that the proposed project is not passing through any Wildlife Sanctuary/Protected Area/National Park/Nature Reserve.
- 6) Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have certified that proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance and/or Defence including Wildlife Sanctuaries and/or National Parks.
- 7) Certificate about distance of project area from protected area :-

1) Conservator of Forests (Wildlife), Nashik certified that ^{chainage} changing No 632 + 200 have been verified, points having geo-co-ordinates (N19°37'16.62" E73°33'58.02") is found at the distance of 6.660 km from the boundary of Kalsubai Harishchandra Gad Wildlife Sanctuary.

2) Deputy Conservator of Forests, (Wildlife) Thane certified that closest distance from border of Tansa Wildlife Sanctuary is 1.47 km away from the proposed project

3) The proposed diversion of project site is within 10.00 km from the boundary of Tansa Wildlife Sanctuary and approximate 0.325 km from proposed Eco Sensitive Zone of Tansa Wildlife Sanctuary, therefore the user agency has submitted the proposal No FP/MH/ROAD/920/2016 and the proposal has

been recommended by the State Board of Wildlife (SBWL) and forwarded to NBWL, MOEF, New Delhi vide Govt of Maharashtra letter No WLP04.18/C.R.136/F-1 dated 23/04/2018. GOI, MoEF&CC vide letter No 6-111/2018 WL dated 26/09/2018 forwarded the minutes of 50th Meeting of the Standing Committee of National Board for Wildlife held on 07/09/2018, the subject proposal has been recommended by National Board for Wildlife under some condition

- 4) The user agency has submitted that the project alignment was passing through deemed ESZ boundary of 10 km buffer of Kalsubai Harishchandragad Wildlife Sanctuary with nearest distance of 6.66 km from Borli village. Accordingly formal process of obtaining clearance from NBWL has been initiated. However Final ESZ boundary of Kalsubai Harishchandragad Wildlife Sanctuary has been declared vide GOI, MoEF&CC Gazette Notification S.O. 1367 (E) dated 28/04/2017 and it is observed that the project alignment is now falling out of final ESZ boundary and not required clearance from NBWL, therefore the project authority has withdrawal the proposal.
- 8) GOI, MoEF&CC vide letter No 6-111/2018 WL dated 26/09/2018 forwarded the minutes 191 meeting of Expert Appraisal Committee held on 25/06/2018, the subject proposal has been recommended for grant of Environmental Clearance under some condition.
- 9) Deputy Conservator of Forests, Aurangabad certified that 383.8535 ha Gairan Land of Gut No 512,293,740,476 of Village-Andhari, Tal-Sillod and Gut No 192,14,65,93,95 of village Jatwa, Tahsil-Phulambri and Gut No 495 of village-Umravati, Tahsil-Phulambri of Silod Range proposed for Compensatory afforestation & it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances. The above land has been made available by District Collector, Aurangabad vide letter dated 28/07/2017
- 10) Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have submitted the site inspection reports.
- 11) Deputy Conservator of Forests, Shahapur and Nodal Officer of Package V has certified that the project area of Shahapur & Thane Division belongs to Eco Class – I having density below 0.2 to 0.4 and West Nashik Division belongs to Eco Class - III having density below 0.4
- 12) Deputy Conservator of Forests, Shahapur and Nodal Officer of Package V has certified that the project is with specific alignment decided after detailed study and exploring various alternatives, therefore in view of this no alternative non forest land can be used for the purpose
- 13) Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have certified that 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
- 14) Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have certified that there is no identified forest in the proposed area.
- 15) Deputy Conservator of Forests, Shahapur and Nodal Officer of Package V has certified that project area is not under the charge of F.D.C.M. Ltd.

- 16) Deputy Conservator of Forests, West Nashik Division has submitted that as per sub clause 2.2 (ii) of FCA,1980, as amended, total enumeration is necessary only up to 10 ha. For larger areas, species-wise and diameter class-wise abstract of trees may be computed either from the working plan or by standard sampling methods. Therefore estimated enumeration results of trees computed from the working plan of the division. Hence total No of sound trees in 39.177 ha in 2017-2018 would be 1860 trees. As evident from alignment map, construction of tunnel of length 3.375 Km is entirely passes through West Nashik division area and tunnel is located approximately 50-70 m below surface, In the light of this information, it can be inferred that there will be no cutting of trees involved during the construction phase.

Ser No	No of trees in West Nashik Forest Division	No of trees to be felled	Cost of tree cutting (in Rs)
1	1860	00	00

- 17) Deputy Conservator of Forests, Shahapur has submitted that estimated enumeration results of trees computed from the sample plot method. Hence total No of trees in 317.8486 ha. is 136712, out of which 28597 trees not required to be felled due to tunnel & viaduct area. Total 108115 trees involved in the project, out of which 49900 trees are below 30 cms. Details of trees is as under :-

Division	0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136-150	Above 150	Total
Forest Area	62577	32694	19056	8189	4599	1741	978	516	319	359	131028
Private Forest Area	1283	1275	1599	526	592	146	124	34	34	71	5684
Total	63860	33969	20655	8715	5191	1887	1102	550	353	430	136712
Govt Forest	13738	5780	3973	1831	1169	483	267	161	94	116	27612
Tunnel & Viaduct Area											
Private Forest	222	221	277	91	103	25	22	06	06	12	985
Tunnel & Viaduct Area											
Total in Tunnel & Viaduct area	13960	6001	4250	1922	1272	508	289	167	100	128	28597
No of tree cutting	49900	27968	16405	6793	3919	1379	813	383	253	302	108115

- 18) Deputy Conservator of Forests, Thane has certified that there are 2650 tree cutting involved in the project, out of which 1126 trees are below 30 cms. Details of trees is as under :-

Division	0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136-150	Above 150	Total
Forest Area	997	539	229	109	55	16	01	06	01	02	1955
Pvt Forest Area	129	176	192	65	72	37	16	04	03	01	695
Total	1126	715	421	174	127	53	17	10	04	03	2650

- 19) **Girth class wise summary of Tree felling :-** Total 110765 trees involved in the project, out of which 51026 trees are below 30 cms , Hence 59739 trees required to be felled as per details mentioned below :-

Division	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136-150	Above 150	Total
West Nashik	00	00	00	00	00	00	00	00	00	00
Shahapur	27968	16405	6793	3919	1379	813	383	253	302	58215
Thane	715	421	174	127	53	17	10	04	03	1524
Total	28683	16826	6967	4046	1432	830	393	257	305	59739

- 20) The User Agency has given an undertaking ^{and} to agreed to bear the cost of exploitation of felling of trees and their allied works under the project from the forest land proposed to be diverted for the project.
- 21) The user agency has submitted the undertaking to pay the cost of compensatory afforestation as per prevailing wage rate at the time of plantation.
- 22) The User Agency has given an undertaking to defray the cost of Net Present Value.
- 23) The user agency has submitted the Cost Benefits Analysis report.
- 24) The user agency has given an undertaking to obtain Environmental Clearance before commencement of works of this project.
- 25) The user agency has submitted the undertaking regarding Non-Indemnity to forest Department, Govt of Maharashtra in the matter pending for inquiry under section 22-A, of Maharashtra Private Forest (Acquisition) Act 1975. (Act 13 of 1975), Forest Rights Act, 2006, and Ek Sali Plots pertains to the project area .The liability of such an event shall completely with the User Agency (MSRDCL, Mumbai).
- 26) The user agency has submitted the compliance under Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act 2006.as per details mentioned below :-
- 1) District Collector Nashik ^{has issued.} FRA-2006 certificate dated 30/08/2017 for 39.177 ha.
 - 2) District Collector, Thane ^{has issued.} FRA-2006 certificate dated 13/08/2018 for 317.8486 ha. area pertains to Shahapur Forest Division.
 - 3) District Collector, Thane ^{has issued FRA} REA -2006 certificate dated 26/10/2018 for 26.8279 ha. area pertain to Thane Forest Division.
- 27) Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have recommended the proposal for proposed diversion.
- 28) Chief Conservator of Forests (T) ,Thane and recommended the proposal for diversion under condition that project authority should take care for minimum felling of trees in this linear project and project authority should be asked to provide free access on the road without any sort of fee/toll for vehicles of the State Forest Department and officials travelling in private vehicles of the State Forest Department.
- 29) Chief Conservator of Forests (T), Nashik recommended the proposal for diversion under condition that the boulders/materials generated during construction stage shall not be dumped on any forest area and the same may be disposed off by the user agency as per the directions of the Forest Department.

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 purpose other than specified in the proposal;
- iii) The user agency will defray the cost of Net Present Value of 383.8535 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 383.8535 ha Gairan Land of Gut No 512,293,740,476 of Village-Andhari, Tal-Sillod and Gut No 192,14,65,93,95 of village Jatwa, Tahsil-Phulambri and 495 of village-Umravati, Tahsil-Phulambri. 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.
- vi) 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.
- vii) 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.
- viii) The user agency will defray the cost of removal of 1,10,765 trees in the proposed area. However, 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. *to be felled.*
- ix) 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.
- x) ~~The user agency will obtain Environmental Clearance from competent authority, if required.~~
- xi) The proposal has been recommended for grant of Environmental Clearance under some conditions by Expert Appraisal Committee during 191th meeting held on 25th June 2018. Therefore, the project authority should fulfill the conditions recommended by Expert Appraisal Committee during 191th meeting held on 25th June 2018 and obtain Environmental Clearance. *from competent authority.*
- xii) The proposed area falls within 10 Kms from the boundary of Tansa Wildlife Sanctuary and approximate 0.325 km from proposed Eco sensitive Zone of Tansa Wildlife Sanctuary. Hence project authority has to obtain approval from National Board of Wild Life (NBWL), MoEF &CC, New Delhi as per GOI guidelines dated 19/12/2012.
- xiii) The proposal has been recommended under some conditions by Standing Committee of National Board for Wildlife during 50th Meeting of NBWL held on 07/09/2018. Therefore, the project authority should fulfill the conditions recommended by Standing Committee of National Board for Wildlife.
- xiv) Space at the cost of Project Authority should be provided in form of Booths/Kiosk/Hall etc, at nodes indicated by Forest Department to facilitate setting up of Forest

xiv)
xv)

Check Nakas or Jan-Van-Dhan Stall/ Information Centers by the Forest Department.

No taxes / toll will be levied on the vehicles of Forest Department plying on the road/tunnel. In this regard, it is to mention that suitable insertion/ amendment of the National Highway Fee (Determination of Rates and Collection), Rules 2010 dated 3.12.2010 wherein details of vehicles to be exempted from the toll tax having officials from the Forest Department have to be included in the array of exempted vehicles for this section of road. Henceforth, the vehicles of Government Department on the official duty shall be included in the list of array of exempted vehicles by National Highway, Authority of India.

xvi)

Afforestation to be done as per the norms of construction of roads along the road on either side or / and in the median shall be allocated for completion / maintenance by Forest Department / F.D.C.M. Ltd on a project basis.

xvii)

Construction of temporary dwelling / hutments etc. for labours will not be allowed in the forest areas.

xviii)

No damage to the flora and fauna of the adjoining area shall be caused;

xix)

The user agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;

xx)

No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.

xxi)

The boulders/materials generated during the construction of stage shall not be dumped on any forest area and the same may be disposed off by the user agency as per direction of State Forest Department.

xxii)

The tunnel will be laid well below as per norms the ground level all along its length through forest.

xxiii)

The user agency will undertake comprehensive soil conservation measures at the cost of project authority in consultation with the State Forest Department.

xxiv)

All necessary approvals required for the project as per prevailing laws of the land would be obtained by the user agency before statutory sanction.

xxv)

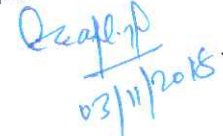
All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.


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


03/11/18


31/11/18


5/12/18


03/11/2018



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

**Certified by ISO
9001:2015**

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

Sub.:- Diversion of 383.8535 ha forest land under Section - 2 of the Forest (Conservation) Act, 1980 for construction of Nagpur-Mumbai Super communication Expressway (Package-V) passing through from Taranganpada Igatpuri Taluka, Nashik District to Amane, Bhiwandi Taluka, Thane District of 78 kms in the State of Maharashtra.

No. : Desk-17/NC/II/ID 12641/(65)/1642 /2018-19
Nagpur – 440 001, Dated: 20/11/2018

To,

The Secretary (Forests),
Revenue and Forests Department,
Mantralaya, Mumbai.

Ref:- CCF (T), Thane letter No. Desk-10/FCA/CR-39/16-17/OW-436/18-19 dated 13/08/2018 and letter No 590 dated 16/10/2018.

The proposal has been initiated by Executive Engineer, Package-V, M.S.R.D.C Ltd., opposite Bandra Reclamation bus depot, Bandra (W) Mumbai for Construction of Nagpur-Mumbai Super Communication Expressway (Package –V) from Taranganpada, Igatpuri Taluka, Nashik District to Amane, Bhiwandi Taluka, Thane district of 78 Kms in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980. Total non forest land involved in the project is 526.3215 ha. The detailed area statement of forest land is shown as under :-

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- 9) Deputy Conservator of Forests, Aurangabad certified that 383.8535 ha Gairan Land of Gut No 512,293,740,476 of Village-Andhari, Tal-Sillod and Gut No 192,14,65,93,95 of village Jatwa, Tahsil-Phulambri and Gut No 495 of village-Umravati, Tahsil-Phulambri of Sillod Range proposed for Compensatory afforestation & it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances. The above land has been made available by District Collector, Aurangabad vide letter dated 28/07/2017.
- 10) Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have submitted the site inspection reports.
- 11) Deputy Conservator of Forests, Shahapur and co-ordinating Officer of Package V has certified that the project area of Shahapur & Thane Division belongs to Eco Class – I having density below 0.2 to 0.4 and West Nashik Division belongs to Eco Class - III having density below 0.4
- 12) Deputy Conservator of Forests, Shahapur and co-ordinating Officer of Package V has certified that the project is with specific alignment decided after detailed study and exploring various alternatives, therefore in view of this no alternative non forest land

can be used for the purpose.

- 13) Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have certified that 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.
- 14) Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have certified that there is no identified forest in the proposed area.
- 15) Deputy Conservator of Forests, Shahapur and co-ordinating Officer of Package V has certified that project area is not under the charge of F.D.C.M. Ltd.
- 16) Deputy Conservator of Forests, West Nashik Division has submitted that as per sub clause 2.2 (ii) of FCA,1980, as amended, total enumeration is necessary only up to 10 ha. For larger areas, species-wise and diameter class-wise abstract of trees may be computed either from the working plan or by standard sampling methods. Therefore estimated enumeration results of trees computed from the working plan of the division. Hence total No of sound trees in 39.177 ha in 2017-2018 would be 1860 trees. As evident from alignment map, construction of tunnel of length 3.375 Km is entirely passes through West Nashik division area and tunnel is located approximately 50-70 m below surface, In the light of this information, it can be inferred that there will be no cutting of trees involved during the construction phase.

Ser No	No of trees in West Nashik Forest Division	No of trees to be felled	Cost of tree cutting (in Rs)
1	1860	00	00

- 17) Deputy Conservator of Forests, Shahapur has submitted that estimated enumeration results of trees computed from the sample plot method. Hence total No of trees in 317.8486 ha. is 136712, out of which 28597 trees not required to be felled due to tunnel & viaduct area. Hence total 108115 trees required to be felled in Shahapur Forest Division as per details given below :-

Division	0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136-150	Above 150	Total
Forest Area	62577	32694	19056	8189	4599	1741	978	516	319	359	131028
Private Forest Area	1283	1275	1599	526	592	146	124	34	34	71	5684
Total	63860	33969	20655	8715	5191	1887	1102	550	353	430	136712
Govt Forest Tunnel & Viaduct Area	13738	5780	3973	1831	1169	483	267	161	94	116	27612
Private Forest Tunnel & Viaduct Area	222	221	277	91	103	25	22	06	06	12	985
Total in Tunnel & Viaduct area	13960	6001	4250	1922	1272	508	289	167	100	128	28597
No of tree cutting	49900	27968	16405	6793	3919	1379	813	383	253	302	108115

- 18) Deputy Conservator of Forests, Thane has certified that there are 2650 tree cutting involved in the project.

Division	0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136-150	Above 150	Total
Forest Area	997	539	229	109	55	16	01	06	01	02	1955
Private Forest Area	129	176	192	65	72	37	16	04	03	01	695
Total	1126	715	421	174	127	53	17	10	04	03	2650

- 19) Girth class wise summary of Tree felling

Division	0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136-150	Above 150	Total
West Nashik	00	00	00	00	00	00	00	00	00	00	00
Shahapur	49900	27968	16405	6793	3919	1379	813	383	253	302	108115
Thane	1126	715	421	174	127	53	17	10	04	03	2650
Total	51026	28683	16826	6967	4046	1432	830	393	257	305	110765

- 20) The user agency has given an undertaking and agreed to bear the cost of exploitation of felling of trees and their allied works under the project from the forest land proposed to be diverted for the project.
- 21) The user agency has submitted the undertaking to pay the cost of compensatory afforestation as per prevailing wage rate at the time of plantation.
- 22) The user agency has given an undertaking to defray the cost of Net Present Value.
- 23) The user agency has submitted the Cost Benefits Analysis report.
- 24) The User Agency has given an undertaking to obtain Environmental Clearance before commencement of works of this project.
- 25) The user agency has submitted the undertaking regarding Non-Indemnity to forest Department, Govt of Maharashtra in the matter pending for inquiry under section 22-A, of Maharashtra Private Forest (Acquisition) Act 1975. (Act 13 of 1975), Forest Rights Act, 2006, and Ek Sali Plots pertains to the project area. The liability of such an event shall completely with the User Agency (MSRDCL, Mumbai).
- 26) The User has submitted the compliance under Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act 2006.as per details mentioned below :-
- 1) District Collector ,Nashik has issued FRA-2006 certificate dated 30/08/2017 for 39.177 ha.
 - 2) District Collector, Thane has issued FRA-2006 certificate dated 13/08/2018 for 317.8486 ha. area pertains to Shahapur Forest Division.
 - 3) District Collector, Thane has issued FRA -2006 certificate dated 26/10/2018 for 26.8279 ha. area pertain to Thane Forest Division.
- 27) Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have recommended the proposal for proposed diversion.

- 28) Chief Conservator of Forests (T) ,Thane and recommended the proposal for diversion under condition that project authority should take care for minimum felling of trees in this linear project and project authority should be asked to provide free access on the road without any sort of fee/toll for vehicles of the State Forest Department and officials travelling in private vehicles of the State Forest Department.
- 29) Chief Conservator of Forests (T), Nashik recommended the proposal for diversion under condition that the boulders/materials generated during construction stage shall not be dumped on any forest area and the same may be disposed off by the user agency as per the directions of the Forest Department .

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 purpose other than specified in the proposal;
- iii) The user agency will defray the cost of Net Present Value of 383.8535 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 383.8535 ha Gairan Land of Gut No 512,293,740,476 of Village-Andhari, Tal-Sillod and Gut No 192,14,65,93,95 of village Jatwa, Tahsil-Phulambri and 495 of village-Umravati, Tahsil-Phulambri. 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.
- vi) 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.
- vii) 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.
- viii) The user agency will defray the cost of removal of trees to be felled in the proposed area. However, 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.
- ix) 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.

- x) The proposal has been recommended for grant of Environmental Clearance under some conditions by Expert Appraisal Committee during 191th meeting held on 25th June 2018. Therefore the project authority should fulfill the conditions recommended by Expert Appraisal Committee during 191th meeting held on 25th June 2018 and obtain Environmental Clearance from competent authority.
- xi) The proposed area falls within 10 Kms from the boundary of Tansa Wildlife Sanctuary and approximate 0.325 km from proposed Eco sensitive Zone of Tansa Wildlife Sanctuary. Hence project authority has to obtain approval from National Board of Wild Life (NBWL), MoEF &CC, New Delhi as per GOI guidelines dated 19/12/2012.
- xii) The proposal has been recommended under some conditions by Standing Committee of National Board for Wildlife during 50th Meeting of NBWL held on 07/09/2018. Therefore the project authority should fulfill the conditions recommended by Standing Committee of National Board for Wildlife.
- xiii) Space at the cost of Project Authority should be provided in form of Booths/Kiosk/Hall etc, at nodes indicated by Forest Department to facilitate setting up of Forest Check Nakas or Jan-Van-Dhan Stall/ Information Centers by the Forest Department.
- xiv) No taxes / toll will be levied on the vehicles of Forest Department plying on the road/tunnel. In this regard, it is to mention that suitable insertion/ amendment of the National Highway Fee (Determination of Rates and Collection), Rules 2010 dated 3.12.2010 wherein details of vehicles to be exempted from the toll tax having officials from the Forest Department have to be included in the array of exempted vehicles for this section of road. Henceforth, the vehicles of Government Department on the official duty shall be included in the list of array of exempted vehicles by National Highway, Authority of India.
- xv) Afforestation to be done as per the norms of construction of roads along the road on either side or / and in the median shall be allocated for completion / maintenance by Forest Department / F.D.C.M. Ltd on a project basis.
- xvi) Construction of temporary dwelling / hutments etc. for labours will not be allowed in the forest areas.
- xvii) No damage to the flora and fauna of the adjoining area shall be caused;
- xviii) The user agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xix) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- xx) The boulders/materials generated during the construction of stage shall not be dumped on any forest area and the same may be disposed off by the user agency as per direction of State Forest Department.
- xxi) The tunnel will be laid well below as per norms the ground level all along its length through forest.
- xxii) The user agency will undertake comprehensive soil conservation measures at the cost of project authority in consultation with the State Forest Department.

- xxiii) All necessary approvals required for the project as per prevailing laws of the land would be obtained by the user agency before statutory sanction.
- xxiv) All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

It is therefore requested that the Government of Maharashtra may kindly be moved to approve diversion of 383.8535 ha. Forest Land in favour of Executive Engineer, Package-V, M.S.R.D.C Ltd., opposite Bandra Reclamation bus depot, Bandra (W) Mumbai for Construction of Nagpur-Mumbai Super Communication Expressway (Package -V) from Taranganpada, Igatpuri Taluka, Nashik District to Amane, Bhiwandi Taluka, Thane district of 78 Kms in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encls : As above

(G Sai Prakash)

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

Copy to Chief Conservator of Forests (T) Thane
Copy to Chief Conservator of Forests (T) Nashik
Copy to Deputy Conservator of Forests Shahapur Division
Copy to Deputy Conservator of Forests Thane Division
Copy to Deputy Conservator of Forests West Nashik Division
Copy to Executive Engineer, Package-V, M.S.R.D.C Ltd., opposite Bandra Reclamation bus depot, Bandra (W) Mumbai