

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 Navi Mumbai Municipal corporation Mumbai submitted the proposal for diversion of 0.035 ha Mangrove Forest (Unclassified)) for providing and laying of main sewer line 1400 mm dia from Juinagar to Sanpada STP in Navi Mumbai, at Village-Sonkhar Tahsil & Distt- Thane in the State of Maharashtra under Section - 2 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	Name of Village	Tahsil and District	Survey No-CTS No	Area in Sq mtr	Area in ha	Legal Status
Providing and laying main Sewer Line	Sonkhar	Thane	(Old 85) New 55,56,58, 59,60,61	350.00	0.0350	Managrove Forest (Unclassified)
				350.00	0.0350	

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

Date : 18 /04/2019
Place : Nagpur


(Sanjeev Gaur)
Additional Principal Chief Conservator of Forests
& Nodal Officer.

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Diversion of 0.035 ha. Mangrove Forest land (Unclassified) for providing and laying of main sewer line 1400 mm dia from Juinagar to Sanpada STP in Navi Mumbai at Village-Sonkhar, The & Distt-Thane

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 for diversion of 0.035ha Mangrove Forest land (Unclassified) for providing and laying of main sewer line 1400 mm dia from Juinagar to Sanpada STP in Navi Mumbai has been initiated by Executive Engineer Navi Mumbai Municipal Corporation, Mumbai. Total area covered under the project is 0.055 ha. out of which 0.020 ha. is non forest land and 0.035 ha is Mangrove Forest land. The details of forest land proposed for diversion is as under :-

Item of Work	Name of Village	Tahsil and District	Survey No-CTS No	Area in Sq mtr	Area in ha	Legal Status
Providing and laying main Sewer Line	Sonkhar	Thane	(Old 85) New 55,56,58, 59,60,61	350.00	0.0350	Managrove Forest (Unclassified)
				350.00	0.0350	

2.1 The user agency has highlighted that, The Navi Mumbai Municipal Corporation (NMMC) has prepared underground sewerage DPR for NMMC area which was subsequently approved under JnNURM scheme of Urban Development department of Govt of India. In approved DPR, it is proposed that part of sewerage generation from Nerul Node shall be treated in Sewage Treatment Plant (STP) located at Sanpada Sec-20. Hence Terminal sewage line of 1400 mm dia is proposed to connect to Sanpada STP which is passing through mangroves area located near creek.

2.2 The said project is very vital for NMMC to provide good sanitation and hygiene conditions to the peoples/residents who are living the entire area. The proposed sewer line carries the partial sewerage load of Nerul and Sanpada node to STP at Sector -20 Sanpada. Because of absence of connection of proposed line to the STP, STP is not functioning on full load capacity. The STP is based on modern technology. Hence it is therefore eminently necessary to start the STP plant at Sanpada on full load capacity. The total length of proposed work is 110.00 meter, out of this 70.00 meter line is passing through mangroves area. The estimated cost of the project is Rs. 154 lakh. Navi Mumbai Municipal Corporation (NMMC) approved the project.

3.1 The proposal has been submitted by Additional Principal Chief Conservator of Forests, Mangrove Cell, Mumbai vide letter No land/2556/2018-19 dated 18/02/2019 in prescribed format alongwith the requisite documents :-

3.2 **Divisional Forest Officer, Mumbai Mangrove Conservation Unit Certified that :-**

3.2.1 No suitable alternative non mangrove forest land is available other than proposed forest land and demand for the required forest is barest minimum.

3.2.2 Provisions of the Forest (Conservation) Act, 1980 and guidelines there under it , have not been violated by user agency.

3.2.3 The proposed project is not included in the area of any National Park/Wildlife Sanctuary . **Nearest boundary of Sanjay Gandhi National Park is at 16.00 km and distance from Thane Creek Flamingo Sanctuary is at 4.70 km.** The proposed project is not within proposed Eco-Sensitive Zone of Thane Creek Flamingo Sanctuary, but ESZ area of Thane Creek Flamingo Sanctuary is not notified, therefore deemed ESZ of Thane Creek Flamingo is 10 Km therefore the project fall within deemed Eco Sensitive Zone of Thane Creek Flamingo Sanctuary.

3.2.4 Divisional Forest Officer, Mumbai Mangrove Conservation Unit has submitted the site inspection reports dated 06/02/2019.

3.2.5 The forest area of Mumbai Mangrove Conservation Unit proposed for the project belongs to Eco Class – II having density 0.4.

3.2.6 1.00 ha degraded forest land of Survey No 263 CTS : 2(p) at Village-Malvani, The-Borivali, District-Mumbai Suburban identified for Compensatory Afforestation is suitable for plantation and free from all sorts of encumbrances and encroachments.

3.2.7 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.

3.2.8 Tree felling of 15 trees is involved in the proposed project . Girth wise details are as under :-

Girth in cm			
Below 30 cm	31-45 cms	Above 46 cms	Total
08	07	00	15

3.2.9 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.

3.3 The user agency has submitted the following undertakings :-

3.3.1 To bear the cost of clearance/removal of the vegetation growth from the proposed forest land.

3.3.2 The user agency has submitted the copy of Maharashtra Coastal Zone Management Authority letter dated 11/02/2015 granting NOC from CRZ point of view with certain specific conditions.

3.3.3 Agrees to pay Net Present Value (NPV) for the proposed forest land .

3.3.4 Agrees to bear the cost of Compensatory Afforestation.

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- 3.3.5 User agency has submitted the copy of permission granted by Hon'ble High Court, Bombay dated 04/02/2016 in PIL 87/2006. P155
- 3.3.6 The user agency has submitted the undertaking for submitting certificate under Recognition of Forest Right Act-2006, stating that application has already been submitted to District Collector, Thane and will be submitted on issuance by District Collector, Thane. P128
4. Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Mumbai has recommended the proposal as it is improve sewerage facility and for the benefit of the people and society. P14
5. Additional Principal Chief Conservator of Forests, Mangrove Cell, Mumbai has recommended proposal for approval as it's main objective is to provide better sewerage facility to people who are living in adjacent area. It is public utility project for benefit of the people and the society. P11
6. In view of this, the proposal is recommended for approval under section 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions :-
- 6.1 The legal status of the land proposed under diversion shall remain unchanged.
- 6.2 The forest land shall not be used for any purpose other than specified in the proposal;
- 6.3 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.
- 6.4 Compensatory Afforestation will be raised at the cost of user agency over 1.00 ha degraded forest land of Survey No 263 CTS : 2(p) at Village-Malvani, The-Borivali, District-Mumbai Suburban. 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.
- 6.5 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.
- 6.6 The user agency will obtain Environmental Clearance from competent authority, if required.
- 6.7 The user agency shall obtain CRZ Clearance from competent authority.
- 6.8 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. The User agency should strictly adhere to the conditions mentioned in Hon'ble High Court, Bombay order dated 04/02/2016 in PIL 87/2006.
- 6.9 As the project area falls within the deemed Eco Sensitive Zone of the proposed Thane Creek Flamingo sanctuary, the user agency shall meet the cost for implementation of Conservation plan, approved by the Principal Chief Conservator of Forests (Wildlife) & CWLW.

- 6.10 Construction of temporary dwelling / hutments etc. for labours will not be allowed in the forest areas.
- 6.11 No damage to the flora and fauna of the adjoining area shall be caused;
- 6.12 The user agency will defray the cost of removal of 15 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.
- 6.13 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 6.14 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

(U K Agrawal)

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

[Signature]
05/04/19

[Signature]
05/04/2019.



Certified by ISO
9001:2015

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

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

Sub.-: Diversion of 0.035 ha Mangrove Forest (Unclassified)) for providing and laying of main sewer line 1400 mm dia from Juinagar to Sanpada STP in Navi Mumbai, at Village-Sonkhar Tahsil & Distt- Thane in the State of Maharashtra.

No. : Desk-17/NC/II/ID 12720/(66) / 57 /2019-20
Nagpur - 440 001, Dated: 18/04/2019

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

Ref:- Additional Principal Chief Conservator of forests, Mangrove Cell, Mumbai
letter No Land/2556/2018-19 dated 18/02/2019

The proposal for diversion of 0.035ha Mangrove Forest land (Unclassified) for providing and laying of main sewer line 1400 mm dia from Juinagar to Sanpada STP in Navi Mumbai has been initiated by Executive Engineer Navi Mumbai Municipal Corporation , Mumbai. Total area covered under the project is 0.055 ha. out of which 0.020 ha. is non forest land and 0.035 ha is Mangrove Forest land. The details of forest land proposed for diversion is as under :-

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proposed line to the STP, STP is not functioning on full load capacity. The STP is based on modern technology. Hence it is therefore eminently necessary to start the STP plant at Sanpada on full load capacity. The total length of proposed work is 110.00 meter, out of this 70.00 meter line is passing through mangroves area. The estimated cost of the project is Rs. 154 lakh. Navi Mumbai Municipal Corporation (NMMC) approved the project.

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- 6.14 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 Central Government may kindly be moved to approve diversion of 0.035 ha. Forest Land in favour of Executive Engineer Navi Mumbai Municipal Corporation, Mumbai for providing and laying of main sewer line 1400 mm dia from Juinagar to Sanpada STP in Navi Mumbai at Vill-Sonkhar, Tahsil & Distt-Thane in the State of Maharashtra under section (ii) of the Forest (Conservation) Act 1980.

Encls : As above

(Sanjeev Gaur)

Additional Principal Chief Conservator of Forests
& Nodal Officer,

Copy submitted to Principal Secretary (Forest), Revenue & Forest Department, Mantralaya, Mumbai -32 for information alongwith a copy of proposal.

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

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

Copy forwarded to Executive Engineer Navi Mumbai Municipal Corporation, NMMC Headquarters, Plot No 1 & 2, Near Kille Gaonthan Plan beach junction, Sec 15A CBD Belapur, Thane.