

PART -IV

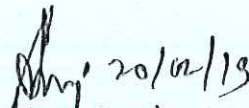
**(To be filled by Nodal Officer or Principal Chief Conservator of Forests
(Head of Forest Force)**

(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)

Sub.:- The Chief Engineer, Goregaon-Mulund Link Road, Municipal Corporation of Greater Mumbai has submitted the proposal for construction of tunnel underneath of Sanjay Gandhi National Park along Goregaon-Mulund Link Road for which 19.43 ha forest 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	Name of Village	District	Survey No	Length x Width	Area in Sq mtr	Area in ha	Legal Status
Construction of Goregaon -Mulund Link Road	Gundgaon	Mumbai Suburban	Tunnel under SGNP MF 120,124 & 188	3604 x 45.75	164883	16.4883	Reserved Forest (National Park)
	Vihar		Tunnel under SGNP 56 & 57	328 x 45.75	15006	1.5006	Reserved Forest (National Park)
	Nahur		Tunnel under SGNP 177	315 x 45.75	14411.25	1.4411	Reserved Forest (National Park)
Total						19.4300	

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


(Sahjeev Gaur)

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

Date: 20/02/2019

Place: Nagpur

Proposal for diversion of 19.43 ha. of Reserved Forest land under Section - 2 of the Forest (Conservation) Act, 1980 for construction of tunnel underneath Sanjay Gandhi National Park along Goregaon-Mulund Link Road , Municipal Corporation of Greater Mumbai

Specific recommendation of the 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 19.43 ha. of Reserved Forest land under Section 2 (ii) of the Forest (Conservation) Act, 1980 for Construction of tunnel underneath the Sanjay Gandhi National Park, Borivali along Goregaon-Mulund Link Road of Municipal Corporation of Greater Mumbai in the State of Maharashtra. Length of twin tunnel is 4.7 km. Total non forest land involved in the project is 5.9094 ha. The detailed area statement of forest land is shown as under :-

Item of Work	Name of Village	District	Survey No	Length x Width	Area in Sq mtr	Forest Area in ha	Legal Status
Construction of Goregaon -Mulund Link Road	Gundgaon	Mumbai Suburban	Tunnel under SGNP MF 120,124 & 188	3604 x 45.75	164883	16.4883	Reserved Forest (National Park)
	Vihar		Tunnel under SGNP 56 & 57	328 x 45.75	15006	1.5006	Reserved Forest (National Park)
	Nahur		Tunnel under SGNP 177	315 x 45.75	14411.25	1.4411	Reserved Forest (National Park)
Total						19.4300	

2. The proposal has been initiated by Chief Engineer, Goregaon-Mulund Link Road, Municipal Corporation of Greater Mumbai for diversion of 19.43 ha reserved forest land for proposed construction of tunnel underneath the Sanjay Gandhi National Park along Goregaon-Mulund Link Road for diversion under section 2 (ii) of the Forest (Conservation) Act, 1980.

3. The user agency has highlighted that, with rapid growth of the Eastern and Western suburbs of Greater Mumbai, an urgent need was felt for strengthening of the East-West road connectivity. There is no East-West connectivity developed from JVLR to Ghodundar Road i.e. about 19 km length due to Sanjay Gandhi National Park. Alternatives have been examined but due to various constraints namely, removal of large number of trees, safety of water reservoir, zigzag alignment, more number of PAPs in the proposed alignment along Aarey colony, L&T, IIT campus, significant land acquisition within Aarey colony, etc, it was concluded that an alignment involving construction of a tunnel underneath Sanjay Gandhi

and there is no adverse effect to the surrounding area.

- 5.5 The user agency has agreed to pay Net Present Value (NPV) if required for the proposed forest land .
- 5.6 The user agency has certified that the as per MOEF&CC letter dated 30/05/2018 proposal does not attract provisions of EIA notification 2006.
- 5.7 The user agency has submitted the compliance under Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act 2006. vide Collector , Mumbai Suburban certificate dated 10/05/2018.
- 5.8 Chief Conservator of Forest, and Director Sanjay Gandhi National Park, Borivali has recommended the proposal as it is public utility project for the benefit of the society.
- 5.9 Additional Principal Chief Conservator of Forests (Wildlife) West Mumbai has recommended the proposal subject to compliance of certain conditions .

6.1 The Additional Principal Chief Conservator of Forests (Wildlife) West Mumbai in his Site Inspection Report has recommended the NPV @ 50% of the normal rates based on the Ministry's letter dated 17/04/2018. However MOEF&CC in its letter dated 05/02/2009 has clarified that in case of forest land falling in National Park, use of forest land falling in National Park shall be permissible in totally unavoidable circumstances for public interest project and after obtaining permission from the Hon'ble Supreme Court. The said letter further clarifies that the such permission may be considered on payment of amount equal to 10 times in case of National Parks. As per the said proposal the area falls in Eco Class I (NPV @ 10.43 lakh per Ha.)

6.2 The above stated MOEF&CC letter dated 17/04/2018 is addressed to PCCF (HOFF) and other authorities of Himachal Pradesh. It is not endorsed to any other State or Authority, so this letter shall not be relevant in the present case. The NPV shall be leaviable @ 10 times the normal rates as per GOI letter dated 05/02/2009.

7.1 The SBWL in its meeting held on 05/12/2018 has recommended the said proposal with the conditions stipulated by Chief Wildlife Warden , Maharashtra State which are as under :-

- 7.1.1 The impact of the project on the Biodiversity needs to be assessed first along with Mitigation Measures for Wildlife.
- 7.1.2 The project agency shall carry out a detailed study on the Aquifers of SGNP area with respect to Tulsi and Vihar lake. The proposal shall be cleared subject to the clearance from a reputed agency like IIT Powai that there shall be no damage to the aquifers and there shall be no damage to the water of Tulsi and Vihar lakes.
- 7.1.3 In Nahur area, SGNP boundary wall and hill surface are in one line, so slum people are entering the park for defecation purpose since the proposed Tunnel exit is next to the wall, it will get damaged while laying the shaft and Tunnel work.

equivalent non forest land made available by the user agency. 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.

- 8.6 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.
- 8.7 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.
- 8.8 The user agency will obtain Environmental Clearance from competent authority, if required.
- 8.9 Construction of temporary dwelling / hutments etc. for labours will not be allowed in the forest areas.
- 8.10 No damage to the flora and fauna of the adjoining area shall be caused;
- 8.11 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 8.12 The tunnel will be laid well below as per norms the ground level all along its length through forest.
- 8.13 The user agency shall obtain the clearance from the NBWL and the condition laid down by the NBWL and the Chief Wildlife Warden, Maharashtra State as stated in para 7.1 above shall be binding on it.
- 8.14 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



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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

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Sub.:- Diversion of 19.43 ha Reserved Forest land for construction of tunnel underneath Sanjay Gandhi National Park along Goregaon-Mulund Link Road by Municipal Corporation of Greater Mumbai in the State of Maharashtra.

No. : Desk-17/NC/II/ID 12696/(68)/ 2200 /2018-19
Nagpur – 440 001, Dated: 20/02/2019

To ,

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

Ref:- Additional Principal Chief Conservator of forests (Wildlife) West Mumbai letter No Desk-3/Land/FC/C R 57/2848/2018-19 dated 18/01/2019.

The proposal is for diversion of 19.43 ha reserved forest land for proposed construction of tunnel underneath of Sanjay Gandhi National Park along Goregaon-Mulund Link Road. The Length of twin tunnel in SGNP is 4.7 km. Total non forest land involved in the project is 5.9094 ha. The detailed area statement of forest land is shown as under :-

Item of Work	Name of Village	District	Survey No	Length x Width	Area in Sq mtr	Area in ha	Legal Status
Construction of Goregaon -Mulund Link Road	Gundgaon	Mumbai Suburban	Tunnel under SGNP MF 120,124 & 188	3604 x 45.75	164883	16.4883	Reserved Forest (National Park)
	Vihar		Tunnel under SGNP 56 & 57	328 x 45.75	15006	1.5006	Reserved Forest (National Park)
	Nahur		Tunnel under SGNP 177	315 x 45.75	14411.25	1.4411	Reserved Forest (National Park)
Total						19.4300	

2. The proposal has been initiated by Chief Engineer, Goregaon-Mulund Link Road, Municipal Corporation of Greater Mumbai for diversion of 19.43 ha reserved forest land for proposed

construction of tunnel underneath the Sanjay Gandhi National Park along Goregaon-Mulund Link Road for diversion under section 2 (ii) of the Forest (Conservation) Act, 1980.

3. The user agency has highlighted that, with rapid growth of the Eastern and Western suburbs of Greater Mumbai, an urgent need was felt for strengthening of the East-West road connectivity. There is no East-West connectivity developed from JVL Road to Ghodundar Road i.e. about 19 km length due to Sanjay Gandhi National Park. Alternatives have been examined but due to various constraints namely, removal of large number of trees, safety of water reservoir, zigzag alignment, more number of PAPs in the proposed alignment along Aarey colony, L&T, IIT campus, significant land acquisition within Aarey colony, etc, it was concluded that an alignment involving construction of a tunnel underneath Sanjay Gandhi National Park shall be the most desirable option as alignment along the periphery of SGNP will not serve the purpose of reducing travel time and travel length.

4. After exploring various options of alignment, the user agency has come up with the proposed alignment taking all possible efforts not to disturb the environment.

5. The Additional Principal Chief Conservator of forests (Wildlife) West Mumbai has submitted the proposal vide his letter dated 18/01/2019 in prescribed format alongwith the requisite documents :-

5.1 Chief Conservator of Forest, and Director Sanjay Gandhi National Park, Borivali has certified that :-

- 5.1.1 No suitable alternative non forest land available other than proposed forest land and demand for the required forest is barest minimum.
- 5.1.2 Provisions of the Forest (Conservation) Act, 1980 and guidelines thereunder it have not been violated by user agency .
- 5.1.3 The Compensatory afforestation land is not applicable as the required area of forest is underneath Sanjay Gandhi National Park.
- 5.1.4 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 .
- 5.1.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 5.1.6 The required forest area for proposed project is underneath Sanjay Gandhi National Park, it does not involve diversion of any surface forest land and does not involve cutting of trees within forest land thereby offsetting any adverse impact on wildlife inside the National Park.
- 5.1.7 The forest area of Sanjay Gandhi National Park underneath which the alignment is proposed belongs to Eco Class – I having density 0.6 and above.
- 5.1.8 No cutting of trees in Sanjay Gandhi National Park forest land for this project as proposed project will be carried out 20 to 220m underground Sanjay Gandhi National Park without disturbing the surface area of Sanjay Gandhi National Park.
- 5.1.9 The proposed project is within Eco Sensitive Zone and will be carried out 20 to 220m underground SGNP without disturbing the surface area of Sanjay Gandhi National Park.
- 5.1.10 The proposed project cannot be executed completely on non forest land.
- 5.2 Chief Conservator of Forest, and Director Sanjay Gandhi National Park, Borivali has submitted the site inspection reports dated 16/01/2019.

- 5.3 The user agency has certified that Cost benefits analysis is not applicable for proposed project.
- 5.4 The user agency has certified that the proposed project is passing underneath Sanjay Gandhi National Park without disturbing the premise of SGNP in any way whatsoever, it can be ensured that there is no disturbance to flora and fauna and there is no adverse effect to the surrounding area.
- 5.5 The user agency has agreed to pay Net Present Value (NPV) if required for the proposed forest land .
- 5.6 The user agency has certified that the as per MOEF&CC letter dated 30/05/2018 proposal does not attract provisions of EIA notification 2006.
- 5.7 The user agency has submitted the compliance under Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act 2006. vide Collector , Mumbai Suburban certificate dated 10/05/2018.
- 5.8 Chief Conservator of Forest, and Director Sanjay Gandhi National Park, Borivali has recommended the proposal as it is public utility project for the benefit of the society.
- 5.9 Additional Principal Chief Conservator of Forests (Wildlife) West Mumbai has recommended the proposal subject to compliance of certain conditions .

6.1 The Additional Principal Chief Conservator of Forests (Wildlife) West Mumbai in his Site Inspection Report has recommended the NPV @ 50% of the normal rates based on the Ministry's letter dated 17/04/2018. However MOEF&CC in its letter dated 05/02/2009 has clarified that in case of forest land falling in National Park, use of forest land falling in National Park shall be permissible in totally unavoidable circumstances for public interest project and after obtaining permission from the Hon'ble Supreme Court. The said letter further clarifies that the such permission may be considered on payment of amount equal to 10 times in case of National Parks. As per the said proposal the area falls in Eco Class I (NPV @ 10.43 lakh per Ha.)

6.2 The above stated MOEF&CC letter dated 17/04/2018 is addressed to PCCF (HOFF) and other authorities of Himachal Pradesh. It is not endorsed to any other State or Authority, so this letter shall not be relevant in the present case. The NPV shall be leaviable @ 10 times the normal rates as per GOI letter dated 05/02/2009.

7.1 The SBWL in its meeting held on 05/12/2018 has recommended the said proposal with the conditions stipulated by Chief Wildlife Warden , Maharashtra State which are as under :-

- 7.1.1 The impact of the project on the Biodiversity needs to be assessed first along with Mitigation Measures for Wildlife.
- 7.1.2 The project agency shall carry out a detailed study on the Aquifers of SGNP area with respect to Tulsi and Vihar lake. The proposal shall be cleared subject to the clearance from a reputed agency like IIT Powai that there shall be no damage to the aquifers and there shall be no damage to the water of Tulsi and Vihar lakes.
- 7.1.3 In Nahur area, SGNP boundary wall and hill surface are in one line, so slum people are entering the park for defecation purpose since the proposed Tunnel exit is next to the wall, it will get damaged while laying the shaft and Tunnel work.
- 7.1.4 The agency shall reconstruct the damaged wall and raise the height of wall to prevent unauthorized entries of the people. The length of wall to be repaired shall be decided by Chief Conservator of Forests & Director Sanjay Gandhi National Park Borivali.
- 7.1.5 Next to the SGNP boundary wall there are Encroachments in the Revenue area. Since Tunnel is opening in that Revenue area, the agency planned to rehabilitate around 700 encroachers of Nahur area. Within the park area, next to that

location approximately 100 encroached huts are present. As per the State Government Policy, the agency shall rehabilitate SGNP encroachers (100 in number) along with Nahur slum

Rehabilitation by providing flats to the eligible encroachers of SGNP.

- 7.1.6 The muck disposal plan shall be approved by the chief wildlife warden, and it shall be prepared by the agency.
- 7.1.7 Detailed Hydrological studies shall be made with respect to the drainage of rain water during rainy season with respect to tunnel
- 7.1.8 It shall be the responsibility of the agency to maintain the Air quality as prescribed by MOEF time to time.
- 7.1.9 The forest department vehicles shall be permitted to use the tunnel without levying any toll.
- 7.1.10 As decided in the 8th meeting of State Board of Wildlife held on 20th February 2014, the project proponent shall deposit 2 % cost of the proposed project (1997.50 Crores) which passes through Sanjay Gandhi National Park, Borivali should be deposited with the Sanjay Gandhi National Park, Borivali of Maharashtra for the conservation of wildlife of Sanjay Gandhi National Park, Borivali & Tungreshwar Wildlife Sanctuary

7.2 The Govt of Maharashtra vide letter dated 14/01/2019 has recommended the said proposal to the NBWL.

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

- 8.1 The legal status of the land proposed under diversion shall remain unchanged.
- 8.2 The forest land shall not be used for any purpose other than specified in the proposal;
- 8.3 Though the forest land proposed to be diverted is underneath the Sanjay Gandhi National Park area, but as per GOI guidelines 05/02/2009, the NPV livable in the present case shall be @ 10 times. The letter dated 17/04/2018 referred by the user agency and APCCF (WL) West Mumbai is restricted to the State of Himachal Pradesh and shall not be applicable in the present case.
- 8.4 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.
- 8.5 Compensatory Afforestation will be raised at the cost of user agency over equivalent non forest land made available by the user agency. 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.
- 8.6 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.
- 8.7 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.

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- 8.8 The user agency will obtain Environmental Clearance from competent authority, if required.
 - 8.9 Construction of temporary dwelling / hutments etc. for labours will not be allowed in the forest areas.
 - 8.10 No damage to the flora and fauna of the adjoining area shall be caused;
 - 8.11 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
 - 8.12 The tunnel will be laid well below as per norms the ground level all along its length through forest.
 - 8.13 The user agency shall obtain the clearance from the NBWL and the condition laid down by the NBWL and the Chief Wildlife Warden, Maharashtra State as stated in para 7.1 above shall be binding on it.
 - 8.14 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 Government of Maharashtra may kindly be moved to approve diversion of 19.43 ha. Forest Land in favour of Chief Engineer, Goregaon-Mulund Link Road, Municipal Corporation of Greater Mumbai for construction of tunnel underneath of Sanjay Gandhi National Park along Goregaon-Mulund Link Road under section (ii) of the Forest (Conservation) Act 1980.

Encls : As above

20/02/2019
(Sanjeev Gaur)

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

Copy to Additional Principal Chief Conservator of Forests (Wildlife) West Mumbai.

Copy to Chief Conservator of Forests & Director SGNP, Borivali

Copy to Chief Engineer, Goregaon-Mulund Link Road, Municipal Corporation of Greater Mumbai

20/02/2019