

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.: - Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Mumbai submitted the proposal for Development of Mangrove Conservation Centre and Mangrove Park at Gorai, Tal. Borivali, District Mumbai Suburban in the State of Maharashtra, for which 0.2260 ha. Reserved 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 :-

Sr.No	Item of Works	Name of Village	Taluka	District	Survey No.	Area (in ha.)	Legal status
1	Nature Interpretation Centre (NIC)	Gorai	Borivali	Mumbai Suburban	CTS 883	0.0160	Reserved Forest
2	Mangrove Trail					0.200	
3	Bird Watching Tower					0.0100	
Total Forest land						0.2260	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 2A.

Date : 25/03/2019
Place : Nagpur


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



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

Additional Principal Chief Conservator of Forests and Nodal Officer,
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Sub.:- Diversion of 0.2260 ha Reserved Forest land for Development of Mangrove Conservation Centre and Mangrove Park at Gorai, Tal. Borivali, District Mumbai Suburban in the State of Maharashtra.

No. : Desk-17/NC/II/ID 12701/(67)/2415/2018-19
Nagpur – 440 001, Dated: 25/08/2019

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/2062-A/2018-19 dated 07/01/2018.

Proposal is for diversion of 0.2260 ha. Forest land for Development of Mangrove Conservation Centre and Mangrove Park at Gorai, Tal. Borivali, District Mumbai Suburban State of Maharashtra. Total 0.0601 ha non forest area is involved in the project. The details of forest land proposed for diversion is as under :-

Sr.No	Item of Works	Name of Village	Taluka	District	Survey No.	Area (in ha.)	Legal status
1	Nature Interpretation Centre (NIC)	Gorai	Borivali	Mumbai Suburban	CTS 883	0.0160	Reserved Forest
2	Mangrove Trail					0.200	
3	Bird Watching Tower					0.0100	
Total Forest land						0.2260	

2.00 The proposal has been initiated by Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Mumbai. for Development of Mangrove Conservation Centre and Mangrove Park at Gorai, Taluka in Borivali in Mumbai Suburban District of Maharashtra State under section 2 (ii) of the Forest (Conservation) Act, 1980.

2.1 The proposed project is to educate the citizens of Mumbai about the value of the mangrove eco-system to their well-being and in turn running a drive for environmental awareness in the citizen and visitor. This project site is specifically selected for the mangrove park for the

conservation of current mangrove and mudflat area. Also the site is on the border of closed Dumping Yard which is in the process of scientific closure. The project site is specifically selected considering the eco-tourism potential of the site for the development mangrove park, thus there is no alternate land suitable for development of this project. The site inspection report of the Divisional Forest Officer, Mumbai Mangrove Conservation Unit is enclosed on page no. 38 to 43.

3. The Additional Principal Chief Conservator of forests , Mangrove Cell , Mumbai has submitted the proposal vide his letter dated 07/01/2019 in prescribed format alongwith the requisite documents :-

3.1 The Divisional Forest Officer, Mumbai Mangrove Conservation Unit has certified that:-

- 3.1.1 As the proposed project is Eco-Tourism project. There is no alternative for the project and the forest land required is the barest minimum.
- 3.1.2 The forest area involved in the project belongs to Eco-value class II and having density 0.6.
- 3.1.3 Provisions of the Forest (Conservation) Act, 1980 and guidelines there under it have not been violated by user agency
- 3.1.4 there is no cutting and felling of trees involved in this project.
- 3.1.5 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc
- 3.1.6 the nearest boundary of Sanjay Gandhi National Park is at 4.3 km and distance from Thane Creek Flamingo Sanctuary is at 17.9 km from proposed area for diversion
- 3.1.7 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance
- 3.1.8 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
- 3.1.9 Degraded forest land 1.00 ha. bearing Survey No.267 of Village-Gorai Tehsil-Borivali, District-Mumbai Suburban identified for compensatory afforestation , is suitable for plantation from management point of view and is free from all sorts of encroachment and encumbrances.

3.2 The User Agency has submitted the following undertakings :-

- 3.2.1 To defray the cost of Net Present Value of the forest land proposed under diversion.
- 3.2.2 To defray the cost of compensatory afforestation.
- 3.2.3 The proposed project is an Eco-tourism project and its is exempted from obtaining of the Environment Clearance as per the EIA Notification, 2006.
- 3.3.4 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 , Mumbai Suburban and will be submitted on issued by District Collector , Mumbai Suburban.

4.1 Executive Committee of Maharashtra Eco-Tourism Development Board, Nagpur has accorded approval for the said project in its meeting held on dated 17/11/2018 subject to certain conditions.

4.2. SEIAA in its 158th meeting held on 27/02/2019 recommended to grant of CRZ Clearance, for the proposal subject to certain condition. State Level Environment Impact Assessment Authority accorded the CRZ Clearance for Development of Mangrove Conservation Centre and Mangrove Park at Gorai vide letter dated 05/03/2019 subject to certain condition.

5.1 Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Mumbai has recommended the proposal as it is an Eco-Tourism project and will play vital role in conservation of Mangroves and creating awareness among people.

5.2 Additional Principal Chief Conservator of Forests, Mangrove Cell, Mumbai recommended the proposal for approval as main objective of the project is creating awareness about importance of mangroves which will be helpful to maintaining balance of Coastal Ecosystem through people.

6. In view of this, the proposal is recommended for approval under section – 2 (ii) of the FCA, 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 project authority will defray the cost of Net Present Value of 0.2260 ha. of forest land as per the latest Guideline of the Government of India. ✓
- 6.4 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. ✓
- 6.5 There is no cutting and felling of trees involved in this project ✓
- 6.6 Compensatory afforestation will be raised at the cost of user agency over 1.00 ha. degraded forest land bearing Survey No.267 of Village Gorai Tehsil 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. ✓
- 6.7 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 ✓
- 6.8 As per guidelines of GOI dated 3/12/2018 , the user agency has to fulfill the compliance of under Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act 2006, before final approval. ✓
- 6.9 The user agency will obtain Environmental Clearance from competent authority, if required. ✓
- 6.10 The user agency should fulfill the compliance of conditions mentioned in CRZ Clearance issued vide State Level Environment Impact Assessment Authority vide letter dated 05/03/2019. ✓
- 6.11 The user agency should fulfill the compliance of condition mentioned in approval of Executive Committee of Maharashtra Eco-Tourism Development Board, Nagpur in its meeting held on dated 17/11/2018. ✓

- 6.12 Construction of temporary dwelling / hutments etc. for labours will not be allowed in the forest areas. ✓
- 6.13 No damage to the flora and fauna of the adjoining area shall be caused; ✓
- 6.14 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work. ✓
- 6.15 The proposed diversion of forest land for the project will be confined to 0.2260 ha. only. ✓
- 6.16 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 0.2260 ha. Forest Land in favour of Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Mumbai for Development of Mangrove Conservation Centre and Mangrove Park at Gorai, Tal. Borivali, District Mumbai Suburban State of Maharashtra under section (ii) of the Forest (Conservation) Act 1980.

Encls : As above

S.D. Wadhwa
28/3/2019

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

20/03/19

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.

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Proposal for diversion of 0.2260 ha. Forest land for Development of Mangrove Conservation Centre and Mangrove Park at Gorai, Tal. Borivali, District Mumbai Suburban in the State of Maharashtra

Specific Recommendation of Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State, Nagpur with regards to acceptance or otherwise of the proposal supported by reasons.

Proposal is for diversion of 0.2260 ha. Forest land for Development of Mangrove Conservation Centre and Mangrove Park at Gorai, Tal. Borivali, District Mumbai Suburban State of Maharashtra. Total 0.0601 ha non forest area is involved in the project. The details of forest land proposed for diversion is as under:-

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3	Bird Watching Tower					0.0100	
Total Forest land (in ha)						0.2260	

2.00 The proposal has been initiated by Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Mumbai. for Development of Mangrove Conservation Centre and Mangrove Park at Gorai, Taluka in Borivali in Mumbai Suburban District of Maharashtra State under section 2 (ii) of the Forest (Conservation) Act, 1980.

2.1 The proposed project is to educate the citizens of Mumbai about the value of the mangrove eco-system to their well-being and in turn running a drive for environmental awareness in the citizen and visitor. This project site is specifically selected for the mangrove park for the conservation of current mangrove and mudflat area. Also the site is on the border of closed Dumping Yard which is in the process of scientific closure. The project site is specifically selected considering the eco-tourism potential of the site for the development mangrove park, thus there is no alternate land suitable for development of this project. The site inspection report of the Divisional Forest Officer, Mumbai Mangrove Conservation Unit is enclosed on page no. 38 to 43.

3. The Additional Principal Chief Conservator of forests, Mangrove Cell, Mumbai has submitted the proposal vide his letter dated 07/01/2019 in prescribed format alongwith the requisite documents :-

3.1 The Divisional Forest Officer, Mumbai Mangrove Conservation Unit has certified that:-

3.1.1 As the proposed project is Eco-Tourism project. There is no alternative for the project and the forest land required is the barest minimum.

- 3.1.2 The forest area involved in the project belongs to Eco-value class II and having density 0.6. P158
- 3.1.3 Provisions of the Forest (Conservation) Act, 1980 and guidelines there under it have not been violated by user agency P158B
- 3.1.4 there is no cutting and felling of trees involved in this project. P147
- 3.1.5 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc. P146
- 3.1.6 the nearest boundary of Sanjay Gandhi National Park is at 4.3 km and distance from Thane Creek Flamingo Sanctuary is at 17.9 km from proposed area for diversion P146
- 3.1.7 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. P150
- 3.1.8 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 P158A
- 3.1.9 Degraded forest land 1.00 ha. bearing Survey No.267 of Village-Gorai Tehsil- Borivali, District-Mumbai Suburban identified for compensatory afforestation, is suitable for plantation from management point of view and is free from all sorts of encroachment and encumbrances. P152
- 3.2 The User Agency has submitted the following undertakings :-
- 3.2.1 To defray the cost of Net Present Value of the forest land proposed under diversion. P129
- 3.2.2 To defray the cost of compensatory afforestation. P118
- 3.2.3 The proposed project is an Eco-tourism project and its is exempted from obtaining of the Environment Clearance as per the EIA Notification, 2006. P115
- 3.3.4 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, Mumbai Suburban and will be submitted on issued by District Collector, Mumbai Suburban. P128
- 4.1 Executive Committee of Maharashtra Eco-Tourism Development Board, Nagpur has accorded approval for the said project in its meeting held on dated 17/11/2018 subject to certain conditions. P184

4.2. SEIAA in its 158th meeting held on 27/02/2019 recommended to grant of CRZ Clearance, for the proposal subject to certain condition. State Level Environment Impact Assessment Authority accorded the CRZ Clearance for Development of Mangrove Conservation Centre and Mangrove Park at Gorai vide letter dated 05/03/2019 subject to certain condition.

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6. In view of this, the proposal is recommended for approval under section – 2 (ii) of the FCA, 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 project authority will defray the cost of Net Present Value of 0.2260 ha. of forest land as per the latest Guideline of the Government of India.
- 6.4 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.
- 6.5 There is no cutting and felling of trees involved in this project.
- 6.6 Compensatory afforestation will be raised at the cost of user agency over 1.00 ha. degraded forest land bearing Survey No.267 of Village Gorai Tehsil 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.
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- 6.15 The proposed diversion of forest land for the project will be confined to 0.2260 ha. only.
- 6.16 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

14/3/2019

14/3/19

15/3/2019

14/03/2019