

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 16.6846 ha. forest land for construction of 3rd Railway Line between Kalyan to Kasara Stations of 67.62 Km. in Ulhasnagar, Kalyan and Shahapur Talukas, Thane District in the State of Maharashtra (FP/MH/RAIL/41780/2019). The details of land proposed for diversion is as under-

Sr. No.	Name of Village	Taluka	Gut No.	Old Gut / Survey No.	Area (ha.)	Legal Status
(A) Shahapur Forest Division						
1	Pali	Shahapur	230	90/10	0.0852	Protected Forests
2	Pundhe		122	-	2.6077	Reserved Forest
3			Open Land	-	0.0801	Restored Private Forest
4			CFC 02	-	0.1022	Restored Private Forest
5			60/ 87/ 88/ 103/ plot 52/B	-	0.0439	Restored Private Forest
6			60/ 87/ 88/ 103/ plot 52/A	-	0.0292	Restored Private Forest
7			60/ 87/ 88/ 103/ plot 51	-	0.0161	Restored Private Forest
8			60/ 87/ 88/ 103/ plot 50	-	0.0100	Restored Private Forest
9			60/ 87/ 88/ 103/ plot 49	-	0.0115	Restored Private Forest
10			60/ 87/ 88/ 103/ plot 38	-	0.0147	Restored Private Forest
11			60/ 87/ 88/ 103/ plot 37	-	0.0151	Restored Private Forest
12			85/3	-	0.0129	Restored Private Forest
13			85/4	-	0.0444	Restored Private Forest
14			83/A/2	-	0.0004	Restored Private Forest
15			83/A/2	-	0.0072	Restored Private Forest
16			83/A/1	-	0.0758	Restored Private Forest

17			19/2	-	0.0276	Restored Private Forest
18	Kanvinde		106	137/B	0.4172	Protected Forest
19			100	137/A	1.1214	Protected Forest
20	Kalamgaon		253	122/1/B	0.0109	Restored Private Forest
21			193	123	0.1071	Protected Forest
22	Shirol		1039	619	0.5744	Protected Forest
23			145	-	0.0487	Protected Forest
24	Kasara Bk.		125	351/A, 351/B, 351/C, 351/D	0.1270	Protected Forest
25			125	351/A, 351/B, 351/C, 351/D	1.1430	Protected Forest
26			125	351/A, 351/B, 351/C, 351/D	0.1030	Protected Forest
27	Mokhavane		47	133	0.4713	Protected Forest
28			33	374	0.0795	Protected Forest
29			32	377	0.0543	Protected Forest
30			30	373	0.2463	Protected Forest
31			203	97	1.5745	Protected Forest
32	Vehloli		245	-	0.4734	Protected Forest
33	Savroli Bk.		118	31/1, 41/5C	0.0006	Pending on enquiry Private Forest
34			8	37	0.0459	Restored Private Forest
35			4	35/1, 35/2, 35/3, 36/2, 41/1A, 34/2	0.0598	Pending on enquiry Private Forest
36			288	64/11	0.2617	Restored Private Forest
37			263	64/11	0.2916	Finally Acquired Forest
38			262	64/11/1	0.1603	Restored Private Forest
39			261	118/1/2	0.2457	Finally Acquired Forest
40			260	40, 11/1/1	0.0764	Finally Acquired Forest
41			244	117/9	0.1561	Protected Forest
42			242	117/5	0.0416	Protected Forest
43			241	117/2	0.0287	Protected Forest
44			239	117/1	0.1687	Protected Forest
45			240	147	0.0140	Protected Forest
46			246	117/4	0.0143	Protected Forest
47			236	50/3, 123/1	0.2452	Restored Private

						Forest
48			234	42/1, 100/2C	0.0487	Restored Private Forest
49			226	100/2C/2	0.0699	Restored Private Forest
50			243	17/7	0.0487	Protected Forest
51	Golbhan		72	124/A	0.6481	Protected Forest
52			72	124/A	0.0049	Protected Forest
53			71	124/B	0.0883	Protected Forest
54			70	124/C, 124/D	0.0390	Protected Forest
55			56	123	0.0139	Protected Forest
56	Sakharoli		158	163	0.9520	Protected Forest
57	Aasangaon		70/1	-	0.8809	Restored Private Forest
58			71	-	0.1202	Protected Forest
59			65/2	-	0.4304	Restored Private Forest
60	Cherpoli		361	119	0.2003	Protected Forest
61			386	115	0.0400	Reserved Forest
62	Shahapur		49	-	0.4508	Protected Forest
63	Lahe		351	64/2	0.0820	Pending on enquiry Private Forest
64			402	267	0.0390	Protected Forest
65	Valshet		90	-	0.0429	Protected Forest
66			66/2/1	-	0.0214	Restored Private Forest
67			66/1	-	0.0367	Restored Private Forest
68			96/1	-	0.0182	Restored Private Forest
69			96/3	-	0.0679	Restored Private Forest
70			67/1	-	0.0663	Restored Private Forest
71			68/1	-	0.0179	Restored Private Forest
(A) Total Area in Shahapur Forest Division (in ha.)					15.9750	
(B) Thane Forest Division						
72	Guravali	Kalyan	-	103	0.2100	Protected Forest
73	Bere		-	9	0.3630	Protected Forest
(A) Total area in Thane Forest Division (Area in ha.)					0.5730	
(C) Thane Wildlife Division						
74	Tanshet	Shahapur	-	1	0.1366	Reserved Forest
(B) Total area in Thane Wildlife Division					0.1366	
Grand Total (A)+(B)+(C)					16.6846	--

Division wise Abstract of proposed Forest land is as given below:-

Sr. No.	Name of Division	Proposed Area
1.	Shahapur	15.9750
2.	Thane	0.5730
3.	Wildlife Thane	0.1366
Total		16.6846

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

 19/12/2022

(Naresh Zurmure)

Additional Principal Chief Conservator of Forests
& Nodal Officer

Date: 19/12/2022

Place: Nagpur

Proposal for diversion of 16.6846 ha. forest land for construction of 3rd Railway Line between Kalyan to Kasara Stations of 67.62 Km. in Ulhasnagar, Kalyan and Shahapur Talukas, Thane District in the State of Maharashtra (FP/MH/RAIL/41780/2019).

**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.**

The proposal is for diversion of 16.6846 ha. forest land for construction of 3rd Railway Line between Kalyan to Kasara Stations of 67.62 Km. in Ulhasnagar, Kalyan and Shahapur Talukas, Thane District in the State of Maharashtra (FP/MH/RAIL/41780/2019).

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

Sr. No.	Name of Village	Taluka	Gut No.	Old Gut / Survey No.	Area (ha.)	Legal Status
(A) Shahapur Forest Division						
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3.	Wildlife Thane	0.1366
Total		16.6846

3.00 The Deputy Chief Engineer (C), Ghatkopar, Central Railway has submitted diversion of 16.6846 ha. forest land for proposed 3rd Railway Line between Kalyan to Kasara Stations of 67.62 Km. in Ulhasnagar, Kalyan and Shahapur Talukas, Thane District in the State of Maharashtra. The Kalyan-Kasara (67.62 Km) is electrified double line section of Mumbai Division. This corridor is known as the North-East Main Lines and is a part of CSTM-HWH Group 'A' route. It is divided into 3 sub-sections viz., Kalyan-Titwala (10.84Kms), works on Automatic Block Signaling, Titwala-Asangaon (21.38Kms) and Asangaon-Kasara (35.4Kms) both work on Absolute Block System. All the three streams of traffic viz. Suburban, Mail / Express and freight trains use the same pair of lines between Kalyan & Kasara. Beyond Titwala, the section has a highly undulating terrain with ruling gradient of 1

in 90 in DN direction and 1 in 132 in UP direction. The forest area demanded is barest minimum requirement for the said project. Total non forest involved in the project is 28.6067 ha. The site inspection reports of the Deputy Conservator of Forests, Shahapur Forest Division, Shahapur, Deputy Conservator of Forests, Thane Forest Division, Thane and Deputy Conservator of Forests, Thane Wildlife Division, Thane have is enclosed on page no.109 to 118.

4.00 The Deputy Conservator of Forests, Shahapur Forest Division, Shahapur, Deputy Conservator of Forests, Thane Forest Division, Thane and Deputy Conservator of Forests, Thane Wildlife Division, Thane have certified that:-

4.1 No suitable alternate land is available and the forest land required is barest minimum.

4.2 (i) The area of 12.9592 ha. belongs to Eco-value class-I having density is 0.4 (Dense Forest) and the area 3.0158 ha. belongs to Eco-value class-I, having density is 0.2 (Open forest)

(ii) The area belongs to Eco-value class-I having density is below 0.4 (Open Forest).

4.3 there are 1100 trees of various species and trees is involved in implementation of the Project. The Girth wise break up is as under:-

Name of Division	Below 30 cm	31-45	46-60	61-75	76-90	91-105	106-120	121-150	Above 150	Total
Shahapur Forest Division	116	196	197	132	158	35	34	29	24	921
Thane Forest Division	54	47	8	9	4	3	0	0	0	125
Thane Wildlife Division	3	14	10	10	9	1	4	2	1	54
Total	173	257	215	151	171	39	38	31	25	1100

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

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

4.6 There is no violation of Forest (Conservation) Act 1980.

4.7 (i) The proposed area is within 10 km default Eco-Sensitive Zone of Tansa Wildlife Sanctuary.

(ii) The proposed area is at a distance of 6.557 Km from Tansa Wildlife Sanctuary nearest forest area at Village Behre.

(iii) The proposed project length of 0.1423 Km having forest area 0.1366 ha. is passing through Core boundary of Tansa Wildlife Sanctuary in Thane Wildlife Division.

In this regard, the this office has sought comments from CWLW vide office note dated 04/10/2022. However, the CWLW vide office note dated 18/10/2022 has informed that the SBWL/NBWL would be required to the project. Subsequently, the User Agency has submitted proposal to the Deputy Conservator of Forests (Wildlife), Thane for prior permission of SBWL/NBWL. The copy of the Part-I and Part-II is enclosed herewith.

4.8 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.

- 4.9 Proposed Compensatory Afforestation over 15.00 ha. degraded forest of Reserved Forest / Protected land in Gut No. 173,174, Compt No. 849, at Village Thile, Taluka Shahapur, Dist. Thane and area over 20.00 ha. degraded forest of Reserved Forest in Gut No.677, Compt.No.845. at Village Ambarje, Taluka Shahapur, Dist. Thane it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.

- 4.10 No suitable alternative non forest land is available.

5.00 **The User Agency has submitted an undertaking that:-**

- 5.1 To defray the cost of compensatory afforestation
- 5.2 To defray the cost of Net Present Value of the forest land proposed under diversion
- 5.3 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines:-

'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of final approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval'.

Hence, the user agency has given 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.

- 5.4 The Cross sectional map is enclosed on page no.1 to 5 (Vol-H)
- 5.5 The copy of the Administrative and Technical approval accorded by the Government of India, Ministry of Railway (Railway Board), New Delhi letter No. 2013/W-1/CR/Kalyan-Kasara, dated 14/09/2015 copy enclosed on page no.280
- 6.0 The Deputy Conservator of Forests, Shahapur Forest Division, Shahapur, Deputy Conservator of Forests, Thane Forest Division, Thane and Deputy Conservator of Forests, Thane Wildlife Division, Thane and the Additional Chief Conservator of Forests (Wildlife) West, Mumbai, Chief Conservator of Forests (T), Thane have recommended the proposal for construction of 3rd Railway Line between Kalyan to Kasara Stations of 67.62 Km. area 16.6846 ha. forest land.
- 7.00 **In view of this, the proposal is recommended for approval under section - 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions: –**
- 7.1 The legal status of the land required will remain unchanged.
- 7.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.

7.3 Compensatory Afforestation :-

- a) The user agency shall defray the cost of Compensatory Afforestation over 15.00 ha. degraded forest of Reserved Forest / Protected land in Gut No. 173,174, Compt No. 849, at Village Thile, Taluka Shahapur, Dist. Thane and area over 20.00 ha. degraded forest of Reserved Forest in Gut No.677, Compt.No.845, at Village Ambarje, Taluka Shahapur, Dist. Thane 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.

7.4 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.

7.5 NPV:-

- a) The State Government shall charge the Net Present Value (NPV) for the 16.6846 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.

7.6 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.

7.7 The forest land shall not be used for any purpose other than specified in the proposal;

7.8 Ex-situ conservation of endemic species of flora/fauna lost/disturbed in the process of execution of the project may be ensured;

7.9 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 toward and back bearing and distance from pillar to pillar.

7.10 All necessary precautions should be taken to protect the area from fire.

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


7.12 The User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.

7.13 No labour camp shall be established on the forest land;

7.14 The User Agency shall provide fuels preferably alternate fuels to the laborers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;

7.15 The layout plan of the proposal shall not be changed without the prior approval of the Central Government.

- 7.16 The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.
- 7.17 No damage to the flora and fauna of the adjoining area shall be caused;
- 7.18 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 7.19 The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals,
- 7.20 Forest land should not be used for construction of new station and other building. The User Agency shall ensure that such structures are established on the non-forest land.
- 7.21 The User Agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable
- 7.22 Artificial water holes under/ near box culverts or underpasses shall be created by the Forest Department at the cost of the User Agency;
- 7.23 Sound barriers on either side of the line to reduce the sound shall be installed by the Forest Department at the cost of the User Agency;.
- 7.24 Forest land shall not be used for any kind of quarrying and muck to be generated during the construction of railway line shall be dumped with the permitted RoW;
- 7.25 The user agency shall obtain the certificate of the concern Collectors under the Scheduled Tribes and Other Traditional before Stage II approval.
- 7.26 The User Agency will pay the cost of raising herbaceous/ shrubby medicinal plants in right of way under the railway line, wherever possible and provide funds of the said scheme prepared by the State Forest Department. Detail scheme along with financial provisions shall be submitted along with Stage- I compliance;
- 7.27 Sound barriers on either side of the line to reduce the sound shall be installed by the Forest Department at the cost of the User Agency.
- 7.28 The User Agency shall ensure that maximum speed of the train while approaching and passing through the forest area shall be 40 Km/hour during night and 50 km/hour during day time.
- 7.29 The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines and Court Tribunal directions for the time being in force, as applicable to the project;


(Dr. Y.L.P Rao)
Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur

**OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF
FOREST FORCE), MAHARASHTRA STATE, NAGPUR**
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) 2530166, 2556916, Fax no. (0712) 2550675 E-mail- apccfnodal@mahaforest.gov.in

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No. : Desk-17/Nodal/Thane/I.D-13361(78)/2430/2022-23

Nagpur - 440 001, Dated 19/12/2022

To,
The Principal Secretary (Forests),
Revenue & Forest Department,
Mantralya, Mumbai - 400032

The Deputy Chief Engineer (C), Ghatkopar, Central Railway has proposal for diversion of 16.6846 ha. forest land for construction of 3rd Railway Line between Kalyan to Kasara Stations of 67.62 Km. in Ulhasnagar, Kalyan and Shahapur Talukas, Thane District in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

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12			85/3	-	0.0129	Restored Private Forest
13			85/4	-	0.0444	Restored Private Forest
14			83/A/2	-	0.0004	Restored Private Forest
15			83/A/2	-	0.0072	Restored Private Forest
16			83/A/1	-	0.0758	Restored Private Forest
17			19/2	-	0.0276	Restored Private

						Forest
18	Kanvinde		106	137/B	0.4172	Protected Forest
19			100	137/A	1.1214	Protected Forest
20	Kalamgaon		253	122/1/B	0.0109	Restored Private Forest
21			193	123	0.1071	Protected Forest
22	Shirol		1039	619	0.5744	Protected Forest
23			145	-	0.0487	Protected Forest
24	Kasara Bk.		125	351/A, 351/B, 351/C, 351/D	0.1270	Protected Forest
25			125	351/A, 351/B, 351/C, 351/D	1.1430	Protected Forest
26			125	351/A, 351/B, 351/C, 351/D	0.1030	Protected Forest
27	Mokhavane		47	133	0.4713	Protected Forest
28			33	374	0.0795	Protected Forest
29			32	377	0.0543	Protected Forest
30			30	373	0.2463	Protected Forest
31			203	97	1.5745	Protected Forest
32	Vehloli		245	-	0.4734	Protected Forest
33	Savroli Bk.		118	31/1, 41/5C	0.0006	Pending on enquiry Private Forest
34			8	37	0.0459	Restored Private Forest
35			4	35/1, 35/2, 35/3, 36/2, 41/1A, 34/2	0.0598	Pending on enquiry Private Forest
36			288	64/11	0.2617	Restored Private Forest
37			263	64/11	0.2916	Finally Acquired Forest
38			262	64/11/1	0.1603	Restored Private Forest
39			261	118/1/2	0.2457	Finally Acquired Forest
40			260	40, 11/1/1	0.0764	Finally Acquired Forest
41			244	117/9	0.1561	Protected Forest
42			242	117/5	0.0416	Protected Forest
43			241	117/2	0.0287	Protected Forest
44			239	117/1	0.1687	Protected Forest
45			240	147	0.0140	Protected Forest
46			246	117/4	0.0143	Protected Forest
47			236	50/3, 123/1	0.2452	Restored Private Forest
48			234	42/1, 100/2C	0.0487	Restored Private Forest
49			226	100/2C/2	0.0699	Restored Private Forest
50			243	17/7	0.0487	Protected Forest
51	Golbhan		72	124/A	0.6481	Protected Forest
52			72	124/A	0.0049	Protected Forest
53			71	124/B	0.0883	Protected Forest

54			70	124/C, 124/D	0.0390	Protected Forest
55			56	123	0.0139	Protected Forest
56	Sakharoli		158	163	0.9520	Protected Forest
57	Aasangaon		70/1	-	0.8809	Restored Private Forest
58			71	-	0.1202	Protected Forest
59			65/2	-	0.4304	Restored Private Forest
60	Cherpoli		361	119	0.2003	Protected Forest
61			386	115	0.0400	Reserved Forest
62	Shahapur		49	-	0.4508	Protected Forest
63	Lahe		351	64/2	0.0820	Pending on enquiry Private Forest
64			402	267	0.0390	Protected Forest
65	Valshet		90	-	0.0429	Protected Forest
66			66/2/1	-	0.0214	Restored Private Forest
67			66/1	-	0.0367	Restored Private Forest
68			96/1	-	0.0182	Restored Private Forest
69			96/3	-	0.0679	Restored Private Forest
70			67/1	-	0.0663	Restored Private Forest
71			68/1	-	0.0179	Restored Private Forest
(A) Total Area in Shahapur Forest Division (in ha.)					15.9750	
(B) Thane Forest Division						
72	Guravali	Kalyan	-	103	0.2100	Protected Forest
73	Bere		-	9	0.3630	Protected Forest
(A) Total area in Thane Forest Division (Area in ha.)					0.5730	
(C) Thane Wildlife Division						
74	Tanshet	Shahapur	-	1	0.1366	Reserved Forest
(B) Total area in Thane Wildlife Division					0.1366	
Grand Total (A)+(B)+(C)					16.6846	--

Division wise Abstract of proposed Forest land is as given below:-

Sr. No.	Name of Division	Proposed Area
1.	Shahapur	15.9750
2.	Thane	0.5730
3.	Wildlife Thane	0.1366
Total		16.6846

2.0 The Deputy Chief Engineer (C), Ghatkopar, Central Railway has submitted diversion of 16.6846 ha. forest land for proposed 3rd Railway Line between Kalyan to Kasara Stations of 67.62 Km. in Ulhasnagar, Kalyan and Shahapur Talukas, Thane District in the State of Maharashtra. The Kalyan-Kasara (67.62 Km) is electrified double line section of Mumbai Division. This corridor is known as the North-East Main Lines and is a part of CSTM-HWH Group 'A' route. It is divided into 3 sub-sections viz., Kalyan-Titwala (10.84Kms), works on Automatic Block Signaling, Titwala-Asangaon (21.38Kms) and Asangaon-Kasara (35.4Kms) both work on Absolute Block System. All the three streams of traffic viz. Suburban, Mail / Express and freight trains use the same pair of lines between Kalyan & Kasara. Beyond Titwala, the section has a highly undulating terrain with ruling gradient of 1 in 90 in DN direction and 1 in 132 in UP direction. The forest area demanded is barest minimum requirement for the said project. Total non forest involved in the project is 28.6067 ha. The

site inspection reports of the Deputy Conservator of Forests, Shahapur Forest Division, Shahapur, Deputy Conservator of Forests, Thane Forest Division, Thane and Deputy Conservator of Forests, Thane Wildlife Division, Thane have is enclosed on page no.109 to 118.

3.0 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 copy.

- 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

4.00 The Deputy Conservator of Forests, Shahapur Forest Division, Shahapur, Deputy Conservator of Forests, Thane Forest Division, Thane and Deputy Conservator of Forests, Thane Wildlife Division, Thane have certified that:-

4.1 No suitable alternate land is available and the forest land required is barest minimum.

4.2 (i) The area of 12.9592 ha. belongs to Eco-value class-I having density is 0.4 (Dense Forest) and the area 3.0158 ha. belongs to Eco-value class-I, having density is 0.2 (Open forest)

(ii) The area belongs to Eco-value class-I having density is below 0.4 (Open Forest).

4.3 there are 1100 trees of various species and trees is involved in implementation of the Project. The Girth wise break up is as under:-

Name of Division	Below 30 cm	31-45	46-60	61-75	76-90	91-105	106-120	121-150	Above 150	Total
Shahapur Forest Division	116	196	197	132	158	35	34	29	24	921
Thane Forest Division	54	47	8	9	4	3	0	0	0	125
Thane Wildlife Division	3	14	10	10	9	1	4	2	1	54
Total	173	257	215	151	171	39	38	31	25	1100

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

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

4.6 There is no violation of Forest (Conservation) Act 1980.

4.7 (i) The proposed area is within 10 km default Eco-Sensitive Zone of Tansa Wildlife Sanctuary.

(ii) The proposed area is at a distance of 6.557 Km from Tansa Wildlife Sanctuary nearest forest area at Village Behre.

(iii) The proposed project length of 0.1423 Km having forest area 0.1366 ha. is passing through Core boundary of Tansa Wildlife Sanctuary in Thane Wildlife Division.

In this regard, the this office has sought comments from CWLW vide office note dated 04/10/2022. However, the CWLW vide office note dated 18/10/2022 has informed that the SBWL/NBWL would be required to the project. Subsequently, the User Agency has submitted proposal to the Deputy Conservator of Forests (Wildlife), Thane for prior permission of SBWL/NBWL. The copy of the Part-I and Part-II is enclosed herewith.

- 4.8 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.
- 4.9 Proposed Compensatory Afforestation over 15.00 ha. degraded forest of Reserved Forest / Protected land in Gut No. 173,174, Compt No. 849, at Village Thile, Taluka Shahapur, Dist. Thane and area over 20.00 ha. degraded forest of Reserved Forest in Gut No.677, Compt.No.845, at Village Ambarje, Taluka Shahapur, Dist. Thane it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
- 4.10 No suitable alternative non forest land is available.
- 5.00 **The User Agency has submitted an undertaking that:-**
- 5.1 To defray the cost of compensatory afforestation
- 5.2 To defray the cost of Net Present Value of the forest land proposed under diversion
- 5.3 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines:-
- 'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of final approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval'.*
- Hence, the user agency has given 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.
- 5.4 The Cross sectional map is enclosed on page no.1 to 5 (Vol-II)
- 5.5 The copy of the Administrative and Technical approval accorded by the Government of India, Ministry of Railway (Railway Board), New Delhi letter No. 2013/W-1/CR/Kalyan-Kasara, dated 14/09/2015 copy enclosed on page no.280
- 6.0 The Deputy Conservator of Forests, Shahapur Forest Division, Shahapur, Deputy Conservator of Forests, Thane Forest Division, Thane and Deputy Conservator of Forests, Thane Wildlife Division, Thane and the Additional Chief Conservator of Forests (Wildlife) West, Mumbai, Chief Conservator of Forests (T), Thane have recommended the proposal for construction of 3rd Railway Line between Kalyan to Kasara Stations of 67.62 Km. area 16.6846 ha. forest land.
- 7.00 **In view of this, the proposal is recommended for approval under section - 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions: -**
- 7.1 The legal status of the land required will remain unchanged.
- 7.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.
- 7.3 **Compensatory Afforestation :-**
- a) The user agency shall defray the cost of Compensatory Afforestation over 15.00 ha. degraded forest of Reserved Forest / Protected land in Gut No. 173,174, Compt No. 849,

at Village Thile, Taluka Shahapur, Dist. Thane and area over 20.00 ha. degraded forest of Reserved Forest in Gut No.677, Compt.No.845, at Village Ambarje, Taluka Shahapur, Dist. Thane 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.

- 7.4 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.

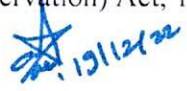
7.5 NPV:-

- a) The State Government shall charge the Net Present Value (NPV) for the 16.6846 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.
- 7.6 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.
- 7.7 The forest land shall not be used for any purpose other than specified in the proposal;
- 7.8 Ex-situ conservation of endemic species of flora/fauna lost/disturbed in the process of execution of the project may be ensured;
- 7.9 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 toward and back bearing and distance from pillar to pillar.
- 7.10 All necessary precautions should be taken to protect the area from fire.
- 7.11 The user agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
- 7.12 The User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
- 7.13 No labour camp shall be established on the forest land;
- 7.14 The User Agency shall provide fuels preferably alternate fuels to the laborers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- 7.15 The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- 7.16 The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.
- 7.17 No damage to the flora and fauna of the adjoining area shall be caused;
- 7.18 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.

- 7.19 The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals,
- 7.20 Forest land should not be used for construction of new station and other building. The User Agency shall ensure that such structures are established on the non-forest land.
- 7.21 The User Agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable
- 7.22 Artificial water holes under/ near box culverts or underpasses shall be created by the Forest Department at the cost of the User Agency;
- 7.23 Sound barriers on either side of the line to reduce the sound shall be installed by the Forest Department at the cost of the User Agency;.
- 7.24 Forest land shall not be used for any kind of quarrying and muck to be generated during the construction of railway line shall be dumped with the permitted RoW;
- 7.25 The user agency shall obtain the certificate of the concern Collectors under the Scheduled Tribes and Other Traditional before Stage II approval.
- 7.26 The User Agency will pay the cost of raising herbaceous/ shrubby medicinal plants in right of way under the railway line, wherever possible and provide funds of the said scheme prepared by the State Forest Department. Detail scheme along with financial provisions shall be submitted along with Stage- I compliance;
- 7.27 Sound barriers on either side of the line to reduce the sound shall be installed by the Forest Department at the cost of the User Agency.
- 7.28 The User Agency shall ensure that maximum speed of the train while approaching and passing through the forest area shall be 40 Km/hour during night and 50 km/hour during day time.
- 7.29 The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines and Court Tribunal directions for the time being in force, as applicable to the project;

8.00 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the proposal for diversion of 16.6846 ha. forest land for construction of 3rd Railway Line between Kalyan to Kasara Stations of 67.62 Km. in Ulhasnagar, Kalyan and Shahapur Talukas, Thane District in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies


(Naresh Zurmure)

**Addl. Principal Chief Conservator of Forests
& Nodal Officer**

Copy to the Additional Chief Conservator of Forests (Wildlife) West, Mumbai for information.
Copy to the Chief Conservator of Forests (T), Thane for information.
Copy to the Deputy Conservator of Forests, Shahapur Forest Division, Shahapur for information.
Copy to the Deputy Conservator of Forests, Thane Forest Division, Thane for information.
Copy to the Deputy Conservator of Forests, Thane Wildlife Division, Thane for information.
Copy to the Deputy Chief Engineer (C), Ghatkopar, Central Railway for information