

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 0.6732 ha. Mangrove forest land for establishment of a connectivity link from Kharghar to Taloja at Pendhar involving Construction of Bridge on Taloja River and Construction of ROB on Diva-Panvel Railway line, Tal. Panvel, Dist. Raigad in the State of Maharashtra (FP/MH/ROAD/52103/2020). The details of land proposed for diversion is as under-

Sr No.	Item of work/ Purpose	Village	Taluka	District	Survey /CTS No.	Area in ha	Status
1	Construction of Bridge on Taloja River and	Pendhar	Panvel	Raigad	297	0.33477	Un-notified Mangrove Forest
					88	0.0789	
					Nalla	0.0039	
2	Construction of ROB on Diva-Panvel Railway line, Tal. Panvel, Dist. Raigad in the State of Maharashtra	Taloje Tarfe Pandhannad			244	0.002	
					245	0.00945	
					246	0.1619	
					247	0.0274	
					320	0.0549	
Total Forest Area (in ha.)						0.6732	

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

(Naresh Zurmure)

**Additional Principal Chief Conservator of Forests
& Nodal Officer**

Date: 27/09/2021

Place: Nagpur

Proposal for diversion of 0.6732 ha. Mangrove forest land for establishment of a connectivity link from Kharghar to Taloja at Pendhar involving Construction of Bridge on Taloja River and Construction of ROB on Diva-Panvel Railway line, Tal. Panvel, Dist. Raigad in the State of Maharashtra (FP/MH/ROAD/52103/2020).

**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.**

- 1) Proposal is for diversion of 0.6732 ha. Mangrove forest land for establishment of a connectivity link from Kharghar to Taloja at Pendhar involving Construction of Bridge on Taloja River and Construction of ROB on Diva-Panvel Railway line, Tal. Panvel, Dist. Raigad in the State of Maharashtra (FP/MH/ROAD/52103/2020) has been initiated by the Executive Engineer (BPR & HQ), CIDCO for seeking approval under Forest (Conservation) Act, 1980.
- 2) The proposed project for Establishment of a connectivity link from Kharghar to Taloja at Pendhar involving construction of Bridge on Taloja River and Construction of ROB on Diva Panvel Railway line and required minimum area of forest area. This project is infrastructure project and public utility project. The main objective of the proposed project is as under:-
 - The proposed connectivity will be between Sion-Panvel Express way through the Kharghar node and to Panchanand Pendhar area leading to Taloja Industrial Belt Bombivali, Ambenath and Badlapur areas.
 - This connectivity will be more beneficial to 12.5% Scheme of Panchanand Pendhar which is for settlement of Project affected people as per the Government policy.
 - This will be the basic infrastructure for the residents of local area and for shifting of people who otherwise come from distance places.
 - This will support the nearby industrial belt with manpower and it's connectivity for development.
 - In and around this connectivity, modern physical, social and commercial services will be developed which will raise the living standard to urban level and help to reduce this disparities.
 - This connectivity will save time, energy and money for the people to reach destination on developing area of Diva-Panvel and Taloja Industrial area by shortest distance from and through Kharghar node.
 - This connectivity will help to reduce the congestion of traffic at Kalamboli junction and shilphata road leading to Dombivali & Kalyan Industrial & Housing area.
- 3) The details of the forest land proposed for diversion are as under:-

Sr No.	Item of work/ Purpose	Village	Taluka	District	Survey /CTS No.	Area in ha	Status
1	Construction of Bridge on Taloja River and Construction of ROB on Diva- Panvel Railway line, Tal. Panvel, Dist. Raigad in the State of Maharashtra	Pendhar	Panvel	Raigad	297	0.33477	Un-notified Mangrove Forest
					88	0.0789	
					Nalla	0.0039	
2		Taloje Tarfe Pandhannad			244	0.002	
					245	0.00945	
					246	0.1619	
					247	0.0274	
					320	0.0549	
Total Forest Area (in ha.)						0.6732	

- 4) The total non forest involved in project is 5.285965 ha.
- 5) The cross sectional plan is enclosed on page no.
- 6) Copy of the Technical Approval & Administrative approval is enclosed herewith
- 7) The site inspection report of the Deputy Conservator of Forests, Alibag Forest Division, Alibag is enclosed on page no.
- 8) No alternate alignment is possible and the forest land required is lowest minimum.
- 9) The area belongs to Eco-value class-II having density is 0.2.
- 10) There are 232 trees of various species and trees is involved in implementation of the Project. The Girth wise break up is as under:-

Tree Girth in Cm									
0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-150	150 Above	Total
4	42	53	26	48	44	5	6	4	232

- 11) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 12) There is no violation of Forest (Conservation) Act 1980.
- 13) The proposed project distance is 7.2 Km from Matheran Eco-Sensitive Zone, 7.00 Km from Matheran Eco-Sensitive Buffer Zone and 17.3 Km. from Karnala Bird Sanctuary is about 8.2 Km. from Eco-Sensitive Zone of Karnala Bird Sanctuary. This project will not have any adverse effect on the wildlife within National Park/Sanctuary. The notification of the Karnala Bird Sanctuary, Matheran Eco Sensitive Buffer Zone is enclosed herewith.
- 14) Proposed Compensatory Afforestation over 1.00 ha. degraded Forest land of Reserved Forest in Survey No. 85, at Village-Turbhe, Taluka Panvel, Dist. Raigad it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
- 15) 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.
- 16) The Deputy Conservator of Forests, Alibag Forest Division, Alibag has submitted undertaking regarding Three Alternative Alignment examined for linear project. The alternative no.1 is the most suitable for forestry point of view.
- 17) The User Agency has submitted an undertaking to defray the cost of Net Present Value
- 18) The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation.
- 19) The User Agency has submitted an undertaking environmental Clearance not required to the project.

20) The User Agency has submitted 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 formal approval as per Government of India vide letter No.11-43/2013-FC, dt.3/12/2018.

21) The Deputy Conservator of Forests, Alibag Forest Division, Alibag and Chief Conservator of Forest (T), Thane have recommended the proposal for diversion of 0.6732 ha. of Un-notified Mangrove Forest.

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

2.1 Legal status of the forest land shall remain unchanged.

2.2 Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.

2.3 Compensatory afforestation

a) Compensatory afforestation shall be taken up by the Forest Department over 1.00 ha. degraded Forest land of Reserved Forest in Survey No. 85, at Village-Turbhe, Taluka Panvel, Dist. Raigad 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.

2.4 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.

2.5. NPV:-

a) The State Government shall charge the Net Present Value (NPV) for the 0.6732 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.

2.6 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.

2.7 All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through (<https://parivesh.nic.in/>).

2.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

- 2.9 Speed regulating signage will be erected along the railway line at regular intervals in the Protected Areas/ Forest Areas.
- 2.10. The user agency shall provide suitable under/ over passes in Protected Area/ Forest Area.
- 2.11. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 2.12 It Shall mandatory to provide underpass for safe crossing of wild animals
- (a) The underpass shall have a minimum size of width 4.00 mt and Height 3.00 mt.
- (b) Wherever natural cross drainage works are in existence, then no need to construct new underpass subject to existing structure nearly complying above mentioned dimensions, as suggested in (a) above.
- (c) Wherever natural cross drainage works are in existence but as per engineering requirement, it is required to reconstruct then that structure shall comply with the minimum dimensions as suggested in (a) above.
- (d) Interval between such underpasses shall not be more than 2.00 km
- 2.13 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 2.14 No labour camp shall be established on the forest land.
- 2.15 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 2.16 The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- 2.17 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 2.18 The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- 2.19 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 2.20 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
- 2.21 Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11- 42/2017-FC dt 29/01/2018.
- 2.22 Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
- 2.23 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).


(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

Sub:- Proposal for diversion of 0.6732 ha. Mangrove forest land for establishment of a connectivity link from Kharghar to Taloja at Pendhar involving Construction of Bridge on Taloja River and Construction of ROB on Diva-Panvel Railway line, Tal. Panvel, Dist. Raigad in the State of Maharashtra (FP/MH/ROAD/52103/2020).

No. : Desk-17/Nodal/Thane /I.D-13131 (77)/1605 /2022-23
Nagpur – 440 001, Dated 27/09/2022

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

The Executive Engineer (BPR & HQ), CIDCO Ltd., has submitted proposal for diversion of 0.6732 ha. Mangrove forest land for establishment of a connectivity link from Kharghar to Taloja at Pendhar involving Construction of Bridge on Taloja River and Construction of ROB on Diva-Panvel Railway line, Tal. Panvel, Dist. Raigad in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

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- This connectivity will be more beneficial to 12.5% Scheme of Panchanand Pendhar which is for settlement of Project affected people as per the Government policy.
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 - This connectivity will save time, energy and money for the people to reach destination on developing area of Diva-Panvel and Taloja Industrial area by shortest distance from and through Kharghar node.
 - This connectivity will help to reduce the congestion of traffic at Kalamboli junction and shilphata road leading to Dombivali & Kalyan Industrial & Housing area.
- 3) 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 copies.
- 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) The total non forest involved in project is 5.285965 ha.
 - 5) The cross sectional plan is enclosed on page no.
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 - 7) The site inspection report of the Deputy Conservator of Forests, Alibag Forest Division, Alibag is enclosed on page no.
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- 2.2 Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
- 2.3 **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over 1.00 ha. degraded Forest land of Reserved Forest in Survey No. 85, at Village-Turbhe, Taluka Panvel, Dist. Raigad 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.
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2.5. NPV:-


- a) The State Government shall charge the Net Present Value (NPV) for the 0.6732 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.
- 2.6 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.
- 2.7 All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through (<https://parivesh.nic.in/>).
- 2.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 2.9 Speed regulating signage will be erected along the railway line at regular intervals in the Protected Areas/ Forest Areas.
- 2.10. The user agency shall provide suitable under/ over passes in Protected Area/ Forest Area.
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- (c) Wherever natural cross drainage works are in existence but as per engineering requirement, it is required to reconstruct then that structure shall comply with the minimum dimensions as suggested in (a) above.
- (d) Interval between such underpasses shall not be more than 2.00 km
- 2.13 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 2.14 No labour camp shall be established on the forest land.
- 2.15 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 2.16 The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- 2.17 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 2.18 The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- 2.19 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 2.20 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.

- 2.21 Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11- 42/2017-FC dt 29/01/2018.
- 2.22 Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
- 2.23 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

8.00 It is therefore, requested that Government of Maharashtra may kindly be process proposal for diversion of 0.6732 ha. Mangrove forest land for establishment of a connectivity link from Kharghar to Taloja at Pendhar involving Construction of Bridge on Taloja River and Construction of ROB on Diva-Panvel Railway line, Tal. Panvel, Dist. Raigad in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies

, 27/7/22

(Naresh Zurmure)
Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy to the Chief Conservator of Forests (T), Thane for information.
Copy to the Deputy Conservator of Forests, Alibag Forest Division, Alibag for information.
Copy to the Executive Engineer (BPR & HQ), CIDCO Ltd., Kharghar Railway Station Complex, Kharghar, Navi Mumbai-410210 for information.