

**Diversion 17.01 ha. Reserved/Protected Restored Private Forest land for
for Rehabilitation and Up-gradation of Shahapur Patgaon Section 1 – (KM 0+000 to
KM 20+130) part of NH-3 Shahapur – Murbad – Patgaon – Karjat – Khopoli – NH4 section
of newly declared NH-548 A in the state of Maharashtra.**

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

Executive Engineer, Maharashtra State Road Development Corporation (Ltd.), Mumbai. has submitted the proposal for diversion of 17.01 ha. Reserved/Protected Restored Private Forest land for Rehabilitation and Up-gradation of Shahapur Patgaon Section 1 – (KM 0+000 to KM 20+130) part of NH-3 Shahapur – Murbad – Patgaon – Karjat – Khopoli – NH4 section of newly declared NH-548 A in the state of Maharashtra. There is no non-forest land involved in this project. The detailed area statement of forest land is shown as under:-

Sr. No.	Village	Type	Gut No.	Survey No.	Area in Ha.	Side	Legal Status
1	Kambare	Existing Road	328	103/1	0.065	RHS	Restored Private Forest
		Existing Road			0.065	LHS	Restored Private Forest
Total					0.130		
2	Khutghar	Existing Road	137	116	0.210	Both	Protected Forest
		Existing Road	143	116	0.090	LHS	Protected Forest
		Existing Road	142	116	0.079	LHS	Protected Forest
		Existing Road	149	117	0.812	RHS	Protected Forest
		Existing Road	125	118	0.442	RHS	Protected Forest
		Existing Road	54pt	21	0.073	LHS	Restored Private Forest
		Existing Road			0.073	RHS	Restored Private Forest
		Existing Road	55pt.	21	0.047	LHS	Restored Private Forest
		Existing Road			0.126	RHS	Restored Private Forest
		Existing Road	56	21	0.043	LHS	Restored Private Forest
		Existing Road	57	21	0.036	LHS	Restored Private Forest
		Existing Road	53	17	0.145	RHS	Restored Private Forest
Total					2.175		
3	Nadgaon	Existing Road	-	237	0.217	Both	Restored Private Forest
		Realignment	-		0.600	Both	
		Existing Road	-	254	0.438	Both	Protected Forest
		Existing Road	-	291	0.130	Both	Protected Forest
		Realignment	-	345	0.450	Both	Reserved Forest
		Existing Road	-		0.986	Both	
Total					2.821		
4	Lenad Khurd	Realignment	-	108	0.570	Both	Reserved Forest
		Existing Road	-	104	0.008	LHS	Reserved Forest
		Existing Road	-	3	0.275	Both	Protected Forest

		Existing Road	-	4	0.449	Both	Protected Forest
		Realignment	-	38	0.390	LHS	Restored Private Forest
		Total		1.692			
5	Shendrun	Existing Road	34	158	0.884	Both	Protected Forest
		Realignment			0.285	Both	
		Realignment	35	158	0.270	Both	Protected Forest
		Existing Road	71	160	0.362	Both	Protected Forest
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		Existing Road	173	101	0.704	Both	Reserved Forest
		Existing Road	174	100	0.990	Both	Protected Forest
		Total		1.864			
7	Kalgaon	Existing Road	225	100	1.386	Both	Protected Forest
		Existing Road	530	77	0.018	Both	Protected Forest
		Existing Road	535	851	0.015	Both	Reserved Forest
		Total		1.419			
8	Dahivali	Existing Road	232	180	0.429	RHS	Reserved Forest
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		Existing Road	-	175	0.283	Both	Protected Forest
		Total		4.928			
		Grand Total		17.010			

Summary

Reserved Forest	Protected Forest	Restored Private Forest	Total
4.955	9.811	2.244	17.010

2. The User Agency has highlighted that the Ministry of Road Transport & Highways (MoRTH), GOI has decided to take up the development of Section-I – Shahapur Patgaon NH-548A in the State of Maharashtra for augmentation of capacity for safe and efficient movement of traffic by upgrading to Two Lane with paved shoulder configuration based on the traffic demand. The existing project road predominantly has a carriage way width 7 mtr wide with earthen shoulder 0.5 to 1.5 mtr on the both sides with exception in few locations. Paved shoulder is observed at some major build ups along the project stretch. The existing width incapable to cope up with the increasing traffic because the highway is declared as National Highway, the project road required minimum two lane with paved shoulder configuration. The proposed project is starting from existing Km 0+000 to 20 + 130. The approximate length of project is 20.130 km in this package from which road is passing through forest area in Shahapur forest division. The proposed widening requires 17.01 ha forest land.

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P/20-69

2.3 Therefore the user agency has submitted the proposal for diversion of 17.01 ha Reserved forest/Protected & Restored Private Forest land for Rehabilitation and Up-gradation of Shahapur Patgaon Section 1 – (KM 0+000 to KM 20+130) part of NH-3 Shahapur – Murbad – Patgaon – Karjat – Khopoli – NH4 section of newly declared NH-548 A in the state of Maharashtra.

3. Chief Conservator of forests (T), Thane vide their letter No Desk-10/FCA/CR-08/2020-21/145/2020-21, dated 27/07/2020. has been submitted the proposal along with requisite documents for recommending the proposal :-

C/15

4. **Deputy Conservator of Forests, Shahapur has certified that :-**

4.1 No suitable Non forest land is available for the proposed project and demand for the forest land is minimum.

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4.2 The proposed project is located on existing alignment of the NH-548A. No Need to examine the alternate route for this purpose, only new re-alignment for new bypasses has been taken up by the project proponent in non-residential area through private land acquisition.

P/119

4.3 Provisions of the Forest (Conservation) Act, 1980 and guidelines, under it, have been violated by user agency.

P/81-87

The User Agency has violated over 0.0503 ha area. Work started on 01/01/2019 and work stopped on 02/01/2019. The forest offence case is booked and the penalty of Rs. 279200/- has been recovered. Violation report submitted.

4.4 34.02 ha degraded forest land as per details mentioned below has been identified for Compensatory afforestation. The said land is suitable for afforestation and management purpose and also it is free from encroachment and encumbrances :-

P/88-94

Ser No	Range	Taluka	Village	S No	Total Area	Suitable area for CA	Legal status
1.	Dhasai	Shahapur	Ras	57,69	25.00	20.00	PF
2.	Shahapur	Shahapur	Kukambe	36/1 (Old 684)	22.60	14.02	PF
					47.60	34.02	

CA Scheme for 10 years submitted.

4.5 Deputy Conservator of Forests, Shahapur has submitted Site Inspection Report dated 26/06/2020.

4.6 **Wildlife Cert :-**

- The proposed area is not passing through any Notified Protected Area (PA) including Wildlife Sanctuary, National Park.
- The nearest Tansa Wildlife Sanctuary is located 3.09 km away from project boundary. Thus no impact on wildlife.

4.7 Certified that, the area proposed under the project does not included in the definition of Identified Forest as defined by Hon'ble Supreme Court of India in W. P. 202 of 1995.

4.8 The proposed area is not likely to affect any monument site of cultural , historical religious, archeological or recreational importance

4.9 The proposed area belongs to Eco Value Class I, Dense Forest & Open forest having density below 0.3 to 0.4.

4.10 There are total 2586 No of trees felling/cutting involved in the project . Girthwise details of trees are as under :-

Girth Class in Cms													
0-30	30-45	46-60	61-75	76-90	91-105	106-120	121-150	151-180	181-200	201-250	251-300	Above 301	Total
48	637	965	336	392	75	63	33	15	8	10	4	0	2586

5. **User Agency has submitted the following undertaking/documents :-**

- 5.1 Agreed to bear the cost of Compensatory afforestation.
- 5.2 Agreed to bear the cost of Net Present Value.
- 5.3 To bear the cost of clearance/removal of the vegetation growth from the proposed forest land.
- 5.4 User Agency has not submitted the FRA-2006, However submitted the undertaking stating the same will be submitted on receipt from District Collector Thane or with Stage-1 compliance.
- 5.6 The project authority has submitted the Administrative / Technical Approval issued by GOI, Ministry of road Transport & Highways vide letter dt. 16.01.2018.

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

- 6.1 The legal status of the land required will remain unchanged
- 6.2 Compensatory afforestation will be raised at the cost of the user agency on 34.02 ha degraded forest land as per details mentioned below :-

Ser No	Range	Taluka	Village	S No	Total Area	Suitable area for CA	Legal status
1.	Dhasai	Shahapur	Ras	57,69	25.00	20.00	PF
2.	Shahapur	Shahapur	Kukambe	36/1 (Old 684)	22.60	14.02	PF
Total					47.60	34.02	

As per GOI guidelines dated 08/11/2017 at least 1000 plants per ha. to be planted on degraded forest land identified for compensatory afforestation.

- 6.3 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.
- 6.4 The user agency will defray the cost of Net Present Value of 17.010 ha. of forest land as per the latest Guideline of Government of India.
- 6.5 For violation of the FCA, 1980 as penalty, the user agency will defray the cost (equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum upto (5) five times the NPV plus 12 percent simple interest till the deposit is made in accordance with Government of India advisory number 11-42/2017-FC, dated 29/01/2018.
- 6.6 The user agency will defray the additional / revised cost of Net Present Value of forestland as per the latest Guideline of Government of India.
- 6.7 The user agency will defray the cost of removal of 2586 trees in the proposed area. However, minimum number of trees will be felled. In situations where felling of trees is avoidable and such trees could be transplanted, all efforts to transplant such trees at a pre designated site will be taken and additional expenditure, if any, in such cases shall be at the cost of the User Agency.
- 6.8 The user agency should submit the complete compliance of FRA-2006 at the earliest or along with compliance of Stage-I approval.
- 6.9 User agency shall raise strip plantation on both side and Central verge of the road as per IRC norms.
- 6.10 Speed regulating signage will be erected along the road at regular intervals in the Forest areas.
- 6.11 The user agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable
- 6.12 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, with chain link fencing on both side of land so diverted and which bifurcates Reserved/Protected Forest to protect encroachment on forest land in future.
- 6.13 The user agency in consultation with the State Government shall create and maintain an alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nest artificially made out of eco-friendly material shall be used in the area., including forest area and human settlements, adjoining the forest area being diverted for the project.
- 6.14 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 6.15 No labour camps shall be established on forest land.
- 6.16 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.

- 6.17 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.
- 6.18 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 6.19 The forest land shall not be used for any purpose other than that specified in the project proposal
- 6.20 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.
- 6.21 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.
- 6.22 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 Guidelines F No 11-42/2017-FC dated 29/01/2018.
- 6.23 Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & Wildlife.
- 6.24 All other conditions as may be mandatory under relevant Acts, rules and guidelines shall be complied with by the user agency.

(Dr. N Rambabu)
Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur

[Signature]
13/10/2020

[Signature]
13/10/2020

[Signature]
13/10/2020

PART -IV**Nodal Officer or Principal Chief Conservator of Forests (Head of Forest Force)**

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

Sub :- Executive Engineer, Maharashtra State Road Development Corporation (Ltd.), Mumbai has submitted the proposal for diversion of 17.01 ha. Reserved/Protected Restored Private Forest land for Rehabilitation and Up-gradation of Shahapur Patgaon Section 1 – (KM 0+000 to KM 20+130) part of NH-3 Shahapur – Murbad – Patgaon – Karjat – Khopoli – NH4 section of newly declared NH-548 A in the state of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980. The details of the forest land proposed for diversion is as under :-

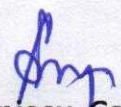
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Summary

<u>Reserved Forest</u>	<u>Protected Forest</u>	<u>Restored Private Forest</u>	<u>Total</u>
<u>4.955</u>	<u>9.811</u>	<u>2.244</u>	<u>17.010</u>

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 18A.

Date : /10/2020
Place : Nagpur


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



Certified by ISO
9001:2015

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

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

First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001

Tel no. (0712) 2556916, Fax no. (0712) 2550675

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

Sub.:- Diversion of 17.01 ha. Reserved/Protected Restored Private Forest land for Rehabilitation and Up-gradation of Shahapur Patgaon Section 1 – (KM 0+000 to KM 20+130) part of NH-3 Shahapur – Murbad – Patgaon – Karjat – Khopoli – NH4 section of newly declared NH-548 A in the state of Maharashtra.

No. : Desk-17/NC/II/ID 12819/(71)/683 /2020-21
Nagpur – 440 001, Dated: 27/10/2020

To,

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

Ref:- Chief Conservator of Forests, (T) ,Thane letter No Desk-10/FCA/CR-08/2020-21/145/2020-21, dated 27/07/2020.

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2.3 Therefore the user agency has submitted the proposal for diversion of 17.01 ha Reserved forest/Protected & Restored Private Forest land for Rehabilitation and Up-gradation of Shahapur Patgaon Section 1 – (KM 0+000 to KM 20+130) part of NH-3 Shahapur – Murbad – Patgaon – Karjat – Khopoli – NH4 section of newly declared NH-548 A in the state of Maharashtra.

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- The proposed area is not passing through any Notified Protected Area (PA) including Wildlife Sanctuary, National Park.
- The nearest Tansa Wildlife Sanctuary is located 3.09 km away from project boundary. Thus no impact on wildlife.

- 4.7 Certified that, the area proposed under the project does not included in the definition of Identified Forest as defined by Hon'ble Supreme Court of India in W. P. 202 of 1995.

- 4.8 The proposed area is not likely to affect any monument site of cultural , historical religious, archeological or recreational importance

- 4.9 The proposed area belongs to Eco Value Class I, Dense Forest & Open forest having density below 0.3 to 0.4.

- 4.10 There are total 2586 No of trees felling/cutting involved in the project . Girthwise details of trees are as under :-

Girth Class in Cms													
0-30	30-45	46-60	61-75	76-90	91-105	106-120	121-150	151-180	181-200	201-250	251-300	Above 301	Total
48	637	965	336	392	75	63	33	15	8	10	4	0	2586

5. **User Agency has submitted the following undertaking/documents :-**

- 5.1 Agreed to bear the cost of Compensatory afforestation.
- 5.2 Agreed to bear the cost of Net Present Value.
- 5.3 To bear the cost of clearance/removal of the vegetation growth from the proposed forest land.
- 5.4 User Agency has not submitted the FRA-2006, However submitted the undertaking stating the same will be submitted on receipt from District Collector Thane or with Stage-1 compliance.

- 5.6 The project authority has submitted the Administrative / Technical Approval issued by GOI, Ministry of road Transport & Highways vide letter dt. 16.01.2018.

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

- 6.1 The legal status of the land required will remain unchanged
- 6.2 Compensatory afforestation will be raised at the cost of the user agency on 34.02 ha degraded forest land as per details mentioned below :-

Ser No	Range	Taluka	Village	S No	Total Area	Suitable area for CA	Legal status
1.	Dhasai	Shahapur	Ras	57,69	25.00	20.00	PF
2.	Shahapur	Shahapur	Kukambe	36/1 (Old 684)	22.60	14.02	PF
Total					47.60	34.02	

As per GOI guidelines dated 08/11/2017 at least 1000 plants per ha. to be planted on degraded forest land identified for compensatory afforestation.

- 6.3 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.
- 6.4 The user agency will defray the cost of Net Present Value of 17.010 ha. of forest land as per the latest Guideline of Government of India.
- 6.5 For violation of the FCA, 1980 as penalty, the user agency will defray the cost (equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum upto (5) five times the NPV plus 12 percent simple interest till the deposit is made in accordance with Government of India advisory number 11-42/2017-FC, dated 29/01/2018.
- 6.6 The user agency will defray the additional / revised cost of Net Present Value of forestland as per the latest Guideline of Government of India.
- 6.7 The user agency will defray the cost of removal of 2586 trees in the proposed area. However, minimum number of trees will be felled. In situations where felling of trees is avoidable and such trees could be transplanted, all efforts to transplant such trees at a pre designated site will be taken and additional expenditure, if any, in such cases shall be at the cost of the User Agency.
- 6.8 The user agency should submit the complete compliance of FRA-2006 at the earliest or along with compliance of Stage-I approval.
- 6.9 User agency shall raise strip plantation on both side and Central verge of the road as per IRC norms.
- 6.10 Speed regulating signage will be erected along the road at regular intervals in the Forest areas.
- 6.11 The user agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, , if applicable

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- 6.10 Speed regulating signage will be erected along the road at regular intervals in the Forest areas.
- 6.11 The user agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, , if applicable

- 6.12 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, with chain link fencing on both side of land so diverted and which bifurcates Reserved/Protected Forest to protect encroachment on forest land in future.
- 6.13 The user agency in consultation with the State Government shall create and maintain an alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nest artificially made out of eco-friendly material shall be used in the area., including forest area and human settlements, adjoining the forest area being diverted for the project.
- 6.14 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 6.15 No labour camps shall be established on forest land.
- 6.16 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.
- 6.17 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.
- 6.18 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 6.19 The forest land shall not be used for any purpose other than that specified in the project proposal
- 6.20 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.
- 6.21 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.
- 6.22 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 Guidelines F No 11-42/2017-FC dated 29/01/2018.
- 6.23 Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & Wildlife.
- 6.24 All other conditions as may be mandatory under relevant Acts, rules and guidelines shall be complied with by the user agency.

7. It is therefore requested that the Government of Maharashtra may kindly be moved to approve the diversion of 17.01 ha. Reserved/Protected Restored Private Forest land in favour of Executive Engineer, Maharashtra State Road Development Corporation (Ltd.), Mumbai for

Rehabilitation and Up-gradation of Shahapur Patgaon Section 1 – (KM 0+000 to KM 20+130) part of NH-3 Shahapur – Murbad – Patgaon – Karjat – Khopoli – NH4 section of newly declared NH-548 A in the state of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encls : As above

(Sanjeev Gaur)

Additional Principal Chief Conservator of Forests
& Nodal Officer

Copy forwarded to Chief Conservator of Forests (T), Thane

Copy forwarded to Deputy Conservator of Forests, Shahapur

Copy forwarded to Executive Engineer, Maharashtra State Road Development Corporation (Ltd.),
Mumbai, Opp Bandra Reclamation Bus Depot, Near Lilavati Hospital, KC Marg,
Bandra (West) Mumbai- 400050 (Email- eenhmumbai@gmail.com)