

Sub.:- Forest Land- Nashik & Thane


Diversion of 383.8535 ha forest land under Section - 2 of the Forest (Conservation) Act, 1980 for construction of Nagpur-Mumbai Super communication Expressway (Package-V) passing through from Taranganpada Igatpuri Taluka, Nashik District to Amane, Bhiwandi Taluka, Thane District of 78 kms in the State of Maharashtra.

PART - V

(To be filled up by the Secretary In charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

**1. Recommendation of the
State Government**

The proposal is recommended
vide Government letter
No.FLD-1218/ CR-313/ F-10
Dated: 30/11/2018



(Virendra Tiwari)
Additional Principal Chief Conservator of Forests
(Mantralaya)

VIRENDRA TIWARI
Additional Principal
Chief Conservator of Forests (Mantralaya)
Revenue and Forest Department
Mantralaya, Mumbai 400 032

Place : Mumbai

Date : 30/11/2018

Government of Maharashtra

By Speed Post

No.FLD-1218/ C.R.313/ F-10
Revenue and Forest Department,
Room No.456/461 Annex,
Hutatma Rajguru Chowk,
Madam Cama Marg,
Mantralaya, Mumbai- 400 032.
Date: - 30/11/2018

To,

The Additional Principal Chief Conservator of Forests (Central),
Government of India,
Ministry of Environment, Forests & Climate Change,
Regional Office, West Central Region,
Ground Floor, East Wing,
New Secretariat Building, Civil Lines,
Nagpur- 440 001.

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Diversion of 383.8535 ha forest land under Section - 2 of the Forest (Conservation) Act, 1980 for construction of Nagpur-Mumbai Super communication Expressway (Package-V) passing through from Taranganpada Igatpuri Taluka, Nashik District to Amane, Bhiwandi Taluka, Thane District of 78 kms in the State of Maharashtra.

Sir,

The proposal has been initiated by Executive Engineer, Package-V, M.S.R.D.C Ltd., opposite Bandra Reclamation bus depot, Bandra (W) Mumbai for Construction of Nagpur-Mumbai Super Communication Expressway (Package -V) from Taranganpada, Igatpuri Taluka, Nashik District to Amane, Bhiwandi Taluka, Thane district of 78 Kms in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980. Total non forest land involved in the project is 526.3215 ha. The detailed area statement of forest land is shown as under:-

District	Circle	Division	Reserved Forest	Protected Forest	Finally Acquired Forest	Restored Private Forest	Pending Enquiry Private Forest	Total
Nashik	Nashik	West Nashik	37.555	0.00	0.00	1.622	0.00	39.177
Thane	Thane	Shahapur	104.2802	143.7654	3.5125	60.1452	6.1453	317.8486
		Thane	0.00	13.4723	0.9497	0.00	12.4059	26.8279
Total			141.8352	157.2377	4.4622	61.7672	18.5512	383.8535

2. The Maharashtra State Road Development Corporation Ltd, (MSRDC) is planning development, coordinating and implementing agency established by the Government of Maharashtra. The Nagpur-Mumbai Expressway has been designated as Maharashtra prosperity corridor basically with the three objectives, viz, to cut down distance/travel time between Nagpur and Mumbai, bring prosperity to the area by an agro-economic sustainable development model and curb the migration from rural areas to cities within Maharashtra. It is the first project being set up by pooling/land purchasing through prevailing laws of Government of Maharashtra. The project will also support the development of Marathwada and Vidarbha regions. It is planned to develop new industrial/educational/commercial/tourism nodes in vicinity of express way at a regular interval of 40-50 kms. The project will, side by side, generate large scale temporary and permanent employment to the skilled and unskilled workers, thereby, offering employment opportunity of mainly to local population.

The proposed alignment of Expressway has been chosen out of many alternatives studies by the experts based on various parameters. Hence the project location is site specific, and it is justified to locate the project on forest land where ever it is barely essential. wherever possible non-forest land has been used but, in view of above reason, the patch of Expressway passing through forest cannot be located on non forest land and as such the proposed diversion of 383.8535 ha is justified.

This project has been sanctioned by the Government of Maharashtra vide resolution No. Patus-2015/C.R.28/Ka.1461, dt. 14/1/2016. The project is demarcated on Survey of India Top sheet No. 47/E9, 47/E13, 47/11, 47/15 and 47/19.

3. Deputy Conservator of Forest, Shahapur and co-ordinating Officer for Package -- V has certified that the project is site specific, there is no suitable alternative non forest land available other than proposed forest land and demand for the diversion is barest minimum.

4. District Collector, Nashik has certified that the project is site specific, wherever possible non forest land has been used but, in view of above reason, the patch of Express Way passing through forest cannot be located on non-forest and as such the proposed diversion of 39.177 ha in Nashik district is required and same is the barest minimum demand.

5. District Collector, Thane has certified that the project is site specific, Wherever possible non forest land has been used but, in view of above reason, the patch of Express Way passing through forest cannot be located on non-forest and as such the proposed diversion of 344.6765 ha in Thane district is required and same is the barest minimum demand.

6. Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have certified that provisions of the Forest (Conservation) Act, 1980 and guidelines under it have not been violated by user agency.

7. Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have certified that the proposed project is not passing through any Wildlife Sanctuary/Protected Area/National Park/Nature Reserve.

8. Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have certified that proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance and/or Defence including Wildlife Sanctuaries and/or National Parks.

9. Certificate about distance of project area from protected area:-
- i. Conservator of Forests (Wildlife) Nashik certified that chainage No 632 + 200 have been verified, points having geo-co-ordinates (N19°37'16.62" E73°33'58.02") is found at the distance of 6.660 km from the boundary of Kalsubai Harishchandra gad Wildlife Sanctuary.
 - ii. Deputy Conservator of Forests (Wildlife) Thane certified that closest distance from border of Tansa Wildlife Sanctuary is 1.47 km away from the proposed project.
 - iii. The proposed diversion of project site is within 10.00 km from the boundary of Tansa Wildlife Sanctuary and approximate 0.325 km from proposed Eco Sensitive Zone of Tansa Wildlife Sanctuary, therefore the user agency has submitted the proposal No FP/MH/ROAD/920/2016 and the proposal has been recommended by the State Board of Wildlife (SBWL) and forwarded to NBWL, MOEF, New Delhi vide Govt of Maharashtra letter No WLP04.18/C.R.136/F-1 dated 23/04/2018. GOI, MoEF&CC vide letter No 6-111/2018 WL dated 26/09/2018 forwarded the minutes of 50th Meeting of the Standing Committee of National Board for Wildlife held on 07/09/2018, the subject proposal has been recommended by National Board for Wildlife under some condition.
 - iv. The user agency has submitted that the project alignment was passing through deemed ESZ boundary of 10 km buffer of Kalsubai Harishchandragad Wildlife Sanctuary with nearest distance of 6.66 km from Borli village. Accordingly formal process of obtaining clearance from NBWL has been initiated. However Final ESZ boundary of Kalsubai Harishchandragad Wildlife Sanctuary has been declared vide GOI, MoEF&CC Gazette Notification S.O. 1367 (E) dated 28/04/2017 and it is observed that the project alignment is now falling out of final ESZ boundary and not required clearance from NBWL, therefore the project authority has withdrawal the proposal.
10. GOI, MoEF&CC, vide letter No 6-111/2018-WL, dated 26/09/2018 forwarded the minutes 191 meeting of Expert Appraisal Committee held on 25/06/2018, the subject proposal has been recommended for grant of Environmental Clearance under some condition.
11. Deputy Conservator of Forests, Aurangabad certified that 383.8535 ha Gairan Land of Gut No 512,293,740,476 of Village-Andhari, Tal-Sillod and Gut No 192,14,65,93,95 of village Jatwa, Tahsil-Phulambri and Gut No 495 of village-Umravati, Tahsil-Phulambri of Silod Range proposed for Compensatory afforestation & it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances. The above land has been made available by District Collector, Aurangabad vide letter dated 28/07/2017.
12. Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have submitted the site inspection reports.
13. Deputy Conservator of Forests, Shahapur and co-ordinating Officer of Package V has certified that the project area of Shahapur & Thane Division belongs to Eco Class - I having density below 0.2 to 0.4 and West Nashik Division belongs to Eco Class - III having density below 0.4.
14. Deputy Conservator of Forests, Shahapur and co-ordinating Officer of Package V has certified that the project is with specific alignment decided after detailed study and

exploring various alternatives, therefore in view of this no alternative non forest land can be used for the purpose.

15. Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have certified that 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.

16. Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have certified that there is no identified forest in the proposed area.

17. Deputy Conservator of Forests, Shahapur and co-ordinating Officer of Package V has certified that project area is not under the charge of F.D.C.M. Ltd.

18. Deputy Conservator of Forests, West Nashik Division has submitted that as per sub clause 2.2 (ii) of FCA,1980, as amended, total enumeration is necessary only up to 10 ha. For larger areas, species-wise and diameter class-wise abstract of trees may be computed either from the working plan or by standard sampling methods . Therefore estimated enumeration results of trees computed from the working plan of the division. Hence total No of sound trees in 39.177 ha in 2017-2018 would be 1860 trees. As evident from alignment map , construction of tunnel of length 3.375 Km is entirely passes through West Nashik division area and tunnel is located approximately 50-70 m below surface , In the light of this information, it can be inferred that there will be no cutting of trees involved during the construction phase.

Sr. No.	No of trees in West Nashik Forest Division	No of trees to be felled	Cost of tree cutting (in Rs)
1	1860	00	00

19. Deputy Conservator of Forests, Shahapur has submitted that estimated enumeration results of trees computed from the sample plot method. Hence total No of trees in 317.8486 ha. is 136712, out of which 28597 trees not required to be felled due to tunnel & viaduct area. Hence total 108115 trees required to be felled in Shahapur Forest Division.

20. Deputy Conservator of Forests, Thane has certified that there are 2650 tree cutting involved in the project.

21. The user agency has given an undertaking and agreed to bear the cost of exploitation of felling of trees and their allied works under the project from the forest land proposed to be diverted for the project.

22. The user agency has submitted the undertaking to pay the cost of compensatory afforestation as per prevailing wage rate at the time of plantation.

23. The user agency has given an undertaking to defray the cost of Net Present Value.

24. The user agency has submitted the Cost Benefits Analysis report.

25. The User Agency has given an undertaking to obtain Environmental Clearance before commencement of works of this project.

26. The user agency has submitted the undertaking regarding Non-Indemnity to forest Department, Govt of Maharashtra in the matter pending for inquiry under section 22-A,

of Maharashtra Private Forest (Acquisition) Act 1975. (Act 13 of 1975), Forest Rights Act, 2006, and Ek Sali Plots pertains to the project area .The liability of such an event shall completely with the User Agency (MSRDCL, Mumbai).

27. The User has submitted the compliance under Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act 2006.as per details mentioned below :-

- i. District Collector, Nashik has issued FRA-2006 certificate dated 30/08/2017 for 39.177 ha.
- ii. District Collector, Thane has issued FRA-2006 certificate dated 13/08/2018 for 317.8486 ha. area pertains to Shahapur Forest Division.
- iii. District Collector, Thane has issued FRA -2006 certificate dated 26/10/2018 for 26.8279 ha. area pertain to Thane Forest Division.

28. Deputy Conservator of Forests, Shahapur, West Nashik Division and Thane have recommended the proposal for proposed diversion.

29. Chief Conservator of Forests (T), Thane recommended the proposal for diversion under condition that project authority should take care for minimum felling of trees in this linear project and project authority should be asked to provide free access on the road without any sort of fee/toll for vehicles of the State Forest Department and officials travelling in private vehicles of the State Forest Department.

30. Chief Conservator of Forests (T), Nashik recommended the proposal for diversion under condition that the boulders/materials generated during construction stage shall not be dumped on any forest area and the same may be disposed off by the user agency as per the directions of the Forest Department.

31. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal subject to the conditions, given in his specific recommendations, under Section-2 (ii) of the Forest (Conservation) Act, 1980. His specific recommendations are enclosed in the proposal.

32. In the circumstances explained in above paragraphs and enclosures, the State Government recommends that the said forest land may be allowed to be diverted for the non-forestry use on the conditions proposed by the Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur. The matter may kindly be placed before Government of India for its approval under Section-2 (ii) of the Forest (Conservation) Act ,1980 and the same may please be obtained and communicated to this Government at earliest.

Yours faithfully,



(Virendra Tiwari)

Additional Principal Chief Conservator of Forests
(Mantralaya)

30/11/2018

Encl: A) Set of case papers

b) The following documents are enclosed:-

1. Prescribed form as per Rules

2. Certificate regarding minimum demand for forest land for the project
3. Area Statement
4. Index map of suitable scale
5. Commitment from the Applicant for defraying the cost of exploitation as well as cost of compensatory plantation
6. User Agency has given an undertaking of Net Present Value
7. Brief note of the project from the project authority
8. Map of non-forest land for compensatory afforestation
9. Site Inspection Report
10. Certificate that there is no violation of Forest (Conservation) Act, 1980
11. Certificate in Part-V.

Copy to:

1. Principal Secretary, Environmental Department, Mantralaya, Mumbai
2. Principal Secretary (Tribal), Tribal Development Department, Mantralaya, Mumbai
- ✓ 3. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur
4. Additional Principal Chief Conservator of Forests (CAMPA), Maharashtra State, Nagpur
5. Chief Conservator of Forests (T), Thane
6. Chief Conservator of Forests (T), Nashik
7. Collector, Thane
8. Collector, Nashik
9. Deputy Conservator of Forests, Thane
10. Deputy Conservator of Forests, Shahapur
11. Deputy Conservator of Forests West Nashik
12. Executive Engineer, Maharashtra State Road Development Corporation Ltd, (MSRDC) Bandra opposite Bandra Reclamation bus depot, Bandra (W) Mumbai
13. Select File F-10.