

F. No. 8-95/2012-FC (Vol.)
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi – 110003
Dated: ~~August~~, 2018

24. Sept

To,

The Principal Secretary (Forests),
Government of Maharashtra,
Mantralaya, Mumbai.

Sub: Diversion of 22.549 ha of Forest land for Public Utility infrastructure to the Rehabilitation of Project Affected Persons (PAPs) of Navi Mumbai International Airport at Pushpaknagar of Village- Dapoli, Tal.- Panvel, Dist. Raigad, Maharashtra .

Sir,

I am directed to refer to the State Government's letter No. FLD-1318/CR-193/F-10 dated 20.06.2018 submitting the above subject proposal for seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 22.549 ha of Forest land for Public Utility infrastructure to the Rehabilitation of Project Affected Persons (PAPs) of Navi Mumbai International Airport at Pushpaknagar of Village- Dapoli, Tal.- Panvel, Dist. Raigad, Maharashtra and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

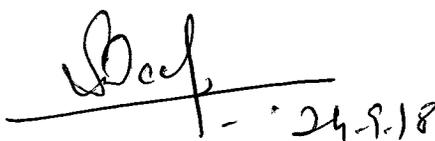
2. After careful consideration of the proposal of the State Government of Maharashtra and on the basis of the recommendations of the Forest Advisory Committee, ***In-principle*** approval is hereby granted for diversion of 22.549 ha of Forest land for Public Utility infrastructure to the Rehabilitation of Project Affected Persons (PAPs) of Navi Mumbai International Airport at Pushpaknagar of Village- Dapoli, Tal.- Panvel, Dist. Raigad, Maharashtra under the Forest (Conservation) Act, 1980 subject to the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. User agency shall pay NPV for entire 22.5490 ha forest land;
- iii. CA shall be raised of 22.5490 ha non forest land within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in accordance with the approved plan in consultation with the State Forest Department at the cost of the user agency, and the CA area shall be mutated in the name of forest department prior to stage II approval;
- iv. User agency shall not fell any trees coming within the alignment of the road rather efforts shall be made to transplant them on pre-designated site in consultation with forest department. The cost of transplantation and further maintenance shall be borne by user agency. A detail scheme duly approved by PCCF, with total cost estimate shall be submitted prior to stage II approval;
- v. The green zone shall be maintained at the cost of user agency in consultation with forest department;
- vi. **No additional or new path (Apart from 1.4 Ha) will be constructed inside the forest area for transportation of construction materials for execution of the project work;**
- vii. It will be the responsibility of the User Agency to ensure that the labourers, staffs engaged in construction / Laying activity do not damage nearby forest flora and fauna;

Def.

24.9.18

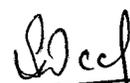
- viii. The Project Authority will raise road-side plantation on both sides of the roads in proposed project;
- ix. All other conditions as may be mandatory under relevant acts, Rules and guideline shall be complied with by the user Agency;
- x. All necessary approvals required for the project as per prevailing laws of the land would be obtained by the User Agency before statutory sanction;
- xi. The User Agency will abide by the provisions of Coastal Regulation Zone (CRZ) Notification of GoI, If required;
- xii. State government shall submit detail alignment with shape file of the proposed road prior to stage II approval;
- xiii. The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, 1927 latest within a period of six months from the date of issue of Stage--II approval;
- xiv. 25% of the cost of CA will be deposited in addition to the CA cost for soil and moisture conservation works at CA site;
- xv. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- xvi. The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned.
- xvii. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- xviii. **The user agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage- I clearance.**
- xix. The User Agency shall prepare and implement the R & R Plan as per the R&R policy of State government in consonance with National R & R policy, Government of India before commencement of the project work and implementation. The said R&R plan will be monitored by the state government / Regional office of MoEF & CC along with indicators for monitoring and expected observable milestones..
- xx. The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- xxi. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xxii. The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees area to be cleared in this project. Birds nests 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.
- xxiii. All other conditions proposed by the State Government at the time of submission of the proposal to the Central Government shall be complied with by the User Agency.


- 24.9.18

- xxiv. The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013, in support thereof
- xxv. The User Agency shall submit the annual self compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;
- xxvi. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- xxvii. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, NGT Court Order & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of the report on the compliance to the conditions stipulated in the paragraph-2 above from the State Government of Maharashtra, final/stage-II approval for diversion of 22.549 ha of Forest land for Public Utility infrastructure to the Rehabilitation of Project Affected Persons (PAPs) of Navi Mumbai International Airport at Pushpaknagar of Village- Dapoli, Tal.- Panvel, Dist. Raigad, Maharashtra under Section-2 of the Forest (Conservation) Act, 1980 will be considered by this Ministry.

Yours faithfully,



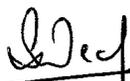
(Sandeep Sharma)

24.8.15

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator Forests, Government of Maharashtra, Nagpur.
2. Addl. Principal Chief Conservator of Forests (Central), Ministry of Environment & Forests, Regional Office, Nagpur.
3. The Nodal Officer, O/o the PCCF, Government of Maharashtra, Nagpur.
4. User Agency.
5. Monitoring Cell.
6. Guard file.



(Sandeep Sharma)

24.8.15

Assistant Inspector General of Forests