



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS
& CLIMATE CHANGE

Integrated Regional Office
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
apccfcetral-ngp-mef@gov.in
Date: 21.06.2022

F.No. FC-II/MH-181/2022-NGP/9910

To,

The Principal Secretary (Forests),
Revenue and Forest Department,
HutatmaRajguruChowk
Madam Cama Marg
Mantralaya, Mumbai – 400032.

Sub: Diversion of 14.613 ha Reserved Forest, Protected Forest and Private Forest in favour of NHAI, PIU, Thane for construction of eight laning of existing four lane Vadape to Thane from Km 539.202 to Km 563.00 section of NH-3 (New NH-848) to be executed on Hybrid Annuity Mode (HAM) at Taluka- Bhiwandi, District- Thane in the State of Maharashtra-regarding.

Sir,

The undersigned is directed to refer to Government of Maharashtra's letter no. FLD-2022/CR-69/F-10 dated 05.05.2022 and APCCF and Nodal Officer (FCA), Maharashtra's letter no. Desk-17/Nodal/Thane/I.D-13070 (75)/2599/2021-22 dated 03.03.2022 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined in the Integrated Regional Office in light of the relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder and approved by the Regional Empowered Committee constituted under Section - 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords 'in-principle' under Section - 2 of the Forest (Conservation) Act, 1980 for Diversion of 14.613 ha Reserved Forest, Protected Forest and Private Forest in favour of NHAI, PIU, Thane for construction of eight laning of existing four lane Vadape to Thane from Km 539.202 to Km 563.00 section of NH-3 (New NH-848) to be executed on Hybrid Annuity Mode (HAM) at Taluka- Bhiwandi, District- Thane in the State of Maharashtra subject to the fulfilment of the following conditions:

i. Legal status of the forest land shall remain unchanged;

ii. **Compensatory afforestation**

a. Compensatory afforestation shall be taken up by the Forest Department over the area 30.00 ha. degraded Forest Land at the cost of User Agency as under:

S.N.	Village	Taluka	District	Survey/ Comptt. No.	Area
1.	Parala	Vaijapur	Aurangabad	359	8.81
2.	Parala			376	10.87
3.	Parala			358	5.76
4.	Parala			352	4.56
Total					30.00

As far as possible, a mixture of local indigenous species along with 10% RET species of Aurangabad District shall be planted and monoculture of any species may be avoided. Atleast two water bodies in Compt. no. 359 and 376 and atleast one water body in Compt. no. 358 and

(Signature)

352 shall be constructed in the form of tank/ stop dams etc if the same are not available in the area or in nearby vicinity. Further, if existing tanks/ stop dams are available and needs desilting/ repair; same shall be carried out to meet the water requirement of wild animals through out the year;

- iii. 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. For protection and better management of the CA plantation; the fencing shall be done from the compartment boundary;
- iv. **NPV:**
 - a. The State Government shall charge the Net Present Value (NPV) for the 14.613 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 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;
- v. 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. Maximum numbers of trees in outer RoW will be kept intact. A detailed report in this regard shall be submitted to IRO, MoEF&CC along with Stage- I compliance report;
- vi. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through **e-portal** (<https://parivesh.nic.in/>);
- vii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- viii. To improve the Forest/ Tree cover and to reduce pollution in the State, as mandated in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency with involvement of Joint Forest Management Committees (JFMC's) and in consultation with local DCF shall raise at least 25,000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local for 10 years. At least 50% of seedlings shall be planted in the vicinity of project area and remaining 50% of seedlings shall be distributed among villagers as per choice of villagers. The concerned JFMC's shall maintain record of plantation/ seedling distribution to villagers;
- ix. The State Government shall undertake the action against the violation of FCA, 1980 as per provisions made under Para 1.21 of Handbook of Forest (Conservation) Act, 1980 published on 28.03.2020. A detail report in this regard shall be submitted along with Stage-I compliance;
- x. User Agency in consultation with the State Forest Department shall ensure that there are enough openings available for movement of wildlife in all patches of the Reserve Forest and wherever required new underpasses shall be constructed as per Wildlife Institute of India's manual entitled "Eco-friendly Measures to Mitigate Impacts of Linear Infrastructure on Wildlife" published in 2016;
- xi. State Forest Department shall undertake avenue plantation of 8 feet tall plants as per IRC norms at the cost of User Agency;

- xii. All small patches of forest left over due to bifurcation of forest patches by constructing the road shall be restored by planting suitable native species by the State Forest Department at the cost of User Agency. A Forest Conservation Plan in this regard shall be prepared and submitted to the IRO, MoEF&CC, Nagpur along with Stage- I compliance report;
- xiii. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;
- xiv. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xv. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xvi. No labour camp shall be established on the forest land;
- xvii. 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;
- xviii. 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;
- xix. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xx. 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;
- xxi. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xxii. 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;
- xxiii. 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;
- xxiv. 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;
- xxv. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>);

After receipt of a report on the compliance of conditions no iii, iv (a), v, vi, vii, x, xiii and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980.

This issues with the approval of DDGF (C)/ Regional Officer (Central), Integrated Regional Office, MoEF& CC, Nagpur.

Yours faithfully,

(N K Dimri)

Technical Officer (Gr-I)

Copy to:

- i. The PCCF (HoFF), Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iii. User agency.
- iv. Guard file.

(N K Dimri)

Technical Officer (Gr-I)