



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
apccfcentral-ngp-mef@gov.in

F.No. FC-II/MH-152/2021-NGP / 8553

Date: 26th August, 2021

✓ To,

The Principal Secretary (Forests),
Revenue and Forest Department,
Hutatma Rajguru Chowk
Madam Cama Marg
Mantralaya, Mumbai- 400032.

Sub: Diversion of 12.8957 ha of forest land in favour of Maharashtra State Road Development Corporation Ltd., Mumbai for rehabilitation and up gradation of Patgaon-Khopoli Section-II (43+783 to 69+508 KM) part of NH-3 Shahapur-Murbad-Karjat-Khopoli-NH4 section of newly declared NH-548A in the State of Maharashtra- regarding.

Sir,

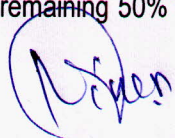
The undersigned is directed to refer to State Government of Maharashtra letter No. FLD-1320/C.R.238/F-10 dated 10.03.2021 and APCCF & Nodal Officer (FCA), Maharashtra vide his letter No. Desk-17/NC/II/ID 12818/(71)/778/2020-21 dated 12.11.2020 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and APCCF & Nodal Officer (FCA), Government of Maharashtra letter No. Desk-17/NC/II/ID-12818(72)/209/2021-22 dated 01.06.2021 forwarding additional information as sought vide this office letter of even number dated 30.04.2021 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 diversion of 12.8957 ha of forest land in favour of Maharashtra State Road Development Corporation Ltd., Mumbai for rehabilitation and up gradation of Patgaon-Khopoli Section-II (43+783 to 69+508 KM) part of NH-3 Shahapur-Murbad-Karjat-Khopoli-NH4 section of newly declared NH-548A 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 26.00 ha degraded forest land in Survey No. 83 (Old 341) at Village- Mokhavane, Taluka- Shahapur, District- Thane at the cost of the User Agency. As far as possible, a mixture of local indigenous species along with 10% RET species of Thane District shall be planted and monoculture of any species may be avoided.
 - b. Penal CA over 2.25 ha degraded forest area preferably in continuation of main CA area shall be raised and maintained by the State Forest Department at the cost of User Agency.
- 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;

iv. **NPV:**

- a. The State Government shall charge the Net Present Value (NPV) for the 12.8957 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 in consultation with State Forest Department shall minimize the felling of trees and maximum numbers of trees in outer RoW will be kept intact and maximum number of trees up to 60 cm girth proposed to be felled shall be translocated by the State Government at the cost of the User Agency. A detailed report in this regard shall be submitted to IRO, MoEF&CC;
- 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. Action against violation shall be undertaken as per the provisions made under Para 1.21 of Handbook of Forest Conservation Act, 1980 published in 28.03.2020. Further, a formal enquiry shall be conducted by State Forest Department as per the provisions made under Para 1.21 of Handbook of Forest Conservation Act, 1980 published in 28.03.2020;
- ix. The User Agency in consultation with State Forest Department shall prepare and implement a Site Specific Wildlife Conservation Plan for 10 years;
- x. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;
- xi. For smooth movement of resident wildlife inhabiting area at present or in upcoming times; the User Agency shall ensure box culverts of minimum size 2x3 mtrs at every 300 meters in forest as well as in non-forest areas where there is a traditional route of wildlife movement and accordingly numbers of box culverts shall be increased. A report in this regard shall be submitted to IRO, MoEF&CC along with Stage-I compliance.
- xii. State Forest Department shall undertake avenue plantation of 8 feet tall plants as per IRC norms at the cost of User Agency.
- xiii. The existing carriageway in the forest area, in the patches corresponding to re-alignments, shall be dismantled and land shall be handed over back to the State Forest Department. A reclamation plan by planting suitable indigenous species of trees shall be prepared in consultation with the Forest Department and the amount so required will be deposited with the forest department by the user agency for taking up reclamation of the area. A copy of plan so prepared shall be submitted to IRO, MoEF&CC.
- xiv. Rain water harvesting structures shall be constructed every 500 meters in outer RoW of alignment in entire forest area at project cost;
- xv. To improve the Forest/ Tree cover and to reduce pollution, as mandated in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency shall develop a separate nursery at one or more places to raise at least 25,000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local every year. At least 50% of seedlings shall be planted by User Agency in the vicinity of project area including forest area and for hand holding with local people residing in vicinity of proposed road, User Agency shall voluntary distribute remaining 50% of seedlings to them free of cost. A compliance



report including species wise details of seedlings raised, location of plantation area and details of villagers whom seedlings have been distributed need to be prepared every six month and submitted to Regional Office of MoEF&CC;

- xvi. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xvii. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xviii. No labour camp shall be established on the forest land;
- xix. 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;
- xx. 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;
- xxi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xxii. 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;
- xxiii. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xxiv. 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;
- xxv. 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;
- xxvi. 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;
- xxvii. 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, viii, ix, xi, xiii, xv 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 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.

- Sd.

(N K Dimri)

Technical Officer (Gr-I)