



सत्यमेव जयते

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

Regional Office (WCZ)
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New Secretariat Building
Civil Lines, Nagpur - 440001
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F.No. FC-I/MH-138/2019-NGP/4981

Date: 14.02.2019

✓ To,

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

Sub: Diversion of 3.2744 Ha. Forest Land in favour Mumbai Metropolitan Region Development Authority (MMRDA), Bandra (East) Mumbai for construction of Car Maintenance Yard at Malvani (Charkop) and for Metro Piers of the Mumbai Metro Line 2-A in Mumbai District in the state of Maharashtra - Regarding.

Sir,

The undersigned is directed to refer to APCCF & Nodal Officer (FCA), Maharashtra letter No. Desk-17/NC/II/ID 12644/(66)/1889/2018-19 dated 11.01.2019 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 by the Regional Office (WCZ) in light of relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder.

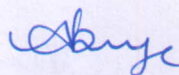
After careful examination of the proposal and on the basis of the recommendation of the Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, the Central Government hereby accords 'in-principle' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 3.2744 Ha. Forest Land in favour Mumbai Metropolitan Region Development Authority (MMRDA), Bandra (East) Mumbai for construction of Car Maintenance Yard at Malvani (Charkop) and for Metro Piers of the Mumbai Metro Line 2-A in Mumbai District in the state of Maharashtra subject to the fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation, over non-forest land, equal in extent to the area proposed for diversion, shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance;
- (iv) 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

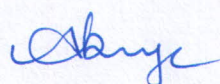
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the local Forest Act, latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927 or under the relevant sections of the local Forest Act, as the case may be, within the stipulated period to the Central Government for information and record;

- (v) The User Agency shall transfer the cost of raising and maintaining the CA plantation as per conditions (ii) stipulated above and for raising equal number of mangrove plants as mentioned in condition (xxvi), at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (vi) The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency 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 in this regard;
- (vii) 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;
- (viii) All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to CAMPA through the e-payment module to the designated account of the State concerned;
- (ix) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (x) The User Agency will obtain CRZ clearance from competent authority, if required;
- (xi) The boundary of the diverted forest land shall be demarcated on ground at the project cost by erecting suitable structures;
- (xii) The User Agency, if required, will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department;
- (xiii) The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;
- (xiv) No labour camp shall be established on the forest land;
- (xv) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xvi) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xvii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xviii) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;



- (xix) No damage to the flora and fauna of the adjoining area shall be caused;
- (xx) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- (xxi) As the maximum area falls under non-linear activity, the category of the proposal may be changed to non-linear category in online application before Stage- II approval and FRA, 2006 certificate may also be submitted for non-linear category along with relevant supporting documents along with Stage- I compliance report;
- (xxii) Differential GPS map of area identified for CA submitted along with the proposal is different from the KML file uploaded in web-portal. Therefore, correct Differential GPS map along with soft copies of KML/ Shape file may be submitted along with Stage- I compliance report;
- (xxiii) Detailed CA scheme including adequate funds for fencing of CA area shall be prepared and submitted along with Stage-I compliance report;
- (xxiv) Discrepancy is observed in total cost of the project, in online application it is mentioned as 6410 Lakhs, whereas in the hard copy submitted by the User Agency it is mentioned as 6410 Crores. Therefore, correct information may be submitted along with Stage- I compliance report;
- (xxv) Discrepancy is observed in the details of employment potential likely to be generated from implementation of the project in online Part- I application and hard copy submitted by the User Agency. The User Agency has mentioned in online application that an employment for 150 persons will be provided on permanent basis and 7026250 mandays will be provided on temporary basis, Whereas in hard copy of Part- I submitted along with the proposal it is mentioned that 150 skilled, 250 unskilled persons will be employed directly and 2750 persons will be employed indirectly. Therefore, correct details on employment potential likely to be generated in terms of Skilled, Semi-skilled and Unskilled persons/ mandays (permanent and temporary) by implementation of the project may be submitted by the User Agency along with Stage- I compliance report;
- (xxvi) State Government shall raise equal number of Mangrove trees at any suitable place at the cost of User Agency in addition to the CA plantation. Funds for this will be deposited with the State Government before Stage-II;
- (xxvii) Felling of trees shall be restricted to 86 trees. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxviii) The User Agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's 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, and submit a scheme along with Stage-I compliance;
- (xxix) The State Government shall ensure that settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, have been completed in accordance with the relevant guidelines issued by the MoEF&CC in this regard. Original certificate ensuring importance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in prescribed format as per Govt. of

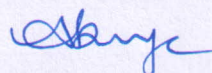


India guidelines issued vide letter no. 11-9/98 FC (pt) dated 5th July, 2013 along with documentary evidences in the form of copies of the resolutions of the concerned Forest Rights Committee(s), Gram Sabha(s), Sub-Division Level Committee(s) recording their consent for the proposal and bearing signature of the participants shall be submitted along with Stage-I compliance;

- (xxx) The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State;
- (xxxi) The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year.
- (xxxii) 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
- (xxxiii) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines and Court/ Tribunal directions for the time being in force, as applicable to the project.

After receipt of a report on the compliance of conditions no (iii), (v), (vi), (viii), (xxiii), (xxi)-(xxvi), (xxviii), (xxix) 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. The transfer of forest land to the User Agency shall not be affected by the State Government till formal order approving the diversion of forest land is issued by the Central Government.

Yours faithfully,

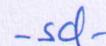


(Dr. E Arockia Lenin)

Scientist 'C'

Copy to:

- i. The PCCF, Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iii. Director (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi.
- iv. User agency.
- v. Guard file.



(Dr. E Arockia Lenin)

Scientist 'C'