



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

Regional Office (WCZ)
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
apccfcentral-ngp-mef@gov.in

F. No. FC-II/MH-76/2018-NGP / 3451

Dated: 26th March, 2018

To

✓ The Secretary,
Govt. of Maharashtra,
Revenue & Forest Department,
Mantralaya, Mumbai-400032

Sub: Diversion of 18.1824 ha Forest land in favour of Mumbai Metropolitan Region Development Authority (MMRDA), Bandra (E), Mumbai for construction of link road between Thane-Belapur road to NH-4 including tunnel through Parsik Hill in Thane District in the State of Maharashtra.

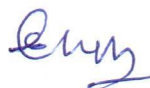
Sir,

I am directed to refer to the State Government of Maharashtra's letter no. FLD-1218/C.R.01/F-10 dated 09.01.2018 on the above subject seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 and the Addl. PCCF and Nodal Officer (FCA), Government of Maharashtra's letter no. Desk-17/NC/II/ID-12540/(61)/2898/2017-18 dated 26.02.2018 forwarding additional information as sought by the Regional Office, vide its letter of even number dated 8.02.2018 and to say that the said proposal has been examined 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 18.1824 ha Forest land in favour of Mumbai Metropolitan Region Development Authority (MMRDA), Bandra (E), Mumbai for construction of link road between Thane-Belapur road to NH-4 including tunnel through Parsik Hill in Thane 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 the non-forest land equal in extent to the forest land being diverted shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) Plantation of tree on the non-forest land identified for raising CA should be undertaken @1000 trees per ha. If the requisite numbers of trees cannot be planted on the non-forest land identified for taking up CA, then the balance number of plants will be planted in the degraded forest land as per provisions of the Working Plan. The State Government will intimate to the Regional Office, the detail of the RF/PF in which balance seedlings to be planted. The user Agency will deposit the cost of planting of these seedlings.
- (iv) 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;

- (v) 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. 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, as the case may be, within the stipulated period to the Central Government for information and record;
- (vi) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, 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;
- (vii) 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;
- (viii) 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;
- (ix) 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 Ad-hoc CAMPA, through e-challan, in the Savings Bank Account pertaining to the State concerned;
- (x) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xi) The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xii) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
- (xiii) No labour camp shall be established on the forest land;
- (xiv) 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;
- (xv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xvi) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xvii) 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;
- (xviii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xix) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;



- (xx) 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;
- (xxi) 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, on the forest land to be diverted have been completed in accordance with the relevant guidelines issued by the MoEF&CC in this regard;
- (xxii) The User Agency shall submit a detailed muck disposal plan providing qualitative and quantitative detail along with the Stage-I compliance report;
- (xxiii) No forest land should be used for the dumping of muck generated from the earth cutting. Existing RoW should be used for storage of muck or muck should be stored at the designated sites as per muck disposal plan submitted by the User Agency outside the forest area;
- (xxiv) Mouth of tunnel at both the ends should be provided with fencing to prevent entry wildlife into the tunnel and on the elevated road. Provision of guided fencing to enable the wildlife to use safe crossing across the road should be ensured by the User Agency and detail of the same should be submitted to the Regional along with the Stage-I compliance report.
- (xxv) The user agency shall arrange to raise strip plantation on either side of the road and central verge at project cost, as per IRC specification, with maintenance of 7-10 years. The user agency shall also submit design of providing at least 2-3 rows of long rotation indigenous trees, as per provision of IRC-SP-21-2009 (Guidelines on landscaping & tree plantation), on either side of the road before final clearance.
- (xxvi) The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed.
- (xxvii) Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
- (xxviii) The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.
- (xxix) The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department. A scheme of the same shall be submitted to the Regional Office along with the Stage-I compliance report;
- (xxx) 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.
- (xxxi) 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;
- (xxxii) 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;
- (xxxiii) 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;

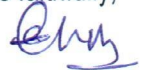


(xxxiv) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project; and

(xxxv) Grant of working permission to the extant proposal may be considered by the State Government in accordance with the provisions as contained in the MoEF&CC's Guidelines dated 28.08.2015.

After receipt of a report on the compliance of conditions no (iii), (iv), (vi), (vii), (ix), (xx), (xxii), (xxiv), (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.

Yours faithfully,



(Charan Jeet Singh)
Scientist 'C'

Copy to:

1. The PCCF, Government of Maharashtra, Nagpur.
2. The Nodal Officer FCA), O/o of the PCCF, Government of Maharashtra, Nagpur.
3. The Director, ROHQ, MoEF&CC, Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi
4. User Agency.
5. Guard File.



(Charan Jeet Singh)
Scientist 'C'