

F. No. 8-89/2013-FC
Government of India
Ministry of Environment, Forest and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi - 110003

Dated: 22nd January, 2016

To

The Principal Secretary (Forests),
Department of Environment & Forests,
Government of Maharashtra,
Nagpur.

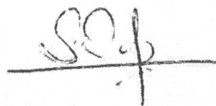
Sub: Diversion of 47.4170 ha of forest land in favour of the Executive Engineer (MTHL), MMRDA, Bandra Kurla Complex, Bandra (E), Mumbai for six laning of Mumbai Trans Harbour Link Road in Raigad & Thane district in the State of Maharashtra.-regarding.,

Sir,

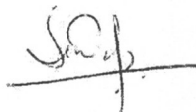
I am directed to refer to the Government of Maharashtra letter No. FLD-1313/CR-206/F-10 dated 30th September 2013 on the above mentioned subject seeking prior approval of Central Government in accordance with Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys the '**in-principle**' approval for diversion of 47.4170 ha of forest land in favour of the Executive Engineer (MTHL), MMRDA, Bandra Kurla Complex, Bandra (E), Mumbai for six laning of Mumbai Trans Harbour Link Road in Raigad & Thane district in the State of Maharashtra, subject to fulfillment of the following conditions:-

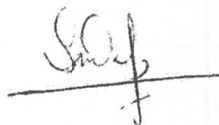
- i. Legal status of the diverted forest land shall remain unchanged
- ii. Compensatory afforestation over the non-forest land equal in extent to the forest land being diverted shall be raised and maintained by the State Forest Department at the cost of the User Agency.
- iii. The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale.
- iv. 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.
- v. 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.



- vi. 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.
- vii. All the funds received from the User Agency under the project, shall be transferred to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned.
- viii. The user agency shall take prior permission from Hon'ble National Green Tribunal before issue of order for diversion of forest land in accordance with the Hon'ble Mumbai High Court, Nagpur Bench orders dated 27/4/2005 and 7/6/2006 in Writ Petition No. 1277/2000 as per which permission of Hon'ble High Court is necessary for taking up projects and activities in forest areas within 10 Km from protected areas. in accordance with Accordingly, this condition may be stipulated in the in-principle approval.
- ix. The state government/user agency shall take prior permission from Hon'ble High Court for Mangrove cutting before issue of order for diversion of the forest land in accordance with Hon'ble Mumbai High Court order dated 27/1/2010 in PIL 87 of 2006.
- x. The state government/MMRDA shall implement the mitigation measures recommended by the BNHS as modified by the State Board for Wild Life, at the project cost. The state government shall identify the recommendations which are to be implemented by the state forest department, if any, and cost of such activities shall be deposited with Ad-hoc CAMPA. For the activities to be taken up by MMRDA they shall submit an undertaking to the effect that the the activities will be taken up at the project cost.
- xi. Final notification for declaration of the area of 16.90 sq. km. in Thane creek of Thane district as sanctuary shall be issued before grant of Stage II approval. MMRDA shall contribute in establishment and management of the sanctuary, modalities for which shall be worked out by the state government.
- xii. Maharashtra Forest Department, through its Mangroves and Marine Biodiversity Conservation Foundation shall prepare a Mangroves and Marine Biodiversity Conservation Plan which shall be implemented at the project cost.
- xiii. Non-forest land to be transferred and mutated in favour of the State Forest Department for raising Compensatory Afforestation shall be notified as reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act.
- xiv. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
- xv. No labour camp shall be established on the forest land.
- xvi. 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.
- xvii. The boundary of the diverted forest land, 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, forward and back bearing and distance from pillar to pillar.
- xviii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xix. The forest land shall not be used for any purpose other than that specified in the proposal.



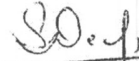
- xx. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.
- xxi. No damage to the flora and fauna of the adjoining area shall be caused.
- xxii. The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. 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. Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department.
- xxiv. The User Agency shall raise strip plantation on either sides of the road and central verge at the 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 sides of the road before final clearance.
- xxv. 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.
- 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 cutting will be disposed off at the designate dumping sites and in no case the muck/debris shall be allowed to roll down the hill slopes.
- xxviii. The User Agency will provide retaining walls, breast wall 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.
- xxx. 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 and 05th February, 2013, in support thereof;
- xxxi. The User Agency will assist the State Government in preservation of flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State. Attention will be particularly given to providing safe crossing and corridors for wildlife species and protecting sensitive habitat like wetlands, grasslands and woodlands from degradation. Where canopy continuity is required for particular species, special measures shall be prescribed by the CWLW for providing crossing points. Where certain trees used for nesting/rookeries of species like birds of prey, herons, storks, hornbills, etc., are to be destroyed, alternative structure shall be provided and the trees transplanted.
- xxxii. The User Agency shall not collect any toll from the vehicles carrying forest officers on duty.
- xxxiii. 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.



- xxxiv. The User Agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to the concerned Regional Officer of the Ministry regularly.
- xxxv. 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.
- xxxvi. 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.

After receipt of the compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Till receipt of the said final/Stage-II approval of the Central Government from this Ministry, transfer of the said forest land to the User Agency shall not be affected by the State Government.

Yours faithfully,

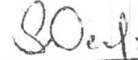


(Sandeep Sharma)

Assistant Inspector General of Forests (FC)

Copy to:

1. The PCCF, Government of Maharashtra, Nagpur.
2. The Nodal Officer, Office of the PCCF, Govt. of Maharashtra, Nagpur.
3. The Add. PCCF (Central) Regional Office, Nagpur.
4. User Agency
5. Guard file/Monitoring Cell.



(Sandeep Sharma)

Assistant Inspector General of Forests (FC)