To,

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

Sub: Diversion of 2.9907 ha of forest land in favour of Maharashtra State Road Development Corporation (MSRDC) Ltd. for Construction of Versova - Bandra Sea Link at Village - Versova, Juhu and Bandra (Dande) in Mumbai Suburban 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 12647/(66)/1763/2018-19 dated 14.12.2018 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 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 2.9907 ha of forest land in favour of Maharashtra State Road Development Corporation (MSRDC) Ltd. for Construction of Versova - Bandra Sea Link at Village - Versova, Juhu and Bandra (Dande) in Mumbai Suburban 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 of 2.9907 ha, shall be raised by the State Forest Department at the cost of 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
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 in the Saving Bank Account pertaining to 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 suitable structures;

(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) 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.

(xiv) The User Agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.

(xv) The User agency, if required, will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.

(xvi) 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;

(xvii) No labour camp shall be established on the forest land;
(xviii) 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;

(xix) The forest land shall not be used for any purpose other than that specified in the proposal;

(xx) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;

(xxi) 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;

( xxii) No damage to the flora and fauna of the adjoining area shall be caused;

(xxiii) Revised Part- II including details on Topography of the area, Geology and Slope to erosion shall be submitted by DCF/ DFO concerned along with the compliance report;

(xxiv) Detailed CA scheme including adequate funds for fencing of CA area shall be prepared and submitted along with the compliance report;

(xxv) In covering letter, it is mentioned that 2.9907 ha falls in Protected/ Mangrove Forest area, where as the statement of area shows it also contains Reserved Forest area. State Government may clarify the legal status of the land sought for diversion and submit compliance before Stage- II approval;

(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;

(xxvii) Felling of trees shall be restricted to 1585 trees. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;

(xxviii) No taxes/ toll will be levied on the vehicles of Forest Department plying on the proposed sea link;

(xxix) 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;

(XXX) 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 copy of the certificate dated 6.07.2013, issued by the concerned District Collector shall be submitted along with the compliance report;

(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:

[Handwritten signature]
(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; and

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

(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), (v), (vi), (viii), (xxiii), (xxiv), (xxv), (xxix), (xxx) 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’