

No: WLP/32/B/ 163 c2 -10 /2015-16

Office of the

Principal Chief Conservator of Forests

Block No.B/1, Aranya Bhavan,

Ch-3 Circle, Sector-10 A,

Gujarat State, Gandhinagar.

Date: 19/03/2016.

Sub: Permission under Section – 29 of Wildlife (Protection) Act, 1972 for use of 124.2293 ha. of land in Wild Ass Sanctuary and Kutch Desert Wildlife Sanctuary, Gujarat for construction of Kutch Branch Canal and its distributary networks
Executive Engineer, Kutch Branch Canal Division No. 2/6, Sardar Sarovar Narmada Nigam Ltd, Bhachau.

Ref:

1. Chief Conservator of Forests, North Gujarat Wildlife Circle, Gandhinagar's letter no. WLP/A/6/1727 dated 17-12-2015 and Chief Conservator of Forests, Kutch Circle, Bhuj's Letter No. A/LND/T-12/1345-46 dated 19-12-2015.
2. Recommendation of the State Board for Wildlife, Gujarat circulated vide this office's letter no. WLP/26/A/1686 dated 27-01-2016.
3. This Office's letter No: WLP/32/A/1731-33 dated 01-02-2016 submitting proposal to Forest & Environment Department, Government of Gujarat.
4. Forest and Environment Department, Government of Gujarat's letter No. VPS/102016-227/W dated 11-02-2016 to the Secretary MoEF.
5. Recommendation of Standing Committee of National Board for Wildlife, circulated vide MoEF&CC, GoI's letter no. F.No. 6-14/2016/WL (37th Meeting) dated 15-03-2016.
6. Hon'ble Supreme Court of India's Order dated 05-10-2015 in I.As filed in reference to Writ Petition (Civil) 202/95.

1. A proposal was received vide reference no. 1 above for permission under Section-29 of the Wildlife (Protection) Act, 1972, for use of 124.2293 ha. land (involving 97.8072 ha. of Wild Ass Sanctuary and 26.4221 ha. of Kutch Desert Sanctuary) for Construction of Kutch Branch Canal and its distributary networks by Sardar Sarovar Narmada Nigam Ltd.

2. The proposal was placed before the State Board for Wildlife (SBWL) in its 10th meeting held on 21-12-2015 for consultation. The SBWL has approved and recommended the proposal in its meeting vide reference no. 2 above with certain conditions.

3. The proposal was sent to Forest and Environment Department, Government of Gujarat vide reference no. 3 above for onward submission to MoEF&CC, GoI. The said proposal was submitted to MoEF&CC, GoI for consideration of Standing Committee of National Board for Wildlife (NBWL) vide reference no. 4 above. The proposal was discussed in 37th meeting of the Standing Committee of NBWL held on 26-02-2016 and the Standing Committee of NBWL recommended the proposal vide reference no. 5 above in its meeting with certain conditions as under:

"After discussions, considering the compliance of the conditions stipulated for previous projects, the Standing Committee agreed to recommend the above proposal with conditions prescribed by CWLW, Gujarat as below."

- 1) *Labour camps during construction of canal and their distributaries shall be kept away from the sanctuary area and necessary fuel wood and other requirement shall be met with by purchase from the market. In no case, the sanctuary shall be burdened with such requirement.*
 - 2) *The user agency or his contractor must ensure the minimum movement of the vehicles and project implementation.*
 - 3) *User agency or his contractor will not use any area of the sanctuary other than the area permitted for the given purposes.*
 - 4) *The land permitted for use will not be liable to sale or transfer the right and privileges to any other agency.*
 - 5) *5% of the cost of the project shall be provided to Gujarat Forest Department for habitat improvement and wildlife conservation in the sanctuary area.*
 - 6) *There should not be any hindrance to the natural flow of water during the construction of canal and distributary in the sanctuary.*
 - 7) *The Chief Wildlife Warden or the State Government may impose other additional conditions at any stage which will be binding on the user agency.*
4. Hon'ble Supreme Court of India has passed an order dated 05-10-2015 in reference to different I.As in Writ Petition (Civil) 202/95 vide reference no. 6 above. The order of the Hon'ble Supreme Court of India is reproduced as under:

"All matters for grant of permissions for implementation of projects in areas falling in National parks/sanctuaries, including rationalization of boundaries etc. will be considered by the Standing Committee of the National Board for Wildlife ("NBWL") on its own merits and in conformity with the orders and directions passed by this Court from time to time, i.e. on 14.02.2000, 13.11.2000, 9.5.2002, 16.12.2002, 25.11.2005 and 14.09.2007 and other subsequent clarificatory orders/judgment(s) passed by this Court including the

Goa Foundation Judgment, i.e. Goa Foundation Vs. Union of India & Ors., reported in (2014) 6 SCC 590.

We request the NBWL to furnish a copy of the orders passed by it within 30 days' time to the C.E.C. The C.E.C. is at liberty, if, for any reason, they are aggrieved by the decision of the Standing Committee of NBWL to approach this Court by filing an appropriate petition/application.

In all those matters where there is already decision of the Standing Committee of the NBWL shall abide the parties with all the conditions imposed therein.

If any party is aggrieved by the decision of the Standing Committee of the NBWL, they are at liberty to approach an appropriate forum for appropriate relief(s).

With the aforesaid observations and directions, we dispose of the Interlocutory Applications/matters specified in Annexure-II to the note supplied by Shri Harish Salve, learned amicus curiae."

5. Therefore, in view of the references mentioned and explained above, the permission is hereby granted to the Executive Engineer, Kutch Branch Canal Division No. 2/6, Sardar Sarovar Narmada Nigam Ltd, Bhachau under Section – 29 of Wildlife Protection Act, 1972 for the use of 124.2293 ha. of land involving 97.8072 ha. (Annexure I) land of Wild Ass Sanctuary and 26.4221 ha. (Annexure II) land of Kutch Desert Wildlife Sanctuary for construction of Kutch Branch Canal and its distributary networks subject to following Conditions:

Conditions:

1. Conditions mentioned by Standing Committee of NBWL should be strictly followed.
2. The agency or contractor will strictly follow the provision under Wildlife (Protect) Act-1972.
3. No damage/disturbance should be caused to flora and fauna of the said area by the user agency and its establishment.
4. Labour camps during construction of canal and their distributary shall be kept away from the sanctuary area and necessary fuel wood and other requirement shall be met with by purchase from the market. In no case, the sanctuary shall be burdened with such requirement.
5. Approval under Forest Conservation Act-1980, if required will be obtained separately for use of forest land.
6. The User Agency or his contractor must ensure the minimum movement of the vehicles and the staff in the sanctuary area during the project implementation.
7. User Agency or his contractor will not use any area of the Sanctuary other than the area permitted for laying of the transmission line and its maintenance.
8. The land permitted for use will not be liable to sale or transfer the right and privileges to any other agency.

9. 5% of the cost of the project should be spent for habitat improvement and wildlife conservation in the Sanctuary area.
10. There should not be any hindrance to the natural flow of water during the construction of canal and distributary in the sanctuary.
11. The mitigation measures suggested in the study report and accordingly accepted by the Director (CAD) S.S.N.N.L. Gandhinagar vide letter no. SSNNL/PNV/KBC/KDWLS/541 dated 10-12-2015 must be implemented.
12. The Chief Wildlife Warden or the State Government may impose other additional conditions at any stage which will be binding on the User Agency.

J. A. Khan

(Dr. J. A. Khan)

Chief Wildlife Warden
Gujarat State, Gandhinagar.

To,

1. The Chief Conservator of Forests,
North Gujarat Wildlife Circle, Gandhinagar
2. The Chief Conservator of Forests,
Kutch Circle, Bhuj
- ✓ 3. The Executive Engineer,
Kutch Branch Canal Division No. 2/6,
Sardar Sarovar Narmada Nigam Ltd,
Bhachau.

Copy Submitted to: The Additional Director General of Forests (WL), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jor Baug Rad, Ali Ganj, New Delhi for information.

Copy Submitted to: The Principal Secretary, Forest and Environment Department, Sachivalaya Gandhinagar for information.

Copy to: The Additional Principal Chief Conservator of Forests, Land, Gujarat State Gandhinagar for information and necessary action.

Copy to: The Deputy Conservator of Forests, Wild Ass Sanctuary, Dhangadhara for information and necessary action.

Copy to: The Deputy Conservator of Forests, Kutch West Division, for information and necessary action.

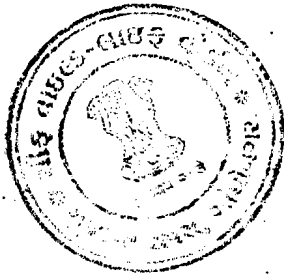


Sd/-
Chief Wildlife Warden
Gujarat State,
Gandhinagar.

Annexure - I

ABSTRACT OF WILD ASS SANCTUARY AREA TO BE REQUIRED FOR CONSTRUCTION OF CANALS

Sr. No.	Name of canal	Canal Area in Wild Ass Sanctuary (in Ha)
1.	KBC ch:198.335 to 200.660	9.9928
2.	Gagodar sub Br. Canal of KBC	77.0450
3.	Wandhiya sub Br. Canal of KBC	1.4200
4.	Dhrangadhra Br. Canal & its Distribution Network	1.0308
✓ 5.	Fangli minor - 3 Santalpur minor, Garamadi minor -1, Piprala minor of KBC net work	2.6594
6.(a)	Maliya Br. Canal & its Distribution Network	4.5742
(b)	Maliya Br. Canal & its Distribution Network	1.0850
	GRAND TOTAL	97.8072



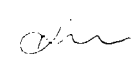
C.S.
C.S.M. Sanyal
Deputy Conservator of Forest
Wild Ass Sanctuary
Dhrangadhra

(M.R. Barjod)
Executive Engineer
KBC Division No. 2/6
Bhachau

C.S.
Chief Conservator of Forests
North Gujarat Wildlife Circle,
Gandhinagar

Statement showing the Survey No. wise area to be diverted of Kachchh Desert Wildlife Sanctuary Land for the proposed Kachchh Branch Canal and its distribution network

Sr. No.	Name of Canal	Village	Taluka	District	Survey No.	Legal status of Forest	Area in Ha.	Remarks
1	2	3	4	5	6	7	8	9
1	Gedi Distributory							
i	Desalpar Minor-I	Deshalpar	Rapar	Kachchh	613	Kachchh Desert Wildlife Sanctuary	2.3385	
ii	Desalpar Minor-II						3.4644	
iii	Desalpar Br. Minor-I						2.9992	
	Sub Total						8.8021	
2	Nandasar Direct Minor	Rav Moti	Rapar	Kachchh	1365	Kachchh Desert Wildlife Sanctuary	2.4756	
3	Rav Distributory						1.5280	
i	Rav Moti Minor-I						1.4490	
ii	Rav Moti Minor-III						1.7111	
iii	Rav Moti Minor-V						0.7469	
4	Ravechi Distributory						0.0176	
i	Ravechi Minor						0.1440	
	Sub Total						8.0722	
ii	Lakdavadh minor-I	Sudanvandh	Rapar	Kachchh	77/A	KDWLS	0.0315	
	Sub Total						0.0315	
5	Ekal Distributory	Bharudia	Bhachau	Kachchh	880	Kachchh Desert Wildlife Sanctuary	1.1378	
i	Bharudia Minor-I						0.5162	
ii	Bharudia Minor-II						0.9820	
iii	Bharudia Br. Minor-III						0.3900	
iv	Bharudia Minor-IV						0.8088	
v	Bharudia Br. Minor-IV						0.2736	
	Sub Total						4.1084	
6	Chobari Distributory	Kankhoi	Bhachau	Kachchh	349 Paiki	Kachchh Desert Wildlife	0.4873	
	Chobari Minor-I						0.2145	
							0.0330	
	Sub Total						0.7348	
i	Chobari Distributory	Chobari	Bhachau	Kachchh	1574	Kachchh Desert Wildlife Sanctuary	0.1870	
ii	Chobari Minor-I						0.2415	
iii	Chobari Minor-II						0.6347	
7	Kadol Distributory	Kadol	Bhachau	Kachchh	451	KDWLS	1.1340	
i	Chobari Minor-II						0.4090	
ii	Chobari Br. Minor-II						0.6930	
	Sub Total						3.2992	
iii	Kadol Minor-III	Kadol	Bhachau	Kachchh	451	KDWLS	0.1155	
iv	Kadol Minor-IV						1.2584	
	Sub Total						1.3739	
	Grand Total						26.4221	


 Executive Engineer
 K. B. C. Division No. 2/4
 Bhachau