

भारत सरकार

GOVERNMENT OF INDIA

# MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

File No. 6-GJB034/2019-BHO/ 13

10.

The Additional Chief Secretary (Forests)

Govt. of Gujarat

Sachivalaya, Gandhinagar, (Gujarat).

Sub:

Diversion of 0.21 ha Protected forest land to erect 220 KV transmission line from Gadhsisa to Nirona from wind farm project to supply electric power to PGCIL substation, Nirona of Kutch District in favour of K.P.Energy Ltd., Surat.

Govt. of Gujarat letter No. FCA-1019/3-02/19/S.F-67/F dated 05/09/2019 and even No. dated

10/02/2020.

Sir,

I am directed to invite a reference to your letter No. FCA-1019/3-02/19/S.F-67/F dated 05/09/2019 on the above mentioned subject seeking prior approval of the Central Government under Section – 2 of the Forest (Conservation) Act, 1980.

The proposal was duly considered and approved by the Central Govt. for issuance of in-principle approval. Therefore, the undersigned, on behalf of the Central Government, conveys In-Principle Approval (Stage-I) for diversion of 0.21 ha Protected forest land to erect 220 KV transmission line from Gadhsisa to Nirona from wind farm project to supply electric power to PGCIL substation, Nirona of Kutch District in favour of K.P.Energy Ltd., Surat subject to the following terms and conditions:-

Specific Conditions:

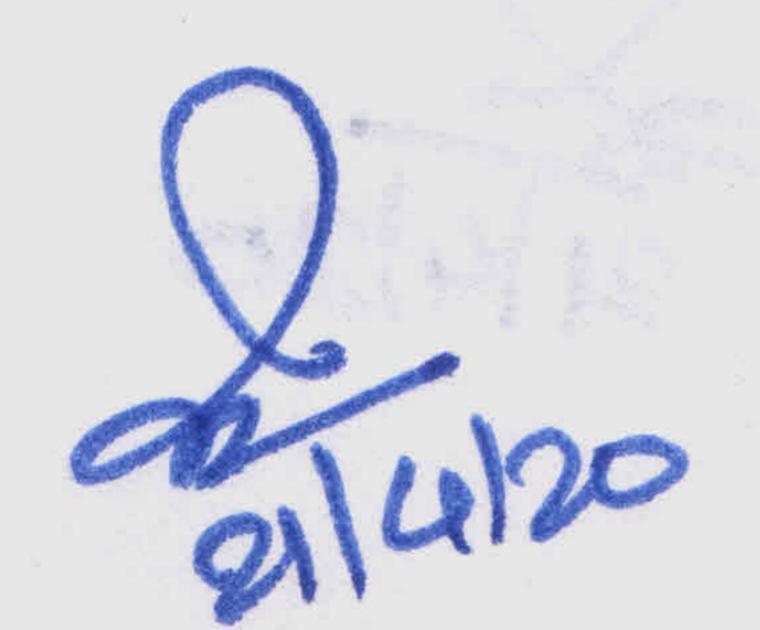
- 1. Legal status of the forest land shall remain unchanged.
- 2. Forest land shall be handed over to the user agency only after required non-forest land for the project is handed over by the user agency.
- 3. Compensatory afforestation:
  - a) Compensatory afforestation shall be taken up by the Forest Department over 1.00 ha degraded-forest land at S.No. 133/pt, Village: Versalpar, Ta: Nakhatrana, District: Kutch.
  - b) Total No. of sapling to be planted shall not be not less than nos.1,202 nos. (1.00 ha x 1202) in CA land. The composition of saplings (number of species-wise) to be planted in the CA land shall be as per National Forest Policy and shall be recorded in plantation journal.

c) The standard size sapling (minimum height & minimum collar girth species wise) as approved by the State Govt. shall be planted in the selected CA land.

- d) The height and collar girth (species wise) shall be measured & recorded at the time of plantation and in November of plantation year. Further, data of height, collar girth and survival percentage (species wise) twice a year (April & November month) shall be recorded & records shall be maintained.
- e) All the live stumps and pollards upto 90 cm girth shall be dressed from ground level for the purpose of regeneration & record shall be kept in plantation journal.

The CA plantation shall be taken place before end of 2021 monsoon.

4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will



क्षेत्रीय कार्यालय, पश्चिम क्षेत्र Regional Office, Western Region "केन्द्रीय पर्यावरण भवन" "Kendriya Paryavaran Bhavan" लिन्क रोड नं0-3, Link Road No. 3 E-5, रविशंकर नगर/Ravi Shankar Nagar भोपाल (म0प्र0)/Bhopal-462016 (M.P.) Phone No. 0755-& 2466525, 2465496 फेक्स नं. / Fax No. 0755-2463102 अणुडाक /E-mail: rowz.bpl-mef@nic.in

Date: 2 /04/2020

be maintained for 10 years. The scheme may include appropriate provision for anticipate cost increase for works scheduled for subsequent years.

5. The user agency shall deposit the amount Rs. 3,52,819.00 for CA in the CAMPA.

# 6. NPV:

- a) The State Government shall charge the Net Present Value(NPV) for the <u>0.21 ha</u> forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24/04/2008 and 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18.09.2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 and Chapter 3 of FCA Handbook, 2019 in this regard.
- b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- 7. No any tree felling shall be carried out during implementation of the project.
- 8. All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal ( http://parivesh.nic.in/).
- 9. The user agency shall be eligible for the working permission of one year as per the Para 11.2 of FCA handbook 2019 and copy of the working permission shall be submitted to this office.
- 10. The State Govt. shall obtain the Stage-II approval in case of User agency eligible for the working permission of one year as per the Para 11.2 of FCA Handbook 2019. if, the Stage-II approval is not obtained before the end of working permission, then the State shall stop the work and action shall be initiated under Para 1.21(ii) of FCA Handbook 2019.
- 11. The certificate of Collector under FRA, 2006 for proposed CA land as per Para 6.2(ii) of Forest Conservation (Rules), 2003 (Amended upto August 2017) shall be submitted.
- 12. The User agency in consultation with the State Forest Department prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line for execution of the said scheme to the State Forest Department.
- 13. The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.
- 14. The User Agency shall comply with the guideline for laying transmission lines through forest areas issued by Ministry vide letter No. 7-25/2012-FC dated 05/05/2014 & 19/11/2014 and Chapter 10 of FCA Handbook 2019.

## General Conditions:

- 1. User Agency shall provide suitable under pass/over pass for free movement of wildlife in and around the forest area in accordance to *Eco friendly measures to mitigate impacts of linear infrastructure on wildlife* (2016).
- 2. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 3. The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 4. No labour camp shall be established on the forest land.

0.21 ha

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- 5. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 6. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- 7. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 8. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- 9. The forest land shall not be used for any purpose other than that specified in the project proposal.
- 10. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
- 11. The user agency shall adhere to all rules, regulations, guidelines & acts enforced by State Govt. and Central Govt. for the proposal.
- 12. Violation of any of these conditions will amount to violations of Forest (Conservation) Act, 1980 and action would be taken as Para 1.21 of FCA, 1980 Handbook 2019.
- 13. The user agency and the State Govt. shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
- 14. Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
- 15. The complete compliance report of all conditions stipulated in this Stage-I approval shall be uploaded on e-portal (<a href="http://parivesh.nic.in/">http://parivesh.nic.in/</a>) in letter format.

After receipt of compliance report on fulfillment of all of the above conditions from the State Government, proposal will be considered for final approval under Section–2 of the Forest (Conservation) Act, 1980 by this office.

The order for transfer of forest land to user agency shall not be issued by the State Government

till formal approval order for diversion of forest land is issued by Govt. of India.

(B. Abhay Bhaskar)

Asstt. Inspector General of Forests (C)

### Copy to:-

- The PCCF & HoFF, Forest Department, Govt. of Gujarat, Aranya Bhavan, Gandhinagar, Gujarat.
- 2. The Additional Director General of Forest (FC), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi 110003.
- The Addl. Principal Chief Conservator of Forests & Nodal Officer (L), Aranya Bhavan, Gandhinagar, Gujarat.
- The Dy. Conservator of Forest, Kutch West Division, Bhuj, Gujarat.
- The K.P. Energy Ltd. (KP Group Company), A-1/2, Firdos Tower, Behind Fazal Shoping Complex, Adajan Patia, Surat-395009, Gujarat.

6. Order file.

K.P. Ennengy III.

(B. Abhay Bhaskar)

Asstt. Inspector General of Forests (C)