

**F. No. 8-50/2017-FC**  
Government of India  
Ministry of Environment, Forests and Climate Change  
(F.C. Division)

Indira Paryavaran Bhawan,  
Jorbagh Aliganj Road,  
New Delhi – 110003.

Dated: 21<sup>st</sup> December, 2017.

To


The Principal Secretary (Forests),  
Government of Gujarat,  
Gandhi Nagar.

**Sub: Diversion of 186.96 ha of reserved Forest land for acquisition of forest land for the proposed barrage project across river Narmada near Bhadbhut village in Bharuch District in favour of Executive Engineer, Gulf of Khambhat development Project (WR), project implementation Unit 2, Vadodara Gujarat.**

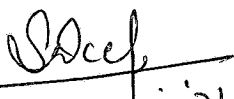
I am directed to refer to the State Government's letter no. No. FCA-1017/7-20/17/S.F-120/F dated 14.09.2017 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *in-principle approval* of the Central Government is hereby granted for diversion of 186.96 ha of reserved Forest land for acquisition of forest land for the proposed barrage project across river Narmada near Bhadbhut village in Bharuch District in favour of Executive Engineer, Gulf of Khambhat development Project (WR), project implementation Unit 2, Vadodara Gujarat subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) **Compensatory afforestation shall be raised over 186.96 ha non-forest land. The plantation shall be carried out by planting 1000 plants per ha (186.96 hectares x 1000 = 186960 plants) within a period of 3 year from the date of Stage-II approval at the cost of User Agency. If it is not possible to plant all 186960 plants over the given non forest land then the left over plants shall be planted over degraded forest land as per working plan prescription .**
- (iii) Approved CAT plan for the area shall be submitted prior to stage II. The respective cost of CAT plan shall be deposited in the account of Ad-hoc CAMPA of the concerned State through online portal.
- (iv) Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for 187.00 ha of forestland has not been submitted in prescribe format along with the supporting documents. The complete compliance of the FRA 2006 shall be submitted at the time of final approval (stage-II) approval.
- (v) It is reported in Site inspection report that there are 24454 trees. *Prosopis* is the main species. DSS analysis and report of State Forest Department suggests that babool trees are in plenty and at places mangrove species are spotted. Accordingly, State Government shall take utmost care to allow, only minimum numbers of trees which is unavoidable, to be felled.

  
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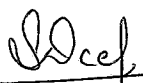
- (vi) The permission from National Coastal Zone Management Authority (NCZMA) shall be obtained wherever applicable. The mangrove will be managed as per the existing guidelines.
- (vii) For the protection of aquatic fauna parallel channel along the river will be made. A comprehensive study shall be conducted by the state government and submitted before the stage-II approval and the same will be implemented at the cost of the user agency. The NOC from the wildlife department may be obtained before execution of the project.
- (viii) 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;
- (ix) 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;
- (x) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
- (xi) The User Agency shall transfer the cost of raising and maintaining the **compensatory afforestation** at the current wage rate in consultation with State Forest Department in the account of Ad-hoc Campa of the concerned State **through online portal**. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- (xii) The User Agency shall transfer the funds for 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 **through online portal** of Ad-hoc CAMPA account of the State Concerned.
- (xiii) 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;
- (xiv) Any fund 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 online portal of Ad-hoc CAMPA account of the State Concerned;
- (xv) 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;
- (xvi) The boundary of the diverted forest land, mining lease and safety zone, 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, distance from pillar to pillar and GPS co-ordinates;
- (xvii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xviii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xix) 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;
- (xx) The State Government shall maintain the character of the project as an irrigation project and to ensure continued benefit to the farmers in the command area;
- (xxi) The water shall be provided from the reservoir to the Forest Department for raising and maintenance of plantations and nurseries around the site whenever required, free of charge. The quantity and time of supply of water shall be as decided by the Forest Department.
- (xxii) The User Agency shall undertake afforestation along the periphery of the reservoir and canals (as applicable).
- (xxiii) The User Agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down.
- (xxiv) The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the User Agency at the cost of project under the supervision of State Forest

  
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- Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan.
- (xxv) The user agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government/concerned Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones
- (xxvi) The State Government and the User Agency shall ensure that the trees available between full reservoir level (FRL) and FRL-4 meters are not felled;
- (xxvii) 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 Office of the Ministry regularly;
- (xxviii) 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
- (xxix) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order(s) and relevant Hon'ble Court Order (s), if any, pertaining to this project for the time being in force, as applicable to the project.
- (xxx) **User Agency should ensure that the Compensatory levies (CA cost, NPV, etc. ) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.**

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,

  
(Sandeep Sharma) 21.12.17

Assistant Inspector General of Forests

Copy to:

- 1) The Principal Chief Conservator of Forests, Government of Gujarat, Gandhi Nagar.
- 2) The Addl. PCCF (Central), Regional Office of MoEF&CC, Bhopal.
- 3) The Nodal Officer, O/o the PCCF, Government of Government of Gujarat, Gandhi Nagar.
- 4) The User Agency.
- 5) Monitoring Cell, FC Division, MoEF.
- 6) Guard File.

  
(Sandeep Sharma) 21.12.17

Assistant Inspector General of Forests