

I/6005/2021



भारत सरकार / GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
एकीकृत क्षेत्रीय कार्यालय, गांधीनगर
INTEGRATED REGIONAL OFFICE, GANDHINAGAR



F.No. 6-GJB 055/2020-BHO/

Date: -/09/2021

To

04/10/2021

The Additional Chief Secretary (Forests)
Govt. of Gujarat
Block No. 14, 8th Floor, New Sachivalaya
Gandhinagar, Gujarat.

Sub: In-principle (Stage-I) approval of Central Government under Forest (Conservation) Act 1980 for Diversion of 4.599 ha Protected Forest land for construct of Rajkot-Kalavad-Khatiya-Khambhaliya road SH-23 section-3 missing link of Khatiya Machhhilivad road Ch. 0/00 to Ch 17/200 of Jamnagar District in favour of Deputy Executive Engineer, R&B Sub-Division, Jamnagar- reg.

Sir,

This refers to letter No. FCA-1020/7-06/20/S.F-125/F dated 17/08/2020 and even letter dated 26/08/2021 of the State Government, Gujarat on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest and Climate Change under section 2 of 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 for diversion of 4.599 ha Protected Forest land for construct of Rajkot-Kalavad-Khatiya-Khambhaliya road SH-23 section-3 missing link of Khatiya Machhhilivad road Ch. 0/00 to Ch 17/200 of Jamnagar District in favour of Deputy Executive Engineer, R&B Sub-Division, Jamnagar of Gujarat subject to the following terms and conditions:-

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

- (1) The cost of compensatory afforestation on the CA land (4.599 ha) at the prevailing wage rates as per compensatory afforestation scheme (including the cost of survey, demarcation and erection of permanent pillars etc. as required for securing the land against encroachment) shall be deposited in advance with the State Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- (2) Transfer and mutation paper shall be submitted for the proposed CA land in favour of Forest Department.

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- (3) The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared 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 State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 report with compliance of Stage-I approval and send 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 section of the State Forest Act as the case may be, to this Office for information and record;
 - (4) The State Government shall charge the Net Present Value (NPV) for the 4.599 ha forest area to be diverted under this proposal from the User Agency as per the order 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.
 - (5) The User Agency should prepare a site specific *Wildlife Management Plan* to mitigate the effects of the project over wildlife before the issuance of Stage-II approval and implemented by User Agency at their own project cost.
 - (6) All the funds received from the user agency under the project shall be transferred / deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>).
 - (7) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 - (8) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in Para 1.21 of Chapter 1 of the Handbook of Comprehensive Guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No.5-2/2017-FC dated 28.03.2019.
 - (9) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
 - (10) The KML files of diverted area and CA areas shall be uploaded on the e-Green watch portal with all requisite details prior to Stage-II approval
- B: Conditions which need to be strictly complied on field after handing over of forest land to the User Agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:**
- (1) Legal status of the forest land shall remain unchanged.
 - (2) Compensatory afforestation shall be taken up by the Forest Department over 4.599 ha non-forest land at Survey No. 647 (305 pt 14), Village-Nani Bhagedi, Taluka-Kalavad, District-Jamnagar at the cost of the user agency. As far as possible, a mixture of local native species shall be planted and monoculture of any species, especially non-native species should be avoided.
 - (3) 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 also be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

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- (4) User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- (5) 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.
- (6) The User Agency shall raise strip plantation on both sides of the road as per the IRC norms.
- (7) The layout plan of the proposal shall not be changed without prior approval of Central Government.
- (8) No labour camp shall be established on the forest land.
- (9) The User Agency shall provide alternate fuels preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- (10) The period of diversion under this approval shall be co-terminus with the period of the project life.
- (11) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (12) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department, or person without prior approval of Central Government.
- (13) User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- (14) Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas
- (15) Sufficient firewood, preferably alternate fuel, shall be provided by the User Agency to the labourers after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- (16) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (17) The State Government and user agency shall comply the provisions of the all Acts, Rules, Regulations, guidelines, NGT order & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.
- (18) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per Para 1.21 of FCA, 1980 Handbook 2019.
- (19) 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 forest & wildlife.

2. After receipt of the compliance report regarding fulfillment of the conditions as stipulated above, from the State Government, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. Transfer of forest land to user agency

should not be given effect to by the State Government till formal order approving diversion of forest land is issued by the Central Government. To facilitate speedy execution of this project involving diversion for the project, the in-principle approval may be deemed as the permission for commencement of works, if the required funds for CA, NPV and other compensatory levies specified in the in-principle approval are realized from the user agency and accordingly the State Government, by passing an order, may allow the commencement of work of the linear project in forest land for a period of one year (The detail guideline issued vide Ministry letter No. 11-306/2014-FC, dated 28.08.2015 may be referred).

Yours faithfully,

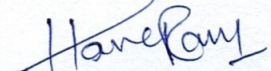


(Hare Ram Kumar)

Technical Officer (Forestry)

Copy to:-

1. The DIG(F), RO(HQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi – 110 003.
2. The APCCF & Nodal Officer, Aranya Bhavan, Sector -10A, Gandhinagar, Gujarat.
3. The Dy. Conservator of Forests, Jamnagar Forest Division, Jamnagar, Gujarat.
4. The Dy. Executive Engineer, Jamnagar (R&B), Sub-Division, Jamnagar, Gujarat.
5. Order file/ NIC for upload.



(Hare Ram Kumar)

Technical Officer (Forestry)