

File No: 8-06-2021-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj,
New Delhi – 110003

Dated: 15th March, 2024

To

The Principal Secretary (Forests),
Government of Gujarat,
Gandhinagar.

Sub: Proposal for diversion of 598.2427 ha forest land for Methala Bandhara Project near village Methala in Talaja Taluka in Bhavnagar District of Gujarat State (Online proposal No. FP/GJ/IRRIG/44298/2020) - regarding.

Sir,

I am directed to refer to the Government of Gujarat's letter No.FCA-1020/8-01/20/SF-237/F dated 23.02.2021 on the above subject seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government & on the basis of the recommendations of the Advisory Committee and with due approval of the Hon'ble Minister, Environment, Forest and Climate Change, the Central Government hereby accords "**In-principle/Stage-I**" approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 for diversion of **598.2427 ha** forest land in favour of Executive Engineer, Salinity Control Division, Bhavnagar for Methala Bandhara Project near village Methala in Talaja Taluka in Bhavnagar District of Gujarat State subject to fulfillment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. *The State Government shall ensure that the area proposed for CA is non-forest land and the same has been handed over to the forest department for the purpose of Compensatory Afforestation. A certificate from the State Government/PCCF (HoFF) along with documentary evidence shall be submitted;*
- iii. *The User Agency will not use the diverted forest land for construction of buildings and other non-site-specific activities;*
- iv. *Muck will not be disposed on forest land and the same shall be done on identified non-forest land with due precautions and mitigation measures;*
- v. *Six feet boundary wall shall be constructed at the cost of user agency along the boundary of the Non- Forest Land (NFL) proposed for CA in both patches towards the habitation and agriculture fields to prevent encroachment;*

- vi. *The User Agency shall provide at its costs the required number of Solar Pumps as given by the forest department for irrigating the CA plantation;*
- vii. *The species for Compensatory Afforestation have to be selected by the Forest Department Government of Gujarat keeping salinity in mind;*
- viii. The Compensatory afforestation over non-forest land, equal in extent to the forest land being diverted, shall be raised by the State Forest Department at the project cost.
- ix. 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 'Final' approval under the Adhinyam;
- x. The non-forest land transferred and mutated in favour of the State Forest Department or the revenue forest land, as the case may be, shall be notified by the State Government as Protected Forests under section 29 of the Indian Forest Act, 1927 or under the relevant section(s) of the local Forest Act, before issue of the 'Final' approval under the Adhinyam. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land as PF, along with compliance of 'in-principle' approval;
- xi. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The CA scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- xii. The compensatory afforestation scheme, as approved, shall be implemented by the State Forest Department at the project cost and the work of Compensatory Afforestation shall be started within two years of issue of order of diversion of the corresponding forest land.
- xiii. The State Government shall realize the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the guidelines given in Chapter – 3 of the Consolidated Guidelines and Clarification issued by the Ministry in accordance with the Hon'ble Supreme Court of India's order dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 in the matter of T. N. Godavarman Thirumalpad vs. Union of India;
- xiv. 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;
- xv. Compensatory levies, to be realized from the User Agency, in lieu of diversion of forest land, shall be transferred/ deposited, through e-payment module (<https://parivesh.nic.in/>) of PARIVESH, into the concerned account of State/UT CAMPA, managed by the National Authority (CAMPA);
- xvi. The user agency shall undertake afforestation along the periphery of the reservoir and canals bank and maintain plantations with the State Forest Department (as applicable);
- xvii. A Catchment Area Treatment Plan shall be prepared, and implemented by/or under the supervision of State Forest Department at the project cost, if applicable;
- xviii. The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down;

- xix. 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 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.
- xx. 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;
- xxi. The user agency shall provide free water for the forestry related projects;
- xxii. The User Agency, if required, shall obtain the environment clearance under the Environment Impact Assessment Notification, 2006 issued under the Environmental (Protection) Act; 1986;
- xxiii. No labour camp shall be established on the forest land and the User Agency shall provide firewood 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;
- xxiv. The boundary of the diverted forest land 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 and distance from pillar to pillar;
- xxv. The forest land shall not be used for any purpose other than that specified in the proposal;
- xxvi. The User Agency shall ensure that because of this project, no damage is caused to the wildlife available in the area;
- xxvii. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xxviii. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- xxix. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xxx. 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;
- xxxi. The User Agency shall implement the R & R Plan, if applicable, 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 and implementation. The said R & R Plan will be monitored by the State Government/Regional Office of MoEF&CC;
- xxxii. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
- xxxiii. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;
- xxxiv. The State Government, before issuing the final diversion order, shall ensure that the user agency has complied with all the provisions of the all Acts,

Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s), including compliance of Forest Rights Act, 2006, pertaining to this project, for the time being in force, as applicable to the project; and

xxxv. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of consolidated guidelines and clarifications issued under of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry's letter dated 29.12.2019.

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

Yours faithfully

Sd/-

(Suneet Bhardwaj)

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Gujarat, Gandhinagar.
2. The DIGF (Central), Regional Office, Gandhinagar.
3. The Nodal Officer (FCA), Department of Forest, Government of Gujarat, Gandhinagar.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi for uploading on PARIVESH portal.