

I/3752/2021



भारत सरकार
GOVERNMENT OF INDIA
 पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE

एकीकृत क्षेत्रीय कार्यालय
 Integrated Regional Office
 "केन्द्रीय पर्यावरण भवन",
 "Kendriya Paryavaran Bhavan",
 लिंक रोड नं०-३ Link Road No. 3, E-5,
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F.No. 6-GJB059/2020-BHO

Dated:25.02.2021

To,

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

Sub: Diversion of 0.6548 ha Reserve/ Section-4 forest land for laying of drinking water pipeline in Gujarat Water Supply & Sewerages Board of the State of Gujarat to decrease deficit of water demand of Lakhpat Taluka in favour of Dy. Executive Engineer, P.H.S in Kachchh District of Gujarat.

Sir,

I am directed to invite a reference to your letter No. FCA-1020/4-10/20/SF-154/F dated 21/08/2020, even letter dated 12/11/2020 and letter dated 28/01/2021 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** for diversion of 0.6548 ha Reserve/ Section-4 forest land for laying of drinking water pipeline in Gujarat Water Supply & Sewerages Board of the State of Gujarat to decrease deficit of water demand of Lakhpat Taluka in favour of Dy. Executive Engineer, P.H.S in Kachchh District of Gujarat subject to the following terms and conditions:-

Specific Conditions :

1. Legal status of the forest land shall remain unchanged.
2. Forest land will 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 **2.00 ha degraded-forest land** at Survey No. 14 /pt, Village-Guhar Nani, Taluka-Lakhpat, District-Kachchh at the cost of user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species shall be avoided.
 - b) Total No. of saplings to be planted shall not be less than nos. 2,222 (2.00 ha X 1111) in CA land. The composition of saplings (number species wise) to be planted in the CA land shall be as per the National Forest Policy and as per CA scheme submitted vide Govt. of Gujarat letter No. FCA-1020/4-10/20/SF-154/F dated 21/08/2020 and record shall be kept.
 - c) The standard size sapling (minimum height & minimum collar girth and maximum sturdiness quotient species wise) as approved by the State Govt. and as per specification in CA scheme submitted by Govt. of Gujarat letter No. FCA-1020/4-10/20/SF-154/F dated 21/08/2020 shall be planted in the selected CA land.
 - d) The height and collar girth (specie 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 & pollards upto 90 cm Girth shall be dressed from ground level for the purpose of regeneration & record shall be kept in plantation journal.
 - f) Plantation shall be taken up before end of 2022 monsoon.

I/3752/2021

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 be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
5. The State Govt/ User Agency shall deposits the amount of Rs. **8,60,257/-** in respect of CA in CAMPA, New Delhi.
6. **NPV:**
 - a) The State Government shall charge the Net Present Value(NPV) for the **0.6548 ha** 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. User Agency shall restrict the felling of trees upto **553** 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.
8. All the funds received from the user agency under the project shall be transferred/ deposited in CAMPA fund only through e-portal (<https://parivesh.nic.in>).
9. Approval and recommendation of Chief Wildlife Warden, Gujarat State letter No. WLP/32/B/1629-30/2020-21 dated 14/07/2020 shall be strictly followed by the User Agency under supervision of State Forest Department.
10. 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.
11. 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.

General Conditions :

1. The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipeline the ground will be leveled.
2. User Agency shall provide suitable measures 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)*.
3. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
4. The layout plan of the proposal shall not be changed without prior approval of the Central Government.
5. No labour camp shall be established on the forest land.
6. 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.

7. 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
8. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
9. 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.
10. The forest land shall not be used for any purpose other than that specified in the project proposal.
11. 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.
12. 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.
13. The user agency shall adhere to all rules, regulations, guidelines & acts enforced by State Govt. and Central Govt. for the proposal.
14. 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.
15. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
16. The compliance report in the letter format of Govt. of Gujarat shall be uploaded on *e-portal* (<https://parivesh.nic.in>)

After receipt of compliance report on fulfilment of all above the 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 for diversion of forest land is issued by Govt. of India.

This has been issued with the approval of the Competent Authority.

(B. Abhay Bhaskar)

Asstt. Inspector General of Forests (Central)

Copy to :-

1. The PCCF & HoFF Govt. of Gujarat, Gandhinagar.
2. The Addl. DGF (FC), MoEF&CC, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi
3. The Addl. PCCF, FCA, Aranya Bhavan, Block No. A/3, Sector -10A, Gandhinagar, Gujarat.
4. The Dy. Conservator of Forests, Kachchh West Division, Bhuj, Gujarat.
5. The Dy. Executive Engineer, P.H.S Sub Division, Dayapar, District-Kachchh, Gujarat.
6. Order file/ NIC for upload.

(B. Abhay Bhaskar)

Asstt. Inspector General of Forests (Central)

Signature Not Verified

Digitally signed by ABHAY
BHASKAR

Date: 2021.02.26 11:22:15 IST

