

**F. No. 8-40/2013-FC**  
**Government of India**  
**Ministry of Environment & Forests**  
**(F.C. Division)**

Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi - 110510.  
Dated: 13<sup>th</sup> August, 2013.

To

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

**Sub: Diversion of 96.11 ha of Protected Forest land for road widening & strengthening of Mehsana-Vijapur-Himatnagar road Km. 97/740 to Km. 163/750 under Gujarat State Highway Project-2 funded by World Bank in favour of Executive Engineer, Road and Building Department, State Road Project Division, Rajkot, Gujarat - regarding.**

Sir,

I am directed to refer to the State Government's letter no. FCA-1013/7-24/(12)/S.F.-04/F dated 10<sup>th</sup> May, 2013 and no. FCA/1013/7-24/12/SF-04/F dated 06<sup>th</sup> April, 2013 on above mentioned subject 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 said Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys the 'in-principle' approval for diversion of 96.11 ha of Protected Forest land for road widening & strengthening of Mehsana-Vijapur-Himatnagar road Km. 97/740 to Km. 163/750 under Gujarat State Highway Project-2 funded by World Bank in favour of Executive Engineer, Road and Building Department, State Road Project Division, Rajkot, Gujarat subject to fulfilment of the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged
- (ii) Compensatory afforestation over the degraded forest land twice in extent to the forest land being diverted shall be raised and maintained by the State Forest Department at the cost of the User Agency.
- (iii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale.
- (iv) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest

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- Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- (v) The State Government shall charge 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 in this regard.
  - (vi) 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.
  - (vii) All the funds received from the User Agency under the project, shall be transferred to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned.
  - (viii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
  - (ix) No labour camp shall be established on the forest land.
  - (x) 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.
  - (xi) The boundary of the diverted forest land, 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 and distance from pillar to pillar.
  - (xii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
  - (xiii) The forest land shall not be used for any purpose other than that specified in the proposal.
  - (xiv) 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.
  - (xv) No damage to the flora and fauna of the adjoining area shall be caused.
  - (xvi) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Birds nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.
  - (xvii) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department.
  - (xviii) The User Agency shall raise strip plantation on either sides of the road and central verge at the project cost, as per IRC specification, with maintenance of 7-10 years. The User Agency shall also submit design of providing at least 2-3 rows of long rotation indigenous trees, as per provision of IRC-SP-21-

- 2009 (Guidelines on landscaping & tree plantation), on either sides of the road before final clearance.
- (xix) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
  - (xx) The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed.
  - (xxi) Overburden shall not be dumped outside the width of the road. The muck generated in the earth cutting will be disposed off at the designate dumping sites and in no case the muck/debris shall be allowed to roll down the hill slopes.
  - (xxii) The User Agency will provide retaining walls, breast wall and drainage as per requirement to make the slope stable.
  - (xxiii) The User Agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
  - (xxiv) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 and 05<sup>th</sup> February, 2013, in support thereof;
  - (xxv) The User Agency will assist the State Government in preservation of flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State. Attention will be particularly given to providing safe crossing and corridors for wildlife species and protecting sensitive habitat like wetlands, grasslands and woodlands from degradation. Where canopy continuity is required for particular species, special measures shall be prescribed by the CWLW for providing crossing points. Where certain trees used for nesting/rookeries of species like birds of prey, herons, storks, hornbills, etc., are to be destroyed, alternative structure shall be provided and the trees transplanted.
  - (xxvi) The User Agency shall not collect any toll from the vehicles carrying forest officers on duty.
  - (xxvii) The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.
  - (xxviii) 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 Officer of the Ministry regularly.
  - (xxix) 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

(xxx) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

After receipt of the 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. Till receipt of the said final/Stage-II approval of the Central Government from this Ministry, transfer of the said forest land to the User Agency shall not be affected by the State Government.

Yours faithfully,



(B.K. Singh)

Director (Forest Conservation)

Copy for favour of information to:-

- 1) The Principal Chief Conservator of Forests, Government of Gujarat, Gandhi Nagar.
- 2) The Addl. PCCF (Central), Regional Office, Bhopal, MoEF.
- 3) The Nodal Officer, O/o the PCCF, Government of Government of Gujarat, Gandhi Nagar.
- 4) The User Agency i.e. The Executive Engineer, State Road Project Division, Kashi Vishvanath Road, Rajkot, Dist: Rajkot
- 5) Monitoring Cell, FC Division, MoEF.
- 6) Guard File.



(B.K. Singh)

Director (Forest Conservation)