

Environmental and Social Due Diligence Report

Project Number: 47083-004
January 2022

INDIA: Accelerating Infrastructure Investment Facility in India – Tranche 3 Shamlaji Expressway Private Limited (Part 8 of 34)

Prepared by India Infrastructure Finance Company Limited for the India Infrastructure Finance Company Limited and the Asian Development Bank.

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Environment Clearance (Correspondances-1)

F. No. 8-105/2013-FC
Government of India
Ministry of Environment & Forests
(FC Division)

भा. रा. रा. प्रा. / N.H.A.I
स्थल कार्यालय - हिममतनगर
आयक संख्या : 587
प्राप्त दिनांक : 4/5/13
सादाकर्ता सही : (K)

Paryavaran Bhawan,
C.G.O Complex, Lodhi Road,
New Delhi - 110 510.
Dated: April, 2013.

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

Sub : Diversion of 173.39 ha of Protected Forest land for widening & strengthening of NH-8 Ratnapur border to Ahmedabad (K.M. 388/200 to K.M. 590/000), by Project Director PIU, National Highway Authority of India, Himmatnagar in Himmatnagar District of Gujarat

Sir,

I am directed to refer to the State Government of letter No. FCA-1012/7-13/12/S.F-117/F. dated 28th December 2012 on the above subject seeking prior approval of the Central Government, in accordance with Section-2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby accords 'in-principle' approval under Section -2 of the Forest (Conservation) Act, 1980 for diversion of 173.39 ha of Protected Forest land for widening & strengthening of NH-8 Ratnapur border to Ahmedabad (K.M. 388/200 to K.M. 590/000), by Project Director PIU, National Highway Authority of India, Himmatnagar in Himmatnagar District of Gujarat, subject to the fulfillment of the following conditions:

1. Legal Status of the diverted forest land shall remain unchanged.
2. (i) The Compensatory Afforestation (CA) over double degraded forest land (i.e. 2 X 173.39 ha) as proposed shall be undertaken at the cost of the User Agency.
(ii) The area identified for Compensatory Afforestation shall be clearly depicted on 'SOI' toposheet of 1:50,000 scale.
(iii) The User Agency shall transfer the cost (incorporating the current wage structure) for raising and maintaining Compensatory Afforestation to the State Forest Department.

3. User Agency shall deposit the Net Present Value (NPV) of the diverted forest land with the State Forest Department as per the orders of the Hon'ble Supreme Court dated 30.10.2002, 01.08.2003 and 28.03.2008 in I.A. No. 566 in WP(C) No. 202/1995 and the

guidelines issued by this Ministry vide letter No. 5-1/98-FC(Pt.II) dated 18.09.2003 and 22.09.2003 in this regard.

4. 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.
5. All the funds received from the User Agency under the project shall be transferred to Ad-hoc CAMPA in saving accounts pertaining to the State Concerned.
6. The User Agency shall provide the cost towards Soil conservation Management Plan as per requirement in consultation with State Forest Department.
7. The User Agency shall arrange to raise strip plantation on either side of the road and central verge at project case, as per IRC specifications, with maintenance of 7-10 years. The user agency shall also submit design of providing at least 2-3 rows of long rotation indigenous species, as per provisions of IRC- SP- 21-2009 (Guidelines on Landscaping and tree plantation) on either side of the road before final clearance.
8. Wherever possible and technically feasible, the user agency shall undertake afforestation measures along the roads within the area diverted under this proposal, in consultation with the State forest department.
9. The reclamation of quarry should be done and completed under the supervision of the State Forest Department and it shall be afforested completely before the Project is closed.
10. Overburden of shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed off at the designate dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
11. The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.
12. The user agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
13. The user agency will assist the State Government in conservation and 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.

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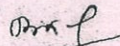
14. The user agency shall not collect any toll from the vehicles carrying forest officers on duty.
15. The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.
16. Any Trees shall be felled only when it becomes necessary and that too under strict supervision of State Forest Department, and at the cost of the user agency.
17. No labor camp shall be established on the forest land. The user agency shall also provide fuels preferably alternate fuels to the labourers and staff working at the site so as to avoid any damage to the nearby forest areas.
18. The boundary of the diverted forest land shall be demarcated on the ground with four feet high cement concrete pillar with its serial number and forward and back bearing inscribed on it.
19. The layout and plan shall not be changed without prior approval of the Central Government.
20. This is subject to the requisite Environmental Clearance, if required.
21. Ex-situ conservation of endemic species of flora/fauna lost/disturbed in the process of execution of the project may be ensured.
22. No damage to the flora and fauna of the area shall be caused.
23. The forest land shall not be used for any purpose other than that specified in the proposal and shall, under no circumstances, be transferred to any one without prior approval of the Central Government.
24. All other conditions proposed by the State Government at the time of submission of the proposal to the Central Government shall be complied with by the project proponent.
25. The provisions of the Scheduled tribe and other traditional forest dwellers (recognition of forest rights) Act, 2006 shall be complied with in accordance with the relevant Guidelines issued by this Ministry.
26. Rehabilitation of project affected families if any shall be done as per the National Rehabilitation policy/State Rehabilitation policy whichever is better in consultation with State Forest Department at the cost of user agencies.
27. Any other condition that the CCF (Central), Regional Office, Bhopal, may impose from time to time for the protection and improvement of flora and fauna in the forest area.
28. All other conditions under different rules, regulations and guidelines including

environmental clearance shall be complied with before transfer of forest land.

29. The transfer of forest land to the User Agency shall not be effected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.
30. 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.


After receipt of a report on compliance to the conditions stipulated in Paragraph -2 above, from the State Government, final/stage-II approval of the Central Government, in accordance with section 2 of the Forest (Conservation) Act, 1980, will be considered by this Ministry.

Yours faithfully,


(B. K. Singh)
Director

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Gujarat, Gandhinagar.
- ✓ 2. The Nodal Officer, Q/o PCCE, Gandhinagar.
3. Conservator of Forests (Central), Regional Office, Bhopal.
4. User Agency (The Project Director, NHAI, PIU-Himmat Nagar, 9, Prarthna Society, Opposite Arts and Commerce College, Motipura, NH-8, Himmat Nagar, Gujarat).
5. Monitoring Cell of FC Section.
6. Guard File.


(B. K. Singh)
Director

Environment Clearance (Correspondances-2)

F. No. 8-105/2012-FC
Government of India
Ministry of Environment, Forests & Climate Change
(Forest Conservation Division)

NO. F. C. W. / A. H. A. I.
2061
6/8/2015

Indira Paryavaran Bhawan,
Jorbagh Road, Aliganj,
New Delhi - 110003.
Dated: 23rd July, 2015.

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

Sub: Diversion of 173.39 ha of Protected Forest land for widening & strengthening of NH-8 Ratnapur Boarder to Ahmedabad (K.M. 388/200 to K.M. 590/000), by Project Director PIU, National Highway Authority of India, Himmatnagar in Himmatnagar District of Gujarat.

Sir,

I am directed to refer to the State Government's letter no. No. FCA-1012/7-13/12/S.F-117/F dated 28th December, 2012 on the subject mentioned above seeking prior approval of the Central Government under section-2 of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted under Section-3 of the said Act, the stage-I approval was granted vide this Ministry's letter of even number dated April, 2013 subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide letter no. FCA-1012/7-13/12/S.F-117/F dated 10th March, 2014 and subsequent Addl. PCCF (Land), Gujarat's letter No. FCA/29-C/A/97/2015-16 dated 05.05.2015, forwarding information/documents, as sought by the Ministry, final approval of the Central Government is hereby granted under section-2 of the Forest (Conservation) Act, 1980 for diversion of 173.39 ha of Protected Forest land for widening & strengthening of NH-8 Ratnapur Boarder to Ahmedabad (K.M. 388/200 to K.M. 590/000), by Project Director PIU, National Highway Authority of India, Himmatnagar in Himmatnagar District of Gujarat, subject to fulfillment of the following conditions:

- i. Legal Status of the forests land shall remain unchanged.
- ii. The Compensatory Afforestation (CA) over degraded forest land, twice in extent to the area being diverted, shall be raised and maintained by the State Forest Department from the funds already provided by the user agency;
- iii. The User Agency shall pay the additional NPV, if so determined, as per the

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
final decision of Hon'ble Supreme Court of India.

- iv. The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
- v. The muck generated in the earth cuttings will be disposed off at the designated dumping sites and in no case the muck / debris will be allowed to roll down the hill slopes.
- vi. In case the widening of the National Highway is to be done in areas already having adequate clearance, trees shall not be cut. Any tree felling shall be done only when it is unavoidable under strict supervision of the State Forest Department.
- vii. No labour camps shall be set up inside the forest area.
- viii. The user agency shall provide fuel wood preferably alternate fuel to the labourers working at the site to avoid damage to adjoining forests.
- ix. No damage to the flora and fauna of the area shall be caused.
- x. The forest land shall not be used for any purpose other than that specified in the proposal.
- xi. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person.
- xii. The user agency will assist the State Government in conservation and preservation of flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State.
- xiii. The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.
- xiv. The user agency will not collect any toll tax from the Forest Department vehicles.
- xv. 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.
- xvi. The user agency shall take up strip plantation as per provision of IRC-SP-21-2009 and as per Guidelines on landscaping & tree plantation submitted by them on either side of the road.
- xvii. 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.
- xviii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.

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- xix. Any other condition that the State Govt. or the Chief Conservator of Forests (Central), Regional Office, Bhopal may impose from time to time in the interest of conservation, protection and development of flora and fauna of the area.
- xx. Compliance of any legal matters, in any court of law, shall be the responsibility of the user agency / and the State Government.
- xxi. The user agency shall submit the annual compliance report in respect of the above conditions to the State Government and to the Regional Office, Bhopal regularly.
- xxii. All other conditions stipulated in the Stage-I approval for which the user agency has submitted undertakings shall be complied with; and
- xxiii. 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.

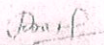
Yours faithfully


(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 Project Director, NHAI, PIU-Himmat Nagar, 9, Prarthna Society, Opposite Arts and Commerce College, Motipura, NH-8, Himmat Nagar, Gujarat.
5. Monitoring Cell, FC Division, MoEF.
6. Guard File.


(B.K. Singh)

Director (Forest Conservation)