

AHPL/MoEF&CC/2022-23/06

Date: 29.11.2022

To,
Deputy Director/Scientist-C
IRO, Gandhinagar
Ministry of Environment Forest & Climate Change
Govt. of India
Email: rowz.bpl-mef@nic.in, eccompliance-guj@gov.in

Ref: I. File No.: 11-150/2010-IA.III1H, Government of India, MoEF&CC (Impact Assessment Division), Development of Project Multi cargo port with supporting utilities and infrastructure facilities at Hazira, Surat, Gujarat by M/s Adani Hazira Port Limited dated 29th September, 2020 -for Forest Land Inclusion

II. OM, MoEF&CC dated 11th April 2022, F.NO. IA3-22/10/2022-IA.III(E177258), regarding clarification on calculating the validity of prior Environmental Clearance (EC) granted under the provisions of EIA Notification 2006, which involve Forest Land.

III. Ref- F.No. 8-35/2015 and F.No. 8-36/2015, Stage II,-Forest Clearance.

Sub: Submission of Six-Monthly EC Compliance Report regarding Environment and CRZ Clearance granted to AHPL for Forest Land Inclusion (Letter vide- MoEF&CC F. No. 11-150/2010_IA.III dated 29th September 2020)

Sir,

M/s Adani Hazira Port Limited (earlier named as Adani Hazira Port Pvt Ltd) had proposed the development of a Multi Cargo Port in Hazira, Surat District with supporting utilities and infrastructure facilities for its master plan spanning over an area of 873.27 ha which included forest land of 376.64 ha. The proposal was issued ToR on 07.04.2011 and the required EIA studies and Public Hearing (14.08.2012) was undertaken, project was recommended by Gujarat Coastal Zone Management Authority (GCZMA) vide letter No. ENV-10-2012-31-E dated 11th May 2012 and was appraised to the EAC for obtaining Environment and CRZ clearance. As the diversion of forest land was under process at the time of EC the same was excluded from the EC granted to AHPPL vide letter no. F.No.11-150/2010-IA-III dated 3rd May 2013.

Hence, the total area available for port development was 496.63 Ha. AHPL commenced first five-year port development in the area available. In the first five years AHPPL has constructed 6 berths out of the proposed 12 berths, a total of 24.87 MMTPA of cargo was handled in the last financial year 2021-22 out of the approved 84.1 MMTPA. Now out of 376.64 Ha applied forest land, the Stage-I forest clearance has been granted over an area of 301.0199 Ha vide order dated 17th October 2016(210.1594 Ha.) and 19th October 2016 (90.8605 Ha.) as mentioned below.

Adani Hazira Port Ltd.
At & Po Hazira
Choryashi
Surat 394 270
Gujarat, India
CIN: U4509GJ2009PTC058789

Tel +91 261 220 7780
Fax +91 261 220 7777
info@adani.com
www.adani.com

Registered office: Adani Corporate House, Shantigram, Near Vaishno Devi Circle, S. G. Highway, Khodiyar, Ahmedabad-382421, Gujarat, India

The Stage I - forest clearance (*In principle approval*) for diversion of 210.1594 ha of reserved forest land vide letter dated 17th October 2016 bearing F. No. 8-36/2015-FC and Stage I forest clearance for diversion of 90.8605 ha of reserved forest land vide letter dated 19th October 2016 bearing F. No. 8-35/2015-FC was obtained in October 2016 by AHPL.

After obtaining the Stage I forest clearance, AHPL approached MoEF&CC for inclusion of forest land in the approved area of port by expansion of earlier EC & CRZ clearance. MoEF&CC granted ToR for conduct of EIA studies on 13th December 2018 vide F. No. 10-80/2018-IA-III. EIA studies were conducted, and the project was recommended by GCZMA vide letter number ENV-10-2020-172-Tcell dated 6th July 2020. Subsequently the proposal was appraised by EAC and EC&CRZ clearance was granted for inclusion of 301.0199 Ha area in the already approved area of AHPL vide F. No. 11-150/2010_IA.III dated 29th September 2020.

The Stage-II forest clearance is obtained for diversion of 90.8605 ha of reserved forest land Ref-F.No. 8-35/2015-FC is granted on 22.09.2022 and diversion of 210.1594 ha of reserved forest land Ref-F.No. 8-36/2015-FC is granted on 28.09.2022. Copies of the Stage II-forest clearances are attached as *Annexure I*.

The stage –II forest clearance is granted at the end of compliance period and all the development till date as well as the current port operation are being carried out as per the EC & CRZ clearance granted vide F.No.11-150/2010-IA-III dated 3rd May 2013 only and AHPL is submitting the compliance of EC & CRZ clearance granted vide F.No.11-150/2010-IA-III dated 3rd May 2013 to the authorities regularly.

As MoEF&CC clarified in above referred OM dated 11th April 2022 that the time taken in Stage II, Forest Clearance after the grant of EC may not be considered as part of the EC validity up to a maximum two years.

We would like to state that, no development activities have been carried out for the development in the said forest area after obtaining Environment & CRZ Clearance, during the compliance period i.e. April-2022 to September 2022. Henceforth, AHPL will submit Six monthly EC compliance report for the EC & CRZ Clearance (AHPL vide F. No. 11-150/2010_IA.III dated 29th September 2020) after commencement of development work in the above referred forest land parcel.

For, **Adani Hazira Port Limited,**



(Anil Kishore Singh)
Authorized Signatory

Enclosure: As above, Annexure I

Cc to:

1. Add. Secretary, Ministry of Environment, Forest and Climate Change, Regional Office (WZ), E-5, Kendriya Paryavaran Bhawan, Arera Colony, Link Road-3, Ravishankar Nagar, Bhopal - 462016 (Madhya Pradesh)
2. The Director (Monitoring - IA Division), Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110 003.
3. The Director, Forests & Environment Department, Block - 14, 8th Floor, Sachivalaya, Gandhinagar, Gujarat - 382 010.
4. The Zonal Officer, Central Pollution Control Board, Zonal Office Vadodara, Parivesh Bhawan, Opp. VMC Ward Office No.:10, Subhanpura, Vadodra-390 023.
5. The Chairman, Gujarat Pollution Control Board, Parvayaran Bhawan, Sector - 10A, Gandhinagar-382 010 (Gujarat)
6. The Regional Officer, Gujarat Pollution Control Board, Belgium Square, Ring Road, Surat-395003, (Gujarat).

Annexure I

Copy of Stage II Forest Clearance

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi – 110003.

Dated: 28th September, 2022

To

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

Subject: Diversion of 210.1594 ha Reserved/Unclassed Forest land for development of port backup facilities at Hazira, Surat District in favour of Adani Hazira Port Pvt. Ltd., Surat - regarding.


Madam/Sir,

I am directed to refer to the Government of Gujarat's letter No. FCA-1015/10-10/15/S.F-71/F dated 19.11.2015, No. FCA/29-B/A/26-29/2016-17 dated 06.04.2016 and No. FCA-1015/10-10/15/S.F-71/F dated 26.07.2016 on the above mentioned subject, seeking prior approval of Central Government under Section-2(ii) of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act, 'In-principle' /Stage -I approval to the proposal was granted by this Ministry vide letter of even number dated 17.10.2016 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Gujarat's letter No. FCA-1015/10-10/15/SF-71/F dated 27.08.2021, letter No. FCA-1015/10-10/15/SF-71/F dated 25.10.2021 and letter No. FCA-1015/10-10/15/SF-71/F dated 09.09.2022 '**Final approval /Stage-II**' of the Central Government is hereby granted under Section -2 of the Forest (Conservation) Act, 1980 for diversion of 210.1594 ha Reserved/Unclassed Forest land for development of port backup facilities at Hazira, Surat District in favour of Adani Hazira Port Pvt. Ltd., Surat, subject to fulfillment of the following conditions:

A: Conditions which need to be complied prior to handing over of forest land to user agency by the State Govt.:

- i. The State Government shall ensure that the user agency implements the R&R Plan 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 along with indicators for monitoring and expected observable milestones;
- ii. The State Government shall ensure that compliance of Scheduled Tribes and Other



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Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by the MoEF&CC in this regard, before handing over of forest land to the user agency;

- iii. The State Government shall ensure that proposed forest land i.e. 210.1594 ha shall be handed over to the user agency only when the user agency has acquired the required non-forest land, if any, for the project;
- iv. The State Government shall upload the KML files of the area under diversion and the accepted area for raising compensatory afforestation in the E-Green Watch portal of FSI, before handing over forest land to the user agency;


B: Conditions which need to be complied after handing over of forest land to the user agency by the State Govt.:

- i. Legal status of the forest land shall remain unchanged;
- ii. Compensatory Afforestation shall be raised over equal identified non-forest land (NFL), which has already been notified as Reserve forest under section-4 of the Indian Forest Act, 1927 vide notification no. GVN/2022/(19)/JJM/16-08/2022/GSF-19/F dated 18/08/2022 by the State Government and at-least 1000 plants per hectare shall be planted. CA will be carried out within a period of three years with effect from the date of issue of Final approval and maintained thereafter in accordance with the approved Plan in consultation with the Forest Department at the cost of the user agency. As far as practicable a mixture of local indigenous species will be planted and mono-culture of a species has to be avoided;
- iii. The User Agency shall implement the general plan which is already approved by the State Forest Department for improving the coastal vegetation and enriching the mangrove vegetation in the area at its own cost under supervision of the Forest Department;
- iv. The User Agency shall raise 50 mtr wide shelter belt plantations on sea side as per the plan submitted within forest land proposed for diversion. This will be over and above the compensatory afforestation scheme. Only local indigenous species shall be raised for the green shelter belt and areas in the interspaces of the project area;
- v. The User Agency shall ensure that only built up area should be fenced. Non-built up area be kept unfenced to ensure free movement of wild animals.
- vi. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- vii. The User Agency shall ensure that forest area nearby shall not be encroached upon due to implementation of the project;
- viii. No labour camps shall be set up inside the forest area. Labour management plan should be implemented with emphasis that no labour camp be set up in the close vicinity of the eco-fragile and sensitive areas;
- ix. The forest land shall not be used for any purpose other than that specified in the project proposal and under no circumstances be transferred to any other agency, department or person;
- x. Boundary of the forest land proposed to be diverted shall be demarcated on ground at


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- the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing, distance from pillar to pillar and GPS co-ordinates;
- xi. Felling of trees, if unavoidable on the forest land being diverted shall be reduced to the bare minimum and trees should be felled under strict supervision of the State Forest Department. Moreover, it shall be ensured that wherever possible maximum marked trees for felling should be translocated in consultation with the State Forest Department;
- xii. The User Agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- xiii. The User Agency shall provide 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;
- xiv. The user agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- xv. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xvi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xvii. 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;
- xviii. No damage to the flora and fauna of the area shall be caused;
- xix. The Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the para 1.21 of comprehensive guidelines issued vide this Ministry F. No.5-2/2017-FC dated 28th March, 2019;
- xx. 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 shall be carried out by the State Government and User Agency;
- xxi. The State Government and User Agency shall ensure compliance of all conditions stipulated in the Stage-I approval letter of even number dated 17.10.2016 for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, pertaining to this project for the time being in force, as applicable to the project.


Yours sincerely,


(Suneet Bhardwaj) 28/09/2022

Assistant Inspector General of Forests

Copy to:

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


28/09/2022

**Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)**

**Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi – 110003.**

Dated: 22nd September, 2022

To

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

Subject: Diversion of 90.8605 ha of reserved forest land for development of port backup facilities in favour of Adani Hazira Port Pvt . Ltd. in Hazira, Surat District, Gujarat - regarding.

Madam/Sir,

I am directed to refer to the Government of Gujarat's letter No. 1015/10-11/15/S.F 72/F dated 19.11.2015, No. FCA/29-B/A/26-29/2016-17 dated 06.04.2016 and No. FCA 1015/10-11/15/S.F-72/F dated 26.07.2016 on the above mentioned subject, seeking prior approval of Central Government under Section-2(ii) of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act, 'In-principle' /Stage -I approval to the proposal was granted by this Ministry vide letter of even number dated 19.10.2016 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Gujarat's letter No. FCA-1015/10-10/15/SF-71/F dated 27.08.2021, letter No. FCA-1015/10-11/15/SF-72/F dated 25.10.2021 and letter No. FCA-1015/10-11/15/SF-72/F dated 09.09.2022 '**Final approval /Stage – II**' of the Central Government is hereby granted under Section -2 of the Forest (Conservation) Act, 1980 for diversion of 90.8605 ha of reserved forest land for development of port backup facilities in favour of Adani Hazira Port Pvt . Ltd. in Hazira, Surat District, Gujarat, subject to fulfillment of the following conditions:

A: Conditions which need to be complied prior to handing over of forest land to user agency by the State Govt.:

- i. The State Government shall ensure that the user agency implements the R&R Plan 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 along with indicators for monitoring and expected observable milestones;
- ii. The State Government shall ensure that compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been



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completed in accordance with the relevant Rules and Guidelines issued by the MoEF&CC in this regard, before handing over of forest land to the user agency;

- iii. The State Government shall ensure that proposed forest land i.e. 90.8605 ha shall be handed over to the user agency only when the user agency has acquired the required non-forest land, if any, for the project;
- iv. The State Government shall upload the KML files of the area under diversion and the accepted area for raising compensatory afforestation in the E-Green Watch portal of FSI, before handing over forest land to the user agency;

B: Conditions which need to be complied after handing over of forest land to the user agency by the State Govt.:

- i. Legal status of the forest land shall remain unchanged;
- ii. Compensatory Afforestation shall be raised over equal identified non-forest lands (NFL), which have already been notified as reserve forest land under section - 4 of the Indian Forest Act - 1927 vide notification no. GVN/2022/(17)/JJM/16-06 /2022/GSF-17/F dated 18/08/2022 under the relevant provisions of India Forest Act-1927 by the State Government against this proposal, and at-least 1000 plants per hectare shall be planted. CA will be carried out within a period of three years with effect from the date of issue of Final approval and maintained thereafter in accordance with the approved Plan in consultation with the Forest Department at the cost of the user agency. As far as practicable a mixture of local indigenous species will be planted and mono-culture of a species has to be avoided;
- iii. The User Agency shall implement the general plan which is already approved by the State Forest Department for improving the coastal vegetation and enriching the mangrove vegetation in the area at its own cost under supervision of the Forest Department;
- iv. The User Agency shall raise 50 mtr wide shelter belt plantations on sea side as per the plan submitted within forest land proposed for diversion. This will be over and above the compensatory afforestation scheme. Only local indigenous species shall be raised for the green shelter belt and areas in the interspaces of the project area;
- v. The User Agency shall ensure that only built up area should be fenced. Non-built up area be kept unfenced to ensure free movement of wild animals.
- vi. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- vii. The User Agency shall ensure that forest area nearby shall not be encroached upon due to implementation of the project;
- viii. No labour camps shall be set up inside the forest area. Labour management plan should be implemented with emphasis that no labour camp be set up in the close vicinity of the eco-fragile and sensitive areas;
- ix. The forest land shall not be used for any purpose other than that specified in the project proposal and under no circumstances be transferred to any other agency, department or person;
- x. Boundary of the forest land proposed to be diverted shall be demarcated on ground at


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the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing, distance from pillar to pillar and GPS co-ordinates;

- xi. Felling of trees, if unavoidable on the forest land being diverted shall be reduced to the bare minimum and trees should be felled under strict supervision of the State Forest Department. Moreover, it shall be ensured that wherever possible maximum marked trees for felling should be translocated in consultation with the State Forest Department;
- xii. The User Agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- xiii. The User Agency shall provide 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;
- xiv. The user agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- xv. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xvi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xvii. 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;
- xviii. No damage to the flora and fauna of the area shall be caused;
- xix. The Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the para 1.21 of comprehensive guidelines issued vide this Ministry F. No.5-2/2017-FC dated 28th March, 2019;
- xx. 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 shall be carried out by the State Government and User Agency;
- xxi. The State Government and User Agency shall ensure compliance of all conditions stipulated in the Stage-I approval letter of even number dated 19.10.2016 for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, pertaining to this project for the time being in force, as applicable to the project.

Yours sincerely,

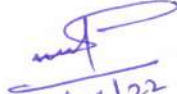
(Suneet Bhardwaj)

Assistant Inspector General of Forests

22/09/22

Copy to:

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


22/09/22