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No. 3-MZ A 044/2020-SHI **3226-27**

15th January, 2021

सेवा मे,

प्रधान सचिव/ Principal Secretary,

पर्यावरण वन और जलवायु परिवर्तन विभाग /Environment, Forest & Climate Change Department,

मिजोरम सरकार/ Govt of Mizoram,

आइजोल / Aizawl- 796001

Sub: Proposal for diversion of 104.77 ha of forest land in DAMPA Tiger Reserve (Buffer Zone) for construction of 132 KV S/C (on D/C Tower) West Phaileng to Marpara Transmission Line under NERSIP Scheme Mizoram.

Sir,

I am directed to refer to the Government of Mizoram No.G.20015/3/2019-FST dated 19th June, 2020 and No. For.50/2016/580 dated 08.12.2020 on the above subject seeking prior approval for the Central Government under Section 2 of the FCA, 1980 and to say that the proposal has been examined by the Regional Empowered Committee constituted by Central Government under Section 3 of aforesaid Act.

2. After careful examination of the proposal of the State Govt and on the basis of the recommendations of Regional Empowered Committee **"In Principle Approval/Stage- I"** clearance of the Central Government is hereby granted for diversion of 104.77 ha of forest land in DAMPA Tiger Reserve (Buffer Zone) for construction of 132 KV S/C (on D/C Tower) West Phaileng to Marpara Transmission Line under NERSIP Scheme, Mizoram subject to the following conditions:

A. Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. The user agency shall transfer, the Net Present Value (NPV) of the forest land being diverted under this proposal, 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 as per the guidelines issued by the Ministry vide letters No 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into CAMPA account of the State concerned.
4. The land identified for the purpose of CA shall be clearly depicted on Survey of India toposheet of 1: 50000 scale;

5. The user agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme may include appropriate for anticipated cost increase for works scheduled for subsequent years;
6. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA account only through *e-portal* (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
7. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>).
8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the District Collector;
9. The boundary of the diverted forest land, mining lease and safety zone, 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, distance from the pillar to pillar and GPS co-ordinates;
10. Violation of any of these conditions will amount to violation of Forest(Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest(Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-Fc dated 28.03.2019.
11. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
12. State Govt to submit the current detail status of Bairabi and West Phalieng transmission line to Integrated Regional Office, Shillong within a month time.
13. The following recommendation of 58nd Meeting of Standing committee of National Board for Wildlife shall be complied with:-

A. Conditions imposed by the NTCA

- (1) Since Dampa is an elephant landscape, height above the ground at the lowest point of the lowest conductor or grounding wire (i.e. at maximum sag point) of power lines (for avoiding reach of elephants even with raised trunk) should be:
 - (a) A minimum of 10 m above on level terrain (slope < 20 degrees)
 - (b) A minimum of 15 m above ground on steeper terrain (slope >20 degrees)
- (2) All power lines within 3 KM of forest and important wildlife areas across its entire length in between West Phaileng and Marpaara should be marked with appropriate bird diverters spaced at 10 m intervals. The bird diverters should shall be regularly checked and maintained by power company.
- (3) No construction / maintenance work shall be permitted within forest and wild life areas in between 6.0 PM to 7.00 AM. Labour camps should be at least 1.0 KM away from the boundaries of Dampa Tiger reserve. No construction materials (including soil stones, etc.,) should be collected from the forest.
- (4) The user agency shall deposit a portion of the total cost to Mizoram Forest Department which shall be decided by the Department. The Forest Department should utilize this money for eco-restoration, prey augmentation, reducing public dependence on forest and promoting traditional local livelihoods in Dampa Tiger Reserve.
- (5) The Chief Wildlife Warden, Mizoram State should constitute a monitoring committee comprising of members from local forest officials, NTCA regional office and user

agency to oversee the implementation of the project in compliance to the mitigation measures suggested above.

- (B) The annual compliance certificate on the stipulated conditions should be submitted by the project proponent to the State Chief Wild life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Govt of India.

B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of the diverted forest land shall remain unchanged;
2. Compensatory Afforestation shall be raised over double the degraded forest area of 213 ha identified in Compartment No.1, Saithah Forest Range, West Phaileng Beat below Kawnmawi village inside the notified RF of Teirei RRF under West Phaileng Beat in Mamit Forest Division within three years from the date of Stage –II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
3. 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.
4. 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;
5. **The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.**
6. **The User Agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014.**
7. Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
8. The User Agency shall obtain the Environment Clearance as per the provisions of Environment (Protection) Act, 1986, if required;
9. No labour camp shall be established on the forest land and 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;
10. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
11. 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;
12. No damage to the flora and fauna of the adjoining area shall be caused;
13. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government;

14. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.
15. The user agency shall explore the possibility of successful 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;
16. 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; and
17. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.
18. As per Ministry's letter No 11-30/96-FC(Pt) dt 14.9.2001, if the compliance of stipulated conditions is awaited from the State Govt for more than 5(five) years, the in-principle approval would be summarily revoked considering that the user agency is no longer interested in the project.
19. All other clearance/NOCs under different applicable rules/regulations /local laws and under Forest Dwellers (Recognition of Forest Rights)Act, 2006 as required vide MoEF, New Delhi guideline No.11-9/1998-FC(pt) dated 03.08.2009 shall be complied with.
20. As per Ministry's letter No 11-30/96-FC(Pt) dt 14.9.2001, if the compliance of stipulated conditions is awaited from the State Govt for more than 5(five) years, the in-principle approval would be summarily be revoked considering that the user agency is no longer interested in the project.

भवदीय,

(W.I. Yabon)

वन उप महानिरीक्षक (केंद्रीय)

/Deputy Inspector General of Forests(C)

Copy to:

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