

**F. No. 8-53/2018-FC**  
Government of India  
Ministry of Environment, Forests & Climate Change  
(F.C. Division)

Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi: 110003,

**Dated: 5<sup>th</sup> February, 2019**

To,

The Principal Secretary (Forests),  
Government of Assam,  
Guwahati.

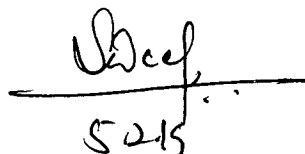
**Sub: Diversion of 523.046 ha of forest land for construction of Lower Kopili Hydro Electric Project by Assam Power Generation Corporation under Dima Hasao West Division, Halflong and Hamren Division, Assam.**

Sir,


I am directed to refer to the State Govt. of Assam's letter No. FRS/2018/222 dated 30.07.2018 on the subject mentioned above 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 aforesaid Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *In-principle approval/Stage-I Clearance* of the Central Government is hereby granted for diversion of 523.046 ha of forest land for construction of Lower Kopili Hydro Electric Project by Assam Power Generation Corporation under Dima Hasao West Division, Halflong and Hamren Division, Assam subject to the following conditions:

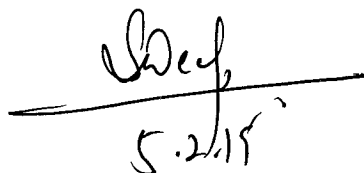
- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory Afforestation shall be raised over equal identified non-forest land (NFL) land within three years from the date of Stage -II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency. At least 1000 saplings per hectares shall be planted over 523.046 ha (523046 plants). If this is not possible to plant these many seedlings in the identified NFL, the balance seedlings will be planted in degraded forest land as per the prescriptions of the Working Plan at the cost of the User agency. In such case CA cost will be revised and duly approved by competent authority and deposited online in the CAF managed by CAMPA;

  
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- (iii) 25% of the CA cost additionally will be spent towards Soil and Moisture Conservation activities in the proposed CA area as per site requirement and deposited in CAMPA Account;
- (iv) **Since muck disposal has not been permitted within the proposed diverted forest area, 22 ha forest land shall be added to the already identified Green Belt within the proposed forest area for diversion. All other items will remain same as submitted earlier. Thus, 198.746 ha out of proposed diversion of 523.046 ha of forest land shall be maintained as Green Belt;**
- (v) **User agency shall modify the DPR accordingly and its authenticated copy of the same shall be submitted to the Regional Office, MoEF&CC, Shillong and this Ministry prior to Stage-II approval;**
- (vi) **The user agency shall submit Landuse Plan and landuse map before Stage-II approval;**
- (vii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
- (viii) The admissible non-forest land shall be identified for raising compensatory afforestation and the same shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance. The non-forest land identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months;
- (ix) 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 Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (x) The User Agency shall transfer online, 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 the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02. 2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
- (xi) 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;
- (xii) The approved Catchment Area Treatment (CAT) Plan shall be implemented at the cost of the user agency and commensurate funds shall be deposited in the account of CAMPA through on-line portal;
- (xiii) **User Agency shall ensure that the Compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;**
- (xiv) The Forest clearance will be for a period co terminus with the lease period specified in the lease agreement. The State Government will submit the lease agreement document specified in the lease agreement;

  
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- (xv) 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 read with 05.07.2013, in support thereof;
- (xvi) The user agency shall implement 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. 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;
- (xvii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xviii) The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down.
- (xix) The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan.
- (xx) The State Government and the user agency shall ensure that the tress available between full reservoir level (FRL) and FRL-4 meters are not felled;
- (xxi) The User agency shall undertake afforestation along the periphery of the reservoir;
- (xxii) User agency shall provide free water for the forestry related projects;
- (xxiii) 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;
- (xxiv) 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 pillar to pillar and GPS co-ordinates;
- (xxv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
- (xxvi) 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;
- (xxvii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxviii) The user agency shall explore the possibility of 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;
- (xxix) User agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities. The plan for plantation and SMC activities will be prepared and submitted to MoEF &CC before Stage-II Clearance;

  
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- (xxx) 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 regularly;
- (xxxi) Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife; and
- (xxxii) 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.

After receipt of 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. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.


Yours faithfully,

  
(Sandeep Sharma) 5.2.19

Assistant Inspector General of Forests

**Copy to:**

1. The PCCF (HoFF), Government of Assam, Guwahati.
2. The Nodal Officer, Office of the PCCF (HoFF) Government of Assam, Guwahati.
3. The Addl.PCCF(Central), Regional Office, Shillong.
4. User Agency
5. Monitoring Cell.
6. Guard file.

  
(Sandeep Sharma) 5.2.19.

Assistant Inspector General of Forests