



भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS
& CLIMATE CHANGE

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F.No. FC-III/CH-27/2018-NGP / 3791

Date: 06.06.2018

To

✓ The Principal Secretary (Forests),
Government of Chhattisgarh,
Forest Department,
Mantralaya, Mahanadi Bhavan,
New Raipur (CG).

Sub: Diversion of 111.456 ha of forest land in favour of Executive Engineer, EHT (Constn.) Division, CSPTCL, Gudhiyari, Raipur for Construction of 132 KV Nagri-Indagaon Transmission Line under Forest (Conservation) Act, 1980 in Dhamtari and Gariaband Districts in the State of Chhattisgarh.

Sir,

I am directed to refer to the State Government of Chhattisgarh's letter no. F-5-04/2018/10-2 dated 03.03.2018 on the above subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980 and the Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh's letter no. Bhu-Prabandh/Vidyut/479-158/1164 dated 12.04.2018, letter no. Bhu-Prabandh/Vidyut/479-158/1369 dated 01.05.2018 and letter no. Bhu-Prabandh/Vidyut/479-158/1677 dated 31.05.2018 forwarding additional information as sought by the Regional Office vide its letters of even numbers dated 26.03.2018, 16.04.2018 and 31.05.2018 respectively and to inform that the proposal of the State Government was examined by the Regional Empowered Committee (REC) constituted under Section -4 of the Forest (Conservation) Act, 1980.

In this connection, I am directed to convey that after careful examination of the proposal and based on the recommendations of the State Government and approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords 'in-principle' approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 111.456 ha of forest land in favour of Executive Engineer, EHT (Constn.) Division, CSPTCL, Gudhiyari, Raipur for Construction of 132 KV Nagri-Indagaon Transmission Line under Forest (Conservation) Act, 1980 in Dhamtari and Gariaband Districts in the State of Chhattisgarh subject to fulfilment of following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over 223.00 ha degraded forest land, shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (iv) 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

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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;

- (v) 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;
- (vi) All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA, through e-challan, in the Saving Bank Account pertaining to the State concerned;
- (vii) No approach road shall be constructed in the forest area for transportation of steel and other material required for the transmission line. As far as possible the User Agency shall use the existing road and the proposed RoW for the transportation of the material and in the event of non-availability of such facilities, the User Agency shall transport material manually without construction of any path.
- (viii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (ix) The User Agency will strictly adhere to conditions as recommended by the National Tiger Conservation Authority and Standing Committee of the NBWL which are as below:
 1. In compliance with MoEF&CC's Guidelines, no clearance of vegetation shall be allowed for open areas with sparse vegetation (such as grasslands, wetlands, etc.). A 5.8 meters vertical clearance about ground, 2.5 meters vertical clearance from the vegetation and 1.2 meter horizontal clearance from vegetation could be permitted in other areas of the transmission line. These dimensions are based on clearance requirements for power lines under Electricity Rules, 1956 (As amended upto 25 November, 2000) and local forest officers should monitor strict implementation of this on ground.
 2. The User Agency should design the power pole configuration in accordance with the guidelines "provided in eco-friendly measures to mitigate impacts of linear infrastructure on wildlife" documented by Wildlife Institute of India, Dehradun in order to prevent the instances of collision of migratory birds with transmission lines. To minimize the bird and bat collisions and electrocution, the following preventive measures/safeguards need to be adopted by the User Agency. Marking of the power lines, wires and earth wires with reflectors or other items that will prevent bird collision and death need to be adopted. Marker devices are available in several colours and are visible to birds from a long distance. Many types of marker devices are available such as spheres, swinging plates, spiral vibrations, dampers, strips, light divertors, bird's flappers, ribbons, tapes, flags, and cross bands.
 3. The user agency should adhere to the Guidelines issued by the Hon'ble National Green Tribunal in its Judgment in Jan Jagaran Samithi vs. Union of India and Others (Appeal No. 10 of 2012) related to transmission line passing through the forest in Western Ghats.
 4. Forest clearance Division of the MoEF&CC, in consultation with the Central Electricity Authority, had also issued guidelines pertaining to transmission line

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passing through forest. The User Agency should follow these guidelines while constructing the power line.

5. No construction/maintenance work shall be permitted in between 6 PM to 7 AM.
 6. Labour camp should be away from the boundaries of the Protected Areas/Reserved Forests/Protected Forests along the entire length of the proposed transmission line.
 7. No construction materials (including soil, stones, etc.,) should be collected from the forest.
 8. The topsoil to a depth of 30 cm should be first gathered, piled aside and covered with a tarpaulin or suitable other material. Top soil should be re-spread as early as possible over the disturbed or excavated area, after completion of the work to a depth of 30 cm.
 9. Construction debris should not be dumped inside the forest area and they should be transported by the User Agency to suitable dumping sites outside the forest.
 10. Movement of vehicle should be strictly restricted to existing roads and tracks and creation of new roads and tracks or off-roading shall be prohibited. All vehicles delivering loose construction material and any such material gathered at the site must be covered by appropriate material such as tarpaulin to prevent dust spreading, pollution, or wastage.
 11. Movement of vehicles and use of heavy machineries from riverine areas and water course along the entire length of the proposed transmission line should also be kept minimal.
 12. Clear felled areas should be annually cleaned on the line of and coinciding with the schedule of fire line preparation. The clear felled area and transmission line should be jointly patrolled regularly by User Agency and Forest Department.
 13. Erection, repair and maintenance work will be carried out under intimation to Forest Department.
 14. Existing sub-subsidiary electricity line providing electricity to the villages in core and buffer areas will be insulated and re-aligned along the road to check the possible electrocution.
 15. The User Agency may de-commission, other power line and distribution facilities, preferably in the area or in the other afforested parts of the State, which have become obsolete, defunct or damaged. De-commissioning activities may include demolition and removal of the installed infrastructure (e.g. transmission towers, substations, above ground and underground utilities and access/approach road de-commissioning) and reclamation of the project site, including the ground stabilization and re-vegetation with the native species typical to the natural vegetation of the area.
- (x) No labour camp shall be established on the forest land;
- (xi) The User Agency shall provide cooking energy 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;

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- (xii) The boundary of the diverted forest land 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;
- (xiii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xiv) The User Agency shall ensure that because of this project, no damage is caused to the wildlife available in the area;
- (xv) Width of right of way for the transmission line shall be limited to 27 m;
- (xvi) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xvii) 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;
- (xviii) The user agency shall install circuit breakers at suitable places besides maintain necessary ground clearance to prevent electrocution of wild animals;
- (xix) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xx) To minimize the felling for construction of transmission line, user agency shall comply with the following guidelines:
 - (a) Below each conductor, width clearance of 3 mts. would be permitted for carrying the tension stringing equipment. The trees on such strips may be felled but after stringing work is completed, the natural regeneration will be allowed to come up.
 - (b) One outer strip may be left clear to permit maintenance of the transmission line;
 - (c) In the remaining width the right of way felling/pollarding/pruning of trees will be done with the permission of the local forest officer whenever necessary to maintain the electrical clearance, trees shall be allowed to be felled or lopped to the extent required, for preventing electrical hazards by maintaining the minimum 4.0 meter clearance between conductors and trees. The sag and swing of the conductors are to be kept in view while working out the minimum clearance mentioned as above;
 - (d) User agency in consultation with the State Forest Department prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line, and provide funds for execution of the said scheme to the State Forest Department; and
 - (e) In case a portion of the transmission lines to be constructed is located in hilly areas, where adequate clearance is already available, trees shall not be cut;
- (xxi) 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. Bird's 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;
- (xxii) The State Government shall ensure that process of settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, has been completed in accordance with the Guidelines issued by the MoEF&CC in this regard;
- (xxiii) The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State;

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- (xxiv) The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year;
- (xxv) The State Government shall submit site suitability certificate for raising Compensatory Afforestation mentioning the name of concerned DFO/ DCF including date along with Stage- I compliance report.
- (xxvi) 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;
- (xxvii) 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; and
- (xxviii) The State Government, if so desire, may consider the proposal for grant of working permission in accordance with the provisions as contained in the MoEF&CC's Guidelines dated 28.08.2015.

After receipt of a report on the compliance of conditions no (iii), (iv), (vi), (xx)(d) (xxi) and (xxv) and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980.

Yours faithfully,

A. Suresh Kumar
06/06/16
(Suresh Kumar Adapa)
Scientist 'D'

Copy to:

1. The PCCF, Government of Chhattisgarh, Raipur
2. The Nodal Officer FCA), O/o of the PCCF, Government of Chhattisgarh, Raipur.
3. The Director, ROHQ, MoEF&CC, Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi
4. User Agency.
5. Guard File.

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Scientist 'D'