

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

Indira Paryavaran Bhawan
Aliganj, Jor bagh Road
New Delhi – 1100 03

Dated: **As per e-Signature**

To,

The Special Chief Secretary (Forests),
Department of Forest and Environment,
Government of Assam,
Dispur.

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Oil & Natural Gas Corporation Ltd., Jorhat, for non-forestry use of 6.09 ha of Reserved Forest land for exploratory drilling location TNAA in Sonai Reserve Forest under Cachar Division, in the State of Assam (Online Proposal No. FP/AS/MIN/47775/2020)- regarding.

Sir/Madam,

I am directed to refer to Government of Assam letter No FRS.102/2022/63 dated 12.08.2022 on the above mentioned subject, seeking prior approval of Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and to say that the said proposal has been examined by the Advisory Committee (AC) constituted by the Central Government under Section- 3 of the aforesaid Act.

2. After careful consideration of the proposal of the Government of Himachal Pradesh and on the basis of the recommendations of the Advisory Committee (AC), the Central Government hereby agrees to accord **Stage-I / In-principle** approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 6.09 ha Reserved Forest land in favour of Oil & Natural Gas Corporation Ltd., Jorhat for exploratory drilling location TNAA in Sonai Reserve Forest under Cachar Division in the State of Assam, subject to the following conditions:-

- i. Legal status of the forest land shall remain unchanged;
- ii. The Compensatory afforestation over equivalent non-forest i.e. 6.09 ha non-forest land adjacent to Burahchapory Wildlife Sanctuary under Nagaon Wildlife Division shall be raised by the State Forest Department at the project cost within two years from the date of grant of Stage - II approval;
- iii. The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

- iv. The User Agency shall transfer the cost of raising and maintaining the Compensatory Afforestation as per the approved CA Scheme at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal;
- v. ***The State Government shall submit revised CA scheme as per extant CAF Rules and Guidelines excluding the costs for vehicle purchase and infrastructure strengthening along with Stage- I compliance report;***
- vi. The user agency shall transfer the funds towards the cost of 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 Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 06.01.2022 read with 22.03.2022 through online portal of CAMPA account of the State Concerned;
- vii. At the time of payment of the Net Present Value (NPV) at the present 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;
- viii. The Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, in to the account of National Authority, CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);
- ix. The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted as per the sub-rule (7) of Rule 11 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023;
- x. The complete compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);
- xi. User Agency shall seek permission of concerned Divisional Forest Officer before entering into the forest area and borehole shall be dug with prior permission of the concerned Divisional Forest Officer and also furnish detailed report thereof on completion of the project;
- xii. Proper plugging of borehole shall be made after exploration activities are complete to the satisfaction of the concerned Divisional Forest Officer;
- xiii. Trees should be felled in phased manner as per the requirement in the approved Plan with prior permission of concerned DFO;
- xiv. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- xv. 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;
- xvi. The area used for path during the prospecting work shall be restored to its original status of forest after completion of prospecting work;
- xvii. The User Agency for the purpose of prospecting activities and drilling of bore holes will limit to 01 no. with diameter of 26" within forest land;
- xviii. Any change in the diameter of borehole and number of bore holes will be reported to the concerned Regional Office in advance for consideration and recommendations to the Central Government;

- xix. Adequate measures shall be taken by the User Agency to ensure that prospecting activities do not harm the wildlife in the area. Any damage done in this context, shall be compensated by the user agency as per assessment, by the concerned Divisional Forest Officer;
- xx. In case of violations of conditions by the User Agency, the permission for prospecting of minerals shall be suspended by the concerned Divisional Forest Officer. Further it shall be enquired by the Nodal Officer (FCA) of the State Government and report to be submitted to the concerned Regional Office for appropriate action;
- xxi. The samples collected during the prospecting shall be used purely for investigation purposes and shall in no case be used for trade or commerce purpose;
- xxii. To minimize disturbance to the wildlife, User Agency shall take all possible measures to minimize noise during prospecting operations and halt the prospecting activities during night and during such periods in the day as may be advised by the concerned Chief Wildlife Warden, concerned State Forest Department;
- xxiii. The KML files of prospecting area, the CA area, the proposed SMC treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details prior to Stage II approval;
- xxiv. 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 proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- xxv. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xxvi. No labour camp shall be established on the forest land and no work shall be allowed after sunset;
- xxvii. 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;
- xxviii. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xxix. 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, distance from pillar to pillar and GPS coordinates;
- xxx. The layout plan of the mining plan/ 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;
- xxxi. 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;
- xxxii. No damage to the flora, fauna or the environment of the adjoining area shall be caused; Adequate measures to ensure no damage to the adjoining areas should be taken by the User Agency at the project cost;
- xxxiii. 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;

- xxxiv. 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;
- xxxv. 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 with by the State Government and user agency;
- xxxvi. The user agency shall comply all the provisions of 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; and
- xxxvii. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 as issued by this Ministry's letter No. 5-2/2017-FC dated 29.12.2023;

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,

Sd/-
(S. Sundar)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests (HoFF), Government of Assam, Dispur.
2. The DDGF (Central), Regional Office, Shillong of MoEF&CC.
3. The APCCF-cum-Nodal Officer, Government of Assam, Dispur.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF& CC, New Delhi, for uploading.