

REF: NBBG-SPTL-Forest-031

Date: 15.11.2022

To,

The Divisional Forest Officer
East & North Garo Hills (T) Division
Williamnagar, Meghalaya

Sub: - Diversion of 31.588 ha forest area for construction of 400 kV D/C Bongaigaon-Nangalbibra Transmission line: ***response of the online observation raised by the DFO on 23.10.2022.***

Ref: -

1. Online EDS raised on 23.10.2022
2. MoEFCC guideline vide No. 11/259/2019-FC dated 14th Jan 2019 regarding CA land in double degraded forest land
3. DO Letter from the Ministry of Power, Government of India vide No. 71112017-Trans-Part (1) dated 11.11.2022
4. Letter from DFO Goalpara vide No. B/GLP/DFO (T)/ Diversion Proposal/Sterlite/ 6248 dated 11.11.2022

Dear Sir,

With reference to the above and as confirmed by your good office through above letter that there is non-availability of degraded forest land for raising compensatory afforestation, you are requested to provide the required degraded forest area for raising Compensatory Afforestation in nearby forest divisions. If such degraded forest land for CA is not available in the entire state, you are requested to allow us for identification of CA land in nearby states as per guideline of the MoEFCC vide No. 11/259/2019-FC dated 14th Jan 2019 which says *“in exceptional cases where non-forest land/Degraded forest land, as the case may be, for CA is not available in the same State/UT in which the diversion of forest land is proposed, land for CA can be identified in any other State/UTs, preferably in neighboring State/UTs (copy of guideline attached for reference)”*.

Also refer DO Letter from the Ministry of Power, GOI to the Chief Secretary, Government of Meghalaya requesting to allow the identification of double degraded forest land for Compensatory Afforestation in neighboring state, preferably Assam. This is to bring your kind notice that the required degraded forest land is available in the State of Assam under Goalpara Forest Division and the same has been confirmed by the DFO (T), Goalpara through above referred letter.

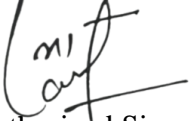
As there is a special provision made by MoEFCC regarding CA for certain categories of projects which includes “transmission line projects” where *CA shall be raised and maintained at the cost of the user agency on degraded forest land twice in extent of the forest area diverted*, you are requested

to allow us for identification of CA land in nearby states so that Part-II of the forest diversion proposal can be processed.

Your early action in this matter shall be highly appreciated.

Thanking You,

For Nangalbibra-Bongaigaon Transmission Ltd



(Authorized Signatory)

Encl: As above

Copy to:

1. The Chief Conservator of Forests and the Nodal Officer (FC Act), Meghalaya, Shillong for kind information please.
2. The Conservator of Forests (WL & T), Garo Hills Circle, Tura for kind information please.

MOHAMMAD AFZAL

संयुक्त सचिव

JOINT SECRETARY

Tel.No. 011-23714000

email: afzal_mdp@nic.in



भारत सरकार
GOVERNMENT OF INDIA
विद्युत मंत्रालय
MINISTRY OF POWER
श्रम शक्ति भवन, रफी मार्ग
SHRAM SHAKTI BHAWAN, RAFI MARG

नई दिल्ली - 110001

NEW DELHI - 110001

D.O No. 7/1/2017-Trans-Part (1)

Dated 11th November, 2022

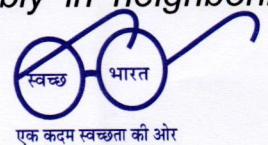
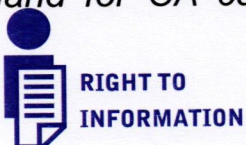
Respected Sir,

You may be aware that 400 kV Nangalbibra - Bongaigaon D/C transmission line (initially to be operated at 220 kV) is being implemented by M/s Nangalbibra Bongaigaon Transmission Limited (NBTL) through Tariff Based Competitive Bidding (TBCB) route under transmission scheme / project "Establishment of new 220/132kV substation at Nangalbibra" awarded by PFCCL, a bid process Coordinator (BPC) appointed by Ministry of Power, Govt. of India.

2. The above transmission line is passing through forest area of 31.588 Ha in Meghalaya. I have been informed that the project developer (NBTL) had submitted the Forest Diversion Proposal No. FP/ML/TRANS/155408/2022 in online mode on 15.05.2022. District Forest Officer (DFO), East & North Garo Hills (T) Division, Nagaland vide letter dated 27.09.2022 (Copy attached as **Annexure-I**) informed NBTL about non-availability of degraded forest land for raising compensatory afforestation for the forest diversion proposal and requested NBTL to identify the non-forest land equivalent to the area being diverted for the purpose of compensatory afforestation (CA).

3. Deputy Conservator of Forests, Government of Meghalaya vide letter dated 28.09.2022 (Copy attached as **Annexure-II**) also confirmed that the required degraded forest land for CA plantation is not available in all the Divisions of Forest in Meghalaya and requested DFO East & North Garo Hills (T) Division to expedite the identification of non-forest land and submit the report at the earliest for necessary action.

4. In this regard, the project developer i.e. NBTL vide letter dated 10.10.2022 (Copy attached as **Annexure-III**) requested DFO, East & North Garo Hills (T) Division to allow them to identify CA land in nearby States as per guidelines of the MoEFCC vide No. 11/259/2019-FC dated 14.01.2019 which says "*in exceptional cases where non-forest land/Degraded forest land, as the case may be, for CA is not available in the same State/UT in which the diversion of forest land is proposed, land for CA can be identified in any other State/UTs, preferably in neighboring*



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State/UTs". A copy of the above guidelines is attached as **Annexure-IV** for reference.

5. As above TBCB transmission project is being executed by NBTL with fixed tariff and schedule, timely completion of the project will ultimately benefit the people of Meghalaya with improved power supply. I would, therefore, request you to kindly look into the matter and direct the concerned officers to consider the request of project developer to identify CA land in the neighboring States, preferably in Assam State, for timely completion of the project.

With best regards,

Yours Sincerely,

[Signature]
11/11/2022
(Afzal Mohammad)

Encl: as above

Shri Donald Phillips Wahlang,
Chief Secretary
Government of Meghalaya,
Main Secretariat Building,
Shillong, Meghalaya- 793001

Copy to:

1. Chairperson, Central Electricity Authority.
2. The Principal Chief Conservator of Forest & Head of Forest Force (HoFF), Forest Environment department, Sylvan House, Lower Iachumiere Shillong- 793001, Email- pccfmegh@gmail.com



GOVT. OF ASSAM
DEPARTMENT OF ENVIRONMENT AND FORESTS
OFFICE OF THE DIVISIONAL FOREST OFFICE :: GOALPARA DIVISION GOALPARA
Email: dfo.t.goalpara@gmail.com

No. B/GLP/DFO (T)/Diversion Proposal/Sterilite/ 6248

dtd. 11/11/2022

To

The Authorizes Signatory
Nangalbibra Bongaigaon Transmission Ltd
Gurugram, Haryana

Sub: - Proposal for diversion of 31.588 ha forest area in the state of Meghalaya for construction of 400 kV D/C Bongaigaon-Nangalbibra Transmission line – availability of 63.2 ha CA land (double degraded forest land) under Goalpara Forest Division.

Ref: NBBG-SPTL-Forest-28 Dated. 7th Oct 2022.

With reference to the subject cited above, I would like to inform you that the degraded forest area of 63.2 ha for the purpose of CA is available under Goalpara Forest Division. The said degraded forest land is suitable for raising compensatory afforestation as per the Forest (Conservation) Act, 1980. The same may be provided for the above forest diversion proposal, if the requirement comes through the competent authority.

This is for your information as required.

Divisional Forest Officer (T),
Goalpara Division, Goalpara

11/259/2019-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi-110003

Dated: 14th January, 2020

To

The Principal Secretary (Forests),

All State/UT Governments

Sub: Amendment of Para 2.3 (iv) and (v) of the Chapter -2 of the Handbook of Forest (Conservation) Act, 1980 – regarding.

Sir,

I am directed to refer to this Ministry's letter no. 5-2/2017-FC dated 28.03.2019 wherein consolidated guidelines were issued by the Ministry in the form of Handbook of Forest (Conservation) Act, 1980 and to inform that representations are being received from the various State Governments to include modified guidelines issued subsequently by the Ministry in the said Handbook. Prl. Chief Conservator of Forests, Goa vide his letter no. 6-853-2019-FD/3896 dated 13.11.2019 has requested to modify para 2.3 (iv) & (v) of the Chapter-2 of the Handbook to include the amended provisions of guidelines with respect to raising of compensatory afforestation in other states.

Representations have also been received from many states seeking clarifications on the date of applicability of point (b) of the guideline no 11-423/2011-FC dated 22nd May 2019 providing for raising of CA in minimum compact patch of 5 ha.

Forest Advisory Committee (FAC) considered the issues in its meeting held on 28.11.2019. Minutes of the meeting of the FAC may kindly be seen at <http://parivesh.nic.in/>.

Based on the recommendation of the FAC, and approval of the same by the competent authority in the Ministry, para 2.3 (iv) & (v) of the Chapter-2 of the Handbook of Forest (Conservation) Act, 1980 stands amended as under:

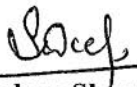
2.3 (iv) In case, non-forest land/Degraded forest land, as the case may be for CA is not available in the same district, it should be identified anywhere else in the concerned/State/Union Territory near to the site of diversion as far as possible, so as to minimize adverse impact on the micro-ecology of the area.

2.3 (v) In exceptional cases where non-forest land/Degraded forest land, as the case may be, for CA is not available in the same State/UT in which the diversion of forest land is proposed, land for CA can be identified in any other State/UTs, preferably in neighboring State/UTs. The corresponding amount for carrying out CA shall be deposited in the CAMPA account of the State/UT in which the CA is proposed.

It is also clarified that provision given under para (b) of the guidelines dated 22nd May, 2019 shall be applicable for all proposals which are submitted for approval for non forest use of forest land under FCA 1980 to MoEF&CC by the state government after 22nd May 2019.

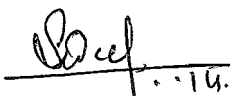
This issues with the approval of competent authority.

Yours faithfully,


(Sandeep Sharma) 14.1.2020
Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, All State/UT Governments
2. The Dy Director General of Forests (Central), All Regional Offices of the MoEF&CC
3. The Addl. PCCF & Nodal Officer (FCA), Office of the PCCF, All State/UT Governments
4. Monitoring Cell, FC Division, MoEF, New Delhi
5. Guard File


(Sandeep Sharma)

Assistant Inspector General of Forests

2. Compensatory Afforestation

2.1 Compensatory afforestation (CA) is one of the most important requirement/condition for prior approval of the Central Government for diversion of forest land for non-forest purposes and the purpose of compensatory afforestation (CA) is to compensate the loss of 'land by land' and loss of 'trees by trees'.

2.2 Any proposal submitted by the State/UT Government seeking prior approval of Central Government under the FCA shall have a comprehensive scheme for compensatory afforestation, duly approved by the competent authority of the concerned State/UT administration.

2.3 Land for CA:

- (i) Normally, CA is to be raised on suitable non-forest land, equivalent to the area proposed for diversion, at the cost to be paid by User Agency.
- (ii) As far as possible, the non-forest land for CA is to be identified contiguous to or in the proximity of a Reserve/Protected Forest to enable the Forest Department to effectively manage the newly planted area.
- (iii) Where non-forest land is available but lesser in extent to the forest area being diverted, CA could be carried out over degraded forest twice in extent of the area being diverted or the difference between the forest land being diverted and the available non-forest land, as the case may be. The non-availability of suitable non-forest land for CA in the State / Union Territory would be accepted by the Central Government only on the basis of a Certificate of the Chief Secretary of the State/Union Territory Government to that effect in respect of States/UTs having forest area more than 33% of the geographical area in the prescribed format
- (iv) In case, non-forest land for CA is not available in the same district, it should be identified anywhere else in the concerned/State/Union Territory near to the site of diversion as far as possible, so as to minimize adverse impact on the micro-ecology of the area.
- (v) In exceptional cases where non-forest land for CA is not available in the same State/UT in which the diversion of forest land is proposed, land for CA can be identified in any other State/UTs, preferably in neighboring State/UTs. The corresponding amount for carrying out CA shall be deposited in the CAMPA account of the State/UT in which CA is proposed.
- (vi) In cases where non-forest land for CA is to be acquired by the User Agency through outright purchase from the individual owners, uploading/ submission of copy of letter from each of present owners of the land stating their willingness to sell the land to the user agency for creation, at the time of submission of application for grant of Stage- I approval under the FC Act, will be sufficient for consideration for grant of Stage-I approval for diversion of forestland required by the User Agency. Similarly, in cases where the non-forest land or the revenue forest land for CA is to be provided by the State Government, uploading/submission of a copy of the letter from concerned competent authority in the State Government stating that land identified for CA will be transferred

and mutated in favour of the State Forest Department for creation of CA immediately on receipt of Stage-I approval under the FC Act for diversion of forest land required by the user agency, will be sufficient.

2.4. Clarification:

(i) As a matter of pragmatism, the revenue lands/zudpi jungle/chhote/bade jhar ka jungle/jungle-jhari land/civil-soyam/orange lands and all other such categories of forest lands not under management and/or administrative control of the State/UT Forest Department, on which the provisions of FC Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation. Such lands on which compensatory afforestation is proposed shall be provided double in extent to the area proposed for diversion and shall be transferred and mutated in the name of State Forest Department. It shall be notified as Reserve Forest (RF)/Protected Forests (PF) under the Indian Forest Act, 1927 prior to Stage-II approval.

(ii) In Arunachal Pradesh, Degraded Unclassed Forests (USF) shall be considered for CA provided such land proposed for CA shall be double the extent of area proposed for diversion. Such land shall be transferred and mutated in the name of State Forest Department and notified as RF/PF, under IFA 1927 or Assam Forest Regulation 1891 or Anchal Forest Reserve/Village Forest Reserve under the Arunachal Pradesh Forest Reserve/Village Forest Reserve (Consolidation and Maintenance) Act 1975 as amended from time to time, prior to Stage-II approval.

(iii) Waste lands of Himachal Pradesh, which come under the category of Protected Forests but have neither been demarcated on the ground nor transferred & mutated in the name of forest department in the revenue records, shall be considered for the purpose of CA provided that double the area of such category is covered under CA and is declared as RF/PF under IFA, 1927 after mutation in the name of SFD prior to Stage-II approval. This dispensation shall be applicable for the Central, State and Private sector projects.

(iv) Provisions of CA will be applicable for renewal of a mining lease, including the area broken up prior to 25.10.1980, if the same was not applied earlier.

(v) Any non-forest land for the purpose of Compensatory afforestation (CA), selected by the State Government, in lieu of forest land to be diverted may be accepted by MoEF&CC irrespective of crown density. All such lands shall be mutated in favour of State forest department and declared as protected forest prior to stage I approval.

(vi) State government shall prepare a CA scheme with 1000 plants per ha for all such non-forest lands. In case it is not possible to raise plantation at the rate of 1000 plants per ha on the selected non-forest land, then the balance plants shall be planted on degraded forest land as per working plan prescriptions. All forest lands which have crown density below 40 percent should only be treated as degraded forest land for the purpose of CA.

(vii) Any degraded forest land for the purpose of CA, selected by State Government may be accepted by MoEF&CC only if the crown density of the area is below 40 percent.

(viii) In case of bifurcation of States, during processing of proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980, if the land identified for creation of CA is within the undivided State, and the forest land proposed to be diverted does not fall in the same newly created State, proposals shall continue to be processed without insisting on identification of non-forest land for creation of compensatory afforestation in the State in which the forest land proposed to be diverted is located. In such cases, if Central Government agrees In-principle for diversion of forest land for non-forest purpose, it shall be subject to a condition that amounts realized from the user agency for creation and maintenance of compensatory afforestation shall be transferred from the State with which the money has been deposited to the State in which the land identified for creation of compensatory afforestation is located. In case for some valid and cogent reason, cost of creation and maintenance of compensatory afforestation needs to be revised, additional amount, if any, will be realized from the concerned user agency and transferred to the State where CA is proposed. All other levies realized from the user agency in lieu of diversion of such forest land will however be retained in the State in which the forest land proposed to be diverted is located.

(ix) Non-forest land, not coming under the purview of FC Act, 1980 reclaimed by any user agency by planting native species of a minimum of 1000 trees per hectare and of minimum 10 cm diameter at breast height can be considered as CA in lieu of forest land to be diverted, without levying planting cost. The ownership of the non-forest land identified for the purpose of CA is to be transferred and mutated in favour of the State/UT Forest Department and declared as RF/PF under the Indian Forest Act, 1927 or State Forest Act / Rules / Regulations, before the Stage II approval.

2.5 Special provisions for CA for certain categories of projects:

(i) CA shall be raised and maintained at the cost of the user agency on degraded forest land twice in extent of the forest area diverted in the cases of:

- a. Laying of transmission lines;**
- b. Laying of telephone/optical fibre lines;
- c. Mulberry plantation undertaken for silkworm rearing,
- d. Diversion of linear or 'strip' plantations declared as protected forest along road/ rail/canal sides for widening or expansion of road/rail/canal,
- e. Extraction of minor materials from the river beds,
- f. The projects implemented by the Central Government/PSUs, excluding Central Govt./Central PSUs Projects implemented by/through State Government and State Sector Projects implemented by the Central Government/PSUs**
- g. Construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the area in hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 20 hectares.