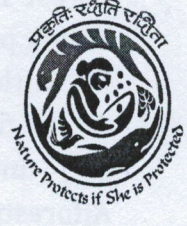




भारत सरकार
Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय, गुवाहाटी/Integrated Regional office, Guwahati
चौथीमंजिल, हौसेफेड इमारत, जीएसरोड, रुक्मिणीगाँव, गुवाहाटी-७८१०२२
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F.No. 3-AS B/ 153/2023/GHY/4158-59

10th July, 2023

सेवा में,

अतिरिक्त प्रमुख सचिव/ Addl. Chief Secretary,
असम सरकार/Govt of Assam,
पर्यावरण और वन विभाग/Environment and Forests Department,
दिसपुर/Dispur, गुवाहाटी/Guwahati-781006.

Sub: Proposal for diversion of 4.193 ha of forest land for improvement and up-gradation of Hamren to Howraghat Section of SH-19 Axom Mala Road in Kumurakata Reserved Forest under Nagaon South Division, Hojai in favour of Assam PWRD.

Sir,

This has got reference to the State Government's letter No ECF No.253933/73 dated 30.12.2022 and No ECF No.253933/292 dated 14.06.2023 on the subject seeking prior approval for the Central Government under Section 2 of the FCA, 1980.

2. After careful examination of the proposal of the State Govt letter No ECF No.253933/292 dated 14.06.2023 and its uploading on 04.07.2023 on parivesh portal, "In Principle Approval/Stage- I" clearance of the Central Government is hereby granted for diversion of 4.193 ha of forest land for improvement and up-gradation of Hamren to Howraghat Section of SH-19 Axom Mala Road in Kumurakata Reserved Forest under Nagaon South Division, Hojai in favour of Assam PWRD 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) The user agency shall transfer, the Net Present Value (NPV) of the forest land being diverted under this proposal in the **revised rates**, 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 and **File No.5-3/2011-FC(Vol-I) dated 21.03.2022**. The requisite funds shall be transferred through online portal into CAMPA account of the State concerned.
- (2) 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;

- (3) All the funds received from the user agency (CA and avenue plantation cost, NPV, etc) under the project shall be transferred/ deposited to Compensatory Afforestation Fund of Assam State managed by the Ad-hoc CAMPA only through **e-portal** (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- (4) The non-forest land/ Village Reserve Forest 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;
- (5) The undertaking from the user agency for providing proper drainage of retaining/breast wall in steep slopes and stabilization of side slope to avoid soil erosion and landslides; and to provide drains/cross drains. Physical barriers /structure to prevent muck from entering streams & rivers and other ecologically sensitive areas are to be constructed on the lower slope side, if required, before any construction works are started.
- (6) The KML files of the area to be diverted, the CA areas, the proposed SMC work, the proposed Catchment Area Treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details before issuing working permission towards linear projects or submitting compliance report for seeking Stage II approval, as the case may be.
- (7) The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).
- (8) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;
- (9) The user agency shall deposit 2% of the total project cost for Human Elephant Conflict mitigation and wildlife conservation purposes into account of CAMPA.
- (10) The State Govt shall ensure that under no circumstances, implementation of such mitigating measures envisaged in Human Elephant/wildlife Conflict mitigation and wildlife conservation plan should be delayed beyond a period of 2 years to ensure commencement of rejuvenation of ecosystem services lost from the forest area allowed for non-forestry use of forest land at the earliest possible time.
- (11) The State Govt shall submit Human Elephant/wildlife Conflict mitigation and wildlife conservation plan approved by Chief Wildlife Warden, Govt of Assam along with detail cost of its implementation including the following conditions recommended by CWLW:-
 - (a) 'Elevated Road' is to be designed as per MoEF&CC, Government of India guidelines and construction on the entire stretch of the existing SH passing through the Reserve Forest.
 - (b) Minimum felling of trees should be resorted to.

- (c) No adverse impact shall be caused to the wild animals during the construction phase.
- (d) No activities shall be carried out between the sun set and sun rise.
- (12) The charges for felling, logging and transportation of project affected trees should be collected from the User Agency at the rates approved by the State Govt and deposited with the DFO concerned for utilization immediately following the diversion of forest land.
- (13) The expenditure like boundary walls, stone pillars, demarcation charges, cost of damage of trees the funds on these accounts should, be deposited with the DFO concerned.
- (14) The User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- (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 complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- (17) 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.

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 forest land shall remain unchanged.
- (2) The Compensatory afforestation shall be taken up by the Forest Department over equivalent area of 5.6 ha of non-forest land at Baliram Pathar village under Nagaon South Division in Hojai District 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. The CA will be maintained for 10 years.
- (3) 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;
- (4) The User Agency shall obtain the Environment Clearance as per the provisions of Environment (Protection) Act, 1986, if required;

- (5) The User Agency shall take all possible precautions & care all the time not to impact adversely the surrounding forests and forest land by their actions/activities.
- (6) The user agency will undertake comprehensive soil and water conservation measures at the project cost.
- (7) The State Govt and user agency shall ensure special precaution and preventive measures to prevent landslides in the green filed while cutting the road.
- (8) The overburden shall not be dumped outside the width of the road. The muck generated in the earth cutting will be disposed off at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
- (9) Wherever possible and technically feasible, the user agency shall undertake afforestation measures along the road within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
- (10) The muck dumping area shall be stabilized and plantation of suitable species shall be carried out over stabilized dumps on the cost of the user agency under the supervision of State Forest Department;
- (11) The designing of culverts/ bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of the water, does not give rise to water logging and also does not hamper the movement of the wild animals;
- (12) All the site specific engineering structures like retaining walls, breast wall and drainage shall be constructed to avoid any soil erosion and to provide slope stability of the concerned hills;
- (13) 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;
- (14) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- (15) No damage to the flora and fauna of the adjoining area shall be caused;
- (16) The lay out of the proposal shall not be changed without the prior approval of the Central Government;
- (17) 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;
- (18) **The User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms;**
- (19) **The Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;**
- (20) **The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC, wherever applicable;**

- (21) 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.
- (22) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (23) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- (24) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (25) 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.
- (26) Any other conditions that the Regional Office, Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
3. After the receipt of the compliance report from the State Government on fulfillment of the conditions mentioned above, final/stage-II approval of the Central Government, in accordance with Section 2 of the Forest (Conservation) Act, 1980, will be considered. Till the receipt of the Final / Stage-II approval of the Central Government for diversion of the said forest land from this Ministry, transfer of the said forest land to the User Agency shall not be affected by the State Government.

भवदीय,

(Ms. Laetitia Jean Sylemiong)

वन उप महानिरीक्षक (केंद्रीय)

Deputy Inspector General of Forests(C)

Copy to:

1. The Principal Chief Conservator of Forests & HoFF, Govt of Assam, Environment and Forest Department, Aranya Bhawan, Rop Konwar Jyoti Prasad Agarwal Path, Near Srimanta Sankardev Kalakhetra, Panjabari, Guwahati-781037.

o/c

वन उप महानिरीक्षक (केंद्रीय)

Deputy Inspector General of Forests(C)