



सत्यमेव जयते

भारत सरकार
Government of India
पर्यावरणवन एवं जलवायु परिवर्तन मंत्रालय,
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, शिलांग/Regional Office, Shillong
उपकार्यालय, गुवाहाटी/Sub - Office, Guwahati
चौथीमंजिल, हौसेफेडइमारत, जीएसरोड, रुक्मिणीगाँव, गुवाहाटी-७८१०२२
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F.No. 3 AS B 183/2023/GHY/658-59

19th December, 2024

सेवामे,

अतिरिक्तप्रमुखसचिव/ Addl. Chief Secretary,
असमसरकार/Govt of Assam,
पर्यावरणऔरवनविभाग/Environment and ForestsDepartment,
दिसपुर/Dispur, गुवाहाटी/Guwahati-781006.

Sub: Proposal for diversion of 4.1 ha of forest land to create production facility GGS/EPS in Khoraghat area at Rengma Reserved Forest under Golaghat Division, Golaghat, Assam.

Sir,

This has got reference to the online proposal ECF No.3452/42 dated 14.08.2023 of State Government on the subject seeking prior approval for the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

2. After careful examination of the proposal and State Govt letter eCF No 348520/104 dated 22.10.2024 and its complete uploading on parivesh portal, "**In Principle Approval/Stage- I**" clearance of the Central Government is hereby granted for diversion of 4.1 ha of forest land to create production facility GGS/EPS in Khoraghat area at Rengma Reserved Forest under Golaghat Division, Golaghat, Assam 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) **along with the revised rates of 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 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 dwarf 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 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.
- (5) 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.
- (6) 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;
- (7) The user agency shall deposit 2% of the total project cost into the account of CAMPA which will be utilized to prepare Human-Animal-Conflict Mitigation and Wildlife Conservation Plan for Wildlife management and conservation purposes with especial emphasis on Golden Langur.
- (8) The State Govt shall ensure that under no circumstances, implementation of such mitigating measures envisaged in Human-Animal-Conflict Mitigation and Wildlife Conservation Plan for Wildlife management 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.
- (9) The State Govt shall submit Human-Animal-Conflict Mitigation and Wildlife Conservation Plan for Wildlife management and conservation purposes with especial emphasis on Golden Langur approved by Chief Wildlife Warden, Govt of Assam along with detail cost of its implementation.
- (10) 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;

- (11) 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.
- (12) 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;
- (13) 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;
- (14) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- (15) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 & Van (Sanrakshan Evam Samvardhan) Rules, 2023, guideline & clarification, 2023;
- (16) The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>).

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 on equivalent non forest land of 4.1 ha CA area has been identified inside the CA land bank of 850 ha of evicted non forest land adjacent to Burhachapory WLS under Nagaon Wildlife Division in Sonitpur district of Assam 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) Permanent demarcation of forest land for diversion shall be done on the ground at project cost before handing over the forest land to the user agency;
- (5) The period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less ;
- (6) No labour camp shall be established on the forest land;
- (7) 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;
- (8) The forestland proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (9) No damage to the flora and fauna of the adjoining area shall be caused;
- (10) The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government;
- (11) 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.
- (12) The user agency shall not expand its occupation or use surrounding forest/forest land in any manner otherwise expressed in this clearance;
- (13) Land so diverted shall revert back to the Forest Department in case it is not needed for the above use after due restoration to its original status (as far as possible and to the satisfaction of State Forest Department).
- (14) The user agency shall take all possible precautions & care all the time not to impact adversely the surround forests and forestland by their actions/activities;
- (15) Trees felling shall be done only when absolutely unavoidable and such removal, if any, shall be done under the supervision of the Forest department;
- (16) 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;
- (17) The user agency shall undertake mining in a phase manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the user agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Govt and the concerned Integrated Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan area not being executed by the user agency, the Nodal Officer or the concerned Integrated Regional Office may direct that the mining activities shall remain suspended till such time, reclamation activities are satisfactorily executed;
- (18) 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; and
- (19) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry.
- (20) 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.

- (21) 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.
- (22) All other clearance /NOCs under different applicable rules/regulations /local laws and under Forest Dwellers (Recognition of Forest Rights) Act, 2006 as required vide MoEF, New Delhi guideline No.11-9/1998-FC(pt) dated 03.08.2009 shall be complied with.
- (23) This approval may be revoked if the above conditions of approval are not complied to the satisfaction of the Regional Office, Shillong.
- (24) Any other conditions that the Regional Office, Shillong, Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife. The state govt shall ensure compliance of all the above conditions;

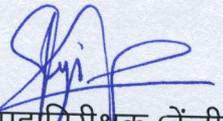
3. After the receipt of the compliance report from the State Government on fulfillment of the conditions mentioned above, final/stage-II approval of the Central Government, in accordance with Section 2 of the Forest (Conservation) Act, 1980, will be considered. Till the receipt of the Final / Stage-II 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 Syiemiong)
वन उप महानिरीक्षक (केंद्रीय)
Deputy Inspector General of Forests(C)

Copy to:

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.


वन उप महानिरीक्षक (केंद्रीय)
Deputy Inspector General of Forests(C)

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