



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
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F.No.3 AS B 157/2023-GHY/3649-50

27th February, 2023
28th

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 61.6 ha of forest land for construction of 400 KV DC Bongaigaon to Nangalbibra Transmission Line in Satbhandi RF, Bhairab RF, Panchratna RF, Sagunbari RF, Zangrazangsa RF, Bogulamari PRF & Rakshasini PRF under Haltugaon Division (area-0.666 ha), Aie valley division (area-19.187 ha) & Goalpara Division (41.747 ha) in favour of Nangalbibra-Bongaigaon Transmission Ltd.

Sir,

This has got reference to the State Government's letter No. ECF No. 267359/199 dated 20.01.2023 and No. ECF No. 267359/228 dated 22.02.2023 on the subject seeking prior approval for the Central Government under Section 2 of the FCA, 1980 and to say that the proposal has been examined by the Regional Empowered Committee constituted by Central Government under Section 3 of aforesaid Act.

2. After careful examination of the proposal of the State Govt and on the basis of the recommendations of Regional Empowered Committee on 30.01.2023 and State Govt letter No. ECF No. 267359/228 dated 22.02.2023, "In Principle Approval/Stage- I" clearance of the Central Government is hereby granted for diversion of 61.6 ha of forest land for construction of 400 KV DC Bongaigaon to Nangalbibra Transmission Line in Satbhandi RF, Bhairab RF, Panchratna RF, Sagunbari RF, Zangrazangsa RF, Bogulamari PRF & Rakshasini PRF under Haltugaon Division (area-0.666 ha), Aie valley division (area-19.187 ha) & Goalpara Division (41.747 ha) in favour of Nangalbibra-Bongaigaon Transmission Ltd. 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 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;
- (6) The user agency shall deposit 2% of the total project cost for Human Elephant Conflict mitigation and wildlife conservation purposes and the amount shall be deposited into account of CAMPA.
- (7) 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.
- (8) 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.
- (9) The State Govt shall ensure to comply strictly to the following recommendation of the CWLW, Govt of Assam:-
 - a) Ground clearance shall be minimum of 15 m as proposed by the UA.
 - b) Three layer protection measures will be adopted to ensure complete safety and minimum interference with fauna. The measures include barbed fencing of tower area, special tower design having soft material anti-climbing guards & anti climbing canopy will be installed in Bhairab RF area which will restrict any arboreal animals including golden Langurs from climbing on towers.
 - c) User agency shall prepare and submit WL Management Plans suggested by Forest & WL Department.
 - d) The User agency shall do plantation of fruit trees especially for Golden Langur in and around the Golden Langur habitat area through forest department.
 - e) The user agency UA shall provide fund and support 10 Nos. of JFMCs for five years in and around Bhairab RF and other nearby forest which are habitat for

Golden Langur for taking up Entry point Activity, livelihood activities, ecotourism facilities and capacity building for local youth.

- f) Felling of trees will be restored only at proposed tower locations and other areas shall be avoided.
- (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 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.
- (16) The 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 for execution of the said scheme to the State Forest Department.
- (17) 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:

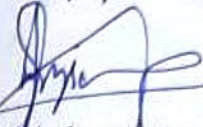
- (1) Legal status of the forest land shall remain unchanged.
- (2) The compensatory afforestation shall be taken up on double the degraded forest land of 125.35 ha which has been identified in three different patches i.e. **1.35 ha** in Nayekgaon Range, Haltugaon Forest Division in Kokrajhar district; **84 ha** in Lakhimpur Range in Nalbari RF (10 ha), Central Range, Krishnai , Zangrazanga (39ha), Central Krishnai Zangrazanga (25 ha), Rongjuli Dolangdo Reserve Forest (10 ha) in Goalpara District; **and 40 ha** in Abhayapuri Range, Aie valley Forest Division in Bongaigaon

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) The User Agency shall obtain the Environment Clearance as per the provisions of Environment (Protection) Act, 1986, if required;
- (5) 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;
- (6) 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.
- (7) No damage to the flora and fauna of the adjoining area shall be caused;
- (8) The lay out of the proposal shall not be changed without the prior approval of the Central Government.
- (9) 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.
- (10) The User Agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.
- (11) 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.
- (12) The User Agency shall comply with the guidelines for laying transmission through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014.
- (13) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (14) 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.
- (15) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (16) 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.
- (17) Any other conditions that the Integrated Regional Office, Guwahati, 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 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 Kalakheta, Panjabari, Guwahati-781037.



वन उप महानिरीक्षक (केंद्रीय)

Deputy Inspector General of Forests(C)