

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

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi – 1100 03
Dated: February, 2024

To,

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

Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Oil & Natural Gas Corporation Ltd., Jorhat for diversion of 2.2091 ha of forest land for drilling of exploratory location ELAJ in Doyang Reserved Forest under Golaghat Division, Assam (Online Proposal No. FP/AS/MIN/139315/2021)- regarding.

Sir,

I am directed to refer to Government of Assam letter No. FRS. 87/2022/61 dated 11.07.2022 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 Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government of Assam 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 diversion of 2.2091 ha of forest land for drilling of exploratory location ELAJ in Doyang Reserved Forest under Golaghat Division, Assam, subject to the following conditions:

- i. Legal status of the forest land shall remain unchanged;
- ii. The Compensatory Afforestation over DFL in extent to the forest land being diverted i.e. 2.2091 ha, shall be raised by the State Forest Department (**at Deopani Reserved Forest in Sadiya Range of Doomdara Forest Division, Tinsukia District**) at the project cost within three years from the date of grant of Stage-II approval. Further the details of CA on DFL along with KML will be submitted at the time of submission of compliance of 'in-principle approval';
- iii. 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;
- iv. **The State Government shall, at the cost of the User Agency, prepare, with the assistance of WII, and implement Human Elephant/wildlife Conflict mitigation and elephant centric wildlife conservation plan to mitigate the Human Elephant/wildlife Conflict and precautionary measures to ensure free movement of the wildlife in the landscape;**
- v. **The State Govt. shall ensure that under no circumstances, implementation of such mitigating measures envisaged in Human Elephant/wildlife Conflict mitigation and elephant centric 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;

- vi. ***The State Govt. shall submit the plan approved by Chief Wildlife Warden, Govt. of Assam along with detail cost of its implementation;***
- vii. ***The State Government shall submit a certificate of non-availability of Non-forest land (NFL) for raising Compensatory Afforestation over 2.2091 ha along with compliance of the 'in-principle' approval;***
- viii. 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;
- ix. 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;
- x. 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;
- 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. No tree felling shall be undertaken for exploration activities. Project activities shall be restricted to clearing of bushes and lopping of tree branches if any for the purpose of site preparation;
- xiv. The User Agency shall be responsible for any loss to the flora and fauna in the surrounding. Any damage done in this regard shall be compensated by the User Agency from the project cost as per assessment of the concerned Divisional Forest Officer;
- xv. No new road shall be constructed by the User Agency for transporting prospecting tools and machines. The User Agency may use the existing forest road/path with prior information to the concerned Divisional Forest Officer. The area used for path during the prospecting work shall be restored to its original status of forest after completion of prospecting work;
- xvi. No other construction activities shall be done by the User Agency on forest land. Existing path and roads only will be used by the User Agency for the purpose of prospecting activities and drilling of bore holes will be limited to 01 no. with diameter of 17^{1/2}" within forest land will be dug. No other physical breaking of forest land is allowed;
- xvii. 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;
- xviii. 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;
- xix. No labour camp shall be established on the forest land and no work shall be allowed after sunset;
- xx. Initially the permission for prospecting will be granted for seven years from the date of issue of this approval which can be extended for one more year with convincing justification from the State Government for extension;
- xxi. 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;
- xxii. 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;
- xxiii. 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;
- xxiv. This permission shall, in no way, confer any rights to the project proponents or any other agency for grant of approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of forest land for any other non-forestry use of the said forest land;
- xxv. 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;
- xxvi. Trees should be felled in phased manner as per the requirement in the approved Mining Plan with prior permission of concerned DFO;
- xxvii. 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;
- xxviii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xxix. 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;
- 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. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;
- xxxiii. The State Government and 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;
- xxxiv. 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;
- xxxv. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the Government of Assam, final/ stage-II approval for diversion of the said forest under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 will be issued by this Ministry. Transfer of the said forest land to the User Agency shall not be effected by the State Government of Assam till final/stage-II approval for its diversion is issued by this Ministry.

Yours faithfully,

(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 (FCA), Government of Assam, Dispur.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF& CC, New Delhi, for uploading.