

F. No. 8-85/2011-FC  
Government of India  
Ministry of Environment, Forests & Climate Change  
(Forest Conservation Division)

Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi - 110003.  
Dated: 15<sup>th</sup> April, 2015.

To

Principal Secretary (Forests),  
Government of Arunachal Pradesh,  
Itanagar.

Sub: Diversion of 4577.84 ha (originally proposed 5056.5 ha) of forest land in favour of M/s NHPC Limited for construction of Dibang Multipurpose Project (3000 MW) on Dibang River in Lower Dibang valley District of Arunachal Pradesh.

Sir,

I am directed to refer to the Govt. of Arunachal Pradesh's letter no. FOR.10-44/Cons./2003/Vol.V/4030/36 dated 05<sup>th</sup> August, 2014 and no. FOR. 10-44/Cons/2003/Vol-VI/347-50 dated 27<sup>th</sup> February, 2015 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act.

2. After careful examination of the proposal of the State Government, on the basis of the recommendations of the Forest Advisory Committee and after examination of information, as was sought by the Ministry on the recommendation of the FAC, received from the State Government vide its letter dated 27.02.2015, the Central Government hereby conveys the 'in-principle' approval for diversion of 4577.84 ha (originally proposed 5056.5 ha) of forest land in favour of M/s NHPC Limited for construction of Dibang Multipurpose Project (3000 MW) on Dibang River in Lower Dibang valley District of Arunachal Pradesh subject to fulfilment of the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over degraded forest land, twice in extent to the forest land being diverted, shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) A revised CA scheme has to be submitted after fresh identification of the land, if required, along with the DGPS maps of the identified CA land, land suitability certificate from competent authority and recommendation of the Regional Office after site inspection;

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- (iv) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (v) In case CA land is identified in Unclassed State Forest or Community Forest land, the same should be mutated and transferred to the State Forest Department. Such mutated land will be declared as RF/PF under Indian Forest act/local forest act or AFR/VFR under local Forest Act within 6 months from the date of issue of Stage-II;
- (vi) The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- (vii) The State Government shall charge the 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 05.02.2009 in this regard;
- (viii) 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;
- (ix) All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- (x) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xi) No labour camp shall be established on the forest land;
- (xii) 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;
- (xiii) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xiv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xvi) 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;
- (xvii) No damage to the flora and fauna of the adjoining area shall be caused;



- (xviii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xix) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- (xx) The user agency shall set up Ecological Monitoring Unit to monitor the impact of the project on flora and fauna of the area;
- (xxi) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees shall be felled under strict supervision of the State Forest Department;
- (xxii) The user agency shall undertake afforestation along the periphery of the reservoir and canals (as applicable);
- (xxiii) Detailed CAT plan prepared/ to be prepared as part of Environment Management Plan in the process of seeking Environment Clearance shall be submitted and cost of implementation of the CAT plan will be deposited with Ad-hoc in CAMPA;
- (xxiv) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 and 05<sup>th</sup> February, 2013, in support thereof, if not done so far;
- (xxv) The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down;
- (xxvi) The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan;
- (xxvii) The User agency shall consult organization(s) having experience in construction of roads in hilly areas to avoid frequent road blockade due to landslides etc. and shall provide breast walls and retaining walls wherever necessary;
- (xxviii) The State Government and the user agency shall ensure that the tress available between full reservoir level (FRL) and FRL-4 meters are not felled;
- (xxix) The user agency shall provide free water for the forestry related projects;



- (xxx) User agency will contribute towards implementation of Wild Life Management Plan of Mahao Wildlife Sanctuary. In case management plan for the sanctuary is not ready or State Government intends to review the Management plan after assessing the likely impact of the project on this sanctuary the user agency will contribute towards preparation and implementation of Wild Life Management Plan;
- (xxxi) A Zonal Wildlife conservation plan to be prepared and implemented by the State Government at the project cost. In case State Government intends to take up critical species Conservation programme the user agency will bear the cost of the programme;
- (xxxii) The user agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly;
- (xxxiii) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxxiv) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

After receipt of the compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Till receipt of the said final/Stage-II approval of the Central Government from this Ministry, transfer of the said forest land to the User Agency shall not be affected by the State Government.

Yours faithfully,



**(B.K. Singh)**  
Director (FC)

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Arunachal Pradesh, Itanagar.
2. The Nodal Officer, O/o the PCCF, Government of Arunachal Pradesh, Itanagar.
3. The Addl. Principal Chief Conservator of Forests (Central), Regional Office, Shillong.
4. User Agency: General Manager, NHPC Ltd., Dibang Multipurpose Project, Roing-792 110, Lower Dibang Valley District, Arunachal Pradesh. .
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.



**(B.K. Singh)**  
Director (FC)