



भारत सरकार  
Government of India

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest & Climate Change  
क्षेत्रीय कार्यालय, शिलांग/Regional Office, Shillong  
उप कार्यालय, गुवाहाटी/Sub - office, Guwahati

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F.No.3 AN A/182/2023//GHY/5031-32

04<sup>th</sup> January, 2024

सेवा मे,

प्रमुख सचिव / Principal Secretary

अरुणाचल प्रदेश सरकार/ Govt of Arunachal Pradesh

पर्यावरण और वन विभाग /Dept of Forests & Environment

ईटानगर/ Itanagar- 791111.

Sub: Proposal for diversion of 144.00 ha of forest land for construction of Mipi-Andrala Road from 0.00 km to 50.00 km by BRO in Upper Dibang Valley District of Arunachal Pradesh.

Sir,

This has got reference to the State Government's letter No. FOR.3-252/CONS/2021/4355-59 dated 31.07.2023 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 and on the basis of the recommendations of Regional Empowered Committee on 29.09.2023 and its recommendation and subsequent approval of Ministry, New Delhi on 26.12.2023 through e-office, "In Principle Approval/Stage- I" clearance of the Central Government is hereby granted for diversion of 144.00 ha of forest land for construction of Mipi-Andrala Road from 0.00 km to 50.00 km by BRO in Upper Dibang Valley District of Arunachal Pradesh, 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) in the revised rate 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) The non-forest land 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;
  - (4) The State Govt shall ensure the transfer 5 time penal the NPV with the interest as per F(C)Act,1980 guidelines as penalty for the act of violation of F(C)Act,1 980 to Ad-hoc CAMPA by the user agency BRO.
  - (5) The State Govt shall take disciplinary action against the erring staffs of forest department by issuing charge sheet before Stage-II or even giving temporary working permission to avoid such practices in the future.
  - (6) The Regional Office, Shillong shall take action under 3A and 3B within a month of the Stage-I and submit a report to the Ministry.
  - (7) 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 Arunachal Pradesh 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.
  - (8) **The State Govt shall implement immediately following recommendation of the Standing Committee of National Borad for Wild Life in its 73<sup>rd</sup> meeting held on 17.07.2023:-**
    - (i) The budget for implementation of the activities as mentioned in condition (2) of recommendation of SC of NBWL shall be included in the planned project by the BRO and the following estimated cost as per the rapid biodiversity assessment and impact study report by the Zoological Survey of India shall be deposited:

S.No.	Activity	Estimated Cost (in Lakh Rs.)
1	Habitat improvement in selected segments of the proposed alignment (plantation models, soil and water conservation activities)	120.00
2	Conservation and management activities for the schedule-I species.	100.00
3	Training and awareness programmes.	55.00
4	Construction of at least 3-Watch Tower along with a guard post for monitoring and protection	30.00
5	Monitoring and Evaluation	25.00
6	Conservation and monitoring research	150.00
	Total	480.00



- (ii) A site-specific mitigation plan for 20.00 km to 50.00 km shall be prepared by a National Institute having expertise in wildlife conservation and management in collaboration with the Forest Department and a local NGO based in Anini, with funding support from BRO and a copy of the plan is to be submitted to Sub Office Guwahati.
  - (iii) The User Agency shall deposit an amount of 2% of the proportionate costs of the project falling within the Protected Area or ESZ as corpus with Dibang Wildlife Sanctuary to meet the recurring cost and unforeseen expenditure to mitigate certain adverse impacts of road and to maintain corridor connectivity and metapopulation dynamics, rescue of road accident animals, removal of invasive species, waste disposal, strengthening protection, habitat improvement etc. for the area impacted.
- (9) The KML files of the area to be diverted, the CA areas, the proposed SMC work, 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.
  - (10) The compliance report shall be uploaded on **e-portal** ( <https://parivesh.nic.in/> ).
  - (11) 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;
  - (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 per the prescribed guidelines in Forest (Conservation) Act, 1980 issued by this Ministry.



**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 144.00 ha equivalent area at Biyanli VFR in Anini Forest Division of Upper Dibang Valley 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 State Govt shall implement the following recommendation of the Standing Committee of National Borad for Wild Life in its 73<sup>rd</sup> meeting held on 17.07.2023 which is reproduced as under:-**

***"1. Activities to be done by the User Agency:***

- (i) *Creation of underpasses for wildlife species, box culverts for proper drainage of waterflow should be implemented in the proposed alignments at regular interval of road stretch. This recommended underpass should have at least 4-5m height, 8-10m width and length equal to the width of the proposed road and should be rectangular in shape. Small underpasses for small mammal passage, reptiles and amphibians shall also be constructed as per the guidance document, 'Eco-friendly measures to mitigate impact of linear infrastructure on wildlife'. Proper maintenance of the road sides should be taken care of as ground feeder bird species were mostly killed in search of food grains at the sides of the roads.*
- (ii) *Creation and maintenance of proper muck disposal sites along with constructions of guard wall for post muck disposal rehabilitation must be taken to mitigate soil erosion.*

***2. Activities to be done by the Divisional Forest Office, Anini:***

- (i) *Habitat improvement in selected segments of the proposed alignment. Area base habitat management including habitat improvement through adopting agroforestry plantation models, should be carried out in the post muck disposition sites to prevent soil erosion.*
- (ii) *Conservation and management activities for the Schedule-I species as per the plan suggested by the Zoological Survey of India.*
- (iii) *Training programmes for the local communities for rural enterprise development, wildlife monitoring training programmes for the Forest Department frontline staff, and capacity enhancement of the Forest Division through procurement of equipments necessary for monitoring and animal handling to mitigate human wildlife conflicts.*



- (iv) Construction of watch tower and Guard post along the proposed alignment for actively monitoring the hunting practices and other illegal activities destroying the rich wildlife in the landscape.
- (v) Monitoring and Evaluation of the progress towards achieving the management recommendations as well as the impacts of the strategies through hiring a third party government agency once in five years.
- (viii) Culverts with rectangular cross-sections shall be constructed because of the wider bottom compared to pipes. It is also easier to fix the guiding structures neatly to the culverts. There should be atleast 10 m guiding structure on both side of the culvert. There should be no gap in-between the guiding structure and the tunnel to deter any trespassing animal.
- (ix) Dimension of the culverts built on seasonal and perennial streams should include "wet refugia" of at least 5-10 m on either side of the water channels. Especially if there are any marshy areas, multiple underpasses should be provided with guiding structures that are parallel to the road in order to facilitate movement.
- (x) The opening of the culverts should be free from any obstruction and must guide the animal away from the road. The passage should be maintained from overgrown vegetation.
- (xi) A "ledge" or embankment should be constructed on the wall of the underpass to provide a passage platform during heavy floods. The end of the ledges should terminate in an arboreal situation.
- (xii) DFO, Anini may identify any additional specific critical points for animal crossings and suggest mitigation structures along the road passing through the Dibang Wildlife Sanctuary and the User Agency comply with the mitigation plan during the construction phase. As the Wildlife Institute of India has a research team at Anini, the DFO-Anini may also take its assistance in identification of critical sites for animal movement.

**3. Following non-structural mitigation measures shall also be implemented:**

- (i) To avoid frequent repairs and disturbances, carriageway pavement should be rigid, having well planned road side drainage and utility ducts.
- (ii) User Agency will make provision of vegetative or mechanical canopy closure option for movement of arboreal wildlife.
- (iii) User Agency will install overhead signboard at every 500 meter in the forest area about conservation of wildlife, animal crossing, restriction on feeding animal, garbage dumping, parking, honking, speed limit, forest fire do's and don'ts etc. specifically keeping in mind the tourists who may visit the area.
- (v) Monitoring committee shall be constituted under chairmanship of the Regional Chief Conservator of Forests (Eastern Circle), with DFO-Anini and 73rd SCNBWL MoM held on 17.07.2023 Page 7 of 201 representative of the User Agency as members. Committee shall submit monthly report to the Chief Wild Life Warden on progress of work and compliance of the conditions laid out under this report as well as other if any.
- (vi) Completion certificate will be issued after written certification from chairman of monitoring committee countersigned by Chief Wild Life Warden that all the conditions are satisfactorily complied with.
- (vii) Post completion of the road, the monitoring and maintenance of mitigation structure will be done jointly on advice of forest department and at cost of User Agency.



- (viii) *Traffic should not be allowed on this road for civilians between sunset to sunrise as animal movements are high during these hours and will result in collisions and mortality.*
- (ix) *A check post should be constructed at the entry point of the sanctuary or another convenient location and manned by forest department staff to keep record of people and vehicles accessing the sanctuary.*
- (x) *The adverse impact of the road construction should be taken care by cut and fill method. The muck excavated should be used for filling embankments, retaining walls and should be used for other construction structures and the remaining muck generated should be disposed in proposed dumping sites only.*
- (xi) *A speed limit of 20-30 km for civilian vehicles should be set and scientifically-designed speed breakers should be placed at every 500 m intervals.*
- (xii) *Natural flow of streams should not be altered in any way and it should be maintained as it is.*
- (xiii) *All outside material left over after construction or repair (including stones, sand, cement, packaging material, papers, cartons, oils, cans, bags, wires, metal objects, housing sheds, plastics and glass) should not be left on site, but should be carefully removed and carried away outside the sanctuary.*

4. *The annual compliance certificate on the stipulated conditions should be submitted by the project proponent to the State Chief Wild Life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to the Government of India."*

- (5) The User Agency shall obtain the Environment Clearance as per the provisions of Environment (Protection) Act, 1986, if required;
- (6) 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.
- (7) The user agency will undertake comprehensive soil and water conservation measures at the project cost.
- (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.

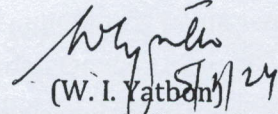


- (12) All the site-specific engineering structures like retaining walls, breast wall and drainage shall be constructed to avoid any soil erosion and to provide slope stability of the concerned hills.
- (13) No labour camp shall be established on the forest land and the User Agency shall provide fuels 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 user agency shall take special measures for prevention of landslide/erosion by biological or mechanical measures and stabilization of side slope to avoid landslides and ensure that muck is dumped only on identified muck dumping area as per Muck Dumping Plan.
- (15) The road side plantation of indigenous species with economic and ecological importance in consultation with the communities/JFMC may be undertaken as per MoRTH guideline by the user agency.
- (16) The user agency shall undertake with special attention for the road side amenities such as toilet, bus shed, etc. as per the guideline of MoRTH, wherever necessary. For all such amenities, special needs of women & differently abled to be kept in mind.
- (17) 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.
- (18) No damage to the flora and fauna of the adjoining area shall be caused;
- (19) The lay out of the proposal shall not be changed without the prior approval of the Central Government.
- (20) 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.
- (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, Shillong, 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,

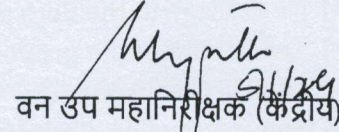
  
(W. I. Yatbon)

वन उप महानिरीक्षक (केंद्रीय)

Deputy Inspector General of Forests(C)

Copy to:

1. प्रधान मुख्य वन संरक्षक/ Principal Chief Conservator of Forests & HoFF, अरुणाचल प्रदेश सरकार/ Government of Arunachal Pradesh, पर्यावरण और वन विभाग / Department of Env. & Forests, ईटानगर/Itanagar.

  
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o/c