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पूर्वोत्तर क्षेत्रीय कार्यालय, शिलांग
लॉउ सीब लुम्बतंगेन
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No. 3-AS C 023/2017-SHI 2660-61

16th October, 2018

सेवा में,

सचिव/Secretary,
पर्यावरण और वन विभाग/ Environment & Forest Department,
असम सरकार/ Government of Assam,
दिसपुर, गुवाहाटी-781006. / Dispur, Guwahati-781006.

Sub:- Proposal for diversion of 208.807 ha of forest land for construction of 400 KV D/C (Quad) from Jigmelling to Alipurduar Transmission Line by Power Grid Corporation of India Ltd.

Sir,

This has got reference to the State Govt Assam letter No. FRS.59/2017/187 dated 12.05.2017, No. FG.27/Nodal/Proposal/Power grid dated 06.10.2018 and Ministry of Environment, Forest & Climate Change (Wildlife Division), New Delhi letter No. F.No. 6-111/2018WL dated 27.09.2018 on the subject mentioned above, seeking prior approval of the Central Government in accordance with Section 2 of the FCA, 1980.

After careful consideration of the proposal of the State Government of Assam by the Regional Empowered Committee in its meeting held on 10.08.2018 and its recommendation and on the basis of the recommendation of the Standing Committee of National Board for Wildlife, I am directed to inform that the Central Government hereby conveys its **"In Principle Approval"** for diversion of 208.807 ha of forest land for construction of 400 KV D/C (Quad) from Jigmelling to Alipurduar Transmission Line by Power Grid Corporation of India Ltd. subject to the following conditions:

- (i) The User Agency shall transfer the cost of compensatory afforestation over double the degraded forest land of 419.5 ha in Kokrajhar district { i.e. 141 ha in Chirang RF, Haltugaon Division, 278.5 ha (i.e. 71ha in Phulkumari RF , 45 ha in Bhelakura RF , 154 ha in Mahamaya RF and 8.5ha in Guma RF) in Parbatjhor Division} to the Adhoc CAMPA through e-payment and inform this office through the State Forest Department.
- (ii) The State Govt shall charge the Net Present Value of the forest land diverted under this proposal from the User Agency as per the Judgment of the Hon'ble

Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No.566 in WP (C) No.202/1995 and as per the guideline issued by this Ministry vide letter No. 5-3/2001-FC dated 05.02.2009 in this regard.

- (iii) All the above funds received from the User Agency under the project shall be transferred to the Ad-hoc CAMPA Fund in New SB account No. 520101263743434 of Corporation Bank, CGO Complex, Phase-I, Lodhi Road, new Delhi-110003.
- (iv) The User Agency shall bear and deposit the amount of the cost of demarcation of the land proposed for diversion directly to the concerned Divisional Forest Officer. The concerned Divisional Forest Officer shall demarcate the land proposed for diversion on the ground by erecting at least 4' high cement-concrete pillars duly numbered, forward and backward bearing and distance from pillar to pillar written on the pillars and DGPS co-ordinates to be inscribed on the pillars. The competent authority shall verify and issue a certificate to this effect. Photographs showing permanent boundary pillars with GPS co-ordinates to be submitted.
- (v) 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.
- (vi) The certificates for the payment in respect to Sl. No. (iv) and (v) shall be furnished to this office by the user agency.
- (vii) The user agency shall provide the funds for execution for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line as per the prepared detailed scheme by the State Forest Department.
- (viii) The suggestive measures for the portion of the proposed area and two patches of compensatory afforestation area falling under elephant grid shall be adopted as per the Ministry's letter F.No. 7-25/2012-FC dated 19.11.2014 as recommended by the Chief Wildlife Warden, Govt of Assam.
- (ix) The User Agency shall obtain Environment Clearance as per the project provisions of the Environment (Protection) Act, 1986, if required under the said Act.
- (x) No labour camp shall be established on the forest land.
- (xi) The felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of State Forest Department Forest.
- (xii) Sufficient quantity of firewood, preferably the alternate fuel, shall be provided by the user agency to the labourers after purchasing the same from the State Forest Department or the Forest development Corporation or any other legal source of alternate fuel.

- (xiii) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person.
- (xiv) The lay out plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xv) The User Agency will have to obtain the Forest (Conservation) Act, 1980 clearance for stone, river sand, river boulders in forest land, if necessary.
- (xvi) The User agency will provide a vehicle for mobility of the officers of the State Govt of Assam for periodic monitoring of the projects already existing and those which are coming up in the State.
- (xvii) 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 summarily be revoked considering that the user agency is no longer interested in the project.
- (xviii) 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.

State Govt shall adhere to the conditions stipulated by the Standing Committee of National Board for Wildlife in its 50th meeting held on 07.09.2018 in addition to the condition stipulated by CWLW and NTCA as communicated by GoI's letter No. F.N. 6-111/2018WL dated 27.09.2018 which are reproduce as follows:-

- (xix) Tower shall be fenced with elephant proof fence maintained properly.
- (xx) The conductors shall be sufficiently high to avoid chances of any accident due to sagging of conductors and such guidelines in this regard.
- (xxi) The user agency shall maintain and monitor the line passing through the tiger reserve area regularly jointly with the Forest Department and incur such expenditures as and when required.
- (xxii) Necessary retrofitting measures as and when required in the interest of wild animal movement and protection shall be done by the user agency in future.
- (xxiii) The user agency shall provide sufficient funds to the Wildlife Department as per the guidelines from NBWL.
- (xxiv) Since the proposed line is a high Voltage Transmission line, it is recommended that the stretch from Tower No. 4 to 6 having dense forest should be fenced around to prevent wild elephants from coming in contact with Towers. In the above stretch, the conductors should be erected at sufficient height to avoid chances of any accident due to sagging. The Power Grid Corporation shall maintain the line after commissioning to avoid any accident to specially the wild elephants moving through the areas.
- (xxv) Insulated cables should be used in the stretch of proposed transmission line passing through the forest and important wildlife areas across its length. All power lines within 5 km of forest and scrub patches and important wildlife area across its entire length will be marked with bird diverters (with solar powered night flashers) spaced at 10 m interval.

- (xxvi) In area without the insulated cables, Power Grid shall maintain > 1.5 m spacing (larger than wrist-to-wrist or head-to-foot distance of a bird) between energized components grounded hardware. In compliance with MoEFCC's guidelines no clearance of vegetation shall be allowed for open area with sparse vegetation(such as scrublands, grasslands, wetlands, etc), A 5.8 m vertical clearance areas of the transmission and 1.2 m horizontal clearance from the vegetation could be permitted in other areas of the transmission line. These dimensions area based on clearance requirements for power lines under Rules 77, 79 and 80 read with Rules 82 A(3) in the Indian electricity Rules 1956 (as amended up to 20 November 2000) and local forest officials should monitor strict implementation of this on ground.
- (xxvii) The width of the right of way for transmission line on forest land should not be over 35 m. The alignment of the Power Line shall be made such that minimum numbers of trees are felled. Any felling/pollarding/pruning of trees for allowing electricity clearance/maintenance will be done with the permission of the local DFO. Only those trees that are of sufficient height to compromise the requirements of minimal vertical and horizontal clearance from the conductor wires at maximum sag point should be lopped.
- (xxviii) The user agency should adhere to the guidelines issued by Hon'ble National Green tribunal in its judgements in Janajagarthi Samiti verses Union of India and Others(Appeal No.10 of 2012) related to transmission line passing though the forest in Western Ghats. Forest Clearance Division, MoEF&CC in consultation with Central Electricity Authority had also issued guidelines pertaining to transmission lines passing through the forests. The user agency should follow these guidelines while construction of the power line.
- (xxix) Periodic clearing of vegetation along the power line may bring up invasive species. The plantation of native, palatable species should be actively promoted by the user agency in collaboration with the Forest Department below the Power line . This will not only prevent growth of invasive unpalatable species like but also will provide excellent forage for wild ungulates in from of its leaves and fruits. No construction/maintenance work shall be permitted between 6 pm to 7 am. Labour camps should be at least 1 km away from the boundaries of forest land along the entire of the proposed transmission line. In compliance with MoEFCC's guidelines, construction of new approach/access route will require prior approval under Forest Conservation Act, 1980.
- (xxx) The user agency shall deposit 5 % of the total project cost to the Manas Tiger Reserve Management which should utilize this money for eco-restoration, prey augmentation, reducing public dependence on forests and promoting traditional local livelihoods in the landscape. The Chief Wildlife Warden, Assam should constitute a monitoring committee comprising of members from local forest officials, MoEF&CC and NTCA, Regional Office and user agency to oversee the implementation of the project in adherence to the mitigation measures suggested herein and /or by the State Forest Department.
- (xxxi) The project proponent shall finalize the mitigation measures in consultation with state Chief Wildlife Warden on the basis of WII guideline named "Eco-friendly Measures to Mitigate Impact on Linear Infrastructure on Wildlife" prior to start of the work of the project and the mitigation measures so finalized shall be implemented at the project cost.

(xxxii) The annual compliance report on the stipulated conditions of the NBWL shall be submitted by the user agency to the State Chief Wildlife Warden and an annual compliance certificate shall be submitted by the State CWCL to Regional Office, Shillong.

After receipt of the compliance report from the State Government on fulfillment of the conditions mentioned above, final approval will be issued in this regard. Formal transfer of forest land shall not be effected by the State Govt till final approval orders approving the diversion of forest land are issued by the Central Government.

This has the approval of Additional Principal Chief Conservator of Forests (Central).

भवदीय,



(सुनील कुमार अग्रवाल/ S.K. Aggarwal)

अतिरिक्त प्रधान मुख्य वन संरक्षक(केंद्रीय)/

Addl. Principal Chief Conservator of Forests(C)

Copy to:

प्रधान मुख्य वन संरक्षक/ Principal Chief Conservator of Forests & HoFF, असम सरकार/ Govt of Assam, पर्यावरण और वन विभाग/ Environment and Forest Department, अन्या भवन / Aranya Bhawan, रोप कौवर ज्योति प्रसाद अग्रवाल पथ/ Rop Konwar Jyoti Prasad Agarwal Path, श्रीमंत शंकरदेव कालखेत्र के पास/ Near Srimanta Sankardev Kalakhetra, पंजाबारी/ Panjabari, गुवाहाटी / Guwahati-781037.

अतिरिक्त प्रधान मुख्य वन संरक्षक(केंद्रीय)/

Addl. Principal Chief Conservator of Forests(C)

o/c