

F. No. 8-94/2013 – FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi - 110003
Date: 27th October, 2015

To

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

Sub: Diversion of 55.7 ha of forest land (Surface forests land = 47.1 ha, Riverbed = 5.9 ha & underground area = 2.7 ha) in favor of M/s Heo Hydro Power Pvt. Ltd., New Delhi for construction of Heo Hydroelectric Project (240 MW) in West Siang District of Arunachal Pradesh - regarding.

Sir,

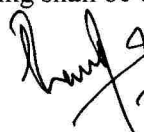
I am directed to refer to State Government's letter no. FOR.322/ Cons/2010/6828-30 dated 19.11.2013 on the subject cited above seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act.

After careful examination of the proposal of the State Government, and on the basis of the recommendations of the Forest Advisory Committee, in – principle approval of the Central Government is hereby granted for diversion of 55.7 ha of forest land (Surface forests land = 47.1 ha, Riverbed = 5.9 ha & underground area = 2.7 ha) in favor of M/s Heo Hydro Power Pct. Ltd., New Delhi for construction of Heo Hydroelectric Project (240 MW) in West Siang District of Arunachal Pradesh subject to fulfillment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory Afforestation (CA) over 106 ha of Unclassed State Forest (USF) of Arunachal Pradesh as proposed by State Forest Department and already mutated in favour of State Forest Department shall be raised and maintained by the State Forest Department at the cost of the User Agency as per the guidelines issued by the Ministry vide letter No. 11-241/2013-FC dated 21st August, 2014. However, before taking up CA, *additional CA land in lieu of very dense forest falling within the proposed CA area shall be identified and the State Government shall submit revised CA scheme along with the GPS references in shape file.*
- (iii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- (iv) The above mentioned Unclassed State Forest shall be notified as RF under Indian Forest Act, 1927 / Assam Forest Regulation, 1891 or as Anchal Forest Reserve / Village Forest Reserve under Arunachal Pradesh and Village Forest Reserve (Constitution and Maintenance) Act, 1985 as amended in 1981 and 1984 within six months as per above said guidelines dated 21st August, 2014.
- (v) 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;


24/10/2015

- (vi) 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;
- (vii) 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;
- (viii) 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;
- (ix) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (x) No labour camp shall be established on the forest land;
- (xi) 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;
- (xii) 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;
- (xiii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xiv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xv) 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;
- (xvi) No damage to the flora and fauna of the adjoining area shall be caused;
- (xvii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
- (xviii) 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;
- (xix) The user agency shall set up Ecological Monitoring Unit to monitor the impact of the project on flora and fauna of the area.
- (xx) 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;
- (xxi) The user agency shall undertake afforestation along the periphery of the reservoir and canals (as applicable).
- (xxii) Catchment Area Treatment (CAT) Plan, prepared as a part of Environment Management Plan (EMP) for the purpose of obtaining environment clearance, be implemented by/or under the supervision of State Forest Department at the project cost.
- (xxiii) The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down.
- (xxiv) 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


27/10/2015

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.

- (xxv) 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.
- (xxvi) 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;
- (xxvii) The user agency shall provide free water for the forestry related projects;
- (xxviii) 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.
- (xxix) 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
- (xxx) 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 the fulfillment of the above mentioned conditions from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully,



(Rajagopal Prashant)

Assistant Inspector General of Forest (FC)

Copy to:

1. The Principal Chief Conservator of Forests, (Head of Forest Force), Government of Arunachal Pradesh, Itanagar.
2. The Nodal Officer (FCA), O/o the PCCF, Government of Arunachal Pradesh, Itanagar.
3. The Addl. Principal Chief Conservator of Forests (Central), Ministry of Environment & Forests, Regional Office (NEZ), Law-U-Sib, Lumbatngen, Near-MTC Workshop, Shillong
4. User Agency
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi
6. Guard File.



(Rajagopal Prashant)

Assistant Inspector General of Forest (FC)