

भारत सरकार / Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय/Integrated Regional Office
पता: द्वितीय तल, झारखण्ड राज्य आवास बोर्ड मुख्यालय, हरमू चौक, राँची, झारखण्ड - 834002
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No.FP/BR/TRANS/122227/2021/ 18 |

Date: 24th March 2022

To

The Addl. Chief Secretary,
Department of Environment, Forests & Climate Change,
Government of Bihar,
Sichai Bhawan Secretariat, Patna - 800015.

Sub: In-principle (Stage-I) approval of Central Government under Forest (Conservation) Act 1980 for diversion of 2.1904 ha forest land in favour of Powergrid Mithilanchal Transmission Limited for construction of 400 KV D/C Quad Kishanganj-Darbhanga Transmission Line in Saharsa and Supaul districts of Bihar - reg.

Sir,

I am directed to refer to you the Bihar Govt.'s letter No.Van Bhumi-14/2022-208(E)/Pa.Va.Ja.Pa. dated 16.3.2022 of the State Government, Bihar on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest and Climate Change under section 2 of Forest (Conservation) Act, 1980.

After due consideration of the proposal of the State Government, the "in-principle" approval of Central Government, is hereby conveyed for diversion of 2.1904 ha forest land in favour of Powergrid Mithilanchal Transmission Limited for construction of 400 KV D/C Quad Kishanganj-Darbhanga Transmission Line in Saharsa and Supaul districts of Bihar, subject to the following conditions and stipulations.

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

- (1) The cost of compensatory afforestation on the CA land at the prevailing wage rates as per compensatory afforestation scheme (including the cost of survey, demarcation and erection of permanent pillars etc. as required for securing the land against encroachment) shall be deposited in advance with the State Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

- (2) The State Government shall charge the Net Present Value (NPV) for the 2.1904 ha forest area to be diverted under this proposal from the User Agency as per the order of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 and **letter No.5-3/2011-FC(Vol-I) dated 6/1/2022** in this regard.
- (3) All the funds received from the user agency under the project shall be transferred / deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>).
- (4) The FRA certificate as per Ministry's guidelines shall be submitted before the issuance of final approval. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- (5) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of Comprehensive Guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No.5-2/2017-FC dated 28.03.2019.
- (6) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

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:

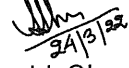
- (1) Legal status of the forest land shall remain unchanged.
- (2) Compensatory afforestation shall be taken up by the Forest Department over 4.5 ha. degraded forest land (Site - Garagaro PF, Range - Jamui, Compartment No.837 under Jamui Forest Division) at the cost of the user agency. As far as possible, a mixture of local native species shall be planted and monoculture of any species, especially non-native species should be avoided.
- (3) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall also be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

- (4) 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. Further, in view of the State Government's recommendation, such number of trees whose removal is unavoidable, and whose translocation (species, number and girth to be decided by SFD) is practicable, will be translocated to the extent possible at the cost of user agency.
- (5) Width of Right of Way for the Transmission Line shall be limited to 46 m.
- (6) The User Agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter No.7-25/2012-FC dated 5.5.2014 and 19.11.2014.
- (7) As per Ministry's guideline No.FC-11/157/2019-FC dated 1.01.2020, the User Agency in consultation with State Forest Department shall identify degraded forest areas of not less than 1 ha for carrying out plantation of dwarf species (preferably medicinal plants). The Scheme for creation and maintenance of plantation of dwarf species as prepared by the State Forest Department shall be implemented from the funds provided by the User Agency and a scheme for this shall be submitted in this office.
- (8) The User Agency shall ensure that the labourers and staff engaged in construction activities do not damage the nearby forest flora and fauna. The User Agency shall provide alternate fuels preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- (9) The layout plan of the proposal shall not be changed without prior approval of the Ministry of Environment, Forest & Climate Change.
- (10) (a) The forest land shall not be used for any purpose other than that specified in the project proposal.
(b) The period of diversion under this approval shall be co-terminus with the period of the project life/ requirement.
(c) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department, or person without prior approval of the Ministry of Environment, Forest & Climate Change.

- (11) Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forest & wildlife.

After receipt of the report from the State Government regarding due compliance and fulfillment of the above conditions and stipulations, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. Transfer of forest land by the State Government to the user agency should not be given effect to till formal order approving diversion of forest land is issued by the Ministry of Environment, Forest and Climate Change. To facilitate speedy execution of this project, the in-principle approval may be considered for issuance of working permission for commencement of works by the competent authority, if the required funds for NPV and all other compensatory levies specified in the in-principle approval are realized from the user agency and accordingly the State Government, by passing an order, may allow the commencement of work of the linear project in forest land for a period of one year (The detail guideline issued vide Ministry letter No. 11-306/2014-FC, dated 28.08.2015 may be referred).


Yours sincerely,


(Shashi Shankar)

Assistant Inspector General of Forests (Central)

Copy to:-

1. The DIGF(ROHQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110 003.
2. The Principal Chief Conservator of Forests (HoFF), / The APCCF-cum-Nodal Officer (FC), Deptt. of Environment, Forests & Climate Change, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.
3. The Divisional Forest Officer, Patna Forest Division, Patna, Bihar.
4. The GM, Powergrid Mithilanchal Transmission Limited, Gandhi Path, Near Surya Hospital, Saharsa, Bihar.
5. Guard File.


Assistant Inspector General of Forests (Central)