

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Jorbagh Road, Aliganj
New Delhi – 110 003
Dated: 22nd December, 2021

To,

The Addl. Chief Secretary (Forests)
Government of Himachal Pradesh
Shimla

Sub: Proposal for seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 397.8863 ha forest land in favour of SJVN Ltd for the construction of Sunni Dam Hydroelectric Project (382 MW) within the jurisdiction of Shimla, Kotgarh and Karsog Forest Divisions, in District Shimla and Mandi, Himachal Pradesh (ONLINE PROPOSAL NO. FP/HP/HYD/31019/2017)-regarding

Madam/Sir,


I am directed to refer to the Government of Himachal Pradesh's online proposal no. FP/HP/HYD/31019/2017 dated 24.02.2021, Letter No. No.Ft.48-3705/2017 (FCA) dated 06th July, 2021 and letter No. Ft. 48-3705/2017 (FCA) dated 26.10.2021 on the above mentioned subject, seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the Government of Himachal Pradesh and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to accord "*In-principle*" approval under the Forest (Conservation) Act, 1980 for non-forestry use of 397.8863 ha forest land in favour of SJVN Ltd for the construction of Sunni Dam Hydroelectric Project (382 MW) within the jurisdiction of Shimla, Kotgarh and Karsog Forest Divisions, in District Shimla and Mandi, Himachal Pradesh subject to the following conditions:

A Conditions which need to be complied prior to submission of compliance report for seeking Stage-II approval

1 Compensatory Afforestation (CA):

- (i) The cost of Compensatory Afforestation at the prevailing wage rates as per CA scheme and the cost of survey, demarcation and erection of permanent pillars, if required on the CA land, shall be deposited by the user agency. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years. 25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land;
- (ii) Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, into the account of CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);


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- (iii) State government shall submit a certificate that no plantation activities have been carried out by the Forest department under any scheme/plan/programme in the land proposed for CA in last 10 years;
- (iv) *The 9 Compensatory Afforestation sites pointed out by IRO Shimla would be revisited by the State Government and it will be ensured that the areas proposed are suitable for planting, do not include MDF/VDF and do not overlap with any other area;*
- (v) All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund through e-portal (parivesh.nic.in) only;

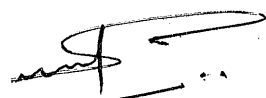
2 NPV:

The User Agency shall transfer the funds towards the cost of 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 through online portal of CAMPA account of the State Concerned;

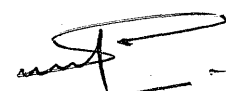
- 3 The approved Catchment Area Treatment (CAT) Plan is to be implemented at the cost of user agency. The commensurate cost of CAT plan will be deposited in the CAMPA account through e-portal only;
- 4 *The adequate corrections in the component-wise breakup and the layout plan shall be done as suggested by the sub-committee of the FAC.*
- 5 The correct and complete KML files of diverted area and the CA areas shall be uploaded on the *E-greenwatch* portal with all requisite details;
- 6 State Government shall complete the settlement of rights, in term of the Scheduled Tribes and 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's letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;
- 7 The compliance report shall be uploaded on **e-portal** ([https:// parivesh.nic.in/](https://parivesh.nic.in/)).

B. Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department and undertaking in this respect shall be submitted prior to Stage-II approval

- 1 Legal status of the diverted forest land shall remain unchanged;
- 2 CA over degraded-forest Govt. land, double in extent, to the forest land being diverted, shall be raised by the State Forest Department at the project cost within three years from the date of grant of Stage - II approval. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided;
- 3 *Trees of girth more than 60 cm should not be felled and their enumeration list should be submitted to the IRO Shimla and to local forest officials.*
- 4 *The safety measures, engineering structures and instrumentation, as suggested by IIT (ISM) Dhanbad, should be strictly followed.*
- 5 *The user agency should preserve the top soil of the excavated area so that proper reclamation of the site could be achieved.*
- 6 *The bio-reclamation of the area should be done with suitable species of grasses, shrubs and trees, in close coordination with the forest department.*
- 7 The State Government will ensure that the R&R Plan is implemented as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government/ Regional Office of MoEF&CC along-with indicators for monitoring and expected observable milestones;
- 8 At the time of payment of the NPV at the present rate, the user agency shall furnish an


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- undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- 9 The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
 - 10 The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale
 - 11 The State government will carry out adequate Soil and Moisture Conservation works in the catchment area (e.g. stop dams, sunken pits, contour trenches, percolation pits, etc.) to gets enough recharge of water. These works would be in addition to the plantation proposed to be done under CA;
 - 12 The State Government shall ensure that the forest land located between FRL and the FRL-4 meters may be afforested by planting appropriate indigenous tree species;
 - 13 The User agency shall provide free water for the forestry related projects;
 - 14 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
 - 15 User agency shall ensure water discharge in downstream of the project to maintain minimum 'environmental flow'.
 - 16 No construction of buildings /labour camp/huts shall be allowed on the forest land;
 - 17 User agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting tress are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
 - 18 The user agency shall explore the possibility of 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 the supervision of the State Forest Department.
 - 19 The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 - 20 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;
 - 21 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;
 - 22 The layout plan of the proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
 - 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 proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
 - 25 No damage to the flora and fauna of the adjoining area shall be caused;
 - 26 Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife; and
 - 27 No muck/debris is thrown/dumped on the river/stream bed. The muck shall be dumped on the designated dumping sites only. Excavation shall be carried out in a scientific way to avoid rolling down of muck into river/stream;
 - 28 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,


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for the time being in force, as applicable to the project.

- 29 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
- 30 The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;
3. After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours sincerely,


(Suneet Bhardwaj)

Asst. Inspector General of Forests (FC) 24/11/2021

Copy to: -

1. The PCCF (HoFF), Government of Himachal Pradesh, Shimla.
2. The Regional Officer, Integrated Regional Office, Shimla.
3. The Addl. PCCF cum Nodal Officer (FCA), Government of Himachal Pradesh, Shimla.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi.
6. Guard File.