

F. No. 8-48/2018-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi - 1100 03,
Dated: 28th March, 2019

To,

The Principal Secretary Forests,
Department of Forests and Environment,
Government of Himachal Pradesh,
Shimla.

Sub: Diversion of 98.1004 ha. of forest land in favour of SJVN Limited, Bithal Shimla, for the construction of Luhri HEP Stage-I (219.00 MW), within the jurisdiction of Ani, Kotgarh and Rampur Forest Division, District Shimla & Kullu, Himachal Pradesh.- regarding.

Sir,

I am directed to refer to the Government of Himachal Pradesh's letter No. Ft.48-3369/2016(FCA) dated 06th July, 2018 on the above mentioned subject, seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980, After careful consideration of the proposal by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the said Act, '*in-principle*' /*Stage -I* approval to the proposal was granted vide this Ministry's letter of even number dated 19th September, 2018 subject to fulfillment of certain conditions prescribed therein. The State Government of H.P. has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government of Himachal Pradesh's letter No. Ft.48-3369/2016(FCA) dated 22.12.2018 and letter No. Ft.48-3369/2016(FCA) dated 02.02.2019 final approval (*Stage - II*) of the Central Government is hereby granted under Section -2 of the Forest (Conservation) Act, 1980 for diversion of 98.1004 ha. of forest land in favour of SJVN Limited, Bithal Shimla, for the construction of Luhri HEP Stage-I (219.00 MW), within the jurisdiction of Ani, Kotgarh and Rampur Forest Division, District Shimla & Kullu, Himachal Pradesh, subject to fulfillment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) The Compensatory afforestation over the degraded forest land, twice in extent to the area of forest land proposed to be diverted ($2 \times 98.1004 = 196.2008$ hectares of degraded forest land), shall be raised on identified land within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in



accordance with the approved Plan by the State Forest Department from the funds already provided by the User Agency;

- (iii) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (iv) The project area shall be demarcated on ground at the project cost using 4 feet high RCC pillars with each pillar inscribed with serial No. forward and backward bearing distance between 2 adjacent pillars and GPS co-ordinates;
- (v) The User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (vi) The State Government and user agency shall implement the R&R Plan 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;
- (vii) The State Government and the user agency shall ensure that there is no illegal occupation/encroachment of forest land by the families to be displaced from the project site, the user agency shall ensure that each family being displaced from the project site actually acquires and settles on non-forest land. Apart from taking other measures to achieve the said objective, as a measure to discourage the project affected families from encroaching into the forest land, payment of annuity for a period of at least five years at the rate of the minimum wage payable to the unskilled person for 200 person-days per annum to each adult member of the project affected families, on receipt of a certificate signed by a forest officer not below the rank of a Range Officer having jurisdiction over the area where such person has settled after displacement from the project site, should be incorporated in the R & R plan. Payment of the said annuity should be an additionally and not in replacement of any of the benefits to be accrued to the project affected persons, as per the present R&R Plan;
- (viii) User agency shall track location of each displaced family and ensure that none of them encroach/occupy forest land. In support of compliance to this condition at least for five years from the date of taking possession of the forest land, the user agency shall submit an annual certificate to the Principal Chief Conservator of Forests, Himachal Pradesh that none of the persons displaced from the project land has encroached/ settled on the forest land during the year;
- (ix) The State Government shall ensure that the Catchment Area Treatment (CAT) Plan of the project shall be implemented under the supervision of State Forest Department from the funds already provided by the user agency;
- (x) The State Government shall ensure that felling of trees, if unavoidable on the forest land being diverted will be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department. Moreover it shall be ensured that whenever possible maximum trees marked for felling should be translocated in the consultation of the State Forest Department;
- (xi) Other standered conditions as applicable to proposals relating to Hydro Electric Projects will be applicable in this also;
- (xii) The User agency shall take up afforestation activities all along the Reservoir/Dam/Canal in consultation with the Forest Department;

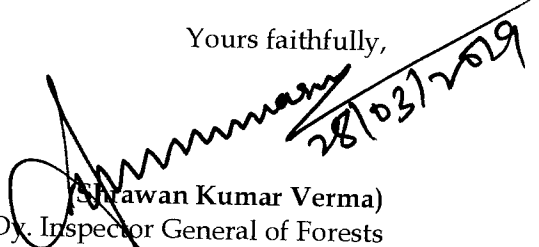


- (xiii) The Government of Himachal Pradesh and the user agency shall ensure that the trees available between Full reservoir level (FRL) and FRL – 4 meters are not felled;
- (xiv) The User Agency shall provide free water from the project for all forestry related activities;
- (xv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xvi) No labour camps shall be established on the forest land;
- (xvii) 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.
- (xviii) The User agency shall provide 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;
- (xix) User agency shall ensure that because of this project, no damage is caused to the flora and fauna available in the area;
- (xx) The State Government shall ensure that the user agency may be carried out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down;
- (xxi) The State Government and the user agency shall ensure that the dumping area for muck/slit 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 materials in 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;
- (xxii) The State Government and the user agency shall ensure that the 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;
- (xxiii) The State Government shall ensure in - consultation with State Agriculture Department to utilize such area (except those located in forest land) during dry months for cultivation of appropriate crops by the project affected families (without the use of fertilizers) simultaneously during implementation of the project;
- (xxiv) 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, subject to approval of competent authority;
- (xxv) The User Agency shall submit the annual self-compliance report in respect of the above conditions and also to the conditions stipulated in Stage -I clearance to the State Government, concerned Regional and this Ministry by the end of March of every year regularly;



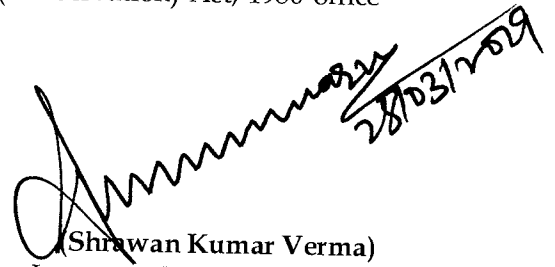
- (xxvi) The User Agency and the State Government shall ensure compliance to provisions of all the Act, Rules, Regulations, Guidelines, NGT Order (s) and relevant Hon'ble Court Order (s), if any, pertaining to this project for the time being in force, as applicable to the project;

Yours faithfully,


(Shrawan Kumar Verma)
Dy. Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Himachal Pradesh, Shimla.
2. The APCCF (C) Regional Office, (NCZ) Dehradun, Government of Himachal Pradesh, Shimla.
3. The Nodal Officer, Forest Department, under the forest (Conservation) Act, 1980 office of the PCCF, Government of Himachal Pradesh, Shimla.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.


(Shrawan Kumar Verma)
Dy. Inspector General of Forests