

M/S BUSHAHR LAGHU UDYOG

(Stone Crushing and Screening plant)

Mfg. all type Aggregate, Sand and all type of Building Material

Works: - Pashada khad, PO Khaneri, Tehsil Rampur Bsr, Shimla (HP)

HO: - Sh. Ninja Ram Building, VPO Jhakri, Tehsil Rampur Bsr, Shimla (HP)

MOB:- 9418608409, 9418206311, 01782275239

E-MAIL: cheshwer1979@gmail.com

Ref.:

Dated:-

5th July, 2018

To,

Nodal Officer-cum-APCCF (FCA)

Himachal Pradesh Forest Department

Shimla, HP

Subject: - Regarding Non-availability of forest land for Compensatory afforestation

Dear Sir,

I would like to clarify that I have submitted non-availability of forest land for compensatory afforestation certificate from District Collector, Shimla. In GoHP (Forest Dept.) Notification (Ft. 29-241-BB/49 dated 25th Feb. 1952), declared that all government waste land as protected forest. In that consequence, More than 66.5 % of geographical area is forest land and less non-forest land available in HP for compensatory afforestation as mentioned in recent notification of MoEF&CC -file no. 11-438/15-FC (Pt) dated 17th April 2018.

I request you that kindly issue the suitable land for Compensatory Afforestation from land bank under FCA, 1980. In the view of MoEF&CC memorandum file no. 11-146/2015-FC dated 22nd June 2015, I hereby declare that I will pay Compensatory Afforestation and additional Compensatory Afforestation amount in lieu of diversion of proposed forest land.

Therefore, you are requested to kindly consider aforesaid matter for further process.

Thanking You,

Yours Faithfully

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Kangetu Devi

For M/s Bhushahr Laghu Udyog

Head Office:- V.P.O Jhakri

Teh. Rampur Bsr, Shimla (H.P.)

Enclosed;

1. GoHP (Forest Dept.) Notification Ft. 29-241-BB/49-dated 25th Feb. 1952
2. MoEF&CC memorandum file no. 11-146/2015-FC dated 22nd June 2015.
3. MoEF&CC memorandum file no. 11-423/2011-FC dated 8th Nov. 2017.
4. MoEF&CC memorandum file no. 11-438/15-FC(Pt) dated 17th April 2018.

**HIMACHAL PRADESH GOVERNMENT
FOREST DEPARTMENT**

NOTIFICATION

No. Ft. 29-241-BB/49.

Dated Simla-4, the 25th February, 1952.

In exercise of the powers conferred by section 29 of the Indian Forest Act. (XVI of 1927) as applied to Himachal Pradesh, read with the Government of India, Ministry of States Notification No. 146-J dated the 6th December, 1950, the Chief Commissioner, Himachal Pradesh is pleased to declare the provisions of Chapter IV of that Act *which are the property of Govt. or over which the Government had proprietary rights or to the whole or any part of the produce of which the Government is entitled as recorded in the Forest Settlements or land revenue settlements or land revenue records of the integrated states, or otherwise, except to the following areas:-

*Applicable to all forest lands or waste lands in Himachal Pradesh.

1. Rantu Saliana, Chambi Kupar, Kalala and Temru of Kotkhai ilaqqa and Nagkelu of Kotgarh ilaqqa declared as reserved forests in the Punjab Govt. Notification No. 175 dated 15th April, 1885;
2. Chamba State forests declared reserved forests vide Chamba Darbar's Notification No. W-76-43, dated the 10th Nov., 1945.

Sirmur State Forests declared reserved forests Sirmur Darbar's Notification:-

1. No. 1 dated the 17th Jaith, 1968 Bikrami
2. No. 2 dated the 23rd Chait, 1991 -do-
3. No. 14 dated the 17th Sawan, 1990 -do-
4. No. 38 dated the 27.12.1992 -do-
5. No. nil dated Ist Chait, 1937 -do-
6. No. nil dated Ist Chait, 1947 -do-
7. No. II dated 2nd Poh, 1949 -do-
8. No. I dated 17th Jaith, 1952 -do-
9. No. Nil dated 11th Bhadon, 1992 -do-

2. This notification applies to all lands in old Mandi State containing the growth except such lands have been excluded in the forest settlement as cultivated or as in the Malguzari of a private person.

By order

Sd/-

C.C.F. and Secretary (Forest Department)
to the Commissioner, H.P., Administration.

No. Ft. 29-241-BB/49

Dated Simla-4, the February, 1952.

Copy forwarded to:-

1. All Deputy Commissioners in Himachal Pradesh.
2. All Conservator of Forest in Himachal Pradesh.
3. All Divisional Forest Officers in Himachal Pradesh.
4. The Manager, Government of India Press, Simla for favour of publication in part III section 3 of Govt. of India Gazette.

Sd/-

C.C.F. and Secretary (Forest Department)
to the Commissioner, H.P., Administration.

F. No. 11-146/2015-FC

Government of India

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

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi - 110 003

Dated: 22nd June, 2015

To

The Principal Secretary (Forests),
All State /Union Territory Governments

Sub: Diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980 - Guidelines regarding land identified for creation of compensatory afforestation in lieu of forest land diverted for non-forest purpose.

Sir,

I am directed to say that guidelines issued under the Forest (Conservation) Act, 1980 *inter-alia* provides that in the event that non-forest land of compensatory afforestation is not available in the same district, non-forest land for compensatory afforestation may be identified anywhere else in the State/UT as near as possible to the site of diversion, so as to minimize adverse impact on the micro-ecology of the area, and to say that it has been brought to notice of this Ministry that in case of some proposals due to bifurcation of States during processing of proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980, the land identified for creation of compensatory afforestation within the undivided State, and the forest land proposed to be diverted do not fall in the same newly created State.

After careful examination of matter I am directed to say that to deal with such peculiar situations and to avoid hardship to the concerned user agencies, such proposals shall continue to be processed without insisting on identification of non-forest land for creation of compensatory afforestation in the State in which the forest land proposed to be diverted is located. In such cases, in case Central Government agrees in-principle to divert forest land for non-forest purpose, it shall be subject to a condition that amounts realised from the user agency for creation and maintenance of compensatory afforestation shall be transferred to the State in which the land identified for creation of compensatory afforestation is located. In case for some valid and cogent reason, cost of creation and maintenance of compensatory afforestation needs to be revised, additional amount, if any, will be realised from the concerned user agency. All other levies realised from the user agency in lieu of diversion of such forest land will however be retained in the State in which the forest land proposed to be diverted is located.

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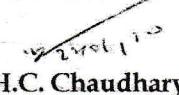
This issues with approval of the Hon'ble Minister of State (Independent Charge) for Environment, Forest and Climate Change.

Yours faithfully,


(H.C. Chaudhary)
Director

Copy to:-

1. Prime Minister's Office (*Kind attn.*: Shri Santosh D. Vaidya, Director).
2. Principal Chief Conservator of Forests, all States/UTs.
3. Nodal Officer, the Forest (Conservation) Act, 1980, all States/UTs.
4. All Regional Offices, Ministry of Environment, Forest and Climate Change (MoEFCC) for information and necessary action.
5. Joint Secretary, In-charge, Impact Assessment Division, MoEF.
6. PS to the Hon'ble Minister of State (Independent Charge) for Environment, Forest and Climate Change.
7. Chairman, State Environment Impact Assessment Authority, all States/UTs.
8. Member-Secretary, State Environment Impact Assessment Authority, all States/UTs.
9. All Directors/ Assistant Inspector General of Forests in Forest Conservation Division, MoEFCC for information and necessary action.
10. All Advisors/ Directors/ Dy. Directors in the Impact Assessment Division, MoEFCC.
11. Director, Regional Office (Headquarters), MoEFCC.
12. Sr. Director (Technical), NIC, MoEFCC with a request to place a copy of this letter on website of this Ministry.
13. Sr. PPS to the Secretary, Ministry of Environment, Forest and Climate Change.
14. Sr. PPS to Director General of Forests and Special Secretary, Ministry of Environment, Forest and Climate Change.
15. Sr. PPS to Addl. Director General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change.
16. Sr. PPS to Inspector General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change.
17. Guard File.


(H.C. Chaudhary)
Director

F.No. 11-423/2011 – FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi-110003.
Dated: 8th November, 2017

To

The Principal Secretary (Forests)
All States/UT Governments.

Sub: Identification and suitability of Non-forest land for Compensatory Afforestation under Forest Conservation Act 1980 - regarding Identification of Land Bank for Compensatory Afforestation (CA)
Sir,

I am directed to invite your kind attention to the chapter III of guidelines issued in 2003 by MoEF to implement the Forest Conservation Act 1980 which deals with compensatory afforestation. The para 3.2 of the said guidelines provides for identification of land for compensatory afforestation.

In 3.2 (i) it has been clarified that Compensatory afforestation shall be done over equivalent area of **non-forest land (NFL)**.

As an explanation to 3.2(i) it has been mentioned that:

As a matter of pragmatism, the revenue lands/zudpi jungle/ Chhote/ Bade jhar ka jungle/ jungle-jhari land/civil – soyam lands and all other such categories of land, on which the provisions of Forest (Conservation) Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation provided that lands on which compensatory afforestation is proposed shall be notified as RF under the Indian Forest Act, 1927.

The application of the GIS based Decision support system (DSS) by the ministry suggests that in many cases a substantial portion of the land identified for compensatory afforestation already contain vegetation of varying density. Creation of compensatory afforestation on such land will not fully compensate the loss of trees, as there will not be enough space for the requisite number of plants to be planted. Outright rejection of such NFL for compensatory afforestation is not desirable. However, once such NFL are selected for compensatory afforestation, these NFL are required to be transferred to State Forest Department and brought under the regular management control of the SFD.

The issue of identification of suitable land for Compensatory afforestation and land bank consisting of both Degraded Forest Land (DFL) and Non Forest Land (NFL) to be made available to user agencies for compensatory afforestation has been considered in the Ministry and following guidelines are issued for identification of suitable land for Compensatory Afforestation and creation of Land Bank under Forest Conservation Act 1980:

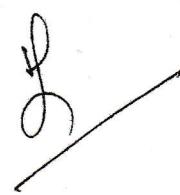


The following amendment is made in 3.2(i) and **explanation 2** is added as under

- i. The purpose of compensatory afforestation (CA) is to compensate the loss of 'land by land' and loss of 'trees by trees'.
- ii. For compensatory afforestation the number of plants to be planted over compensatory afforestation land shall be at least 1000 plants per hectare of forest land diverted.
- iii. If the requisite number of plants @ 1000/ha can not be planted on the non-forest land identified for taking up CA, then the balance number of the plants will be planted in degraded forest land as per the provisions of working plans. The State Government will intimate to the MOEF&CC the names of the R.F./P.F. in which the balance seedling will be planted. The User Agency will deposit the cost of planting these seedlings.
- iv. If the compensatory afforestation has to be done on degraded forest land (DFL) identified for CA for as provided in para 3.2 (vi), 3.2(vii) and 3.2(ix) then normally, 1000 saplings will be planted per ha of the diverted land. In case 1000 saplings can not be accommodated per ha in the DFL identified for CA, the balance seedlings will be planted in any RF/PF as per prescription of working plan. The State Govt. will intimate names of the RFs/PFs in which the balance seedlings will be planted. The user agency will deposit the cost of plantation of the same.
- v. The compensatory afforestation may also include several activities like soil & moisture conservation, regeneration cleaning, silvicultural activities in addition to plantation as prescribed in the working plan as applicable. Compensatory afforestation schemes under Assisted Natural Regeneration models as applicable to the identified non forest land (NFL) as well as degraded forest land (DFL) may be considered as per the site requirement.
- vi. State Government will formulate compensatory afforestation scheme including activities like soil & moisture conservation, regeneration cleaning, silvicultural activities and shall ensure maintenance of these plantations for a period of seven to ten years as per requirement.
- vii. The non forest land over which compensatory afforestation wil be taken up shall be notified as RF/PF and shall remain under the administrative control of State Forest Department. If the DFL over which CA will be taken up is not a notified forest under IFA or State Forest Act the same shall be notified as RF/PF under this act.

In para 3.2 (ix) the following sub para is added after (f) for identification of Land bank for compensatory afforestation

(g) The States and UTs shall create land bank for Compensatory Afforestation for speedy disposal of the FC proposals under FC Act 1980. The degraded forest land with crown density upto 40% under the administrative control of forest department may be identified using the Satellite imagery and in consultation with Forest Survey of India and will be made available for CA for Central Government projects and Central Public Sector Units (CPSU). The revenue lands/zudpi jungle/ Chhote/ Bade jhar ka jungle/jungle-jhari land/civil – soyam lands and all other such categories of land, on which the provisions of Forest (Conservation) Act, 1980 are applicable and other



waste lands and non-forest lands may also be identified as land bank for the purpose of Compensatory Afforestation. Accordingly, it was decided that to expedite creation of land bank in a systematic manner a Committee under Chairmanship of the Principal Chief Conservator of Forests may be constituted with Chief Wildlife Warden and representatives of revenue department in the State as members of the Committee. The committee may identify the following areas as land bank on priority for inclusion in the land Bank in addition to the blank area and plantation blank referred in para 3.2 (ix)(c) :

- (i) Degraded forest land with crown density upto 40% under the administrative control of forest department
- (ii) Areas falling in wildlife corridors to improve **connectivity** between habitats.
- (iii) Areas falling in and around the Protected Areas (PAs), eco-sensitive zone of PAs, forest areas under direct administrative control of the SFDs to ensure **consolidation** of such areas.
- (iv) Habitat of rare, threatened and endangered species of flora and fauna located in the areas not under direct administrative and management control of the SFD to ensure long term **conservation** of such habitats.
- (v) Areas falling in **catchment** areas of important rivers, water supply schemes, irrigation projects, hydro-electric projects etc.

(h) To monitor the progress of creation of land bank for compensatory afforestation, the Ministry will constitute committees under chairmanship of Head of each Regional Office of the Ministry. Among others, representatives of the National Tiger Conservation Authority (NTCA) and the FSI will also be included as member of these committees. These committees will review the progress in creation of land bank for compensatory afforestation in the States/UTs falling under jurisdiction of the Regional Offices and submit a quarterly report to the Ministry.

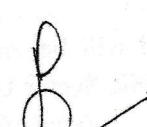
This issues with the approval of competent authority



(Nisheeth Saxena)
Assistant Inspector General of Forests (FC)

Copy to:

1. All PCCFs States/UTs
2. All Regional Office, MOEF&CC
3. Nodal Officers (FCA) O/o the PCCFs All States/UT
4. DIGF(FC)/Dir(ROHQ)/All AIGFs(FC), MOEF&CC New Delhi
5. PPS to Secretary, MOEF&CC New Delhi
6. PPS to DGF&SS, MOEF&CC New Delhi
7. PPS to IGF(FC)
8. Guard File



(Nisheeth Saxena)
Assistant Inspector General of Forests (FC)

F.No. 11-438/15-FC(Pt)
Government of India
Ministry of Environment Forests & Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road, New Delhi-110003
Dated: 17th April, 2018

To,

Principal Chief Conservator of Forest (Hoff)
Himachal Pradesh
Shimla

Sub: Revision of Guidelines for diversion of forest land for non forestry purpose under the forest (Conservation) Act, 1980

Sir,

I am directed to refer your letter No.48-66/2015(FCA) dated 8th April, 2016 and the letter of Additional Chief Secretary, Himachal Pradesh dated 14th January, 2016 and the letter of Shri Thakur Singh Bharmouri dated 30th June, 2016 on the subject cited above and to inform that considering the issues raised by Bonafide Himachalis Hydro Power Developers Association during the meeting held on 10th October, 2017, following decisions have been taken:-

1. Right of way for transmission lines :

Issue:- The financial implications of diverting the forest land coming within the width of ROW is very high as full Net Present Value (NPV) and Compensatory Afforestation (CA) costs are charged which render these projects financially unviable.

Government of India, Ministry of Power (Central Electrical Authority) guidelines dated 15th October, 2015 is for payment of compensation towards damages in regard to right of way for transmission lines and **this cannot be equated with the diversion of forest land under ROW** as in the case of forest land proposed for diversion for ROW is not acquired but permission for use of forest land for non forestry purposes are granted in favor of user agencies subject to several mitigation and compensatory measures such as payment of NPV and Compensatory afforestation cost on equal non forest area or degraded forest land towards compensating the ecological services rendered by the forest affected/damages due to laying of transmission line and construction of tower which occurs during the laying of lines and maintenance of lines while in operation. However, considering the nature of production of green energy the NPV may be charged at 50% of normal rate applicable as in case of wind energy may be allowed.

Decision taken: For the development of SHEP (up to 25 MW) the NPV may be charged at the rate of 50% of the normal NPV applicable in the area as granted to wind mill energy projects.

2. Compensatory afforestation:

Issue:- In Himachal Pradesh the forest land area is more than 66.5% and there is very less non-forest land available in Himachal Pradesh for Compensatory Afforestation (CA). The HP State fulfills the criteria of forest land being more than 33% of geographical area and falls under the purview of GoI guidelines issued by MoEF&CC. GoI therefore, compensatory afforestation may be considered to be allowed over the forest land as non-forest land is not available in all districts.

Decision taken: It was discussed and suggested that considering the topography and excessive slopes in hill districts of Himachal Pradesh and similarly positioned hill districts in the other states which are largely forest covered and to harness the tremendous under-utilized potential of Hydropower without bringing major changes in slopes/topography and to encourage natural non abrasive eco centric development particularly in hill districts of the nation it would be appropriate to extend the benefit of clause 3.2 vi of Guidelines and clarifications issued by MOEF&CC which require compensatory afforestation may be raised over degraded forest land twice in extent of the forest area being diverted /de-reserved by bringing an amendment in the said guidelines in following manner.

Existing clause:

3.2 vi (b) For construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the area – in hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 20 hectares.

Following additional clause will be inserted below the clause 3.2 vi (b)

3.2vi (b-1) For construction of small hydroelectric project (upto 25MW) duly approved by the competent authority in the Government which would directly benefit the people of the area – in hill districts of the country having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 5(five) hectares.

3. Land above tunnel shall not be considered for diversion.

Issue:- Construction of tunnels is environment friendly; however, it attracts higher cost. It does not interfere with flora and fauna, ecology, etc. Therefore, the surface land above the tunnel should not be included in the Land Diversion Case.

It was clarified that tunnel is underground and land above the tunnel is always required to maintain the tunnel, to provide inspection shaft and to monitor the safety,

Decision taken: The forest land above the underground tunnel shall be considered for diversion and all conditions as applicable to underground mining shall be imposed accordingly.

4. Temporary land required for Ropeways/construction power shall be excluded.

Issue:- The temporary land required for construction activity such as construction tower, ropeways, etc. may be allowed and may not be enforced to be included in the land diversion case. Temporary ropeways and construction power lines not only protect environment rather it saves lot of fossil fuel. So land underneath the wires may not be insisted to be included in FCA.

It was clarified that though use of forest land seems to be of temporary nature but it is a fact that such changes in use of forest land for non-forestry purposes culminates into the use of regular nature. Hence it attracts the provision of Forest Conservation Act 1980 and at present no change is required from Ministry's end.

Decision taken: Provision of Forest Conservation Act 1980 will be applicable for such use of forest land for temporary ropeways and construction power lines.

5. Considering Small Hydro Projects as linear Nature Projects.

Issue:- Small Hydro Electric Projects (SHEP) involve construction of roads, transmission lines, and water canals and laying of pipelines, which involves several villages, and these activities are declared linear in nature by the Government of India not considering SHEP as linear project for the purpose of forest clearance is neither logical nor justified. It was argued by the representatives of the Bonafide Himchali's Hydro Power Developers Association that by treating the SHEP as linear project the relaxation granted in respect of the applicability of FRA will also be extended to the SHEP.

Decision taken: Small hydro projects require linear components involved like laying of pipeline, roads and water canal etc. are integral part of the project and land use for linear segments therefore such proposals can be considered as linear projects as far as relaxation on settlement of rights in accordance with the FRA 2006 and the rules framed there under, however it would continue to be dealt by the Regional Office along with other hydro electric projects and sent to the Ministry for approval as being done at present.

6. No Diversion case for Micro Hydel and watermills.

Issue:- There are number of water mills in the hill states having potential to generate electricity 20 kw (0.02 MW) to 100 kw (0.1 MW) and there is a scheme of Ministry of New and Renewable Energy to promote such Micro Hydel Power Projects through village level committees, local youth, cooperative societies, etc. Unfortunately, such small projects are also subjected to all the clearances as a result of which nothing is happening on the ground in this regard.

It was deliberated that water mills in hills are being traditionally used and is part of hill culture and minor changes in the existing guidelines can help in generation of electricity.

Decision taken: Considering the Micro hydel and water mills as green energy source a general approval for establishment of Micro hydel and water mills covering a forest not more than one

hectare (1 hectare) may be granted under Section 2(ii) of FC Act to the state government if no felling of trees are involved with general and standard conditions applicable to such projects.

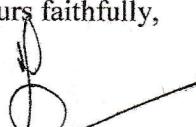
7. Catchment Area Treatment Plan (CAT)

Issue:- Project up to 10 MW are exempted to pay CAT Charges being renewable but as per present Guidelines up-to 25 MW capacity are categorized as renewable projects. Since all these projects are runoff river projects and no poundage is allowed CAT may be exempted for all type of projects up-to 25 MW capacity. It was clarified by IGF (FC) that the Catchment treatment is very essential to conserve soil strata covering the contributing slope of any watershed, it not only helps to conserve the precious soil but leads to vegetate the soil cover resulting prolonging moisture retention in the slopes. As this is a technical requirement it cannot be dispensed with.

Decision taken: Catchment area Treatment plan will be done as applicable today and this condition may not be dispensed with for the improvement of the catchment on which SHEP are situated.

This issues with the approval of competent authority.

Yours faithfully,


(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)

Copy to :

1. Ms. Pratima Gupta, Director, NITI Ayog, Government of India with reference to letter No. 13017/9/2015-E&F dated May 19th, 2016.
2. Additional Chief Secretary, Forest Department, Himachal Pradesh Government, Shimla.
3. Shri Thakur Singh Bharmouri, Himachal Pradesh, Shimla.
4. Shri Pramod Sharma, Chief Adviser, BHHPPDA, Shivani Bhawan, New Delhi.

Copy to :

1. PPS to DGF&SS
2. PPS to ADGF (FC)
3. PPS to IGF(FC)