

F. No. 8-34/2016-FC
Government of India
Ministry of Environment, Forests & Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 1100 03,

Dated: 21 September, 2017

To,

The Principal Secretary (Forest)
Government of Uttarakhand.
Dehradun.

Sub: **Renewal for diversion of 468.00 ha of forest land for collection of Boulders, Bajari, Sand, etc. from Nandhaur and Kailash Rivers in favour of Uttaranchal Van Vikas Nigam in Nainital district of Uttarakhand.**

Sir,

I am directed to refer to the State Govt. of Uttarakhand's letter No. 1002/X-4-16/2(23)/2016 dated 14.09.2016 for seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for renewal of diversion of 468.00 ha of forest land for collection of Boulders, Bajari, Sand, etc. from Nandhaur and Kailash Rivers in favour of Uttaranchal Van Vikas Nigam in Nainital district of Uttarakhand and the proposal has been examined by the Forest Advisory Committee (FAC) constituted under Section-3 of the said Act.

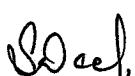
In this connection, I am directed to say that on the basis of the recommendations of the Forest Advisory Committee the approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for renewal of diversion of 468.00 ha of forest land for collection of Boulders, Bajari, Sand, etc. from Nandhaur and Kailash Rivers in favour of Uttaranchal Van Vikas Nigam in Nainital district of Uttarakhand subject to following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. 25% of revenue realised from disposal of material from river beds shall be spent on river training and treatment of catchment area;
- 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 total quantity of minor minerals extracted during a year shall not be more than the quantity that may be sustainably harvested as per the report/ recommendation of the study conducted by Central Soil & Water Conservation Research and Training Institute (CSWCRTI);
- v. Adequate number of temporary check posts will be established at entry and exist points before start of work, and proper record of material collected and removed will be maintained;
- vi. Extraction of material should be from the middle of the river bed after leaving one-fourth of the river bed on each bank untouched;
- vii. No labour camp shall be set up in the forest area for the labourers engaged in collection of the minor minerals;
- viii. Minor minerals shall be collected manually by using hand tools. Use of explosive and heavy machineries for breaking/collection of minor minerals shall be strictly prohibited;
- ix. The User Agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- x. The Monitoring Committee as constituted under Chairmanship of the Principal Chief Conservator of Forest, Government of Uttarakhand vide Govt. of Uttarakhand's letter No.943/X-4-15/2(34)/2015 dated 05.11.2015 in response to this Ministry's letter No.8-16/2000-FC(Pt.) dated 24.09.2014 will also review annually the status of compliance of the stipulated conditions in the instant proposal and issue appropriate direction to the user agency in case of any deviation as well as any hazard due to non-removal of minor minerals from the protected corridor. The collection of minor minerals after 31st day of January in a year shall be allowed only after receipt of certificate from the Monitoring Committee that the conditions stipulated in the approval accorded under the Forest (Conservation) Act, 1980 and the instructions issued by the Monitoring Committee have

satisfactorily been complied in collection of the minor minerals during the previous calendar year;

- xi. The boundary of the forest land being diverted shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing, and distance from adjoining pillars etc.
- xii. To ensure extraction of minor minerals in a sustainable manner, the user agency shall formulate a transparent and unbiased procedure for engagement of labourers for extraction of the minor minerals from the diverted forest land.
- xiii. Fifty percent of the net profit earned by the user agency from the collection of minor minerals shall be deposited in a Special Purpose Vehicle (SPV) to be constituted by the State Government under the Chairmanship of the Chief Wildlife Warden, Government of Uttarakhand. The amount to be deposited in the SPV shall be used exclusively for river training activities and management & protection of forest & wildlife in vicinity of forest land diverted for collection of minor minerals.
- xiv. For estimation of quantity to be extracted a survey by recommended agency should be done before and after each working season.
- xv. Extraction of minor minerals shall be restricted to the middle half of the width of river bed after leaving intact one-fourth of width of the river bed along its each bank.
- xvi. To regulate and maintain record of the quantity of minor minerals extracted during a season, the State Forest Department shall set up adequate number of check posts during the collection season.
- xvii. The State Govt. shall ensure adequate arrangement to prohibit illegal mining.
- xviii. Extraction of minor minerals shall be restricted from 1st October to 31st May of the subsequent year.
- xix. Collection time shall be from sun-rise to sun-set.
- xx. Breaking of boulders shall be undertaken outside the forest boundaries.
- xxi. The labourers engaged in collection work shall be provided free of cost, fuel wood/alternate source of energy to avoid any pressure on adjoining forests.
- xxii. The boundary of the river and the forest land being diverted shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, GPS coordinates, forward and back bearing, and distance from adjoining pillars etc.
- xxiii. The forest land shall not be used for any purpose other than specified in the proposal.
- xxiv. The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Government, concerned Regional Office and this Ministry by the end of March every year regularly.
- xxv. Any other condition that the Regional Office, Dehradun of this Ministry, may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- xxvi. The State Government and User Agency shall ensure compliance to the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

Yours faithfully,


 (Sandeep Sharma) 6.9.17

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Uttarakhand, Dehradun.
2. The Nodal officer, O/o the PCCF, Government of Uttarakhand, Dehradun.
3. Addl. PCCF, regional Office (Central), Dehradun.
4. User Agency
5. Monitoring Cell/Guard File.


 (Sandeep Sharma) 6.9.17

Assistant Inspector General of Forests (FC)