

I/8096/2022



भारत सरकार

GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

एकीकृत क्षेत्रीय कार्यालय, जम्मू /Integrated Regional Office, Jammu



File No: 9-JKB-004/2022-Jammu

Dated: 18/04/2022

To,

The Commissioner Secretary,
 Department of Forest, Ecology & Environment,
 UT of Jammu & Kashmir,
 Civil Secretariat,
 Jammu & Kashmir.
 (csforestjk@gmail.com)

Sub: **Diversion of 2.65072 ha of Forest Land in Doda and Kishtwar Forest Division for Construction and Upgradation to 2-lane with paved shoulder from Km. 80.675 (Start of Kishtwar bypass) to Km 95+550 (end of Helmet top bypass) of length 14.875 Km & link road from 0+000 to 1.871 of length=1.871 km total length = 16.746 km (including link road) on khellani- kishtwar-chattroo-khanabal section of NH-244, District Kishtwar, UT of Jammu and Kashmir-reg.**

Ref: i) **Online proposal bearing on FP/JK/ROAD/143808/2021 received on 07.02.2022.**
 ii) **Nodal Officer J&K letter no. PCCF/FCA/3353/4 dated 01.04.2022.**

Sir,

Please refer to the above cited subject and letters seeking prior approval of the Central government for the diversion of **2.65072 ha** of Forest land for non-forestry purpose in accordance with section 2 of Forest (Conservation)Act, 1980.

2. After careful examination of the proposal of the UT Administration of J&K, *in-principle* approval is hereby conveyed for the diversion **2.65072 ha** of Forest land in **Doda and Kishtwar Forest Division** in favour of **PMU KISHTWAR, NHIDCL** for **Diversion of 2.65072 ha of Forest Land in Doda and Kishtwar Forest Division for Construction and Upgradation to 2-lane with paved shoulder from Km. 80.675 (Start of Kishtwar bypass) to Km 95+550 (end of Helmet top bypass) of length 14.875 Km & link road from 0+000 to 1.871 of length=1.871 km total length = 16.746 km (including link road) on khellani-kishtwar-chattroo-khanabal section of NH-244, District Kishtwar, UT of Jammu and Kashmir (Online Proposal no. FP/JK/ROAD/143808/2021)**, subject to the following conditions:

(A). Conditions which need to be complied prior to handing over of forest land by the UT Forest Department to the PMU KISHTWAR, NHIDCL (User Agency):

- i. Legal status of the forest land will remain unchanged.
- ii. Cost of compensatory afforestation (CA) as per CA scheme may be realized from User Agency. The CA will be maintained for 10 years.
- iii. The State Government shall charge the Net Present Value (NPV) of the forest land being diverted (**2.65072 ha**) for non-forestry purpose from the User Agency, as per the orders 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 letter No. 5-3/2011-FC(Vol-I) dated 6th January, 2022 in this regard.

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- User agency shall deposit/transfer all the funds (Cost of CA, NPV etc) to CAMPA fund of the Ministry of Environment, Forest and climate change through *e-portal* (<https://parivesh.nic.in>).
- v. User Agency should ensure that the compensatory levies (CA cost, NPV etc.) are deposited through challan generated online on web portal and deposited in appropriate bank only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- vi. The complete compliance 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:

- i. Efforts should be made to fell minimum number of trees and in any case not more than **59** trees shall be felled. Any felling shall only be done under the strict supervision of State Forest Department after issuance of felling permission from concerned DFO and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- ii. The UT Govt shall upload the KML files of the degraded forest area accepted for raising compensatory afforestation in the E-Green watch portal of FSI, before handing over of forest land to the user agency.
- iii. Compensatory afforestation will be carried out over **2.47 ha** Non-forest/**Degraded forest land** on Compartment No. **26/Kesh**, Village-Ohli, Tehsil-**Dharbshalla**, District- **Kisthwar** and **4.00 ha** Non-forest/**Degraded forest land** on Compartment No. **65/K**, Village-Pohie, Tehsil-**Kishtwar**, , District- **Kisthwar** at the cost **₹ 13,10,157/- (thirteen lakh ten thousand one hundred fifty seven only)** provided by the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- iv. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- v. The forest land shall not be used for any purpose other than that specified in the project proposal.
- vi. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department, or person without approval of the Ministry of Environment, Forest and Climate Change.
- vii. No labour camp shall be established on the forest land.
- viii. Sufficient firewood, preferably by the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- ix. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- x. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.

I/8096/2022 xi. The User Agency shall pay additional amount of NPV as and when increased by the orders of Hon'ble Supreme Court.

xii. The User agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.

xiii. No muck will be dumped in the forest land in compliance of the undertaking given by User Agency for utilizing muck on road itself.

xiv. The user agency shall raise strip plantation on both sides and central verge of the road at the project cost as per IRC specifications with maintenance of seven to ten years.

xv. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.

xvi. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017- FC dtd 29.01.2018.

xvii. Any other condition that the Ministry of Environment, Forest and Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests and wildlife.

xviii. The Ministry of Environment, Forest and Climate Change may revoke/suspend the clearance, if implementation of any of the above conditions is not satisfactory. The State government will ensure compliance of these conditions through Forest Department.

3. After receipt of the compliance report on fulfillment of the conditions under para-2, above final approval order shall be given under Section-2 of the Forest (Conservation) Act, 1980. **The use of forest land will not be allowed till final approval is accorded.**

Yours faithfully,

Sd/-
(Raja Ram Singh)
DIGF (Central)
Regional Officer
IRO, Jammu

Copy to: -

1. The ADGF (FC), Ministry of Environment, Forests, Indira ParyavaranBhawan, JorBagh, Aliganj, New Delhi (adgfc-mef@nic.in).
2. The Pr. Chief Conservator of Forests (HoFF), U.T. of Jammu & Kashmir, Van Bhavan, Near Gummat, Jammu, UT of Jammu Kashmir (pccfjkforest@gmail.com).
3. The Nodal Officer (FCA), U.T. of Jammu & Kashmir, Van Bhavan, Near Gummat, Jammu, UT of Jammu Kashmir (ccffcajk1@gmail.com).
4. CEO, CAMPA O/o PCCF (HoFF), U.T. of Jammu & Kashmir, Van Bhavan, Near Gummat, Jammu, UT of Jammu Kashmir. (jkcampacell@gmail.com).

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The Divisional Forest Officer's, Doda and Kisthwar Forest Division, District Kishtwar, UT of Jammu Kashmir.

6. Office of PMU KISHTWAR, NHIDCL, Ho. No. 89, Ward No.-09, Sheetla Road, Near Kulled Chowk, Kishwtar, 182204, District Kishtwar, UT of Jammu & Kashmir. (pmunhidclkishtwar@gmail.com).