

No.Ft. HPFD-F05/18/2024-FCA

Forest Department, Himachal Pradesh

From: Nodal Officer-cum-APCCF (FCA)
O/o Pr.CCF, H.P, Shimla-1.

To: The Assistant Inspector General of Forests
Govt. of India, Ministry of Environment, Forests & Climate Change,
(Forest Conservation Division),
Indira Paryavaran Bhawan, Aliganj, Jor Bagh Road,
New Delhi: 110003.

Subject: **Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 0.7984 ha of forest land in favour of Sh. Vinod Kumar, S/o Swami Ram for extraction of sand, stone and bajri in Son Khad Part-II at Kalswai, Village- Trambala, P.O. Longni, Tehsil Dharampur, District Mandi in the State of Himachal Pradesh (Online Proposal No. FP/HP/MIN/129370/2021)- regarding.**

Sir,

Kindly refer to your office letter No. 8-41/2019-FC dated 17.08.2024 on the subject cited above vide which Stage-I approval has been accorded to the subject cited proposal.

2. The point-wise reply to the stipulations as stipulated in Stage-I approval is submitted as below:-

- i. Legal status of the diverted forest land will be remained unchanged. Undertaking from UA is attached with the compliance report of Stage-I of User Agency.
- ii. The cost of felling of trees will be deposited by the User Agency with the State Forest Department. Undertaking from UA is attached with the compliance report of Stage-I of User Agency.
- iii. The user agency will comply all the conditions stipulated in guidelines issued by the Ministry's File No. FC-11/56/2024-FC dated 29.08.2024.
- iv. Extraction of minor minerals will be carried out manually. Further, the State Government will ensure that there is no erosion and change in river course due to extraction/collection of sand, stone and Bajri from the riverbed. All Guidelines of Ministry of Environment, Forest and Climate Change issued in respect of extraction/collection of sand, stone and Bajri from the river-bed shall also be followed.
- v. The extraction of minor mineral will be as per DSR study report and the annual quantity shall not exceed the average of extractions in the years of 2015-16 to 2019-20.
- vi. Extraction of minor minerals when permitted will be from the middle of the riverbed after leaving one fourth of the river bed on each bank untouched.

- vii. The Compensatory Afforestation will be taken up by the State Forest Department over an area of 3.2 ha. degraded forest land in Chhejkhobl DPF Survey No. 53A/13, DPF Chej Khobla, Forest Beat Dharampur, Forest Block Dharampur, Forest Range Dharampur, Tehsil Dharampur, District Mandi, at the cost of the User Agency, within two years from the date of grant of Stage- II/final approval. Undertaking in this regard from UA is attached with the compliance report of User Agency.
- viii. The State Government will certify that no plantation/afforestation under any scheme/ plan/program has been undertaken in the past ten years over the degraded forest land identified and accepted for carrying out compensatory afforestation. Undertaking is attached with the compliance report of UA.
- ix. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars, if required on the CA land, has been deposited in advance with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme will include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years, into the account of National Authority, CAMPA managed by the State Government.
- x. The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale.
- xi. The User agency through the State Forest Department will undertake afforestation on degraded forest land, at project cost, one and half time in extent to the area used for safety zone. Undertaking from UA is uploaded with compliance report.
- xii. The State Government will upload KML files of the polygons of forest area under diversion and degraded forest area identified and accepted for raising compensatory afforestation, in the E-Green watch portal with all the requisite details prior to final approval. Undertaking in this regard is attached with the with the compliance report of UA.
- xiii. The funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal 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 06.01.2022 read with 22.03.2022 has been deposited through online portal on CAMPA account of the State Concerned.
- xiv. An undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India has been submitted by the UA.
- xv. The Compensatory levies is realized from the User Agency & transferred/ deposited, through e-challan, in to the account of National

Authority, CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>).

- xvi.** The user agency submitted an undertaking to ensure the mitigation measures as per paras a to f. shall be adopted during execution of the project/ Mining.
- xvii.** The User agency has obtained the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986.
- xviii.** The cost of felling of trees has been deposited by the User Agency with the State Forest Department.
- xix.** The user agency will explore the possibility of translocation of maximum number of trees identified to be felled and will ensure that any tree felling is done only when it is unavoidable and that too under strict supervision of the State Forest Department. Undertaking in this regard, from UA is uploaded with the compliance report of UA.
- xx.** Period of diversion of the said forest land under this approval will be coterminus with the period of the mining lease granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under.
- xxi.** The compliance report has been uploaded on e-portal (<https://parivesh.nic.in/>).
- xxii.** Complete 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 as per the sub-rule (7) of Rule 11 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 will be done with the consultation of other departments.
- xxiii.** The layout plan of the proposal will not be changed without the prior approval of the Central Government. The user agency has furnished undertaking accordingly.
- xxiv.** No labour camp will be established on the forest land and the User Agency will provide fuels preferably alternate fuels to the laborers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas. The user agency has furnished undertaking.
- xxv.** The forest land will not be used for any purpose other than that specified in FC/HPB/47/2023 I/82384/2024 the proposal and under no circumstances be transferred to any other agency, department or person. Undertaking in this regard is attached with the compliance report of DFO.
- xxvi.** User agency in consultation with the State Forest Department will 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 will be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project. Undertaking is uploaded with the compliance report of DFO.
- xxvii.** No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.

- xxviii.** The boundary of the diverted forest land will be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS coordinates. Undertaking in this regard is uploaded on the web portal.
- xxix.** The forest land proposed to be diverted will under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government. Undertaking in this regard, is attached.
- xxx.** No damage to the flora and fauna of the adjoining area will be caused. Undertaking is uploaded.
- xxxi.** The concerned Divisional Forest Officer, will monitor and take necessary mitigate measures to ensure that there is no adverse impact on the forests in the surrounding area. Undertaking is attached/uploaded.
- xxxii.** The User Agency will 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 regularly. Undertaking has been submitted by User Agency.
- xxxiii.** Any other condition that the Ministry of Environment, Forests & Climate Change will stipulate from time to time in the interest of conservation, protection and development of forests & wildlife will be carried with by the State Government and user agency. Undertaking in this regard is attached.
- xxxiv.** The user agency will 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, for the time being in force, as applicable to the project. Undertaking is attached/uploaded.
- xxxv.** Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 as issued by this Ministry's letter No. 5-2/2017-FC dated 29.12.2023. The user agency is agreed to comply with the same condition.

Yours faithfully,

Signed by
Sanjay Sood
Nodal Officer-cum-APCCF (FCA)
Date: 30-10-2024 12:57:18
O/o P.C.C.F., H.P., Shimla-1