

**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**

1. The State Government of Uttarakhand vide their letter No. 1002/X-4-16/2(23)/2016 dated 14.09.2016 submitted the above mentioned proposal seeking prior approval of the Central Government under Sectin-2 of the Forest (Conservation) Act, 1980.
2. The facts related to the proposal as contained in the State Government's letter dated 14.09.2016 are as given below in the form of fact sheet:

**FACT SHEET**

1.	Name of the Proposal	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
2.	Location (i) State (ii) District	Uttarakhand Nainital and Udham Singh Nagar
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy.No.	Tarai East and Haldwani Forest Division 468 ha Reserved Forest
4.	Vulnerability to erosion	During monsoon due to flood there is a risk of river bank erosion resulting in damage to RF & adjoining villages hence, extraction of RBM is necessary (pg-12/c)
5.	(i) Species (ii) Density (iii) No. of trees enumerated/to be actually felled	--- 0 Eco class-3 Nil
6.	Whether forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. (if so, details of the area and comments of the Chief Wildlife Warden	No
7.	Whether any RET species of flora and fauna are found in the area. If so details thereof	No
8.	Details of Wildlife present in an around the forest land proposed for diversion	Rhesus macaque, Presbytis entlus, Canis aureus, Axis axis, Coturnix cutrnix, Gallus gallus, Acridotheres fuscus etc.
9.	Whether the forest land proposed for diversion is located within the eco sensitive zone (ESZ) of the protected area notify under Wildlife Protection Act. Details of protected area and comments on the impact of project on the ESZ.	Yes  <b>Nandhor Wildlife Sanctuary.</b>

		<b>Aerial distance of the project site from the sanctuary is 2.97 km.</b>
<b>10.</b>	Approximate distance of the proposed site for diversion from boundary of forest.	0
<b>11.</b>	Whether any protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.	No
<b>12.</b>	Whether any work of in violation of the Forest (Conservation) Act, 1980 has been carried out (Yes/No). If yes details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.	No
<b>13.</b>	Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project, if no recommended area item-wise with details of alternatives examined.	Yes
<b>14.</b>	Whether clearance under the Environment (protection) Act, 1986 is required?	----
<b>15.</b>	<b>Compensatory Afforestation</b>	
	(i) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.	NA
	(ii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	NA
	(iii) Total financial outlay for CA	NA
	(iv) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	NA
<b>16.</b>	Catchment Area Treatment	NA
<b>17.</b>	Rehabilitation of Oustees a) No of families involved b) Category of families c) Details of rehabilitation plan	NA NA NA

<b>18.</b>	Employment likely to be generated a) Whether the project is likely to generate employment b) Permanent/ Regular Employment (Number of person) c) Temporary Employment (Number of person-days)	Direct Employment of Labours: 4000 Employment Generation due to Other activities:2000
<b>19.</b>	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 certificate for an area of 378 ha and 90 ha along-with the gramsabha resolutions has been submitted. <b>(Pg-245-246/c)</b> .
<b>20.</b>	Cost Benefit Ratio	<b>Provided but not as per Ministry's guideline (pg-53/c).</b>
<b>21.</b>	Total Cost of the Project	Not provided
<b>22.</b>	Recommendation	
	DCF	Recommended <b>(Pg-14/c)</b>
	CF	Recommended <b>(Pg-15/c)</b>
	PCCF	Recommended <b>(Pg-17/c)</b>
	SG	Recommended <b>(Pg-18/c)</b>
<b>23.</b>	District Profile (i) Total Geographical area of the district  (ii) Total Forest area/ Divisional Forest area  (iii) Total area diverted since 1980  (iv) Total CA stipulated since 1980 (Forest land) a. Forest land including penal CA b. Non Forest Land  (v) Progress of Compensatory Afforestation a. Forest land b. Non Forest land	386000 ha Nainital 338300 ha Udham Singh Nagar  309672 ha Nainital 1777.34 ha Udham Singh Nagar  473.5467 ha Nainital 463.43 ha Udham Singh Nagar  668.237 ha (45 nos cases) Nainital 658.519 ha (42 nos cases) Udham Singh Nagar -  206.942 ha Nainital 57.582 ha Udham Singh Nagar -

3. It is also mentioned that the permission for this proposal was earlier granted vide letter dated 25.10.2006 for **ten years (F/X)**. The status of compliance as reported by the DFO, Terai East Forest Division, Haldwani on the conditions stipulated in Stage-II Clearance dated 25.10.2006 may kindly be seen at **pg. 183/C**.

4. After examining the proposal, the shortcomings noticed and communicated to Govt. of Uttarakhand. The State Government of Uttarakhand vide their letter No.1320/FP/UK/MIN/20690/2016 dated 05.11.2016 (**pg.243-249/c**) has submitted point-wise compliance as sought by MoEF&CC. The information sought and reply thereof given by the State Govt. are given below:

S.N.	Points raised by MoEF&CC	Reply of State Govt.
1.	In the FRA certificate given by District Collector, Nainital & Udham Singh Nagar, no area has been mentioned for which complete process for FRA is done. Thus, the revised Certificate alongwith documentary evidences on Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is needed as per the guidelines dated 03.08.2009 read with 05.07.2013.	Two certificates on FRA in the prescribed format for an area of 378.00 ha ( <b>Pg.245/c</b> ) and 90.00 ha. ( <b>Pg.246/c</b> ) totaling to 468.00 ha. have been received . The gram sabha resolutions have already been received in the Ministry ( <b>Pg.203-233/c</b> ).
2.	It is not clear whether the Compensatory Afforestation has been raised over 500 ha of degraded forest land over approved period of 10 years @ 50 ha of plantation/treatment each year, from the funds so collected/realised from sale of the materials to comply the condition no.(3) as stipulated in stage-II Clearance order dated 25.10.2006.	In this regard, it is informed that the Compensatory Afforestation has been done in different years.
3.	The details of revenue earned from disposal of material from river beds and spent on river training and treatment of catchment area may be given.	In this regard, it is reported that Rs.21025.62 lakh revenue was earned and Rs.1805.00 lakh were spent on river training works Nandhore/Kailash

5. This Ministry vide letter dated 23.11.2016 (**pg.250/c**) has been requested Regional Office, Dehradun for carrying out SIR of this proposal. The Regional Office, Dehradun has carried out SIR and furnished their report vide their letter no. 8B/UCP/05/249/2016/1862 dated: 20.02.2017 (**pg.251-260/c**).The SIR is reproduced below:

#### **SITE INSPECTION REPORT BY REGIONAL OFFICE, DEHRADUN:**

**Name of Proposal:-** Diversion of 468.00 ha of forest land for renewal of mining lease for collection of boulder, bajri, sand etc. from Nandhaur and Kailash River in favour of Uttarakhand Forest Development Corporation within the jurisdiction of Tarai East Forest Division in Nainital and Udham Singh Nagar Districts of Uttarakhand.

**Introduction:** State Govt. of Uttarakhand submitted an online proposal No. FP/UK/MIN/20690/2016 directly to the Ministry of Environment, Forest & Climate Change, Govt. of India seeking prior approval of Central Govt. under the Forest (Conservation) Act, 1980 for diversion of 468.00 ha of forest land for renewal of mining lease for collections of boulder, bajri, sand etc. from Nandhaur and Kailash River in favour of Uttarakhand Forest Development Corporation within the jurisdiction of Tarai East Forest Division in Nainital and Udham Singh Nagar Districts of Uttarakhand. Since, the forest land involved in the proposal is more than 100.00 ha, hence, the MoEF & CC, asked

the Regional Office, Dehradun to carryout site inspection of the area in terms of para-4.10 (ii) of the guidelines. The hard copy of the proposal was submitted to the Regional Office by the State Govt. vide letter dated 07.12.2016. Addl. PCCF, Regional office, Dehradun, directed the undersigned and the DCF to carryout site inspection. Accordingly, the team carried out site inspection on 22.12.2016.

The site inspection report on the prescribed proforma given at Annexure-X of the guidelines is given below.

- 1. Legal status of the forest land proposed for diversion:** Reserve Forest Land measuring 468.00 ha in Nandhaur & Kailash Blocks.
- 2. Item-wise break-up details of the forest land proposed for diversion :** The State Govt. and the User Agency has not given the component wise breakup of the forest land proposed for diversion. However, the representative of User Agency informed that the mining activity will be restricted to middle half of the forest land proposed for diversion and no mining is proposed in the 25% area towards each bank of river. Thus, it may be concluded the 234.00 ha area in the middle portion will be used for collection of minor minerals and no mining activity will be done in balance 234.00 ha area towards both the river banks. The representative of the User Agency also informed that other activities are not proposed in the forest area proposed for diversion.
- 3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:** Although, the component-wise breakup of the forest land proposed for diversion has not been submitted by the State Govt./User Agency but the representative of the User Agency informed that the construction of buildings is not proposed.
- 4. Total cost of the project at present rates:** 1040.00 Lakh.
- 5. Wildlife : Whether forest area proposed for diversion is important from wildlife point of view or not:** The forest land proposed for diversion is the riverbed which is devoid of any tree growth. Hence, the land proposed for diversion does not appear to be important from wild life point of view. In Part —II of the proposal, DFO has mentioned that the wild animals like Rhesus macaque, Presbytis entilus, Axis axis, Gallus gallus, Acriclotherus fuscus, Coturnix coturnix and Canis aurus etc are present in the area but none of these animals were seen during site inspection. However, they must be present in the wooded forest land along the banks of the river and the forest land between Kailash and Nandhaur river.
- 6. Vegetation:-**
  - (i) Total number of trees to be felled-NIL
  - (ii) Effect of removal of trees on the general ecosystem in the area- NA**Important Species:-**
  - (i) Number of trees to be felled of the girth below 60 cm-NIL
  - (ii) Number of trees to be felled of the girth above 60 cm-NIL
- 7. Background note on proposal:** State Govt. of Uttarakhand submitted an online proposal No. FP/UK/MIN/20690/2016 directly to the Ministry of Environment, Forest & Climate Change, Govt. of India seeking prior approval of Central Govt. under the Forest (Conservation) Act, 1980 for diversion of 468.00 ha of forest land for renewal of mining lease for collections of boulder, bajri, sand etc. from Nandhaur and Kailash River in favour of Uttarakhand Forest Development Corporation within the jurisdiction of Tarai East Forest Division in Nainital and Udham Singh Nagar Districts of Uttarakhand. Since, the forest land involved in the proposal is more than 100.00

ha, hence, the MoEF & CC, asked the Regional Office, Dehradun to carryout site inspection of the area in terms of para-4.10 (ii) of the guidelines. The hard copy of the proposal was submitted to the Regional Office by the State Govt. vide letter dated 07.12.2016. In this connection, this is to be mentioned that the Ministry of Environment, Forest & Climate Change, Govt. of India had accorded approval for diversion of 468.00 ha of forest land for collection of boulder, bajri, sand etc vide letter No. 8-50/2006 — FC dated 25.10.2006 for a period of 10 (ten) years in the past. Accordingly, the approval accorded in the past has expired on 24.10.2016. Therefore, the State Government/User Agency has submitted the proposal seeking renewal of approval.

**8. Compensatory Afforestation:-**

- (i) **Whether land for compensatory afforestation is suitable from plantation and management point of view or not:** It is mentioned in para -13 of online Part-11 that the proposal is submitted for renewal of lease, hence CA is not needed. In this connection, this is to be mentioned that approval for diversion of 468.00 ha of forest land for collection of boulder, bajri, sand etc was accorded by Ministry vide letter No. 8-50/2006 — PC dated 25.10.2006 for a period of 10 (ten) years in the past. **As per condition mentioned at S. No. 3 of the said approval, CA was to be done over an area of 500 ha @ 50 ha per year from the funds collected/realised from sale of material.** DFO, Tarai East FD, Haldwani has informed vide letter No. 2206/12-1 dated 19.01.2017 that the total afforestation work is done over 800.56 ha against this approval so far which includes 705.56 ha under Compensatory Afforestation Scheme and 95.00 ha under Riverbed Side Afforestation Scheme. Therefore, CA is not required in this case because the proposal is for renewal of earlier approval accorded in the instant case.
- (ii) **Whether land for compensatory afforestation is free from encroachments/other encumbrances:** In view of (i) above not applicable.
- (iii) **Whether land for compensatory afforestation is important from religious/archaeological point of view:** In view of (i) above not applicable.
- (iv) **Land identified for compensatory afforestation is in how many patches, whether patches are compact or not:** In view of (i) above not applicable.
- (v) **Map with details :** NA
- (vi) **Total financial outlay :** NA
- 9. Whether proposal involves violation of the Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:** No violation seen during site inspection.
- 10. (i) Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not:** Displacement of people is not involved in the project.
- (iii) **Details be furnished specifically if rehabilitation plan would affect any other forest area by translocating oustees in and around the said forest:** NA.
- 11. Reclamation plan:** Specific reclamation plan for mined out pits has not been submitted by the State Government/User Agency. However, it is mentioned in the mining plan that the mining pits are replenished during rainy session every year and mineral will be filled back over the mined out

pits. Further, it is also mentioned that excavated sandy soil (silty sand) will be used for back filling of mined out pits. However, the financial involvement has not been worked out for the purpose.

**12. Details on catchment and command area under the project. Catchment area treatment plan to prevent siltation of reservoir:** The Catchment Area Treatment Plan (CAT Plan) has not been submitted by the State Government/User Agency. Since, the proposal is meant for collection of boulders, bajri, sand etc. from the riverbed where reservoir will not be formed hence, the CAT Plan may not be required in the instant case

**13. Cost benefit ratio:** it is seen from the cost benefit analysis submitted with the proposal that the parameters have not been quantified and expressed in monetary terms in prescribed formats i.e. Annexure-VI (b): Parameters for evaluation of loss of forests and Annexure-VI (c): Parameters for evaluation of benefits notwithstanding loss of forests. Hence, cost benefit ratio cannot be worked out.

**14. Recommendations of Principal Chief Conservator of Forests/ State Government:** Recommendation of Nodal Officer and State Government is uploaded at para-16 &17 of Part II online.

**15. Recommendations of Regional Chief Conservator of Forests along-with detailed reasons:** NA.

**16. Regional Chief Conservator of Forests shall give detailed comments on whether there are any alternative routes/alignment for locating the project on the non-forest land:** NA.

**17. Utility of the project:**

**Number of Scheduled Caste/Scheduled Tribes to be benefited by the project:** No such information is available in the project proposal. However, this is to be mentioned that the project is meant for collection of boulders, bajri, sand etc. which is likely to benefit the local population but the population to be benefited cannot be segregated on community/caste basis as on date.

**18. (i) Whether land being diverted has any socio/cultural religious value:** No.

**(ii) Whether any scared grove or very old growth trees/forests exist in area proposed for diversion:** No.

**(iii) Whether the land under diversion forms part of any unique eco-system:** No.

**19. Situation w.r.t. any P.A:** Nandhaur Wildlife Sanctuary is located at a distance of 2.97 Km from the boundary of the forest land proposed for diversion.

**20. Any other information relating to the project: Status of Compliance of past approval.**

S. NO.	CONDITION STIPULATED	STATUS OF COMPLIANCE
1.	The legal status of forest land shall remain unchanged.	Legal status of forest land is unchanged.

<p><b>2.</b></p>	<p>25% of revenue realised from disposal of material from river beds shall be spent on river training and treatment of catchment area.</p>	<p>Addl. PCCF &amp; Nodal Officer, Uttarakhand has informed the Ministry vide letter No. 1320/FP/UK/Min/20690/2016 dated 05.11.2016 that the total revenue of 21025.62 Lakh has been received from disposal of minor minerals. Further, it is also mentioned that an amount of Rs. 1805.00 Lakh has been spent on river training works which does not come to 25% of the revenue realized. During the course of site inspection, DFO, Tarai East FD informed that the catchment area treatment works have not been undertaken so far.</p>
<p><b>3.</b></p>	<p>Compensatory Afforestation will be raised over 500 ha. of degraded forest land over approved period of 10 years @ 50 ha of plantation/treatment each year, from the funds so collected/realised from sale of the materials.</p>	<p>DFO, Tarai East Forest Division has informed vide letter dated 26.12.2016 and letter No. 2206/12-1 dated 19.01.2017 that the details of afforestation has been informed to the Ministry by the Addl. PCCF &amp; Nodal Officer, Uttarakhand vide letter No. 1320/FP/UK/Min/20690/2016 dated 05.11.2016. It is seen from the details given in the letters that the total afforestation work is done over 800.56 ha against this approval so far which includes 705.56 ha under Compensatory Afforestation Scheme and 95.00 ha under Riverbed Side Afforestation Scheme. But, this segregation into two categories has not been shown in the list of plantations attached with the letter dated 05.11.2016. 25.66 ha plantation of 2015-2016 in Barakoli Plot No. 37, 29.40 ha plantation of 2015-2016 in Barakoli Plot No. 30, 26.50 ha plantation of 2015-2016 in Tunikhal Plot No. 16 3T and 12.50 ha plantation of 2015-2016 in Tunikhal Plot No. 20 were inspected. It was found that the seedlings have been planted @ 500 seedlings per ha in Barakoli Plot No. 37, Barakoli Plot No. 30, Tunikhal Plot No. 20 &amp; @ 194 seedlings per ha in Tunikhal Plot No. 16 31. But, as per CA norms followed in Uttarakhand, 2000 seedlings per ha are planted in the CA areas. Thus, the no. of seedlings planted per ha is less than the CA norms. However, it was seen that</p>



		<p>the seed sowing has also been done in Tunikhal Plot No. 16 31 and Tunikhal Plot No. 20 where the survival rate was found satisfactory. Weeding was not done in Barakoli Plot No. 37 &amp; Barakoli Plot No. 30 and the seedlings were found suppressed by grasses. Further, it is also seen from the list that monoculture of bamboo and Eucalyptus has been done over 137 ha &amp; 32 ha respectively which may not be desirable from conservation point of view.</p>
4.	<p>The recommendation of the study conducted by Central Soil &amp; Water Conservation Research and Training Institute shall be implemented at the cost of the User Agency.</p>	<p>DFO, Tarai East Forest Division has mentioned that scientific study was done by Central Soil &amp; Water Conservation Research &amp; Training Institute, Dehradun to estimate the annual rate of sedimentation and permissible limit of the minor mineral extraction in Nandhaur River under Tarai Forest Division.</p>
5.	<p>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.</p>	<p>DFO, Tarai East Forest Division and the representative of the User Agency informed that four temporary check posts were established at Chorgalia, Karapani -1, Karapani &amp; MBR entry-cum- exist points (Gates) for exercising control over collection and movement of material. The check posts were lying unmanned during site after past approval expired in 2016.</p>
6.	<p>Extraction of material should be from the middle of the river bed after leaving one-fourth of the river bed on each bank untouched.</p>	<p>DFO &amp; the representative of User Agency informed that the middle half of the area was demarcated by erecting CC Pillars to limit the area for collection of minor minerals. Some of the pillars which could withstand the water current in last rainy season were still visible in the area which shows that the collection of minor minerals was confined to the middle half of the riverbed.</p>
7.	<p>Extraction of material should be from the middle of the river bed after leaving one-fourth of the river bed on each bank untouched.</p>	<p>DFO &amp; the representative of User Agency informed that the middle half of the area was demarcated by erecting CC Pillars to limit the area for collection of minor minerals. Some of the pillars which could withstand the water</p>

		current in last rainy season were still visible in the area which shows that the collection of minor minerals was confined to the middle half of the riverbed.
<b>8.</b>	Extraction of material should be from the middle of the river bed after leaving one-fourth of the river bed on each bank untouched.	DFO & the representative of User Agency informed that the middle half of the area was demarcated by erecting CC Pillars to limit the area for collection of minor minerals. Some of the pillars which could withstand the water current in last rainy season were still visible in the area which shows that the collection of minor minerals was confined to the middle half of the riverbed.
<b>9.</b>	Extraction of material should be from the middle of the river bed after leaving one-fourth of the river bed on each bank untouched.	DFO & the representative of User Agency informed that the middle half of the area was demarcated by erecting CC Pillars to limit the area for collection of minor minerals. Some of the pillars which could withstand the water current in last rainy season were still visible in the area which shows that the collection of minor minerals was confined to the middle half of the riverbed.
<b>10.</b>	Extraction of material should be from the middle of the river bed after leaving one-fourth of the river bed on each bank untouched.	DFO & the representative of User Agency informed that the middle half of the area was demarcated by erecting CC Pillars to limit the area for collection of minor minerals. Some of the pillars which could withstand the water current in last rainy season were still visible in the area which shows that the collection of minor minerals was confined to the middle half of the riverbed.
<b>11.</b>	Extraction of material should be from the middle of the river bed after leaving one-fourth of the river bed on each bank untouched.	DFO & the representative of User Agency informed that the middle half of the area was demarcated by erecting CC Pillars to limit the area for collection of minor minerals. Some of the pillars which could withstand the water current in last rainy season were still visible in the area which shows that the collection of minor minerals was confined to the middle half of the riverbed.

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**Suggestions:**

1. Serious efforts should be made by the User Agency to give trapezoidal shape to the riverbed to centralize the flow at the centre of the riverbed to ensure stability of river banks after following the maximum permissible depth of mining at the centre of the area and gradually reducing the depth towards the banks which will come to nil depth at the boundary of the middle half.
2. State Govt./Forest Department should ensure that the no. of seedlings to be planted per hectare of CA is as per approved norms and in no case less no. of seedlings should be allowed to be planted. In case of any deviation, the matter should be enquired into and action may be taken against those found responsible for deviation/lapses.
3. As per recommendation of the ICAR-115WC, Dehradun, the quantity of RBM extraction may be estimated by surveying the river after monsoon is over every year by a committee of experts. A copy of the assessment report of the expert committee indicating the RBM reserve replenished during rainy season should also be sent to the Regional Office for record before starting the work.
4. User Agency submit an annual self compliance report of the conditions stipulated in the final approval

**COMMENTS OF ADDL.PCCF,RO, Dehradun:** Information given by the State Government on compliance of condition no. 4 of the past approval is not clear and State Govt. can be asked to provide specific reply on implementation status of each of the recommendations made in the study of CSWCRTI, Dehradun.

Further, as brought out at para - 20 (3) of the report, no. of seedlings actually planted per ha in CA may be checked in the Ministry against the number of plants proposed in the past proposal and State Govt. may be asked to explain if there is variation. I also agree with the suggestions made.

In view of above, the file is submitted for consideration if we may place the fact of the above proposal **as addl. agenda** in its forthcoming meeting scheduled to be held on 28.02.2017.

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