

F. No. 8-48/2018-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110 003
Dated: 19th September, 2018

To,

The Principal Secretary (Forests),
Department of Forests & Environment,
Government of Himachal Pradesh,
Shimla.

Sub: Diversion of 98.1004 ha. of forest land in favour of SJVN Limited, Bithal Shimla, for the construction of Luhri HEP Stage-I (219.00 MW), within the jurisdiction of Ani, Kotgarh and Rampur Forest Division, District Shimla & Kullu, Himachal Pradesh.

Sir,

I am directed to refer letter No. Ft.48-3369/2016 (FCA) dated 06th July, 2018 of Government of Himachal Pradesh on the above mentioned subject, seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government of Himachal Pradesh and on the basis of the recommendations of the Forest Advisory Committee (FAC), the Central Government hereby agrees *to accord stage-I / In-principle* approval under the Forest (Conservation) Act, 1980 for diversion of 98.1004 ha. of forest land in favour of SJVN Limited, Bithal Shimla, for the construction of Luhri HEP Stage-I (219.00 MW), within the jurisdiction of Ani, Kotgarh and Rampur Forest Division, District Shimla & Kullu, Himachal Pradesh, subject to the following conditions:-

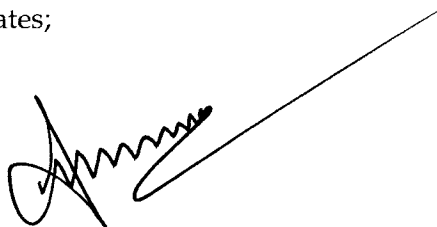
- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) *The State Government shall submit the complete FRA certificate in prescribed format as per the Ministry of Environment Forest & Climate Change, Government of India's letter no. 11-9/98-FC (pt.) dated 3rd August 2009, prior to stage II;*
- (iii) *The Specific conditions which were laid down by the members of Gram Sabha, shall be resolved before grant of Stage-II approval;*
- (iv) *The User agency shall submit approved CAT plan and R&R plan prior to stage II approval;*
- (v) *The Shape file of total CA area shall be submitted prior to stage II approval;*
- (vi) *The CA land and area sought for diversion shall be depicted on Sol topo sheet. It shall be submitted prior to Stage-II approval;*
- (vii) The Compensatory Afforestation shall be raised over double the diverted forest land and at least 1000 plants per hectare (98.1004 ha. x 1000 = 981004 plants) shall be planted over identified double degraded forest land as per the working plan prescription with provision for ten years on subsequent maintenance within three years of Stage-II clearance. If it is not possible to plant that many saplings in the area identified for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan;



- (viii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- (ix) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (x) The User Agency shall provide additionally 25% of the CA cost towards Soil and Moisture Conservation measures in the proposed CA area as per site requirement and the said amount may be deposited in the account of Ad-hoc CAMPA of the concerned State through **online e-portal only**;
- (xi) The User Agency shall transfer online, the 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 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
- (xii) All the funds received from the user agency under the project and deposited in the State Forest Department account, except the funds realized for regeneration/demarcation of safety zone, shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
- (xiii) **The 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 online only. Amount deposited through other mode will not be accepted as compliance of the Stage -I clearance;**
- (xiv) At the time of payment on the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish 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;
- (xv) The approved Catchment Area Treatment (CAT) Plan shall be implemented at the cost of user agency. The commensurate cost of CAT plan will be deposited in the CAMPA account through e-portal;
- (xvi) The User Agency shall carry out muck/slit disposal at pre-designated sites in such a manner so as to avoid its rolling down;
- (xvii) The dumping area for muck/slit disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping materials in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per plan;
- (xviii) The dumping area for muck disposal should be stabilized and reclaimed and plantation of suitable species be carried out over dumping areas at the cost of user agency under the supervision of State Forest Department. Rehabilitation of the dumping areas should be completed before the project is closed;



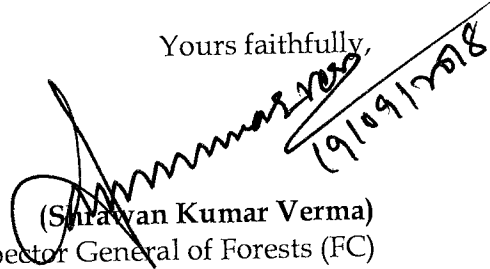
- (xix) The user agency shall consult organization (s) having experience in construction of roads in hilly areas to avoid frequent road blockade due to landslides etc and shall provide breast walls and retaining walls wherever necessary;
- (xx) The State Government shall submit a certificate, that site for CA is suitable and free from all encroachments and other encumbrances, under the signature not below the rank of Nodal Officer (FCA) in the State Government;
- (xxi) The User agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- (xxii) The State Government shall ensure that the forest land located between FRL and the FRL-4 meters may be afforested by planting appropriate indigenous tree species;
- (xxiii) The User Agency shall undertake afforestation along the periphery of the reservoir;
- (xxiv) The User agency shall provide free water for the forestry related projects;
- (xxv) Layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxvi) No labour camp/huts shall be established on the forest land;
- (xxvii) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person;
- (xxviii) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department;
- (xxix) The State Government ensure that the user agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government / Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;
- (xxx) User agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- (xxxi) State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013 in support thereof;
- (xxxii) The user agency shall provide alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xxxiii) Boundary of the forest land proposed to be 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, forward and back bearing, distance from pillar to pillar and GPS co-ordinates;



- (xxxiv) The State Government shall maintain the character of the projects as an Hydel project and to ensure continued benefit to the farmers in the command area, no more diversion of water from the project for industrial projects will be permitted in future;
- (xxxv) No residential buildings / office shall be construct in the proposed forests area. The state government may clarify how much area required for these facilities before stage-II approval;
- (xxxvi) Other standered conditions as applicable to proposals relating to Hydro Electric Projects will be applicable in this also;
- (xxxvii) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- (xxxviii) 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 of every year regularly; and
- (xxxix) The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, relevant Hon'ble Court Order (s) and National Green Tribunal (NGT) Order(s), if any, pertaining to this project for the time being in force, as applicable to the project.

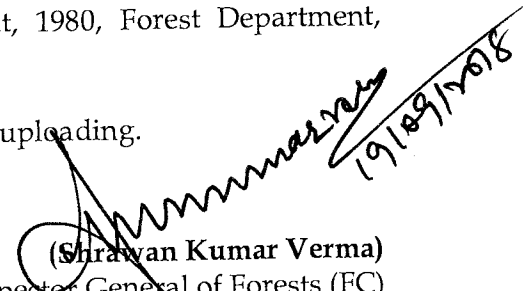
3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the State Government of Himachal Pradesh, final / stage-II approval for diversion of the said forest under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of the said forest land to the user agency shall not be effected by the State Government of Madhya Pradesh till final/stage-II approval for its diversion is issued by this Ministry.

Yours faithfully,


(Shrawan Kumar Verma)
Dy. Inspector General of Forests (FC)

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Himachal Pradesh, Shimla.
2. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (NCZ), Dehradun.
3. The Nodal Officer, under the forest (Conservation) Act, 1980, Forest Department, Government of Himachal, Dehradun.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.
6. Guard File.


(Shrawan Kumar Verma)
Dy. Inspector General of Forests (FC)