

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Jorbagh Road. Aliganj
New Delhi – 110 003

Dated: 21st December, 2020

To,

The Addl. Chief Secretary (Forests)
Himachal Pradesh Forest Department,
Government of Himachal Pradesh,
Shimla.

Sub: Proposal for seeking prior approval of the Central Government under Section 2 of Forest (Conservation) Act, 1980 for use of additional forest area of 0.9486 ha (in addition to the already diverted 98.1004 ha) in favour of SJVN Ltd. for Luhri HEP Stage-I for construction/widening of approach road under the jurisdiction of Ani at Luhri Forest Division and District Kullu, Himachal Pradesh (Online Proposal No. FP/HP/HYD/39709/2019).

Sir,

I am directed to refer to the Government of Himachal Pradesh's letter No. 48-3920/2019(FCA) dated 18.05.2020 and letter No. Ft.48-3920/2019 (FCA) dated 11.09.2020 and **Online Proposal No. FP/HP/HYD/39709/2019** on the above mentioned subject, regarding 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 (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the Government of Himachal Pradesh and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to accord **“In-principle”** approval under the Forest (Conservation) Act, 1980 for use of additional forest area of 0.9486 ha (in addition to the already diverted 98.1004 ha) in favour of SJVN Ltd. for Luhri HEP Stage-I for construction/widening of approach road under the jurisdiction of Ani at Luhri Forest Division and District Kullu, Himachal Pradesh subject to the following conditions;

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

1 User agency shall prepare a detailed plan to undertake bio-engineering measures up to 100 meters on either side of the proposed road. The measures should promote greenery in the area. The cost of preparation of

plan and implementation shall be borne by the user agency. The approved plan, from competent authority in the State, shall be submitted prior to Stage-II approval. The State government may also co-ordinate with the Ministry of Agriculture & Farmers Welfare to explore possibility for finding appropriate support for bamboo plantation in the designated plan area;

2 Compensatory Afforestation:

- (a) The State Government shall certify that no plantation or afforestation work has been taken up in the past in the proposed CA land.
- (b) 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 shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

3 Net Present Value (NPV):

- (a) The State Government shall charge the NPV for the 0.9486 ha forest area to be diverted under this proposal 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 letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard;
- (b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

4 The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

5 All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (parivesh.nic.in)

6 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate alongwith requisite annexures from the concerned District Collector.

7 The complete compliance report shall be uploaded on e-portal (parivesh.nic.in).

8 The kml files of the polygons of forest land diverted and the accepted CA land (along with those in respect of already diverted forest land of 98.1004 ha) shall be uploaded in the e-Green Watch portal.

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:

1 Legal status of the forest land shall remain unchanged;

2 User agency shall ensure that no muck/debris is thrown/dumped on the river/stream bed. The muck shall be dumped on the designated dumping

sites only;

- 3 Before initiating the work of dumping, sites shall be protected by erecting protection wall to avoid rolling of debris;
- 4 Excavation shall be carried out in a scientific way to avoid rolling down of muck into river/stream;
- 5 Compensatory afforestation shall be taken up by the Forest Department over 1.9 ha. of degraded forest land (C. No. H43F7, 1/19 lamidhar, Chowai Range, Forest Division Ani, District Kullu, HP) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted, and monoculture of a species has to be avoided;

3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the Government of Himachal Pradesh, **final / stage-II** approval for diversion of the proposed forest land 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 affected by the Government of Himachal Pradesh till final/stage-II approval for its diversion is issued by this Ministry.

Yours faithfully,

Sd/-

(Sandeep Sharma)

Asst. Inspector General of Forests (FC)

Copy to: -

1. The Principal Chief Conservator of Forests (HoFF), Government of Himachal Pradesh, Shimla.
2. The Regional Officer, Integrated Regional Office, Shimla.
3. The Addl. PCCF cum Nodal Officer (FCA), Government of Himachal Pradesh, Shimla.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi.
6. Guard File.