

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

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi- 110003.
Dated:28-10-2024

To

The Principal Secretary (Forests)
Government of Uttarakhand,
Dehradun.

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 127.6712 ha of forest land for construction of Song Dam Drinking Water Project under Forest Division Dehradun and Mussoorie and District Dehradun and Tehri Garhwal of the State of Uttarakhand (Online Proposal No. FP/UK/WATER/40701/2019)- regarding.

Madam/Sir,

I am directed to refer to the Government of Uttarakhand Online Proposal No. FP/UK/WATER/40701/2019 dated 24.08.2020 on the above subject proposal for seeking prior approval of Central Government under Section 2 (1) (ii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. After careful examination of the proposal by the Advisory Committee, constituted under Section- 3 of the said Act, the 'in-principle' approval to the proposal was granted vide this Ministry's letter of even number dated 05.01.2021 subject to fulfillment of certain conditions prescribed therein.

In this connection, I am directed to say that on the basis of the compliance report furnished by the Addl. PCCF& Nodal Officer, State Forest Department, Government of Uttarakhand vide his letter No. 2256/12-1 Dehradun dated 03.05.2024 and letter no. 1192/12-1 Dehradun dated 10.10.2024, 'final' approval of Central Government is hereby accorded under Section 2 (1) (ii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 127.6712 ha of forest land for construction of Song Dam Drinking Water Project under Forest Division Dehradun and Mussoorie and District Dehradun and Tehri Garhwal of the State of Uttarakhand subject to fulfillment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. **Compensatory Afforestation:**
 - a. The State Government shall ensure that Compensatory Afforestation (CA) will be carried out over 257.322 ha of non-forest land (Civil Soyam land) double in extent of the land being diverted, already transferred and mutated in favour of the State Forest Department and notified as Protected Forests under Section 33 of Orissa Forest Act, 1972.
 - b. State Government shall ensure that compensatory afforestation over the non-forest land equal in extent to the forest land being diverted shall be initiated

within two years from the date of issue of diversion order of the forest land and maintained thereafter as per approved CA plan by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare shall be planted over identified non-forest land for CA. The CA will be maintained for 10 years. Further, as far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided;

- iii. The user agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- iv. Compensatory levies if so determined in future to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, in to the account of CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);
- v. The State Government shall ensure that the provisions of Catchment Area Treatment Plan shall be implemented by the user agency/Forest Department at project cost;
- vi. The State Government shall ensure that KML files of the CA lands, forest land diverted, area covered under the CAT Plan, shall be uploaded on the e-green watch portal before handing over the forest land to the user agency;
- vii. The State Government shall ensure that the cost of felling of trees shall be deposited by the User Agency with the State Forest Department before handing over the forest land to the user agency;
- viii. The State Government and user agency shall ensure that minimum number of trees shall be felled for construction of dam and trees on upstream of dam shall be left for bird perching;
- ix. The State Government and user agency shall ensure that the proposed forest land shall be used only for site specific activities. No residential building (temporary or permanent) shall be constructed on the forest land. Further, only operational infrastructure will be located in proposed forest land;
- x. The State Government shall ensure that forest land is handed over only after required non-forest land for the project is handed over by the user agency;
- xi. The State Government shall ensure that the felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by the State Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project;
- xii. The State Government shall ensure that the User agency shall undertake afforestation along the periphery of the reservoir;
- xiii. The User Agency shall ensure that no damage is caused to the wildlife available in the area because of this project;
- xiv. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- xv. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xvi. 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;
- xvii. No additional or new path will be constructed inside the forest area for

- transportation of construction materials for execution of the project work;
- xviii. User agency shall provide free water for forestry related activities/ projects;
 - xix. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
 - xx. No damage to the flora and fauna of the adjoining area shall be cause;
 - xxi. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
 - xxii. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
 - xxiii. No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably 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;
 - xxiv. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
 - xxv. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
 - xxvi. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;
 - xxvii. The user agency shall 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;
 - xxviii. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the Consolidated Guidelines and Clarifications on Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 as issued by this Ministry's letter dated 29.12.2023;
 - xxix. The State Government and user agency shall ensure compliance to all conditions stipulated in the 'Stage-I/In-principle' approval letter of even no. dated 05.01.2021 for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, for the time being in force, including compliance of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006, before handing over the forest land to the user agency; and
 - xxx. As per Sub-rule 7 of Rule 11 of Van (Sanrakshan Evam Samvardhan) Rules, 2023 the State Govt. after receiving the 'Final' approval of the Central Government under sub-section (1) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and after fulfilment and compliance of the provisions of all other Acts and rules made thereunder, as applicable including ensuring settlement of rights under the Scheduled Tribes and Other

Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), shall issue order for diversion of forest land.

Yours faithfully,

Sd/-

(Charan Jeet Singh)

Scientist 'E'

Copy to:

1. The PCCF (HoFF), Government of Uttarakhand, Dehradun.
2. The Dy. Director General of Forest (Central) Regional Office, Dehradun.
3. The Nodal Officer (FCA), Government of Uttarakhand, Dehradun.
4. Monitoring Cell, FC Division, MoEF&CC.
5. User Agency.