



सत्यमेव जयते

भारत सरकार/GOVERNMENT OF INDIA
एकीकृत क्षेत्रीय कार्यालय
Integrated Regional Office
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
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Dated: 17.01.2023

सेवा में,

अतिरिक्त मुख्य सचिव (वन)

हिमाचल प्रदेश सरकार,

आर्म्सडेल बिल्डिंग, शिमला।

(Email:- forestsecy-hp@nic.in)

विषय: Diversion of 11.7936 ha of forest land in favour of NHAI, for four laning of proposed Shimla bypass from Kaithlight to Shakral Section (Package-I) of NH-22 (Chainge from Kms 128.835 to Kms 146.300), within the jurisdiction of Shimla Forest Division, Distt. Shimla Himachal Pradesh. (Online Proposal No. FP/HP/Road/151117/2022).

संदर्भ: PCCF (HoFF), Himachal Pradesh Letter no. Ft. 48-5632/2022(FCA) dated 11.01.2023

महोदय,

उपरोक्त संदर्भित पत्र द्वारा प्रस्तुत प्रतिउत्तर का ध्यानापूर्वक अवलोकन करने के पश्चात प्रस्ताव में अभी भी निम्नलिखित कमियां पाई गई हैं:-

1. In response to the observation no. 3 (ii), it is observed that the submission regarding the proposed PRow, the variation ranges upto 78 M. Therefore, State Govt. is required to specify/provide the IRC norm which justifies the PRow of the instant proposal in the hills.
2. In response to the observation no. 3 (iv), the Muck Dumping Plan submitted has not been revised. Furthermore, the sites selected were not in consonance with selection criteria as proposed in the Muck Dumping Plan. Therefore, a revised Muck Dumping Plan needs to be provided.
3. As per the DSS analysis, the proposed DA is 11.7936 ha. However, the calculated area is 10.71 ha. Therefore, the State Govt. may review the difference in proposed DA and calculated area.
4. In response to the observation no. 6, State Govt submitted that “ *NoC from the concerned authority for the proximity of proposed alignment to Kalka Shimla Railway Line was nor required earlier, so requirement of such document at this stage may also not be a pre-requisite for stage-I*”. However, it is pertinent to mention that the instant proposal is a fresh proposal with new proposal number, seeking additional land in close proximity to a World Heritage Site. Therefore, NoC from concerned authority is prerequisite.
5. In response to the observation no. 7, State Govt submitted that “*the 9 muck dumping sites measuring area 10.7471 ha*”. However, **4.3894 ha falls in Forest land** which comprises almost 50% land required for muck dumping. Ideally, dumping site selected should be a private land and/or forest land where there is no tree or minimum numbers of trees are required to be felled. Therefore, appropriate dumping site may be selected.
6. In response to observation no. 8, the State Govt has submitted the details of the proposed Muck Dumping Site. However, the information requested was about the already approved muck dumping sites in the already approved proposal (FP/HP/ROAD/9295/2015) which needs to be provided.
7. In response to the observation no. 10, the Site Inspection Report of the concerned Conservator of Forests is not provided. Same may be provided.
8. In response to the observation no. 11, the area-wise calculation is required to be provided in the layout plan.

- 1/37471/2023
9. In response to the observation no. 12, there is a mismatch in figures as provided under column 4(ii) of Part-II and Enumeration list which need to be rectified.
 10. In response to the observation no. 13, the submission provided by State Govt is not justified. The Reclamation Plan is for reclaiming the dumping site, and the proposed dumping site falls under the jurisdiction of Shimla Forest Division. Therefore, the Reclamation Plan of the dumping site needs to be site specific and duly authenticated by concerned DFO only.
 11. In response to the observation no. 16, State Govt submitted that **“there is no possibility to reduce the No. of trees from the said road alignment”** which is not justifiable since the instant proposal involves large number of ecologically important trees especially of *Quercus* spp (1556 trees) and *Cedrus deodara* (Deodar- 181 trees) are getting affected. *Quercus* (Ban Oak) is an ecologically important local species for groundwater recharge as well as important fodder tree for the local communities. Keeping in view of the fact that proposed DA involves felling of large number of trees (total 2373 trees including other species) in the periphery of Shimla town, therefore, a Committee may be constituted under the Chairmanship of concerned Conservator of Forests (CF) to examine the possibility to reduce the number of trees (especially trees involving in the dumping site) as well as to provide the justification for removal/felling of large number of trees, and accordingly revised enumeration list may be furnished alongwith the Committee report.
 12. In response to the observation no. 17, the requisite comment from the concerned Conservator of Forest is not provided. Further, the Joint Inspection Report submitted by the State Govt has mentioned that **“Water body is not involved”** which is duly signed by the Concerned DFO. However, the SIR of concerned DFO specifically mentioned that **“dumping site is located at the foothills of the catchment area of 03 small streams which may impact the water ecology of the area”** and recommended for scientific reclamation plan. Therefore, providing contradictory information and changing facts unnecessarily delay the decision making process and may lead to multiple EDS/queries every time. Therefore, comment of the concerned CF may be provided.
 13. In response to the observation no. 18 (i), KML provided for the CA site shows that out of 10 ha of proposed CA site UPF 455 Tharali has **6 ha area under MDF category**. Therefore, as per the **para 2.4 (vii) of the Handbook of FCA, 1980 and FC Rules, 2003 (Guidelines and Clarifications), MoEF&CC, 2019**, State Govt. may look for additional/alternate CA sites and submit documentation regarding the suitability of land for CA in lieu of forest land proposed for diversion in terms of its vicinity to the area being proposed for DA and/or contiguity with the existing forest area and also ensure the manageability as per the latest Guidelines of MoEF & CC vide letter No. 11-423/2011-FC dated 13.07.2022

राज्य सरकार द्वारा उपरोक्त बिंदुओं पर संतोषजनक उत्तर/अनुपालना के प्राप्त होने के पश्चात ही उपरोक्त प्रस्ताव को REC के समक्ष प्रस्तुत किया जाएगा।

यदि चाही गई सूचना पत्र जारी होने की तिथि के 60 दिनों के भीतर (अधिकतम 90 दिन) इस कार्यालय में प्राप्त नहीं हुई तो प्रस्ताव को निरस्त किया जा सकता है।

भवदीय,
हो/-
(सत्य प्रकाश नेगी)
क्षेत्रीय अधिकारी

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. नोडल अधिकारी-सह-अतिरिक्त प्रधान मुख्य अरण्यपाल (एफ.सी.ए.), हिमाचल प्रदेश सरकार, वन विभाग, टालैंड, शिमला (E-mail: nodalcahp@yahoo.com).
2. वन मण्डल अधिकारी, शिमला वन मण्डल, जिला- शिमला, हिमाचल प्रदेश (E-mail: dfoshi-hp@nic.in).