

कार्यालय, प्रभागीय वनाधिकारी, तराई पश्चिमी वन प्रभाग, रामनगर (नैनीताल)

पत्रांक 3665 / 12-1

दिनांक, रामनगर, 02/02/2023

सेवा में,

वन संरक्षक
पश्चिमी वृत्त, उत्तराखण्ड
हल्द्वानी, नैनीताल

विषय: जनपद- नैनीताल में तराई पश्चिमी वन प्रभाग, रामनगर के अन्तर्गत आरक्षित वन क्षेत्र में बहने वाली दाबका नदी के वन स्वीकृति (F.C.) पुनःप्रस्ताव FP/UK/MIN/147953/2021 में भारत सरकार द्वारा लगाई गई EDS आपत्ति के संबंध में।

संदर्भ: वन एवं पर्यावरण मंत्रालय भारत सरकार की पत्र संख्या 8-61/1999-FC (Pt-v) दि. 31 जनवरी 2023

महोदय,

उपरोक्त विषयक संदर्भित पत्र द्वारा वन एवं पर्यावरण मंत्रालय, भारत सरकार ने विषयगत प्रस्ताव पर आपत्ति लगाई गयी थी, उक्त आपत्तियों के संबंध में याचक विभाग को लिखा गया, याचक विभाग द्वारा आपत्तियों का निराकरण करते हुए प्रत्युत्तर इस कार्यालय को उपलब्ध कराया गया है। याचक विभाग द्वारा प्रस्तुत विन्दुवार प्रत्युत्तर आख्या निम्न प्रकार है:-

क्र० सं०	आपत्ति	प्रतिउत्तर
2.I	The State Govt. has now submitted the mining plan approved by the Department of Mining and Geology Govt. of Uttarakhand. The said mining plan approved for next 5 year contains a letter No. 2171/VII-A-1/2021/21(xb)13 dated 03.01.2022 issued by the Government of Uttarakhand wherein the conditions no. 13 stipulates that the User Agency will carry out mining after leaving 15% area on each bank of the river. Whereas, the condition at sr. no (xi) of the approval dated 15.02.2013 stipulates that extraction of minor minerals shall be restricted to the to the middle half of the width of the river bed after leaving intact one fourth of the width of the river bed along its each bank. The said condition which is contrary to the conditions of stage-II approval need attention of the State Government and clarification may accordingly be submitted.	याचक विभाग द्वारा अवगत कराया गया है कि उत्तराखण्ड शासन औद्योगिक विकास (खनन) अनुभाग-1 देहरादून के शासनादेश संख्या-136/VII-A-1/2023/22ख/2013 दिनांक 30 जनवरी 2023 द्वारा यह स्पष्ट किया गया है कि शासनादेश 2171/VII-A-1/2021/22ख/13 दिनांक- 03 जनवरी 2022 की शर्त/प्रतिबंध संख्या-13 में टंकण त्रुटिवश 25% के स्थान पर 15% अंकित हो गया है जिस 15% के स्थान पर 25% के रूप में संशोधित किया जाता है तदनुसार भविष्य में इसे 15% के स्थान पर 25% पडा और समझा जाय। शासनादेश में यह भी उल्लेख है कि संगत शासनादेश दि०-03 जनवरी 2022 में किया गया संशोधन उक्त सीमा तक संशोधित समझा जाय, शेष शर्त/प्रतिबंध यथावत लागू रहेंगे। शासनादेश की प्रति संलग्न है। (संलग्नक-1)
2.II	Fresh DSR has not be submitted by the State till date. In the reply of the Ministry observation's dated 30.12.2022 at S. no (iii), the State has informed that the Department of Mining Government of Uttarakhand vide letter dated पत्र सं०-870/भू०खनि०ई०/खनन ई-खन्ना /2022-23 दिनांक 30.12.2022 has informed that the DSR For the District of Nainital has not been prepared after 2018 and this report is applicable for the present period. After the examination of the letter of Department of Mining Government of Uttarakhand vide सं०-870/भू०खनि०ई०/खनन ई-खन्ना /2022-23 दिनांक 30.12.2022 it is found that the Mining Department has only said that the DSR For the District has not be prepared after 2018, Whether it is applicable or not for the present period it has not been informed by them. The same may be Clarified and a Fresh DSR may be submitted.	याचक विभाग द्वारा अवगत कराया गया है कि नवीन District Survey Report (DSR) के सम्बन्ध में प्रबन्ध निदेशक उत्तराखण्ड वन विकास निगम देहरादून की पत्र सं०-4840/पर्यावरण अनापत्ति दि०-25 जनवरी 2023 द्वारा मांग की गई थी, के सन्दर्भ में भूतत्व एवं खनिकर्म इकाई, उद्योग निदेशालय उत्तराखण्ड देहरादून की पत्र सं०-4370/दिनांक-25 जनवरी 2023 (प्रति संलग्न) द्वारा अवगत कराया गया है कि, District Survey Report वर्ष 2018 में तैयार की गई थी जो की वर्तमान में भी लागू है। वर्ष 2022-23 हेतु भूतत्व एवं खनिकर्म इकाई उद्योग निदेशालय उत्तराखण्ड देहरादून को पुनः आवेदन किया जा रहा है। (संलग्नक-2)

2.iii	All the parameters in the Handbook of guidelines dated 28.03.2019 have still not been included in the Cost Benefit analysis, which is required to be done.	याचक विभाग द्वारा गाईड लाईन दि०-28.03.2019 से अनुसार Cost Benefit Analysis संशोधित कर पुन प्रेषित किया जा रहा है। (संलग्नक-3)
4.	The State Government shall however immediately submit the reply to the observations as contained above in Para 2 of the letter along with the latest point wise status of compliance of the conditions stipulated in the S-II approval dated 15.02.2013 so that the proposal for renewal of validity of forest clearance can be placed before the FAC for consideration.	याचक विभाग द्वारा उपलब्ध कराई गयी वन स्वीकृति की अनुपालन आंख्या संलग्न कर प्रेषित किया जा रहा है। (संलग्नक-4)

उक्त आपत्तियों के संबंध में याचक विभाग द्वारा उपलब्ध कराये गये संलग्नों को आपको आवश्यक कार्यवाही हेतु प्रेषित किया जा रहा है।
संलग्न- उपरोक्तानुसार

भवदीय
(प्रकाश चन्द्र आर्य)
प्रभागीय वनाधिकारी
तराई पश्चिमी वन प्रभाग, रामनगर

पत्रांक 3665 / उक्त दिनांकित

प्रतिलिपि:- अपर प्रमुख वन संरक्षक एवं नोडल अधिकारी, वन संरक्षण, इन्दिरानगर फॉरेस्ट कालोनी, उत्तराखण्ड, देहरादून को सूचनार्थ प्रेषित।

प्रतिलिपि:- प्रभागीय प्रबन्धक खनन, रामनगर, उत्तराखण्ड वन विकास निगम, खनन प्रभाग- रामनगर को उनके पत्रांक 2351/दाबका नदी पुर्नप्रस्ताव, दिनांक 01-02-2023 के क्रम में सूचनार्थ प्रेषित।

(प्रकाश चन्द्र आर्य)
प्रभागीय वनाधिकारी
तराई पश्चिमी वन प्रभाग, रामनगर

प्रेषक,

लक्ष्मण सिंह
अपर सचिव,
उत्तराखण्ड शासन।

सेवा में,

जिलाधिकारी,
नैनीताल।

सं. 136-01

औद्योगिक विकास (खनन) अनुभाग-1

देहरादून, दिनांक 30 जनवरी, 2023


विषय: उत्तराखण्ड वन विकास निगम के पक्ष में जनपद नैनीताल के तराई पश्चिमी वन प्रभाग, रामनगर के अन्तर्गत दाबका नदी के 223.00 है० नदी तल वन क्षेत्र में स्वीकृत खनन पट्टे के नवीनीकरण के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक शासनादेश संख्या 2171 / VII-A-1 / 2021 / 22ख / 13, दिनांक 04 जनवरी, 2022 की शर्त / प्रतिबन्ध संख्या-13 में टंकण त्रुटिवश 25% के स्थान पर 15% अंकित हो गया है, जिसे 15% के स्थान पर 25% के रूप में संशोधित किया जाता है, तदनुसार भविष्य में इसे 15% के स्थान पर 25% पढा और समझा जाय।

संगत शासनादेश दिनांक 04.01.2022 में किया गया संशोधन उक्त सीमा तक संशोधित समझा जाय, शेष शर्त / प्रतिबन्ध यथावत लागू रहेंगे।

भवदीय,

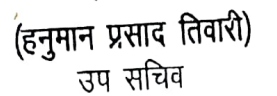

(लक्ष्मण सिंह)
अपर सचिव

संख्या- / VII-A-1 / 2023 / 22(ख) / 13, तददिनांकित।

प्रतिलिपि:- निम्नलिखित का सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. निदेशक, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार, इन्दिरा पर्यावरण भवन, अलीगंज, जोरबाग रोड़, नई दिल्ली।
2. निदेशक, भूतत्व एवं खनिकर्म इकाई, उत्तराखण्ड देहरादून।
3. प्रबन्ध निदेशक, उत्तराखण्ड वन विकास निगम, देहरादून।
4. गार्ड फाईल।

आज्ञा से,


(हनुमान प्रसाद तिवारी)
उप सचिव

प्रषक

लक्ष्मण सिंह
अपर सचिव,
उत्तराखण्ड शासन।

सेवा में,

जिलाधिकारी,
नैनीताल।

संख्या-134-02

औद्योगिक विकास (खनन) अनुभाग-1

देहरादून, दिनांक 30 जनवरी, 2023

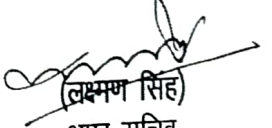
विषय: उत्तराखण्ड वन विकास निगम के पक्ष में जनपद नैनीताल के रामनगर के अन्तर्गत कोसी नदी के 254.00 है० नदी तल वन क्षेत्र में स्वीकृत खनन पट्टे के नवीनीकरण के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक शासनादेश संख्या 2170 / VII-A-1 / 2021 / 21ख / 13, दिनांक 30 दिसम्बर, 2021 की शर्त / प्रतिबन्ध संख्या-13 में टंकण त्रुटिवश 25% के स्थान पर 15% अंकित हो गया है, जिसे 15% के स्थान पर 25% के रूप में संशोधित किया जाता है, तदनुसार भविष्य में इसे 15% के स्थान पर 25% पढा और समझा जाय।

संगत शासनादेश दिनांक 30.12.2021 में किया गया संशोधन उक्त सीमा तक संशोधित समझा जाय, शेष शर्त / प्रतिबन्ध यथावत लागू रहेंगे।

भवदीय,



(लक्ष्मण सिंह)
अपर सचिव

संख्या- / VII-A-1 / 2023 / 21(ख) / 13, तददिनांकित।

प्रतिलिपि:- निम्नलिखित का सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. निदेशक, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार, इन्दिरा पर्यावरण भवन, अलीगंज, जोरबाग रोड़, नई दिल्ली।
2. निदेशक, भूतत्व एवं खनिकर्म इकाई, उत्तराखण्ड देहरादून।
3. प्रबन्ध निदेशक, उत्तराखण्ड वन विकास निगम, देहरादून।
4. गाई फाईल।

आज्ञा से,


(हनुमान प्रसाद तिवारी)
उप सचिव

सं. क्र. 03

ANNEXURE-VI (a)

Table-A:- Cases under which a cost-benefit analysis for forest diversion are required (DABKA RIVER).

Sr. No	Nature of proposal	Applicable/ Not Applicable	Remarks
1	All categories of proposals involving forest land up to 20 hectares in plains and up to 5 hectares in hills.	N/A	These proposals are to be considered on case by case basis and value of judgment.
2	Proposal for defense installation purposes and soil prospecting (prospecting only)	N/A	In view of National Priority accorded to these sectors, the proposals would be critically assessed to help ascertain that the utmost minimum forest land in diverted for non-forest use.
3	Habitation, establishment of industrial unit, tourist lodges/complex and other building construction.	N/A	These activities being detrimental to protection and conservation of forest. As a matter of policy, such proposals would be rarely entertained.
4	All other proposals involving forest land more than 20 hectares in plains and more than 5 hectares in hills including roads, transmission lines, Minor, Medium and Major irrigation Projects, hydel projects mining activity, railway lines, location specific installations like micro-wave stations, auto repeater centres, TV towers etc.	Applicable	These are cases where a cost-benefit analysis is necessary to determine when diverting the forest land to non-forest use is in the overall public interest.

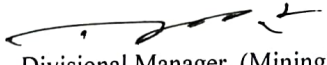

Divisional Manager, (Mining)
Uttarakhand Forest Development Corporation,
Khanan Ramnagar Division (Nainital)

Table-B: Estimation of cost of forest diversion (DABKA RIVER).


Sl. No.	PARAMETERS	REMARKS
1	Ecosystem services losses due to proposed forest diversion	Not Applicable as per as Supreme Court order of 28 March 2008
2	Loss of animal husbandry productivity including loss of fodder.	Considering the river bed as open forest of Ecoclass iv. The 10% of NPV value would be approximately 75 lakh 05 Thousand and 568 Rupees. $(670140 * 112 * 0.1 = 75,05,568.00)$
3	Cost of human resettlement.	There is no resettlement as the area is a reserved forest within river bed.
4	Loss of public facilities and administrative infrastructure (Road, Building, Schools, Dispensaries, Electric line, Railways etc.) on which would require forest land if these facilities were diverted due to the project.	No public facilities exist in the proposed site and there is no need for diversion of infrastructure in and around the site.
5	Possession value of forest land diverted.	Considering the river bed as open forest of Ecoclass iv. The 30% of NPV value would be approximately 02 Crore 25 lakh 16 Thousand and 704 Rupees. $(670140 * 112 * 0.3 = 2,25,16,704.00)$
6	Cost of Suffering to oustees.	Not Applicable. The area is reserved forest within river bed and no rehabilitation of oustees is needed
7	Habitat Fragmentation Cost	Considering the river bed as open forest of Ecoclass iv. The 50% of NPV value would be approximately 03 Crore 75 lakh 27 Thousand and 840 Rupees. $(670140 * 112 * 0.5 = 3,75,27,840.00)$
8	Compensatory Afforestation and soil & moisture conservation cost.	The Compensatory Afforestation is not applicable the cost of CA already has been deposited in the past.



Divisional Manager, (Mining)
 Uttarakhand Forest Development Corporation,
 Khanan Ramnagar Division (Nainital)

Table-C- Existing guidelines for astimating benefits of forest-diversion in CBA (DABKA RIVER).

Sr. No	PARAMETERS	REMARKS
1	Increase in productivity attributable to the specific project.	NA
2	Benefits to economy due to the incremental economic benefit in monetary the specific project.	As given in cost benefit ratio chart, the total expenditure is Rs 7820.21 Lakhs and the benefit will be Rs 28295.41 lakh which can be more.
3	No. of population benefited.	Approximately 1283 labourers are directly benefitted
4	Economic benefited due to of direct and indirect employment due to the project	Along with labourers, more 1000 truck owners and drivers, shop keepers etc get benefited.
5	Economic benefited due to Compensatory Afforestation.	The Compensatory Afforestation is not applicable as the CA is already done in the past. (it's a renewal case)


 Divisional Manager, (Mining)
 Uttrakhand Forest Development Corporation,
 Khanan Ramnagar Division (Nainital)

Govt. of India Ministry of Environment & Forest (FC Division) New Delhi.
Letter No. F.No.8-61/1999-FC(pt-II) Dated 15 February, 2013 for collection of minor minerals.
FC Compliance Report Dabka river.

<u>Stipulated Conditions</u>	<u>Compliance Report</u>
(I) Legal status of the diverted forest land shall remain unchanged.	Yes, it is being followed with, as per stipulated condition.
(II) Compensatory a forestation over the degraded forest land equal in extent to the forest land being diverted shall be raised and maintained by the State Forest Department at the cost of the User Agency.	Yes it is being done by forest Department with the funds realized by UKFDC.
(III) All the funds received from the User Agency under the project shall be transferred to Ad-hoc CAMPA in the Saving Bank Account of the concerned State CAMPA in the Corporation Bank, CGO Complex, Lodhi Road, New Delhi.	Being complied by the Forest Department.
(IV) No Collection of Minor Minerals shall be permitted from the portion of the Dabka River located on northern side of Ramnagar Highway.	Yes, it is being Strictly followed with, as per stipulated condition.
(V) The collection of minor minerals after 31 st day of January in a year shall be allowed only after receipt of certificate from the Monitoring Committee under the Chairmanship of the Principal Chief Conservator of Forests, Uttarakhand constituted vide Government of Uttarakhand's letter No. 14-1/X-3-13-08(14)/2008-T.C. dated 29.01.2013 to the effect that the conditions stipulated in the approval accorded under the Forest (Conservation) Act, 1980 and the instructions issued by the Monitoring Committee have satisfactorily been complied in collection of the minor minerals during the previous calendar year.	Yes, the condition is being complied with, in collection of the minor minerals during the previous calendar year. Last year meeting held at haldwani in the chairmanship of PCCF (Hoff) Uttrakhand. (ANNEXURE INCLOSED)
(VI) To restore the functionality and utility of the migratory corridor linking Corbet Tiger Reserve with the Pawalgarh Conservation Reserve, the State Government may explore feasibility to relocate the settlements from the Sunderkhal Village by using State CAMPA funds.	It is being complied with, by the Forest Department.
(VII) The State Government Shall through the central soil & water conservation research & training institute (CSWCRTI) Dehradun Assess the quantity of minor minerals that may sustainably be collected the said portion of the Dabka River & intimate the same to the ministry of environment & Forest.	Yes, the condition is being followed accordingly.

The condition is being complied as per E.C. (E.C. NO-J-11015/359/2009-IA-11(M) dated 15th april 2011 & Extension of validity letter NO-J-11015/359/2009-IA-11(M) dated 1ST March 2021 by user agency (UAFDC). Total quantity of minor minearls extracted during a year has never be more than 8.49 lakh cubic meter.

SR NO	YEAR	EXTRACTION
1	2011-12	209427.00
2	2012-13	248407.00
3	2013-14	344512.00
4	2014-15	74671.00
5	2015-16	39472.00
6	2016-17	32560.00
7	2017-18	76675.00
8	2018-19	50375.00
9	2019-20	76477.00
10	2020-21	86278.00
11	2021-22	137854.00

(VIII) The total quantity of minor minerals extracted during a year shall not be more than 8.49 lakh cubic meter.

(IX) To ensure extraction of minerals in a sustainable manner the user agency shall formulate a transparent and unbiased procedure for engagement of labours for extraction of the minor minerals from the forest land proposed for diversion.


The Extraction of minor minerals is done in a sustainable and systematized manner and the user agency has formulated a transparent and unbiased procedure of tendering of weigh bridges. RFID and CCTV cameras etc.. Labours are not directly engaged by the User agency those engaged by transporter. Though provision of supply of fuel wood in winter season, organize Muskaan center, Medical camp, Safe drinking water as per F.C. norms.

(X) Fifty percent of the net profit earned by the user agency from the collection of minor minerals shall be deposited in a Special Purpose Vehicle (SPV) to be constituted by the State Government under the Chairmanship of the Chief Wildlife Warden, Government of Uttarakhand. The amount to be deposited in the SPV shall be used exclusively for river training activities and management & protection of forest & wildlife in vicinity of forest land diverted for collection of minor minerals.

**The user agency is deposit due share of profit to the State Forest Department. As per the Tarai West Forest Division, the amount is utilized by the department for management and protection of forest on the recommendations of Committee constituted for Corpus fund.
(ANNEXURE INCLOSED)**

	Extraction of minor minerals shall be restricted to the middle half of the width of river bed after leaving intact the one-fourth of width of the river bed along its each bank.	The condition is being complied with.
(XII)	To ensure maintenance of river geometry, collection of minor minerals during a working season shall start from centre of the river width and shall gradually extend to the boundary of the permissible area. The maximum permissible depth for collection of minor minerals at centre of the river width shall be limited to 3 m and it shall gradually reduce till reaches boundary of the permissible zone.	The condition is being complied with.
(XIII)	To regulate and maintain record of the quantity of minor minerals extracted during a season, the State Forest Department shall set up adequate number of check post during the collection season.	The condition is being complied with the help of Forest Department, The user agency has established 5 gates for Truck/Dumper to regulate and maintain the record of the quantity collected during the season. To check illegal mining the Electronic weighbridges are under online CCTV Cameras & all the vehicles transporting material are checked by RFID on each gate. A part from this, Trai west Forest Division has constituted van suraksha dal while user agency has also constituted Gashti dal to check illegal mining.
(XIV)	Extraction of minor mineral shall be restricted from 1 st October to 31 st May of the subsequent year.	The condition is being complied with.
(XV)	Minor minerals shall be collected manually be using hand tools. Use of explosive and heavy machineries for breaking/collection of minor minerals shall be strictly prohibited.	The condition is being complied with Minor minerals are collected manully by using hand tools, No Use of explosive and heavy machineries is done for breaking/collection of minor minerals.
(XVI)	Collection time shall be from sun-rise to sun-set.	Yes, The condition is being complied with.
(XVII)	No labour camp shall be set up in the forest area for the labourers engaged in collection of the minor minerals.	No labour camp was setup in the forest area for the labourers engaged in the collection of the minor mineral.
(XVIII)	Breaking of boulders shall be undertaken outside the forest boundaries.	The condition is being complied with.
(XIX)	The labour engaged in collection work will be provided free fuel wood/alternate source of energy to avoid any pressure on adjoining forest land.	As per The condition , the user agency provide firewood to the labourer in the mining season, Drinking water is being provided medical camp are organized.
(XX)	The boundary of the forest land being diverted shall be demarcated on ground at the project cost, by erecting four foot high reinforced cement concrete pillars, each inscribed with its serial number DGPS coordinates, forward and back bearing and distance from adjoin pillars etc.	The condition is being complied by the State Forest Department .
(XXI)	The forest land shall not be used for any purpose other than that specified in the proposal.	The condition is being strictly complied with.

<p>(ii) The user agency shall submit annual self - monitoring report containing status of compliance to conditions stipulated in the approval to the State Government and concerned Regional Office of this Ministry.</p>	<p>The monitoring report is being prepared and submitted to the state government and regional office.</p>
<p>(XXIII) Any other condition that the Central Regional Office of the Ministry, Lucknow and the State Government of Uttarakhand may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and</p>	<p>The condition is being strictly complied with.</p>
<p>(XXIV) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.</p>	<p>The compliance of the provision of the acts, rules, regulations, guidelines as applicable to the project is being ensured.</p>


 (Divisional Manager)
 UKFDC, Ramnagar.
 Nainital (Uttarakhand)