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From: C.F. Nahan.

To: Nodal Officer-cum-APCCF(FCA)
 O/o Pr.CCF(HoFF) H.P. Shimla.

Subject:- Diversion of 7.565 ha of forest land in favour of HPPWD for the Construction of link road from Sainwala, Boghria, Jhameria, Charuwala, Katola Km. 0/0 to 11/500. kms in jurisdiction of Nahan Forest Division Distt. Sirmour. H.P.

Memo:

In this regard, the point wise reply of observations as raised by Integrated Regional Office, MoEF & CC, CGO Complex, ShivalikKhand, Longwood Shimla letter No. FC/HPC/06/175/2022-11776/2022 dated 29.11.2022 is submitted as under please:-

Sr. No.	Observations	Reply
1.	From KML file it can be observed that the proposed alignment is overlapping existing roads at many locations, therefore it may be clarified whether these existing roads overlapping with the proposed roads has been constructed violating the provisions of FCA, 1980, although DFO in the SIR has clearly mentioned that user agency has not violated the provisions of FCA. If violations has been done than the clarifications/ justification/ documents on following points may be provided (i) The details of violation (year/area violated). (ii) The action taken report against the violators as per Para 1.21 (i) and or (ii) of FCA Guidelines may submitted/uploaded in the portal. (iii) Action taken by the State government against the officials concerned for not being able to	In this connection user agency has been intimated that there exist various partially Katcha pedestrian path and C.C. paths to approach the villages Bogheria, Charu wala up to Katola which have been constructed by the concerned Panchayat in past in forest and non-forest land. The grades of this road (path)are very up steep and widths are quite narrow in the existing pedestrian path. As such this road is not suitable for plying of traffic as this road does not follow the guidelines as laid by the IRC/HPPWD specification. Only Cars and jeeps can utilise this road at their own risk. The proposed alignment is on the downstream side of the existing take off point of old Katcha road. Only partial width of the old katcha road has been taken in the alignment of the proposed road where the proposed alignment is overlapping the old katcha mule path. Since, PWD is not going to utilized this entire stretch of old katcha path due to its up steep gradient, neither any violation has been carried out by the PWD, as such there is no need of action taken against the violators as per Para 1.21(i) and or (ii) of FCA guidelines. As per the IRC/HPPWD specifications minimum 5/7 metres width for the road are required for

	prevent the use of forest land for non-forestry purpose without prior approval of Govt. of India. (iv) The Penal NPV calculation sheet may be submitted.	plying of Buses and others vehicles. Hence, 6.00 metre average width has been taken in the proposal, so that the road could be passed by the road fitness committee.
2.	If violation of FCA, 1980 is not being reported/committed, documentary evidence in the form of FCA approval granted for the overlapping roads with proposed roads may be provided.	In this connection user agency has been intimated that there are no violations carried out by the user agency. At present, the existing katcha path has been constructed by the inhabitants in past and same has been improved time to time by the villagers for plying of two wheelers only at their own risk, as shown in the Kml file.
3.	From KML file it can be clearly observed that all the beneficiary villages in the proposed project are already well connected with roads. Therefore, proper justification regarding necessity of more roads in an already well connected area, by diverting Reserve Forest land and felling of 639 trees may be provided.	In this connection user agency has been intimated that the take-off point of the proposed road is at Village Sainwala and this road will finally terminate at Village Katola which shows the connected habitations. Village Sainwala and Katola located on the existing road Sainwala Burma Papri Kaulwala Bhoad Road. The rest of the villages i.e. Bhogeria, Jhameria, Charuwala, and Jamanwala are not connected with the road facilities. Only existing mule katcha path leads to the proposed habitations at present.
4	Brief Note on the project is required to be submitted/uploaded.	Needful has been done by user agency. Revised Brief Note on the project has been uploaded in additional information at Sr. No. 17 of Part-I by user agency.
5.	In Part-II para 5, the working plan prescription for the forest land proposed for diver has been mentioned as "Protection and Bambo(overlapping) working circle and protection cum Rehabilitation Circle". Further, Hon'ble supreme court in Writ petition No. 202 of 1995 T.N. Godarman Thirumpulpad. Union of India and others in its judgement vide Interlocutory application No. 3840 dated 11 March 2019 has ordered thatThere shall be no violation of the forest lands allotted to a protection working circle in any working plan under FRA and FCA. Therefore, the State Government may provide necessary comments regarding the same.	In this connection user agency has been intimated that the alternative alignment and possibilities to reduce the number of trees was carried out during the site visit by the HPPWD Department and the officials of Forest Department. The emphasis on alternatives route was done during the visit. The length of alignment of No. 2 is 12.300 kms and its gradient is very steep at few place. It involves 8.045ha of forest area and 705 trees, as compared to alignment No. 1, Hence the alignment No. 2 rejected. Hence the alternative road proposal is not feasible. Therefore the existing proposed road is to be finalised for connecting the unconnected habitations which is unavoidable and shortest which covering lesser felling of trees as well as forest land.

6.	A large number of trees (639 individual) are going to be effected in the extent proposal. Therefore, the State Govt. shall explore all the possibilities to reduce the number of trees to be affected in the proposal. Accordingly the proposal may be reviewed and revised enumeration list of the trees may be submitted	DFO Nahan has intimated that the number of trees has been reduce and same has been corrected in the web portal at serial No 4(ii) part-2 & enumeration list with dumping site trees same has been uploaded in additional information against Sr. No. 10 and 11 of Part-II by user agency.
7.	As large number of trees are going to be affected and the proposed road being on hilly terrain. Accelerated soil erosion during and after construction period will be inevitable. Also in Part II, para 6, it has been submitted that the area is severely vulnerable to soil erosion. Therefore, the State Govt. may provide soil Moisture conservation Plan (SMCP) as per recent guidelines of MoEFCC letter dated 7 th June, 2022.	In this connection user agency has been intimated that the provisions for accelerated soil erosion during and after construction have been taken in the detailed project report (DPR). The Breast Walls as well as Retaining Walls in Cement Concrete and boulder apron have been proposed at various RDs in the proposed road to protect the hilly terrain and soil erosion along the road alignment. An undertaking has been placed in the proposal folder regarding SMCP as per the recent guidelines of MoEFCC letter No. 7 th June, 2022. Supporting documents has been uploaded named as "SMCP Undertaking" in additional information at Sr. No. 22 of Part-I by user agency.
8.	Separate enumeration list of trees standing at dumping sites is required	Separate enumeration list of trees standing at dumping sites has been uploaded in additional information against Sr. No. 10 & 11 of Part –II by DFO Nahan.
9.	A total of 639 trees are going to be effected in the proposal, however in Part-II the density of vegetation has been mentioned 0.1 only. Therefore, density figure may be reviewed and rectified, if required.	Density of vegetation has been corrected in web portal of Part –II by DFO Nahan.
10.	NoC/Sale deed/Gift deeds for non-forest land acquired from private individuals are required to be submitted.	In this connection user agency has been intimated that the NoC/Sale deed/Gift deeds for non-forest land acquired from private individuals in favour of HPPWD will be submitted along with Stage-1 compliance for aforementioned forest case as the land acquisition for non- forest land is in process. Undertaking in form of affidavit for the same has been uploaded in additional information at serial no.28 of Part -1 by user agency

11	As per DSS report, the area of CA land is 13.04 ha instead of 15.13 ha. Therefore, the kml file may be revised	KML file has been revised & as well as DGP Map & Topo sheet and same has been uploaded on web portal in appropriate column by DFO Nahan.
12.	AS per DSS report, the proposed CA site is covering 1 ha. Moderately Dence Forest (MDF). Therefore, CA site may be revised to avoid the MDF.	Revised land suitability certificate attached along site again and same has been uploaded web portal at serial No. 13 (v) of Part-II by DFO Nahan.
13.	Legal status of proposed CA land. Whether it is a forest land as per IFA 1927 under the control of state government shall be clarified.	Copy of CH file is enclosed and same has been uploaded in additional information against serial no. 12 of Part –II by DFO Nahan.
14	The amount of NPV shall be rounded off to nearest digit of point decimal.	NPV has been revised and same has been uploaded in web portal in additional information against serial no. 7 of Part –II.
15	In Muck Management plan the calculation of muck to be generated is required to reviewed and rectified.	The revised Muck Management plan has been prepared and uploaded in additional information against Sr. No. 20 of Part-I.
16.	All the dumping has been proposed in forest land. Therefore, the State Govt. may explore non-forest land for muck dumping site.	In this regard, user agency has been intimated that there exists shamlat land and private land in the proposed road alignment. 3 Nos dumping sites have been proposed in the non-forest land i.e. Shamlat/ Private land, but due to the land kism/status as “Jungle-Jhari” which attracts the FCA, 1980. Hence, there is no escape to use the forest land(jungle-jhari) for the dumping site.
17.	Undertaking to submit the FRA certificates along with all annexures of FRC and Gram Sabha before Stage-II is required to be submitted	Needful has been done by user agency. An undertaking to submit the FRA certificates alongwith al annexures of FRC and Gram Sabha before Stage-II has been uploaded in additional information against Sr. No. 16 of Part-I.
18	From KML it can be observed that the proposed alignment of the road is crossing a river. However no bridge component has been included in the component wise breakup and layout plan. The same is required to be included in component wise breakup and layout plan.	In this connection user agency has been intimated that there is a proposal for construction of 27.60 meter span bridge on the proposed alignment at RD 8/616. The width of the proposed road will be 6 metres, covering 0.01656 hectare which has been included in online component wise breakup.
19.	Administrative Approval of the proposed project is required to be submitted.	User agency has been intimated that the DPR for the cost of 1054.75 lakh has been sent to the Planning Department for approval, as and when

		Stage-I Approval will be received, the Administrative approval will be conveyed before stage-II approval of FCA.
20	Since the proposed diversion area is more than 5 hectare, therefore SIR of CF may be also be provided.	Site Inspection Report has been uploaded in Privesh Portal.
21	Since the proposed diversion area is more than 5 hectare, therefore Cost Benefit Analysis may also be provided	Neeful has been done .The Cost Benefit Analysis has been prepared and uploaded in the appropriate column named as “Revised Cost of benefits”and uploaded in Parivesh Portal in additional information against Sr. No. 18 of Part-I.
22	Chain-age wise length and width of road in forest and non-forest land and dumping site is a tabulated form may be provided/uploaded	Needful has been done. Chain-age wise length and width of the road has been prepared including mentioning the dumping sites and uploaded named as “Area Details” and uploaded in Parivesh Portal in additional information against Sr. No. 8 of Part-I .

Conservator of Forests,
Nahan Forest Circle Nahan.