

I/295694/2023



**H.P. Forest Department**  
**Nahan Forest Circle**  
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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 6.2255ha land in favour of Sh. Tapender Singh Saini, Village Shubhkhera, Teh. Paonta Sahib, Distt. Sirmour, Himachal Pradesh for the extraction of Sand, Stone and Bajri from Yamuna River bed area, within the jurisdiction of Paonta Sahib Forest Division, Distt. Sirmour, HP (Online No. FP/HP/MIN/30477/2017).**

Memo:

Kindly refer to Integrated Regional Office, MoEF & CC, CGO Complex, ShivalikKhand, Longwood Shimla letter No.8C/HP/05/272021/FC dated 28.10.2022 on the subject cited above.

2. In this regard vide above referred letter the point wise reply of observations is given as under:-

Sr. No.	Observations	Reply
1.	Compensatory Afforestation has been proposed over degraded forest land, double in extent to the forest land being diverted in Reserve Forest Danda, Paonta Sahib. The proposed CA scheme envisages hiring of a petrol vehicle for protection which may not be in conformity with the guidelines of NA (CAMPA). Therefore, State Govt. may review and revise the CA Scheme accordingly.	Needful has been done by DFO. Revised bill of CA Scheme has been uploaded against appropriate column.
2.	The proposed project seems to be located within 10 km of radius from the Assan Conservation Reserve in the State of Uttarakhand. Therefore, State Govt. may provide the exact aerial distance from the boundary of Assan Conservation Reserve. If the proposed project is within the 10 km of radius of PA, comments of the CWLW may also be provided.	Needful has been done by user agency and same has been uploaded on PARIVESH Portal in additional information details against Sr. No. 20 of Part-I.
3.	The boundary of the Colonel Sher Jung National Park has been re-notified. Therefore, State Govt. may provide the exact aerial distance of the proposed project from the boundary of the PA and its notified ESZ.	In this connection user agency has intimated that he has already submitted the distance certificate from the concerned Wildlife Wing of HP of ESZ area of Colonel Sher Jung National Park. Copy of the same has been uploaded in additional information against Sr. No. 21 of Part-I by user agency.
4.	Further, the proposed project is located 10 km in radius of Kalesar WLS of Haryana State. Therefore, State Govt.	In this connection, user has submitted the map which showing GPS location of the ESZ area of Kalesar WLS &

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	may provide the exact aerial distance from the boundary of Kalesar WLS and its notified ESZ. If the proposed project is within the 10 km of radius of PA/ESZ, comments of the CWLW may also be provided.	National park as per letter of Pr.CCF-cum-Chief Wildlife Warden, Haryana at Panchkula. Accordingly to this map the above proposed mining lease area lies out of the Eco sensitive Zone area of Kalesar WLS & National Park. Copy of the same has been uploaded in additional information details against Sr. No. 21 of Part-I by user agency.
5.	There are various PAs located surrounding the proposed project. Therefore, State Government may provide the exact aerial distances of the proposed project area from the boundary of different PAs and their finally notified ESZ in the light of the recent Order dated 03.06.2022 of Hon'ble Supreme Court may be provided.	As per notified area of ESZ by the Gol in the light of Hon'ble Supreme Court of India, User agency has intimated that he has already obtained the necessary comments and distance certificate from the proposed mining lease area and even the map showing the GPS location of notified ESZ areas as well as proposed mining area. Copy of the same has been uploaded in additional information details against Sr. No. 21 of Part-I by user agency.
6.	There are various PAs surrounding the proposed project. Therefore, State Govt. may also review the proposal in pursuance of Ministry letter dated 07.06.2022 and may submit the Wildlife Management Plan along-with detail of its implementation in to the account of CAMPA is required to be submitted along-with Stage-I compliance. However, in case where is not possible for the State Govt. to submit the compliance due to the delay in preparation of such plan, a lump sum amount of 2% of the project cost shall be realized from the User Agency and submitted along-with the Stage-I compliance. The deficit amount, as per said plan, if any, from the money already realized to the tune of 2 % of the project cost shall be deposited in CAMPA account prior to actual working on the forest area. An undertaking to this effect may also be submitted, if applicable.	In this connection user agency has submitted the undertaking to pay the lump sum amount of 2 % of the project cost in lieu of Wildlife Management Plan and its implantation. (Copy of the same has been uploaded in additional information details against Sr. No. 24 of Part-I.)
7.	The letter of Intent has been expired. Therefore, the same may reviewed and latest Letter of Intent may be provided.	Needful has been done by user agency and same has been uploaded in additional information against Sr. No. 26 of Part-I.
8.	Environment clearance to the project has been granted by the SEEIA on 22.11.2018 Grant of Environment Clearance by SEAC without ensuring prior approval under the Forest (Conservation) Act, 1980 is in	In this regard, user agency has intimated that EC has been applied by them as per requirement of FCA clearance,

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	contravention to the order of Hon'ble Supreme Court dated 06.07.2011 which provided that project requiring environment and forest clearance should obtain approval under the FC Act first to avoid <i>fait accompli</i> situations. Therefore, State Govt. may provide the clarification/justification regarding the same.																
9.	Undertaking has been submitted to dump the muck generated at the marked dumping sites. While as per the Mining Plan and purpose wise breaking of forest land required for the project, no such areas have indicated in the proposal. Therefore, efficacy and rationale of submitting undertaking for an activity which is not a part of the project, clarification may be submitted by State Govt. in this regard.	In this regard, of user has informed that the said lease area falls in the river bed which has only sand, stone & gravel (bajri) etc. which will be sold in its entirety (fully utilize for sale), hence there is no justification in its case for muck dumping. Undertaking of the same has been uploaded in additional information details against sr. No. 23 of Part-I by user agency.															
10.	State Govt. may provide the details of component proposed in the proposal viz. mining, safety zone/green belt area, infrastructure area, etc	<p>In this regard, user agency has intimated the details of component proposed in proposal is given as under:-</p> <table> <tr> <th>Sr. No.</th><th>Component detail</th><th>Detail of area</th></tr> <tr> <td>1.</td><td>Total forest area proposed for mining lease area</td><td>6.2255 ha.</td></tr> <tr> <td>2.</td><td>Total safety zone/green belt area</td><td>1.50 ha.</td></tr> <tr> <td>3.</td><td>Balance area for mining lease</td><td>4.7255 ha.</td></tr> <tr> <td>4.</td><td>Infrastructure area</td><td>--</td></tr> </table>	Sr. No.	Component detail	Detail of area	1.	Total forest area proposed for mining lease area	6.2255 ha.	2.	Total safety zone/green belt area	1.50 ha.	3.	Balance area for mining lease	4.7255 ha.	4.	Infrastructure area	--
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11.	State Govt. may provide the a copy of the DSR report prepared for the District along-with the details of provisions with regards to level of ecologically sustainable mining material which can be harvested from the river bed as per estimates provided in the DSR report prepared as per guidelines issued by the MoEF & CC for the same.	The user agency has submitted the DSR report as given by mining Officer, District Sirmour, copy of the same has been uploaded in additional information detail against sr. No. 22 of Part-I.															
12.	The State Govt. has not uploaded correct KML file of Mine lease (ML) boundary on PARIVESH because KML file of ML boundary is found shifted from the forest area applied for diversion. Therefore, the same may be reviewed and revise accordingly.	Needful has been done by user agency and same has been uploaded in appropriate column of Part-I.															
13.	The purpose wise/component wise breakup detail has not been mentioned of the forest applied for diversion on PARIVESH Portal. The same be provided.	In this regard, it is intimated that purpose wise break-up already given in point No. 10.															

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14.	<p>In DSS analysis out of 13 ha, 3 ha VDF and 10 ha MDF has been found of land proposed for CA. Therefore, State Govt. may review and revise the same and proposed 13 ha degraded forest land having a canopy density less than 40 % along-with land suitability certificate in this regard. Further, revised KML, location map, Sol, Digital map may also be provided/uploaded on PARIVESH Portal.</p>	<p>In this connection it is submitted that suitable certificate in proposed area for CA has been uploaded in additional information details against Sr. No. 15 of Part-II.</p>
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This is for your kind information and necessary action

Conservator of Forests,  
Nahan Forest Circle Nahan.