

**MINUTES OF 16<sup>th</sup> MEETING OF REGIONAL EMPOWERED COMMITTEE OF  
INTEGRATED REGIONAL OFFICE, SHIMLA**

**HELD ON 21<sup>st</sup> FEBURARY, 2023**

The 16<sup>th</sup> meeting of the Regional Empowered Committee (REC) of the Integrated Regional Office Shimla was held on 21<sup>th</sup> February, 2023 under the Chairmanship of Shri Satya Prakash Negi, IFS, Regional Officer, Integrated Regional Office, Shimla to discuss FCA proposals pertaining to Himachal Pradesh State.

Following official/non-official members and IRO team were present in the meeting either in person or through video conferencing.

S. no.	Name	Designation
1.	Shri Satya Prakash Negi, IFS, Regional Officer, Integrated Regional Office, Shimla.	Chairman
2.	Dr. R. S. Bisht, IFS (Retd.)	Non-official Member
3.	Prof. S. D. Bhardwaj	Non-official Member
4.	Smt. Richa Banchta [Representative of Nodal Office (FCA), HPFD]	DFO (FCA), HPFD
5.	Dr. Anoop Kumar Das, Integrated Regional Office, Shimla	Scientist 'B'
6.	Sh. Ajay Kumar, Integrated Regional Office, Shimla	Technical Officer (i/c)
7.	Dr. Aman Kumar, Integrated Regional Office, Shimla	Technical Officer (on contract)
8.	Sh. Paranjay Kumar, Integrated Regional Office, Shimla	Research Officer (on contract)
9.	Representatives of the User Agencies and State Forest Department Officials/concerned DFOs	---

At the outset, the Chairman of the Committee welcomed all the members and other officials present in the meeting or connected through Video-Conference. Following proposals seeking diversion of forest land for non-forestry purpose pertaining to the state of Himachal Pradesh were discussed in detail and the decision taken by REC is as under: -

**Agenda No.1 Diversion of 50.091 ha of forest land in favour of ITBP Floor 03 Block 02, CGO Complex, Lodhi Road New Delhi for the construction of Dubling-Rishi Dogri-Lamche Dogri road within the jurisdiction of Kinnaur Forest Division, Distt. Kinnaur Himachal Pradesh, (Online Proposal No. FP/HP/Road/145666/2021)**

Regional Empowered Committee discussed the proposal seeking **diversion of 50.091 ha. of forest land in favour of ITBP Floor 03 Block 02, CGO Complex, Lodhi Road New Delhi for the construction of Dubling-Rishi Dogri-Lamche Dogri road.** The Committee noted that 122 no. of trees are proposed to be felled in the project. It is noted that the forest land proposed for diversion is not a part of any Protected Area and important rare and endangered species of fauna (Blue sheep, Himalayan Red Fox, Common leopards) have been reported in the area proposed for diversion. The aerial distance from the diversion area is 26.29 km far from nearest PA/WLS of Lippa Asrang and 23.79 km from its ESZ as per the updated boundaries WLS/ESZ data provided by HPFD. Further, no violation of FCA has been reported by the State Government. Representative of User Agency and DFO Kinnaur were virtually present in the meeting. The proposal was discussed in the REC meeting held on 12.08.2022 but *deferred* the proposal and desired to submit the clarification/ documents. State Govt has submitted the point wise clarification/justification/documents/reply on dated 07.02.2023. Compliance of most of observations are satisfactory. **However, discussion on following points was carried out in the REC meeting: -**

- 1) Committee was apprised that FRA certificate has been submitted, however Deputy Commissioner-cum-Chairman DLC Kinnaur has mentioned in certificate that project like construction of roads, canals, laying of Pipe lines/optical fibers and transmission lines etc. where linear diversion of use of forest land in several villages are involved, unless recognized rights of PTG/PAC are being affected are exempted from the requirement of obtaining consent of concerned Gram Sabha (s), as stipulated in clause (c) read with clause (b), (e) and (f) in second Para of this Ministry's letter. However, FRA certificate needs to be submitted with all prescribed annexures including records of all consultation & meetings with Gram Sabha (S) & FRC (S) of all the concerned villages as per the MoEF&CC letter dated 16.02.2022 vide File No. FC-11/76/2019-FC-Part (1) mentioning applicability of FRA certificate for the defense road of Indo-china. Therefore, an undertaking to submit the FRA certificate before stage-II (Final) approval needs to be submitted.





- 2) Committee observed that the State Govt. has not rectified and fill the district profile in Part-II, para-14 on the PARIVESH portal.
- 3) Committee was apprised that status of proposed CA land is Waste land (Unclassed Forest) as per the record available at Kinnaur Forest Division and it is also certified that the CA land is under possession of the H.P Forest Department. Therefore, State Govt needs to provide the documentary proof regarding the possession of the same.
- 4) Committee was apprised that Hon'ble High Court of Himachal Pradesh has issued directions on dated 13.01.2023 CWPIL NO 13/2021 title as Kusum Bali Vs States of HP and others which states that *"We direct that there shall be no cutting of hills in the entire State of Himachal Pradesh, unless permission is obtained from the Director, who shall call for a report and "No Objection Certificate" from the Pollution Control Board, before granting such permission. Therefore, NOC is required to be submitted as per the directions of Hon'ble High court.*
- 5) Committee was apprised that, Ministry of Environment, Forest & Climate Change (IA-III section) Govt of India has issued a notification regarding *"Standard operating procedure (SoP) for environmental safeguards to be followed while constructing and operation of all Highway projects which are exempted up to 100 km from line of control or border"* –reg vide OM dated 06.02.2023 letter No. IA3-22/40/2022-IA.III(E198668). Therefore, an undertaking regarding compliance of the SoP issued by MoEF & CC needs to be submitted.

*After detailed discussion on the above mentioned points, the Committee recommended to accord In-principle (Stage-I) approval subject to submission of documents/clarification on the following points:*

- i. State Government shall ensure to restrict the felling of trees to maximum 122 trees in the diverted forest land. However, the possibility to reduce the number of trees (especially *Pinus gerardiana*) must be explored and the State Forest Department shall constitute a Committee comprising Range Officer and Site Engineer In-charge and headed by the DFO concerned. The Committee shall examine the alignment at the time of execution of work and will recommend the removal of trees on case to case basis along the RoW of road after looking into the possibility of reducing the total number of trees to be affected. The DFO shall verify the enumeration and accordingly grant felling permission based on the actual requirement. DFO will submit the list of trees to IRO Shimla, granted felling permission





- by him and trees to be retained. The undertaking for the same duly authenticated by the concerned DFO may be provided.
- ii. The FRA Certificate along with all prescribed annexures shall be submitted before Stage-II (Final) approval as per the MoEF&CC letter dated 16.02.2022 vide File No. FC-11/76/2019-FC-Part (1). An Undertaking to submit the same before Stage-II (Final) approval shall be submitted by the User Agency duly authenticated by concerned DFO.
  - iii. State Govt. shall provide the documentary proof showing the possession of CA land under the possession of H.P Forest Department.
  - iv. State Govt. shall submit an undertaking to comply the order of Hon'ble High Court of Himachal Pradesh issued on 13.01.2023 in CWPII NO 13/2021 titled as Kusum Bali Vs States of HP and others. And accordingly shall submit the NOC from Pollution Control Board.
  - v. State Govt. shall submit an undertaking to comply SoP issued by MoEF & CC OM vide letter No. IA3-22/40/2022-IA.III (E198668) dated 06.02.2023.
  - vi. The State Govt. shall rectify and fill the district profile in Part-II, para-14 on the PARIVESH portal.
  - vii. Since the diversion area is falling above the 3000 msl, therefore DFO concerned may re-verify the presence of *Cedrus deodara* in the area, and review the enumeration list accordingly.

**Agenda No.2** Diversion of 11.7936 ha of forest land in favour NHAI, for four laning of proposed Shimla bypass from Kaithlighat to Shakral Section (Package-I) of NH-22 (Chainage from Kms 128.835 to Kms 146.300), within the jurisdiction of Shimla Forest Division, Distt. Shimla, Himachal Pradesh. (Online Proposal number FP/HP/ROAD/151117/2022).

Regional Empowered Committee discussed the proposal seeking diversion of 11.7936 ha. of forest land in favour NHAI, for four laning of proposed Shimla bypass from Kaithlighat to Shakral Section (Package-I) of NH-22 (Chainage from Kms 128.835 to Kms 146.300). Committee noted that the proposed diversion area is not a part any Protected Area and its ESZ, and no rare and endangered species are reported in the proposal. DFO concerned and User Agency (UA) were present in the meeting, and UA made a detailed power point presentation of the proposed project.

**The discussion on the following points have been carried out:**

1. The Committee noted that the RoW of the proposed road is exceeding the IRC Hill Norms in some stretches, and has been taken up to even 100 m considering the construction of highways on hilly terrain. The User Agency (UA) informed that the proposed Right of



Way (RoW) for the project, which includes extending up to 100 meters in some stretches viz. area of twin tube tunnels, tunnel portals, toll plaza and slope protection works. Further, UA informed that according to Clause 2.3 of the IRC: SP: 84:2019 Manual of Specification and Standards of Four Laning of Highways, a minimum RoW of 60 meters is required for the development of a 4-lane highway in hilly terrain, however, in hilly terrains, the natural topography of hills will vary across different project alignments, making it necessary to adjust cut and fill according to the geological condition. Consequently, for some projects, the Proposed RoW (PRow) may not be constant throughout and may range from a minimum of 60 meters to a maximum of 100 meters, depending on the applicable terrain, cutting height, and width, to maintain slope protection measures in accordance with IRC standards. The Committee has taken note of these facts.

2. Committee noted that a total of 2008 trees are mentioned in PART-II of PARIVESH portal under column 4 (ii). Further, large numbers of ecologically important Oak and Deodar species are also involved. The UA informed that the proposed dumping sites are mainly for dumping of muck generated from the already approved proposal (FP/HP/ROAD/9295/2015) in which no approved muck dumping sites were involved and for dumping of muck generated in the extant proposal. It was apprised to the Committee that there are total number of 2008 trees, out of which 1682 are falling in the dumping sites which will not be felled. The remaining 326 trees falling in PRow will only be felled that too as per requirement. Committee is of the view that 781 saplings exists in the dumping sites should be translocated to suitable location under the supervision of responsible officer of State Forest Department.
3. Committee was apprised that Chainage-wise, Component wise and *Khasra* no wise detail is not provided. The UA informed that the same will be provided.
4. Committee noted that as per the SIR of the DFO 03 seasonal streams are in close proximity of proposed dumping sites. DFO informed that he along with concerned Conservator of Forest visited the proposed dumping sites and observed that the seasonal streams are in proximity to these sites and these streams are not affected by the proposed dumping. Committee is of the opinion that the recharge point of the seasonal streams shall be taken due care from the disturbance and sufficient measures to be taken care to preserve their sources and flow of the streams.
5. Committee was apprised that dumping sites are located under jurisdiction of Shimla Forest Division. However, Reclamation Plan is prepared by DFO Theog. DFO Shimla in the regard submitted that rectified Reclamation Plan shall be submitted by him.



6. Committee was apprised that recently, Hon'ble High Court of Himachal Pradesh has issued directions on dated 13.01.2023 CWPIL NO 13/2021 titled as Kusum Bali Vs States and others that "*We direct that there shall be no cutting of hills in the entire State of Himachal Pradesh, unless permission is obtained from Director, who shall call for a report and "No Objection Certificate" from the Pollution Control Board, before granting such permission*". Therefore, NOC is required to be submitted as per the directions of Hon'ble High Court. The UA submitted that the same will be complied.
7. Committee was apprised that the PRow is in close proximity of Kalka-Shimla Heritage Railway line. UA submitted that NoC from the Railways is in process and will be submitted at the earliest.
8. Committee noted that dumping sites are proposed in densely forested area. UA in this regard submitted that out of 09 proposed dumping sites, 05 dumping sites are proposed in forest land and 04 sites are non-forest land. UA further submitted that due to presence of settlements and habitation, the dumping sites are proposed in nearby forest area. It was also informed that villagers are having less land holding with them and they are not willing to provide their lands for dumping purpose.

*After detailed discussion on various aspects of the proposal, the Committee decided to accord In-principle (Stage-I) approval subject to submission of documents/clarification on the following points: -*

- i. Since the proposed Right of Way (RoW) for the project that is extending up to 100 meters in some stretches viz. area of twin tube tunnels, tunnel portals, toll plaza and slope protection areas etc., therefore, State Government shall provide geo-coordinates of these sites/stretches properly marked on the map where the width of the PRow is exceeding the standard IRC norms (i.e. 60 m).
- ii. State Government shall provide *Khasra* number-wise enumeration list of trees uploaded under Part-II under column 4 (ii) PARIVESH Portal.
- iii. UA shall provide an Undertaking duly authenticated by concerned DFO that no trees shall be felled in the Muck Disposal Site (1682 trees). Further, detailed information regarding Dumping Site-wise area and the trees standing on these dumping sites in the forest land shall be submitted.
- iv. State Government shall provide enumeration list of 326 trees as proposed to be felled in PRow duly authenticated by the concerned DFO. Further, State Government shall

*constitute a Committee comprising Range Officer and Site Engineer In-charge and headed by the DFO concerned. The Committee shall examine the alignment at the time of execution of work and will recommend the removal of trees on case to case basis along the PRow after looking into the possibility of reducing the total number of trees to be affected. Accordingly, the committee headed by the DFO concerned shall verify the enumeration list of the trees proposed based on the actual requirement. Further, The DFO will provide the list of trees to be felled and retained to IRO Shimla. An Undertaking in this regard shall be submitted by the User Agency duly authenticated by concerned DFO.*

Also, an Undertaking regarding possibility of translocation of the saplings before execution of the project from PRow and Dumping Sites shall be provided.

- v. State Government shall provide Chainage-wise and purpose-wise detail of the forest land with *Khasra* number.
- vi. State Government shall provide the Reclamation Plan of the dumping sites prepared by the concerned DFO i.e. DFO, Shimla.
- vii. State Government shall comply the Orders of the Hon'ble High Court of Himachal Pradesh issued on dated 13.01.2023 CWPIL NO 13/2021 title as Kusum Bali Vs States and others. Accordingly, NOC from PCB shall be submitted.
- viii. UA shall provide an Undertaking duly authenticated by concerned DFO regarding the submission of the NoC from Railway authorities of Kalka-Shimla Heritage Railway line before Stage-II approval.
- ix. UA shall submit an Undertaking duly authenticated by concerned DFO that the recharge point of the seasonal streams and springs shall be taken due care from the disturbance, and sufficient measures shall be adopted to preserve the sources of these natural springs/streams and their flow.

**Agenda item no. 3:- Diversion of 0.6806 ha. in favour of Sanjeev Hydro Projects Private Limited, VPO Sauhora Tehsil & District Kangra for construction of Lower Iku Small Hydro Electric Project (1 MW), within the jurisdiction of Dharamshala Forest Division, Distt. Kangra, Himachal Pradesh (Online Proposal No. FP/HP/HYD/41472/2019).**

Regional Empowered Committee discussed the proposal seeking **diversion of 0.6806 ha. in favour of Sanjeev Hydro Projects Private Limited**. The Committee noted that 24 no. of trees are proposed to be felled in the project. It is noted that the forest land proposed for diversion is not a part of any Protected Area and no rare and endangered species of flora and fauna have been reported in the proposed diversion area. As per DSS analysis, the aerial distance of proposed



diversion area 32.59 km from Pong Dam Lake Wild Life and 30.09 km from Dhauladhar Wild Life Sanctuary. DFO, Dharamshala and User Agency were present in the meeting through online mode.

**The discussions on following points were carried out in the meeting:**

1. Committee was apprised that FRA Certificate is not submitted, however an undertaking to submit the same before Stage-II (final) approval has been submitted by State Government.
2. Committee observed that the 07 dumping sites are proposed for muck dumping in 0.0741 ha area. Committee is of the opinion that these dumping sites should not be scattered. In this regard, User Agency submitted that these proposed dumping sites are each having very less area and are proposed in barren land/without vegetation areas.
3. Committee was apprised that proposed CA area is degraded forest land notified as UPF/DPF under IFA, 1927. However, documentary proof of the same is not submitted.
4. Committee observed that proposed CA area is 1.36 ha in lieu of proposed 0.6806 ha diversion area, however, as per DSS analysis area of CA is 1.04 ha. Committee is of the opinion that State Government should provide the balance CA area for raising plantation of 1362 plants in 1.362 ha area.
5. Committee was apprised that approved copy of study on "Assessment of Environmental Management Systems and Implementation Capacity" carried out by Department of Environment, Science and Technology regarding mitigation measures to be adopted in Small Hydro Electric Projects upto 25 MW is not provided. Committee is of the view that State Government shall provide the copy of the same along with an Undertaking from User Agency duly authenticated by the concerned DFO to comply the mitigation measures suggested in the aforesaid study.

*After detailed discussion on various aspects of proposal, the Committee decided to recommend the proposed for In-principle (Stage-I) approval by the Competent Authority in MoEF&CC, New Delhi subject to submission of documents/clarification on the following points:*

- i. State Government shall submit proper justification of proposing many number of dumping sites.
- ii. The documentary proof regarding the possession of CA land with Forest Department is required to be submitted.
- iii. State Government shall provide the balance CA area for planation of 1362 plants in 1.36 ha area along with all required documents/maps etc.



- iv. State Government shall provide approved copy of study on "Assessment of Environmental Management Systems and Implementation Capacity" carried out by Department of Environment, Science and Technology regarding mitigation measures to be adopted in Small Hydro Electric Projects upto 25 MW along with an Undertaking from User Agency duly authenticated by concerned DFO to comply the mitigating measures suggested in the aforesaid study.

**Agenda No.4 :- Diversion of 0.5151 ha. in favour of Mongra Hydro Projects Private Limited, for construction of Lower Iku-1 Small Hydro Electric Project (1 MW), within the jurisdiction of Dharamshala Forest Division, Distt. Kangra, Himachal Pradesh (Online Proposal No. FP/HP/HYD/41533/2019).**

Regional Empowered Committee discussed the proposal seeking **diversion of 0.5151 ha of forest land in favour of Mongra Hydro Projects Pvt. Ltd.** The Committee noted that 16 trees to be felled in proposed diversion area. It is noted that the forest land proposed for diversion is not a part of Protected Area and no rare and endangered species of flora and fauna have been reported in the area proposed for diversion. The aerial distance from proposed site is 28.5 Km from Pong Dam Lake Wild Life Sanctuary and 43.5 km from Dhauladhar Wild Life Sanctuary. Further, no violation of FCA has been reported by the State Government. DFO Dharamshala and User Agency were present virtually in the meeting. **The following points were discussed in meeting and Committee was appraised that:**

1. Committee was apprised that approved copy of study on "Assessment of Environmental Management Systems and Implementation Capacity" carried out by Department of Environment, Science and Technology regarding mitigation measures to be adopted in Small Hydro Electric Projects upto 25 MW is not provided. Committee is of the view that State Government should provide the copy of that same along with an Undertaking from User Agency to comply the mitigating measures suggested in the aforesaid study.
2. Committee observed that the 05 dumping sites are proposed for muck dumping in 0.0946 ha area. Committee is of the opinion that these dumping sites should not be scattered. In this regard User Agency submitted that these proposed dumping sites are each having very less area and are proposed in barren land/without vegetation areas.

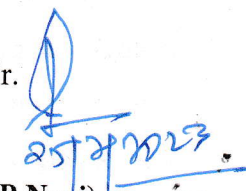
*After detailed discussion on the above mentioned points, the Committee decided to recommend the proposed for In-principle (Stage-I) approval by the Competent Authority in MoEF&CC New Delhi subject to submission of documents/clarification on the following points:*



- i. State Government shall provide approved copy of study on "Assessment of Environmental Management Systems and Implementation Capacity" carried out by Department of Environment, Science and Technology regarding mitigation measures to be adopted in Small Hydro Electric Projects upto 25 MW along with an Undertaking from User Agency duly authenticated by concerned DFO to comply the mitigating measures suggested in the aforesaid study.
- ii. Since the diversion area of the proposed project is 0.5151 ha, however 04 number of dumping sites has been proposed. State Government shall submit proper justification of proposing many number of dumping sites.

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The meeting ended with thanks to the members and other participants by the Chair.

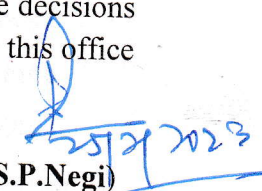
  
(S.P.Negi)  
Chairman, REC

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Dated: 25 February, 2023

**Distribution:**

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2. Prof. S. D. Bhardwaj, (Member, REC), 33-Sai Niwas, Scientist Colony, Post Office Shanti, Tehsil & Distt. Solan- 173 212, Himachal Pradesh. (Email: shrwandev@yahoo.co.in).
3. The Addl. Chief Secretary (Forest), Govt. of Himachal Pradesh, Armsdale Building, Shimla.(Email:forestsecy-hp@nic.in).
4. The APCCF-cum-Nodal Officer (FCA), Forest Department, Govt. of Himachal Pradesh, Talland, Shimla, H.P. for information with a request to take early action on the decisions taken in the REC meeting and ensure submission of satisfactory compliance to this office for further necessary action. (Email:nodalfcap@yahoo.com).

  
(S.P.Negi)  
Chairman, REC