

**MINUTES OF 16th MEETING OF REGIONAL EMPOWERED COMMITTEE OF
INTEGRATED REGIONAL OFFICE, SHIMLA
HELD ON 21st FEBRUARY, 2023**

The 16th meeting of the Regional Empowered Committee (REC) of the Integrated Regional Office Shimla was held on 21st 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: -

Endst. No. 6730

Dated Rampur, the 01/03/23

Copy alongwith its copy of minutes of 1th meeting of Regional Empowered Committee of Integrated Regional Office Shimla held on 21th February, 2023 is forwarded DFO Kinnaur for information and necessary action. He is requested to attend the observation raised by the said committee and submit the satisfactory compliance to this office at the earliest.

Encl:- As above.

Chief Conservator of Forests (T)
Rampur Bsr. H.P

S. no.	Name	Designation
1.	Shri Sagar Prakash Singh, I.A.S. Regional Officer Shimla	Chairman
2.	Dr. R. K. Singh, I.A.S. (Retd.)	Ex-official Member
3.	Prof. S. D. Bhambhani	Non-official Member
4.	Smt. Nisha Bhatnagar [Representative of Women's Group, Kinnaur]	DFO (PCA) HPTD
5.	Dr. Anoop Kumar, I.A.S. (Retd.) Regional Officer Shimla	Secretary
6.	Sh. Ajay Kumar, Integrated Regional Office Shimla	Technical Officer (I)
7.	Dr. Anand Kumar, Integrated Regional Office Shimla	Technical Officer (on contract)
8.	Sh. Praveen Kumar, Integrated Regional Office Shimla	Technical Officer (on contract)
9.	Representatives of the Kinnaur and Pangi Tribal Development Committees	

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, lying 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 CWPIL 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.

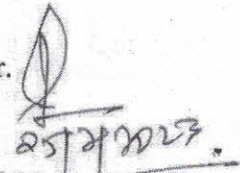
The discussion on the following points have been carried out:

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

- 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

File. No.: 14-4/IRO/REC/2021/2/ 93

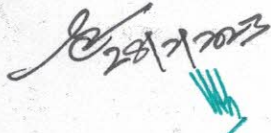
Dated: 25 February, 2023

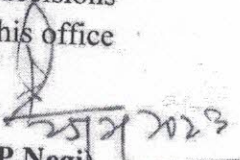
Distribution:

1. Dr. R. S. Bisht, Retd. IFS (Member, REC), Green Street, Uttaranchal Colony, Gas Godam Road, Kusum Kheda, Haldwani-263139, Uttarakhand (Email:rbisht@hotmail.co.uk).
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:nodalcahp@yahoo.com).



25/02/23




(S.P.Negi)
Chairman, REC