

**MINUTES OF 4th MEETING OF REGIONAL EMPOWERED COMMITTEE OF
INTEGRATED REGIONAL OFFICE, SHIMLA
HELD ON 23rd FEBRUARY, 2022**

The 4th meeting of the Regional Empowered Committee (REC) of the Integrated Regional Office Shimla was held on 23rd February, 2022 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 Special Invitee were present in the meeting either in person or through video conferencing.

S. no.	Name	Designation
01	Shri Satya Prakash Negi, IFS, Regional Officer, Integrated Regional Office, Shimla.	Chairman
02	Dr. R. S. Bisht, Retd. IFS	Non-official Member
03	Prof. S. D. Bhardwaj	Non-official Member
04	Shri T. C. Nautiyal, IFS, DIGF (C), Integrated Regional Office, Shimla.	Member Secretary
05	Shri R. K. Gupta, IFS HPSFD	Nodal Officer-cum-APCCF(FCA)
06	Dr. Yogesh Gairola, Integrated Regional Office, Dehradun.	Technical Officer (Special Invitee)
07	Sh. Joginder Kumar, Integrated Regional Office, Shimla	Technical Officer (i/c)
08	Sh. Ajay Kumar, Integrated Regional Office, Shimla	Technical Officer (i/c)
09	Sh. Aman Kumar, Integrated Regional Office, Shimla	Technical Officer (on contract)
10	Representatives of the User Agencies and State Forest department	---

At the outset, the Chairman of the Committee welcomed all the members 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 case wise decision taken by REC is as under:

Agenda item no.1: Diversion of 0.5705 ha of forest land (instead of 0.5948 ha) in favour of Snowfoam Energy Pvt. Ltd for the construction of Hamshu –I SHEP (2MW) within the jurisdiction of Kullu Forest Division, Distt. Kullu, Himachal Pradesh. (Online Proposal No. FP/HP/HYD/39463/2019).

Regional Empowered Committee discussed the proposal seeking diversion of 0.5705 ha. Forest land for the construction of Hamshu –I SHEP (2MW) within the jurisdiction of Kullu Forest Division. The Committee noted that 67 trees including 57 saplings are proposed to be affected in the project. There is no tree on dumping site. 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 area proposed for diversion. The aerial distance of the project area from the Manali WLS is 27.37 km. Further, no violation of FCA has been reported by the State Government. The transmission is proposed through underground single circuit cable for which the RoW has been taken as per the prescribed guideline i.e. 600mm.

The representative of the concerned project explained to the committee that after reducing the area for the proposed transmission line, the overall area reduced to 0.5705 ha from earlier proposed 0.5948 ha. The total numbers of trees are 67 out of which 10 are trees while remaining 57 are saplings. This is also noted that the project is of only 2MW capacity having forest area of less than one hectare does not attract provisions of EIA, 2006 as well as clearance from NBWL. The rivulet is part of "Beas" river basin for which study has already been carried out by the IA Division of the MoEF&CC, New Delhi. The necessary comments may be taken from the concern division, if required in this matter. However, it is incorporated as an additional condition which was suggested in cases approved by Hon'ble Minister E&F that user agency shall ensure adherence to stipulated e-flow as recommended by the State of HP and other regulatory authority for the conservation and development of aquatic flora and fauna.

This is also noted that detail list of proposals approved/existing on the same rivulet be provided to this office prior to forwarding the case to the Ministry.

After detailed discussion on various aspects of the proposal, the Committee decided to recommend the proposal to Govt of India, MoEF&CC, New Delhi for approval subject to submission of documents/ clarification/ information on following points:



- i.) All records of consultation and meetings with Gram Sabha (s) and FRC (s) of concerned villages (Enclosures of FRA Certificate) will be submitted before Stage-II approval.
- ii.) The revised NPV calculation sheet/ bill as per revised NPV rates of MoEF&CC, dated 06.01.2022 is required to be submitted/uploaded in the portal.
- iii.) The list of proposals (with their respective capacity) approved/existing on the same rivulet to be provide along with a map and KML file.

Agenda item no. 2: Diversion of 1.6799 ha of forest land in favour of M/s Kalima Hydro Power Pvt. Ltd. C/o Chaman Lal, village Aleo, P.O. and Tehsil Kullu, H.P. for the construction of Shanag Hydro Electric Project (2.175 MW), within the jurisdiction of Kullu Forest Division, Distt. Kullu, Himachal Pradesh. (Online Proposal No. FP/HP/HYD/41807/2019).

Regional Empowered Committee discussed the proposal seeking diversion of 1.6799 ha Forest land for the construction Shanag Hydro Electric Project (2.175 MW), within the jurisdiction of Kullu Forest Division. The Committee noted that 159 trees including 120 saplings are proposed to be affected in the project. There is no tree in the dumping site. Further, no violation of FCA has been reported by the State Government. The area of the project is outside the area of proposed ESZ for the Manali WLS (i.e. aerial distance is 2.0km while the proposed ESZ is 1.950 km). The REC noted that the final notification is not yet issued therefore the ESZ may be considered as 10 km for the said project and provisions of EIA 2006 and clearance from the NBWL may be taken up accordingly. The State Govt has also provided the comments of CWLW in the proposal. Since the matter of ESZ notification is being dealt by the Ministry, necessary condition deem fit to this case may be considered while processing the case for approval.

Further, the project is of capacity of only 2.175 MW therefore the requirement of TEC can be made as an additional condition while considering the case for stage-I approval. However, the representative of the project proponent ensured that the TEC will be made available at the earliest. It was submitted that the DSS has been carried out and part of it was found MDF. The kml file of CA area was shown to the members during the meeting and was also seen in timeline series of google map. It was observed that the presence of MDF might be due to shadow available during the satellite imagery. REC was informed by the by the project proponent that the said CA site was visited by the officials from the State Forest Department prior recommending for CA in this project and found it suitable for plantation.

The REC desired that the site visit report in this regard may be submitted to this office prior to forwarding the case to the ministry. Further, the rivulet is part of "Beas" river basin for which study has already been carried out by the IA Division of the MoEF&CC, New Delhi. The necessary comments may be taken from the concerned division, if required in this matter. However, it is incorporated as an additional condition which was suggested in cases approved by Hon'ble MEF that user agency shall ensure adherence to stipulated e-flow as recommended by the State of HP and other regulatory authority for the conservation and development of aquatic flora and fauna.

After detailed discussion on various aspects of the proposal, the Committee decided to recommend the proposal to Govt of India, MoEF&CC, New Delhi for approval subject to submission of documents/ clarification/ information on following points:

1. TEC shall be submitted before stage-II approval.
2. DFO concerned will submit a certificate to the effect that the proposed CA area is suitable for planting trees @ 1000 trees per hectare.
3. The revised NPV calculation sheet/ bill as per revised NPV rates of MoEF&CC, dated 06.01.2022 is required to be submitted/uploaded in the portal.
4. The list of proposals (with their respective capacity) approved/existing on the same rivulet to be provide along with a map and KML file.

Agenda item no. 3:-Diversion of 6.168 ha of forest land in favour of HPPWD, for the construction of Patarna Kainchi to Mishta Road Kms 0/0 to 9/600 Kms, within the Jurisdiction of Ani Forest Division, Distt. Kullu, Himachal Pradesh. (Online No. FP/HP/ROAD/42875/2019).

The proposal was presented by the concerned DFO as well as the representative from the user agency in detail. After detailed discussion the committee observed that the alignment up to village "Satehon" is appears justified but the rest of the villages at the end of the proposed road can be connected to the other side if approaches to these villages are needed. This way, the whole patch of forest from village "Satehon" onward which appears considerably dense and holding most of the enumeration proposed in this road can be avoided.

After detailed discussion on various aspects of the proposal, the Committee decided to defer the proposal to the next REC meeting with following directions:



1. The Project Proponent and the DFO concerned may examine the case as per the discussion held in the meeting and present the case in person before the members in the next REC.
2. CB ratio shall be reviewed and revised CB ratio is required to be submitted.
3. The revised NPV calculation sheet/ bill as per revised NPV rates of MoEF&CC, dated 06.01.2022 is required to be submitted/uploaded in the portal.

Agenda item no.4:-Diversion of 41.815 ha of forest land in favour of HPPWD for the construction of Slapper to Tattapani road (km 8/500 to 61/600) within the jurisdiction of Suket and Karsog Forest Divisions, Distt. Mandi, Himachal Pradesh. (Online Proposal No.FP/HP/ROAD/37858/2018)

The proposal was discussed in REC meeting of 11th May, 2021 wherein decided to defer the decision to the next REC and desired the State to submit the following documents/clarification:-

1. The State Government will submit the detailed technical justification with reference to PCUs per day in view of guidelines issued by MoRTH for hill roads.
2. As per the DSS analysis of CA area, 7 ha area is falling in VDF and 7 ha area is falling in MDF. State Government may select some other area for CA against area falling in VDF and submit the site suitability certificate of raising plantation in the area falling in MDF.

The REC committee apprised that State Government has submitted the compliance report for observations raised by REC of 11.05.2021. User Agency and DFO, Suket Forest Division were present in the meeting through online mode. The discussion on following points has been carried out:

1. User Agency has apprised the Committee that, as per MoRTH guidelines, the width of road shall be 12 meter (including Paved Shoulder and 1.5 m in curves.) for Passenger Car Unit (PCU)s/day 10,000. The Nodal officer (FCA) informed that this road is important in terms of all-weather road for connectivity to Border Areas. However, Committee noted that width of road as per MoRTH guidelines is 07 meters for 02 lane including paved shoulder for Passenger Car Unit (PCU)s/day >10,000. Therefore, User Agency could not provide proper justification regarding the proposed 12 meter width in this project.
2. Committee also noted that in view of guideline para 2.5 (i) (g) of the handbook, the CA shall be raised in non-forest/waste land in such cases having area of more than 20 hectare. The Nodal Officer, HP has explained to the committee that the proposed road is of strategic importance to the State of HP on which the committee desired to provide some documentary proof.

After detailed discussion on various aspects of the proposal, the Committee decided to defer the proposal to the next REC meeting with following directions:

- i. User Agency will review the proposal especially with regard to the width of the road as per the standard guidelines of MoRTH for the hill roads*
- ii. The CA area shall revise as per the prescribed guideline.*
- iii. The revised NPV calculation sheet/ bill as per revised NPV rates of MoEF&CC, dated 06.01.2022 is required to be submitted/uploaded in the portal.*

Agenda item no.5:-Diversion of 39.024 ha of forest land in favour of ITBP, for the construction of CL-9 road in Indo-China Border from Pt. 4840-High Ground-Bargiok-Lapcha (Kms 21.680), within the jurisdiction of Spiti Wildlife Forest Division at Kaza, District Lahaul&Spiti, Himachal Pradesh. (Online No. FP/HP/DEF/118914/2021).

Regional Empowered Committee discussed the proposal seeking diversion of 39.024 ha Forest land for the construction of CL-9 road in Indo-China Border from Pt. 4840-High Ground-Bargiok-Lapcha (Kms 21.680), within the jurisdiction of Spiti Wildlife Forest Division at Kaza. The Committee noted that proposed road is a strategic road and no trees are being affected in the proposal. It is noted that the forest land proposed for diversion is not a part of any Protected Area and is outside from ESZ of Kibber WLS. However, proposed project falls in Spiti Wildlife Forest Division which is a Biosphere Reserve. Many rare and endangered species of flora and fauna have been reported in the area proposed for diversion. Further, no violation of FCA has been reported by the State Government.

The User Agency and DFO concerned apprised the Committee that proposed area is having gentle slope and precipitation in the area is in the form of snow and every possible care will be looked into by constructing Breast wall and retaining wall to reduce the soil erosion along the alignment. In this regard, Action Plan for the same will be submitted by User Agency.

The Committee noted that the area is not a part of any PA, however, the proposed area is falling in Biosphere Reserve and Blue Sheep, Red Fox and Snow Leopard are reported in the area. Further unique species of Flora are also reported in the area, viz. Ratan Jot (*Arnebia euchroma*), Atis (*Aconitum heterophyllum*) etc. Therefore, comments of CWLW are required mentioning impact of this project on

flora & fauna of nearby area. Hence, recommendation should be done taking the holistic view and should not be focused only on the project under consideration. The Project Proponent clarified that 100% swell factor has to be taken in to account while calculating the muck generation and its utilization. The Committee agreed upon and asked for the technical justification for the same along with Section wise dimensions of each muck dumping site duly authenticated by DFO concerned.

After detailed discussion on various aspects of the proposal, the Committee decided to accord approval in the proposal subject to submission of documents/ clarification/ information on following points:

- i.) Action Plan for mitigation measures to be adopted to arrest accelerated soil erosion and ecological restoration along the alignment and/or adjoining area is required to be submitted duly authenticated by the concerned DFO.
- ii.) The comments of CWLW are required mentioning impact of this project on flora & fauna of nearby area.
- iii.) The FRA Certificate along with all prescribed annexures including all records of consultation and meetings with Gram Sabha(s) and FRC(s) of concerned villages will be submitted before Stage-II approval.
- iv.) Revised Muck Management Plan (containing total muck generation and its utilization details) including technical justification for 100% swell factor and section wise dimension detail of each muck dumping site duly authenticated by DFO concerned will be submitted.
- v.) The revised NPV calculation sheet/ bill as per revised NPV rates of MoEF&CC, dated 06.01.2022 is required to be submitted/uploaded in the portal.

Agenda item no.6:-Diversion of 69.8761 ha (instead of 74.7875) of forest land in favour of NHAI, for the Widening and Strengthening of existing 2 lane shoulder to 4 lane with paved shoulder Kiratpur to Nerchowk NH-21 Road Kms 8/700 to 26/500 District Bilaspur, Himachal Pradesh.

The proposal was discussed in REC meeting held on dated 22.12.2021 for considering the case for final approval without complying the condition number 7 and 8 of the Stage-I approval. After detailed discussion on the proposal, Committee decided to defer the decision to next REC and desired that State Government shall submit the Interim Inquiry Report within 15 days giving details of the action taken against the responsible



officials for change in the alignment and illegal tree felling without prior approval of Central Government.

The Committee noted that the State Government has submitted the reply of REC (22.12.2021) vide letter dated 18.02.2022, wherein it has been informed that the inquiry is still in progress. The CCF Bilaspur has informed to the committee that details from the NHAI and Forest Department have been collected by the inquiry committee but the name of officials responsible for the aforesaid violation reported in the project yet to be collected from the revenue authorities.

User Agency has requested the Committee to grant Stage-II (final) approval as detailed inquiry may take time which can be taken up simultaneously with the State of HP. The User Agency further informed that this is a nationally important project and almost more than 50 % work has already been carried out. The felling has already been done and no more felling is involved in this project. The Nodal Officer (FCA) H.P. has assured that the Interim Inquiry Report on violation will be submitted within a day.

After detailed discussion on various aspects of the proposal, the Committee decided to carry forward the condition number 7 and 8 of the Stage-I approval to the Stage-II approval in public interest and desired that IRO Shimla should continue to follow up the matter related to FC violation with State Govt and take further legal action as per the provisions of FCA, 1980.

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After detailed deliberations on the proposals the Committee was of the unanimous opinion that the proposals submitted by the state govt are not properly examined, especially at the level of nodal office. This leads to unnecessary loss of valuable time on part of the REC and the IRO. Further, the facts presented by the Nodal Officer during the REC meeting should also be available on record. Many times it has been seen that verbal narration by the Nodal Officer is not supported by the available documents on record, this should be avoided in future. All the EDS and observations of the Regional Officer and REC should be appropriately complied by the state.

Nodal Officer-cum-Additional PCCF (FCA) stated that his office carries out meticulous examination of all the cases but inadvertent omissions in certain cases may have crept in. He assured the Committee that proper scrutiny will be carried out hence forth and appropriate replies to EDS/Observations etc. will be ensured by his office.

In addition to the above, Committee was of the strong view that the Nodal



Officer (FCA) of the State Government should attend the REC meeting in-person in future and ensure the presence of all the stakeholders for gainful discussion in the meeting. This will help the Committee to understand the proposals in better way and arrive at the conclusion .

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



(T.C. Nautiyal)

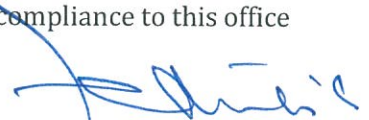
DIGF-cum-Member Secretary, REC

File. No.: 14-4/IRO/REC/2021/1/ 130

Dated: ~~4 February, 2022~~ 4 March, 2022

Distribution:

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2. Dr. 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. Shri T. C. Nautiyal, IFS, DIGF (C) (Member REC), Integrated Regional Office, Dehradun. (Email:tcnautiyal@gmail.com)
4. The Addl. Chief Secretary (Forest), Govt. of Himachal Pradesh, Armsdale Building, Shimla. (Email:forestsecy-hp@nic.in)
5. The APCCF-cum-Nodal Officer (FCA), Forest Department, Govt. of Himachal Pradesh, Talland, Shimla, H.P. for information. He is requested to take action on the decisions taken in the REC meeting (Project wise) & ensure submission of compliance to this office for further necessary action.



(T.C. Nautiyal)

DIGF-cum-Member Secretary, REC