

ESSENTIAL DETAILS SOUGHT (EDS)

Proposal for forest clearance involving use of **847.17 Ha** of forest land for construction of (1856 MW) **Sawalkot Hydroelectric Project** in Udampur, Batote, Ramban and Mahore Forest Divisions by NHPC Ltd..

(Online Proposal No. FP/JK/Hyd/150591/2021)

The case has been examined and the following observations have been made:

1. The areas proposed for carrying out the Compensatory Afforestation (CA) have been identified on the patches of Degraded Forest Land (DFL) by all the four Forest Divisions instead of Non-Forest Land (NFL) as mandated under **Rule 13** of the **Van (Sanrakshan Evam Samvardhan) Rules, 2023** which is reproduced below:

13. Creation of Compensatory Afforestation.- (1) *An user agency shall provide land which is neither notified as forest under the Indian Forest Act, 1927 (16 of 1927) or any other law nor managed as forest by the Forest Department and it shall also bear the cost of raising compensatory afforestation over such land and the requirement of Compensatory Afforestation land shall be as per the Schedule-II annexed to these rules: Provided that in case the non-forest land or portion thereof provided by the user agency is not fit for raising compensatory afforestation of a specified density, then additional compensatory afforestation shall be raised on a degraded notified or unclassified forest land under the management control of the Forest Department which is twice in size of such shortfall in the given compensatory afforestation land and the user agency shall also bear the additional cost on such account.....Provided also in exceptional circumstances when the suitable land required for compensatory afforestation under this clause is not available and the certificate to this effect is given by the State Government or Union territory Administration, as the case may be, the compensatory afforestation may be considered on degraded forest land which is twice in extent to the area proposed to be diverted in case of the Central Government agencies or Central Public Sector Undertakings on case to case basis..."*

The applicability of the above-quoted CA provisions in the instant case is justified in light of the **Sub-rule 8 of Rule 16** of the **Van (Sanrakshan Evam Samvardhan) Rules, 2023** has been referred to which is reproduced as under:

"... (8) Any proposal which has already been submitted under the provisions of the Forest (Conservation) Rules, 2003 or Forest (Conservation) Rules, 2022 and are currently under consideration of the various authorities in the State Government or Union territory Administration or the Central Government for grant of 'In-principle' or 'Final' approval shall be dealt in the following manner, namely:-

(i) Any proposals granted 'In-principle' approval shall be dealt under the provisions of the extant rules and be processed and considered for grant of 'Final' approval without amending the conditions stipulated in the 'In-principle' approval; and

(ii) Any provision of the extant rules will be applicable on the proposals which are yet to be granted 'In-principle approval under the Adhinyam."

From the the perusal of Clause (ii) of the above-referred sub-rule, the instant case, being under the process of accord of In-principle Approval under the Rules framed under the repealed Act viz., the Forest (Conservation) Act, 1980, has to be accorded "Final Approval" under the **extant rules** viz., **Van (Sanrakshan Evam Samvardhan) Rules, 2023** which are applicable w.e.f, 01.12.2023. Therefore, the CA in the instant case has to be carried out over non-forest lands.

2. Another observation is regarding the enumeration data of trees/poles/saplings uploaded by the respective DFOs on PARIVESH Portal. It is to apprise that the enumeration data has to be filled in by the DFOs in the prescribed format on PARIVESH and the enumeration details at Full Reservoir Level (FRL); FRL minus two meters (FRL-2m) and FRL minus 4 meters (FRL-4m). Since the Full Reservoir Level is the highest water level, therefore, logically, the number of trees enumerated At the Full Reservoir Level (FRL) in the proposed Reservoir area of the Hydel Project, would be the highest followed by numbsrer of trees enumerated at FRL-2m and FRL-4m respectively. However, the enumeration data uploaded by all the four Forest Divisions on PARIVESH doesn't conform to

the aforementioned logical arrangement. This needs to be clarified by the APCCF, Nodal Officer, FCA (J&K) and the enumeration lists need to be re-visited thereof. The enumeration data submitted on PARIVESH by the four Forest Divisions is tabulated below:

Name of Division	No of Trees/poles/Saplings Enumerated			Remarks
	FRL	FRL-2 Mtr	FRL-4 Mtr	
Batote	350000	52190	297810	FRL-2m Level has lesser no. of trees compared to FRL-4m which is illogical
Mahore	77	399	280	The enumeration data from FRL to FRL-4m is in reverse of the logical order/sequence.
Ramban	272029	14227	257802	FRL-2m Level has lesser no. of trees compared to FRL-4m which is illogical.
Udhampur	13	3710	40496	The enumeration data from FRL to FRL-4m is in reverse of the logical order/sequence.

Please clarify the above observations raised above.