

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj
New Delhi - 110003

Dated: May, 2022

To

The Secretary (In-charge)
Government of Uttarakhand
Dehradun

Sub: Renewal of diversion of forest land of 1497 ha of forest land in favour of Uttarakhand Forest Development Corporation, Mining Division, Haldwani for collection of Minor Minerals from Gaula River in Haldwani and Terai East Forest Divisions, District Nainital (Uttarakhand) (Online proposal no. FP/UK/MIN/149754/2021) – reg.

Sir,

I am directed to refer to Government of Uttarakhand's online proposal No. **FP/UK/MIN/149754/2021** dated 12.04.2022 on the above subject seeking prior approval of the Central Government under Section 2 (ii) of Forest (Conservation) Act, 1980 and to inform that examination of the said proposal in the Ministry revealed the following:

- i. Detail of compensatory afforestation, in lieu of approval accorded for 1497 ha of forest land, undertaken in the past, its survival percentage, year wise detail of expenditure proposed and incurred needs to be submitted by the State along with soft copies of KML/shape files of all sites.
- ii. KML/Shape files of the area proposed for diversion as well as area used for raising compensatory afforestation have not been submitted. The same needs to be submitted to enable in-depth analysis of the proposal using DSS tools.
- iii. Proposed land falls within the Shivalik Elephant Reserve and as the substantial extent of river stretch has been proposed for mining, comments of PCCF (Wildlife) And CWLW on the likely impact of the project on wildlife in general and Elephant in particular may be obtained by the State and the same may be intimated to the Ministry.
- iv. Geology and Mining Unit, Directorate of Industry, Government of Uttara hand vide their letter dated 31.05.2021 approved the Mining Scheme for the balance period of lease granted by the State vide order dated 24.01.2013. State Government vide ibid order dated 24.01.2013 had granted the lease for a period of 10 years which is likely to be expired on 23.01.2023. Further, examination of the Mining scheme revealed the following:
 - a. Comments of State on validity of Mining Plan 23.01.2023 i.e. whether any revised Mining Plan and renewal of lease is under consideration or granted by the State for further period after the expiry of the lease.
 - b. Lease has been granted for a period of 10 years while the Scheme of Mining has been submitted for a period of 2 years. The discrepancy needs to be rectified by the State.

- c. As per Scheme of Mining total demarcated area of the lease is 1497 ha, out of which mining has been proposed over 748.5 ha only. In case the balance area of 748.5 ha is not required for mining, the justification for not handing over the same back to Forest Department needs to be furnished by the State.
- d. Land use/Component wise breakup of the area proposed for diversion i.e. area under mining, infrastructure, approach road, storage of top soils, etc. has not been mentioned neither in the proposal nor in the Mining Scheme. The same needs to be furnished by the State.
- e. Landuse details provided under chapter-14 of the Mining Plan mention entire area of 1497 ha as undisturbed waste land which does not seem to be tenable in light of facts that production has been realized from the area during the last decade. Considered opinion of the State in the matter may therefore be furnished.
- f. Mining Plan essentially has to be prepared in consonance with the provisions of the relevant mineral concession rules and accordingly diversion proposal should be formulated by the State. Mining Plan, if any, prepared and approved for the entire period of 10 years may be submitted by the State providing the full detail of the land use, mining area, its reclamation, etc.
- v. Status of District Survey Report, if any, prepared by the State Government in Nainital District in accordance with the Guidelines on Sustainable Sand Mining - 2019 issued by the Ministry vis-à-vis recommendation made thereof on the mining of RBM proposed in the extant proposal.
- vi. The State Government may also submit its comments whether the report prepared by the Indian Institute of Soil and Water Conservation is in conformity with the Sustainable Sand Mining Guidelines 2019 or otherwise.
- vii. Estimation of cost benefit ratio has not been provided in the proposal. The same needs to be estimated by accounting all parameters specified in the Guidelines dated 1.08.2017 issued by the Ministry, incorporated at Annexure -III of Handbook of Forest (Conservation) Act, 1980.
- viii. As per Supreme Court order dated 28.03.2008, revenue earned from the sale of RBM should be utilized for conservation work. Detail of amount earmarked and incurred on conservation may be provided on annual basis for the last decade.
- ix. Status of SPV made for the purpose of collection of revenue earned and used for SMC and other conservation works may also be provided.

Yours faithfully,
Sd/-
(Charan Jeet Singh)
Scientist- D

Copy to:

1. Addl. Chief Secretary (Forest), Govt. of Uttarakhand, Department of Forest, Dehradun.
2. PCCF (HoFF), Govt. of Uttarakhand, Department of Forest, Dehradun
3. Regional Officer, Integrated Regional Office, MoEF&CC, Dehradun
4. APCCF cum Nodal Officer (FCA), O/o PCCF, Govt. of Uttarakhand, Dehradun
5. User Agency.
6. Monitoring Cell, FC Division

7. Guard file