

I/10565/2022



सत्यमेव जयते

भारत सरकार/GOVERNMENT OF INDIA
एकीकृत क्षेत्रीय कार्यालय
Integrated Regional Office
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
सी.जी.ओ. कॉम्प्लेक्स, शिवालिक खण्ड, लौंगवुड
CGO Complex, ShivalikKhand, Longwood
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दिनांक: 02.09.2022

सेवा में,

अतिरिक्त मुख्य सचिव (वन)
हिमाचल प्रदेश सरकार,
आर्म्सडेल बिल्डिंग, शिमला।
(Email:- forestsecy-hp@nic.in)

विषय: Diversion of 3.9705 ha of forest land in favour of HPPWD, for the construction of link road Padyalag, Dohru, Maryani, Chandoh, Dadhol-Kalan, Patta, Dakhuit (Kms. 0/00 to 6/450), within the jurisdiction of Bilaspur Forest Division, Distt. Bilaspur, HP. (Online Proposal no. FP/HP/Road/116532/2020).

संदर्भ: नोडल अधिकारी-सह-अतिरिक्त प्रधान मुख्य अरण्यपाल (एफ.सी.ए.), हि0प्र0 के पत्रांक 48-3027/2015 (एफ.सी.ए.) दिनांक 18.08.2022.

महोदय,

उपरोक्त विषय पर संदर्भित पत्र का आशय ग्रहण करते हुए सूचित करना है कि प्रस्ताव में निम्नलिखित कमियां पाई गयी है। अतः राज्य सरकार निम्न बिन्दुओं पर आवश्यक सूचनाएं प्रेषित करने का कष्ट करें, ताकि अग्रिम कार्यवाही सुनिश्चित की जा सके:-

- The Site Inspection Report revealed that a violation has been carried out. Therefore, in view of above, following clarification/justification may be provided:-
 - The Action Taken Report against the violators as per Para 1.21 (i) and/ or (ii) of FCA Guidelines may be submitted/ uploaded in the portal.
 - Action taken by the State Government against the officials concerned for not being able to prevent the use of forest land for non-forestry purpose without prior approval of Govt. of India
- The clarification/documents regarding the following may also be provided:-
 - Complete legible list of 2183 roads provided by HPPWD to Hon'ble High Court of Himachal Pradesh constructed in violation of FCA, 1980 highlighting the Sl. No. and name of the road of the extant proposal.
 - Copies of the Orders of the Hon'ble High Court of H.P. which clearly finds mention of regularization of 2183 roads which have already been constructed in violation of the provisions of FCA, 1980.
- In Part-1, A -3 (xvii) the name mentioned in the authorization letter does not match with details of the person making the application.
- Administrative Approval of the Proposal may be provided.
- Breif Statement of the project needs to be provided.
- On examination of the KML, it is observed that there is deviation in the KML from the existing path/road and overlapping the building structures. State Govt. may clarify whether any new alignment has been proposed "or" KML of the alignment has not been done properly. KML may be reviwed and necessary corrections may be done accordingly, if required.
- Examination of the KML file, it appears that the diversion area is slightly steep and prone to erosion. Therefore, the State Govt. may provide details of the mitigation measures to be adopted to arrest the accelerated soil erosion/landslide during/after execution of the project. Additionally, the State Govt. may submit Soil and Moisture Conservation Plan along with detailed cost of its implementation as per MoEF & CC vide letter No. FC11/43/2021-FC dated 07.06.2022
- KML file showing all the components (Forest land/Non-forest land/Violated part) with distinct colours shall be uploaded on the PARIVESH portal.
- The layout plan must include a legend and the proper dimensions of each component, such as Carriageway, Paved Shoulder, Earth Filling, Drain, and Protection Work, as well as an area-wise

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- calculation. Furthermore, the forest land and non-forest land involved in the proposal must be represented in the layout plan with distinct colors and need to be duly authenticated by the concerned DFO. The private land (Non-Forest) is also included in the proposal. Therefore, consent of the private landowners by way of sale/Gift Deed/ NOC or any other form is also required to be uploaded
10. The Certificate of minimum use of Forest land need to be duly authenticated by the concerned DFO
 11. Complete Enumeration list including the compartment no and along with date of tree enumeration which is duly authenticated by the concerned DFO, needs to be provided
 12. All the dumping sites are proposed on forest land. The state government shall explore non-forest land for the same. If a dumping site is necessarily required to be proposed in forest land, the area of forest land involved in muck dumping shall be reduced. Further, a separate enumeration list of trees for the dumping site may be provided
 13. The Reclamation Plan of the Dumping sites needs to be provided
 14. The Muck Disposal Plan needs to be verified by the concerned DFO.
 15. It has been observed from the KML file that 5 Dumping sites have been proposed on forest land therefore, the State Govt. may explore the possibility of shifting the site to a non-forest area.
 16. If a dumping site is necessarily required to be proposed in forest land, a separate enumeration list of trees for the dumping site may be provided.
 17. Large numbers of trees (48) are getting affected. Therefore, the possibility of reducing the number of trees may be explored or rationalisation to be done in the layout of the proposal reduces the green feeling. Further, a list of trees to be required to be felled and retained may be provided.
 18. Under Para 4 (i) of the Part-II online portal, the Density of Vegetation has been mentioned as **0.02**. However as per DSS Analysis of proposed area for diversion has **Very Dense Forest of 1 ha and Moderately Dense Forest 2 ha, therefore** State Govt. may review the same and accordingly revised NPV calculations and Penal NPV sheet need to be submitted
 19. Examination of KML provided for the CA site shows that out of 7.95 ha, the **06 ha** area is under the Moderately Dense Forest Category. It is pertinent to mention that per provision of **para 2.4 (vii)** of the Handbook OF FCA, 1980. Degraded Forest Land for CA should have canopy density **<40%**. Also, the CA scheme may be prepared as per **para 2.8 (iii)** of the Handbook OF FCA, 1980.
 20. As per the DSS analysis, the Proposed DA is 3.9705 ha however, the calculated area is 3.92 ha. Therefore, State Govt. may review the difference in proposed DA area and calculated area

As per the latest direction of the Ministry of Environment, Forest and Climate Change, Government of India vide File No. FC-7/43/2020-FC dated 22.03.2022, the proposals for use of forest land for non-forest purposes which includes violation of Forest (Conservation) Act, 1980 as specified in Para-1.21 (i) and (ii) will be examined at the level of the Ministry. Therefore, the State Government is requested to submit the reply to this office at the earliest

यदि चाही गई सूचना पत्र जारी होने की तिथि के 60 दिनों के भीतर (अधिकतम 90 दिन) इस कार्यालय में प्राप्त नहीं हुई तो प्रस्ताव को निरस्त किया जा सकता है।

भवदीय,

ह0/-

(सत्य प्रकाश नेगी)

क्षेत्रीय अधिकारी

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. नोडल अधिकारी-सह-अतिरिक्त प्रधान मुख्य अरण्यपाल (एफ.सी.ए.), हिमाचल प्रदेश सरकार, वन विभाग, टालैंड, शिमला (E-mail: nodalcahp@yahoo.com).
2. वन मण्डल अधिकारी, बिलासपुर वन मण्डल, जिला-बिलासपुर, हिमाचल प्रदेश (E-mail: dfobilhp@nic.in).