

प्रेषक,

कहकशां नसीम,
अपर सचिव,
उत्तराखण्ड शासन।

सेवा में,

प्रमुख वन संरक्षक एवं नोडल अधिकारी,
वन संरक्षण, फॉरेस्ट कालोनी, इन्दिरानगर,
उत्तराखण्ड, देहरादून।

वन अनुभाग-03

देहरादून: दिनांक: 13 अगस्त, 2024

विषय: जनपद नैनीताल के अन्तर्गत जमरानी बांध परियोजना के निर्माण हेतु 381.43 है0 वन भूमि का गैर वानिकी कार्यों हेतु सिंचाई विभाग को प्रत्यवर्तन के सम्बन्ध में।

महोदय,

उपरोक्त विषयक अपने पत्र संख्या-103, दिनांक-11 जुलाई, 2024 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से जनपद-नैनीताल के अन्तर्गत जमरानी बांध परियोजना के निर्माण हेतु 381.43 है0 वन भूमि का गैर वानिकी कार्यों हेतु सिंचाई विभाग को प्रत्यवर्तन की विधिवत स्वीकृति दिये जाने विषयक भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, (वन संरक्षण प्रभाग), इंदिरा पर्यावरण भवन, जोरबाग रोड़, अलीगंज, नई दिल्ली के पत्र संख्या-8-36/2013-FC, दिनांक-25 अप्रैल, 2018 (प्रति संलग्न) के द्वारा प्रश्नगत प्रकरण में निर्धारित शर्तों के अधीन सैद्धान्तिक स्वीकृति प्रदान की गयी है।

2- इस सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि श्री राज्यपाल महोदय प्रश्नगत प्रकरण में भारत सरकार द्वारा अधिरोपित शर्तों के अधीन सैद्धान्तिक स्वीकृति प्रदान करते हैं।

3- कृपया प्रकरण में भारत सरकार के उक्त पत्र दिनांक-25 अप्रैल, 2018 द्वारा प्रदत्त सैद्धान्तिक स्वीकृति में अधिरोपित शर्तों का सम्बन्धित प्रयोक्ता एजेन्सी से यथाशीघ्र नियमानुसार अनुपालन सुनिश्चित कराते हुए, अनुपालन आख्या शासन को उपलब्ध कराने का कष्ट करें।

संलग्नक-यथोपरि:

भवदीया,

Signed by Kahkashan

Naseem (कहकशां नसीम)

Date: 12-09-2024 13:32:50

संख्या: 1194(1)/X-3-24/1(99)/2015, तददिनांकित।

प्रतिलिपि: अधिशासी अभियन्ता, जमरानी बांध, निर्माण खण्ड-2, दमुवाडुंगा, हल्द्वानी (नैनीताल) को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

Signed by Dharendra Kumar
Singh

Date: 13-09-2024 17:15:03

आज्ञा से,

(धीरेन्द्र कुमार सिंह)
उप सचिव।

(Stage-I)
7282
148 (77)
16/5/18

F. No. 8-36/2013-FC
Government of India
Ministry of Environment, Forests & Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 1100 03,
Dated: 25th April, 2018

To,
The Principal Secretary (Forest)
Government of Uttarakhand.
Dehradun.

Sub: **Diversion of 351.55 ha. (original proposed area 381.43 ha) ha of forest land in favour of Executive Engineer, Jamrani Dam Project, Irrigation Department, Government of Uttarakhand for construction of Jamrani Dam Project in District Nainital, Uttarakhand.**

Sir,

I am directed to refer to the Government of Uttarakhand letter No. 20/7-1-2013-300 (4160) / 2013 dated 15.04.2013 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, **In-principle approval /Stage-I Clearance** of the Central Government is hereby granted for diversion of 351.55 ha. (original proposed area 381.43 ha) ha of forest land in favour of Executive Engineer, Jamrani Dam Project, Irrigation Department, Government of Uttarakhand for construction of Jamrani Dam Project in District Nainital, Uttarakhand, subject to the following conditions:

- + 5/5/18
7/5/2018
- (i) Legal status of the diverted forest land shall remain unchanged;
 - (i) Compensatory afforestation shall be raised over non-forest land equal to the diverted forest land. At least 1000 plants per hectare (351.55 hectares x 1000 = 351550 plants) shall be planted over identified non-forest land with provision for ten years on subsequent maintenance.
 - (ii) 25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
 - (iii) State Government shall submit documents indicating efforts of State Government to rehabilitate 6 villages which are coming in submergence areas including Hadia khan ashram and temple.
 - (iv) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
 - (v) The Civil Soyam land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance and the said non-forest land as identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months.

Sd/-
25.4.18

- (vi) The State Government shall provide DGPS map/shape file identify for balance plantation. The shape file may also be provided.
- (vii) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (viii) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
- (ix) The approved Catchment Area Treatment (CAT) Plan shall be implemented at the cost of the user agency and commensurate funds shall be deposited through on-line in the account of Adhoc CAMPA account;
- (x) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (xi) The user agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage- I clearance;
- (xii) The Forest clearance will be for a period co terminus with the lease period specified in the lease agreement. The State Government will submit the lease agreement document specified in the lease agreement;
- (xiii) The State Govt. ensure that the user agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF &CC along with indicators for monitoring and expected observable milestones;
- (xiv) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Birds nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.
- (xv) The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- (xvi) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;
- (xvii) The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down. The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan.
- (xviii) The State Government and the user agency shall ensure that the tress available between full reservoir level (FRL) and FRL-4 meters are not felled;

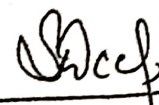
Shel.



- (xix) The User agency shall undertake afforestation along the periphery of the reservoir;
- (xx) User agency shall provide free water for the forestry related projects;
- (xxi) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xxii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxiii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxiv) No labour camp shall be established on the forest land;
- (xxv) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xxvi) The user agency will abide by the applicable recommendations of the State Government including State Forest/Wildlife Departments;
- (xxvii) The forest land shall not be used for any purpose other than that specified in the proposal and forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xxviii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxix) The User Agency shall submit the annual self - compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;
- (xxx) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxxi) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,



(Sandeep Sharma)

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Uttarakhand, Dehradun.
2. The Nodal officer, O/o the PCCF, Government of Uttarakhand, Dehradun.
3. Addl. PCCF, Regional Office (Central), Dehradun.
4. User Agency
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi
6. Guard File.



(Sandeep Sharma)

Assistant Inspector General of Forests (FC)