

I/37339/2023

Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

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

Dated: 16th January, 2023

To


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

Sub: Proposal for seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for non-forestry use of 351.55 ha (originally proposed 381.43 ha) of forest land for construction of Jamrani Dam Project in favour of Executive Engineer, Jamrani Dam Project, Irrigation Department, Government of Uttarakhand under the Forest Division and District Nainital, Uttarakhand (Online Proposal No. FP/UK/IRRIG/1244/2013).

Madam/Sir,

I am directed to refer to the State Government of Uttarakhand's letter No. 20/7-1-2013-300(4160)/2013 dated 15.04.2013 on the above mentioned subject, wherein prior approval of the Central Government for non-forestry use of 351.55 ha (originally proposed 381.43 ha) of forest land for construction of Jamrani Dam Project in favour of Executive Engineer, Jamrani Dam Project, Irrigation Department, Government of Uttarakhand under the Forest Division and District Nainital, Uttarakhand, was sought in accordance with Section-2 of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee (FAC) constituted under Section-3 of the said Act, ***in-principle approval /stage-I clearance*** for diversion of the proposed forest land was accorded by the Ministry vide its letter of even number dated 25.04.2018 subject to fulfilment of certain conditions. The State Government of Uttarakhand has furnished compliance report in respect of the conditions stipulated in the stage-I approval and has requested to the Central Government to grant of final (Stage-II) approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government of Uttarakhand's letters No. 592/1-G-1467 (Nainital); Dehradun dated 27.08.2020, 290/1G-1467 (Nainital) dated 24.06.2021, and letter No. 1G-1467 (Naini) dated 02.07.2022, letter No.940/1G-1467 (Nainital) Part – II dated 03.10.2022 and 1510/1G-1487 (Naini) Dehradun dated 22.12.2022 ***Final/Stage-II approval*** of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for non-forestry use of 351.55 ha (originally proposed 381.43 ha) of forest land for construction of Jamrani Dam Project in favour of Executive Engineer, Jamrani Dam Project, Irrigation Department, Government of Uttarakhand under the Forest Division and District Nainital, Uttarakhand, subject to the following conditions:


16/01/2023


I/37339/2023

A: Conditions which need to be complied prior to handing over of forest land to user agency by the State Government:

- i. The State Govt. shall ensure the complete compliance of FRA, 2006; It should also be ensured that the FRA certificate issued by District collector is complete with letter number, date, name, signature and official seal, as required in the certificate;
- ii. 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 and implementation. 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;
- iii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.

B: Conditions which need to be complied after handing over of forest land to the user agency by the State Govt.:

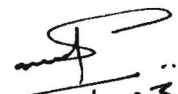
- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The proposed forest land i.e. 351.55 ha shall be handed over to the User Agency only when the User Agency has acquired the required non-forest land, if any, for the project;
- iii. Compensatory afforestation shall be taken up by the Forest Department over identified equivalent non-forest Civil Soyam land i.e. 351.55 ha and balance seedlings shall be planted by the Forest Department on the identified 143.0 ha degraded forest land with provision for ten years on subsequent maintenance. The plantation shall be undertaken within three years of this approval;
- iv. The State Government shall ensure that the identified non-forest land to be transferred and mutated in favour of the State Forest Department for raising Compensatory Afforestation shall be notified as reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act. The Nodal officer must report compliance within a period of 6 month from the date of grant of final approval and send a copy of the notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the local Forest Act as the case may be, to this Ministry for information and record;
- v. The State Government shall ensure that the user agency will 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 super vision of State Forest Department. Retaining walls and terracing


16/01/2023

I/37339/2023

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;

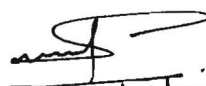
- vi. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department;
- vii. The felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by the State Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project;
- viii. The State Forest Department shall implement the approved Catchment Area Treatment (CAT) Plan from the funds already deposited by the User Agency;
- ix. User agency shall undertake afforestation along the periphery of the reservoir;
- x. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xi. No labour camp shall be established on the forest land;
- xii. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labour after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
- xiii. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;
- xiv. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xv. The State government shall ensure that 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.
- xvi. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- xvii. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xviii. User agency shall provide free water for forestry related activities/ projects;


16/01/2023

I/37339/2023

- xix. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- xx. 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;
- xxi. The Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the para 1.21 of comprehensive guidelines issued vide this Ministry F. No.5-2/2017-FC dated 28th March, 2019;
- xxii. The User Agency and the State Government shall ensure compliance to provisions of the all Act, Rules, Regulations, Guidelines, NGT Order (s) and relevant Hon'ble Court Order (s), if any, pertaining to this project for the time being in force, as applicable to the project;
- xxiii. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife, subject to the approval of the competent authority.
- xxiv. The User Agency shall submit the annual self-compliance report in respect of the above conditions and also to the conditions stipulated in Stage -I clearance to the State Government, concerned Regional and this Ministry by the end of March of every year regularly.

Yours faithfully,


(Suneet Bhardwa) 16/01/2025

Assistant Inspector General of Forests

Copy to:

1. PCCF (HoFF), Department of Forest, Government of Uttarakhand, Dehradun
2. Regional Officer, MoEF&CC's IRO, Dehradun.
3. APCCF cum Nodal Officer (FCA), Department of Forest, Government of Uttarakhand, Dehradun
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC.