

F. No. 8-61/ 1999 - FC (pt.-I)
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex,
Lodhi Road, New Delhi-110 003
Dated: 8th April, 2011.

To,
The Principal Secretary (Forests)
Forest and Revenue Department,
Government of Uttarakhand, Dehradun.

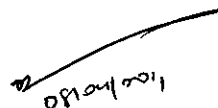
Sub: Proposal to obtain prior approval of the Central Government under the Forest (Conservation) Act, 1980, for collection of stone, boulders and other minor minerals from 254.00 ha. forest land located in river bed of Kosi river in Nainital district of Uttarakhand by the Uttarakhand Forest Development Corporation Ltd .

Sir,

I am directed to refer to the Addl. Principal Chief Conservator of Forests & the Nodal Officer, Forest (Conservation) Act, 1980, Government of Uttarakhand's letter No. 128/1G-2757 (Naini) dated 19.07.2010 on the above mentioned subject, seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government of Orissa and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby accords **stage-I** approval of the Central Government under the Forest (Conservation) Act, 1980 for collection of minor minerals from 254.00 ha. forest land (to be further verified after receipt of actual area calculation and map from the state Government of Uttarakhand) located in river bed of Kosi river in Nainital district of Uttarakhand, **till the end of the next working season (i.e. till 31.05.2012)** by the Uttarakhand Forest Development Corporation Ltd, subject to the fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the degraded forest land double in extent to the forest land being diverted shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department;
- (iv) The State Government shall charge the Net Present Value (NPV) of the forest area diverted under this proposal from the User Agency 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


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and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard, if the same has not been paid so far;

- (v) At the time of payment of the Net Present Value (NPV) at the present rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (vi) All the funds received from the User Agency under the project shall be transferred to Ad-hoc CAMPA in Account Number CA 01001580 of the Corporation Bank, CGO Complex, Lodhi Road, New Delhi;
- (vii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required, as per the provisions of the Environmental (Protection) Act, 1986;
- (viii) The State Government of Uttarakhand shall submit the final report of the study assigned to Wildlife Institute of India (WII), Dehradun to assess/identify and suggest appropriate ameliorative measures to eliminate/minimize the adverse impacts, if any, of the collection of minor minerals from river beds on the wildlife in general, and migratory corridors in particular;
- (ix) To ensure long term survival of the wildlife in the important habitats located on Northern side of the Ramnagar - Haldwani State Highway the State Government shall initiate appropriate measures to improve conservation status of the areas such as Pawalgarh and Nandhor by notifying them as Wildlife Sanctuaries;
- (x) As the forest land proposed for diversion is located at less than 10 kilometre distance from a protected area, the EIA of the project shall be placed before the Standing Committee of the National Board for Wildlife (NBWL);
- (xi) To ensure extraction of minerals in a sustainable manner the user agency shall formulate a transparent and unbiased procedure to engage labourers for extraction of the minor minerals from the forest land proposed for diversion;
- (xii) The State Government shall constitute a committee under Chairmanship of the Principal Chief Conservator of Forests, Government of Uttarakhand and having the representative of the Ministry of Environment & Forests, Wildlife Institute of India, Central Spoil & water Conservation Reserarch & Training Institute, Dehradun and NGOs such as Sanskara, WWF-India, WTI, IUCN etc. as its members to review annually the status of compliance of the stipulated conditions and issue appropriate direction to the User Agency in case of any deviation and any hazard which may be caused by accumulation of debris and obstruction of river flows;
- (xiii) Fifty percent of the net profit earned by the user agency from the collection of minor minerals shall be deposited to a Special Purpose Vehicle (SPV) to be constituted by the State Government under the Chairmanship of the Chief Wildlife Warden, Government of Uttarakhand. The amount to be deposited in the SPV shall be used exclusively for river training activities and management & protection of forest & wildlife in vicinity of forest land diverted for collection of minor minerals;

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- (xiv) The total quantity of minor minerals extracted during a year shall not be more than 20.30 lakh cubic meter;
- (xv) Extraction of minor minerals shall be restricted to middle half of the width of river bed after leaving intact the one-fourth of width of the river bed along its each bank;
- (xvi) To ensure maintenance of river geometry, collection of minor minerals during a working season shall start from centre of the river width and shall gradually extend to the boundary of the permissible area. The maximum permissible depth for collection of minor minerals at centre of the river width shall be limited to 3m and it shall gradually reduce till it reaches boundary of the permissible zone;
- (xvii) To regulate and maintain record of the quantity of minor minerals extracted during a season, the State Forest Department shall set up adequate number of check posts during the collection season;
- (xviii) Extraction of minor mineral shall be restricted from 1st October to 31st May of the subsequent year. The present permission covers the working period up to 31st May 2011, and subsequently from 1st October 2011 to 31st May 2012, after which the matter will be considered again by the FAC, on application and receipt of compliance;
- (xix) Minor minerals shall be collected by manually by using hand tools. Use of explosive and heavy machineries for breaking/collection of minor minerals shall be strictly prohibited;
- (xx) Collection time shall be from sun-rise to sun-set;
- (xxi) No labour camp shall be set up in the forest area for the labourers engaged in collection of the minor minerals;
- (xxii) Breaking of boulders shall be undertaken outside the forest boundaries; and
- (xxiii) The labourers engaged in collection work will be provided free fuelwood/alternate source of energy to avoid any pressure on adjoining forest land.
- (xxiv) The boundary of the forest land being diverted shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing, and distance from adjoin pillars etc.
- (xxv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxvi) The State Government shall complete settlement of rights, in term of the Scheduled Tribes and 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 it's letter No. 11-9/1998-FC (pt.) dated 03.08.2009, in support thereof;

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(xxvii) Any other condition that the Central Regional Office of this Ministry, Lucknow and the State Government of Uttarakhand may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and

(xxviii) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

3. After receipt of a report on compliance to the conditions stipulated in Paragraph -2 above, from the State Government of Uttarakhand, final/stage-II approval of the Central Government, in accordance with section 2 of the Forest (Conservation) Act, 1980, will be issued by this Ministry. Till receipt of the said final/ stage-II approval of the Central Government from this, transfer of the said forest land to the User Agency shall not be affected by the State Government.

Yours faithfully

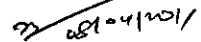


(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Uttarakhand, Dehradun.
2. The Nodal Officer, Forest Department, Government of Uttarakhand, Dehradun.
3. The Chief Conservator of Forest, Regional Office, Lucknow.
4. User Agency.
5. Monitoring Cell, Ministry of Environment and Forests.
6. Guard File.



(H. C. Chaudhary)

Assistant Inspector General of Forests