

Kind Attention
Sona Thakur.

F. No. 8-65/2009-FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex,
Lodhi Road, New Delhi-110 003
Dated: 3rd June, 2011.

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

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BY: FAX ROOM

Sub: Diversion of 80.507 ha of forest land in favour of the Tehri Hydro Development Corporation (THDC) for 30 years for construction of 444 MW Vishnugarh-Pipalkoti Hydroelectric Project in district Chamoli, Uttarakhand.

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. 695/1G-2521 (Chamoli) dated 02.09.2009 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.

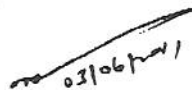
2. After careful consideration of the proposal of the State Government of Uttarakhand and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby accords stage-I approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of 80.507 ha of forest land in favour of the Tehri Hydro Development Corporation (THDC) for 30 years for construction of 444 MW Vishnugarh-Pipalkoti Hydroelectric Project in district Chamoli, Uttarakhand, subject to the fulfillment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the non-forest land equal 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 non-forest 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;

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- (iv) The non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation, shall be declared 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;
- (v) The user agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department;
- (vi) 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 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;
- (vii) At the time of payment of the NPV at the present rate, the user agency shall furnish an undertaking to pay the additional NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (viii) All the funds received from the user agency under the project shall be transferred to Ad-hoc CAMPA in the **Saving Bank account number -25229** of the Corporation Bank, CGO Complex, Lodhi Road, New Delhi;
- (ix) The user agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986;
- (x) (a) Keeping in view the fact that a part of the forest land proposed for diversion for construction of the project is located within 10 km distance from the Kedarnath Wildlife Sanctuary, the EIA of the project shall be placed before the Standing Committee of the National Board for Wildlife (NBWL) for its examination and appropriate recommendation to mitigate adverse impact, if any, of the project on the Kedarnath Wildlife Sanctuary;

(b) The user agency and the State Government shall comply with the recommendation of the Standing committee of the NBWL and the user agency shall provide funds required for execution of the mitigative measures, if any, to be suggested by the Standing Committee of the NBWL;
- (xi) The user agency shall incorporate appropriate features in design of the dam to ensure that minimum discharge from the dam into the downstream stretch of the river at any time is not less than the minimum environment flow as recommended in the study undertaken by the IIT, Roorkee;
- (xii) The user agency in consultation with the WII, Dehradun shall undertake appropriate measures to mitigate/minimize the adverse impact of the project on fish population in general and fish migration in particular. Such measures may include installation and operation of fish passes, fish ladder, fish lift, fish hatcheries etc.;


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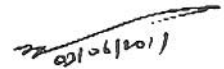
- (xiii) The recommendations of the WII on monitoring and protection of wildlife and habitats and the recommendations of the IIT, Roorkee regarding the flows of rivers are to be implemented;
- (xiv) No labour camp shall be established on the forest land;
- (xv) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department;
- (xvi) The user agency shall undertake afforestation along the periphery of the reservoir;
- (xvii) Catchment area treatment plan shall be implemented under the supervision of State Forest Department at the project cost;
- (xviii) The State Government of the Uttarakhand and the user agency shall ensure that the trees available between full reservoir level (FRL) and FRL - 4 meters are not felled;
- (xix) The user agency shall provide free water for the forestry related projects;
- (xx) The State Government of the Uttarakhand and the user agency shall undertake Rehabilitation and Resettlement (R & R) of the project affected families, in a time bound and transparent manner;
- (xxi) Alternate fuel shall be provided by the user agency to the labourers to avoid pressure on the adjoining forests;
- (xxii) The user agency shall ensure that no damage is caused to the wildlife available in the area because of this project;
- (xxiii) The forest land being diverted for execution of the project shall be demarcated on ground at the project cost, by using four feet high RCC pillars, each pillar inscribed with the serial number, DGPS coordinates, forward and backward bearings and distance from the adjoining pillars *etc.*;
- (xxiv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxv) The State Government shall complete settlement of rights, in term 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 stipulated by this Ministry in it's letter No. 11-9/1998-FC (pt.) dated 03.08.2009, in support thereof;
- (xxvi) Any other condition that the Chief Conservator of Forests (Central), Regional Office, Lucknow may stipulate from time to time for protection and improvement of flora and fauna in and around the forest land being diverted; and

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(xxvii) The user agency and the State Government of the Uttarakhand 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 of Uttarakhand.

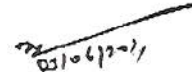
Yours faithfully



(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