

F. No. 8-93/2008-FC  
Government of India  
Ministry of Environment & Forests  
(FC Division)

Paryavaran Bhawan, C.G.O Complex,  
Lodhi Road, New Delhi - 110510.  
Dated: 14<sup>th</sup> September, 2009

To  
✓ The Principal Secretary (Forests),  
Government of Himachal Pradesh,  
Shimla.

Sub: Diversion of 47.993 ha of forest land for the construction of 100 MW Sainj Hydro Electric Project in favour of HP Power Corporation Limited (HPSEB) within the jurisdiction of GHNP Samshi and Parbati Forest Division in District Kullu of Himachal Pradesh.

Sir,

I am directed to refer to the State Government's letter no. FFE-B-F(2)-75/2008 dated 15.10.2008 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 said Act.

After careful consideration of the proposal of the State Government and on the basis of recommendation of the Committee, the Central Government hereby agrees for diversion of 47.993 ha of forest land for the construction of 100 MW Sainj Hydro Electric Project in favour of HP Power Corporation Limited (HPSEB) within the jurisdiction of GHNP Samshi and Parbati Forest Division in Kullu district of Himachal Pradesh subject to fulfilment of following conditions:-

1. (i) The Compensatory Afforestation (CA) over degraded forest land twice in extent to the forest land proposed for diversion i.e. over 96.00 ha shall be under taken at the cost of the User Agency.  
(ii) The area identified for Compensatory Afforestation shall be clearly depicted on SOI toposheet of 1:50,000 scale.  
(iii) The User Agency shall transfer the cost (incorporating the current wage structure) of raising and maintaining Compensatory Afforestation to the State Forest Department.
2. The State Government shall charge the Net Present Value of the forest area diverted under this proposal from the User Agency as per the Judgement of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by this Ministry vide letter No. 5-3/2007-FC dated 05.02.2009 in this regard.
3. The User Agency shall furnish an undertaking to pay the additional NPV, if so determined, as per the final decision of Hon'ble Supreme Court of India.
4. All the funds received from the User Agency under the project shall be transferred to Ad-hoc CAMPA in account number CA 1595 of Corporation Bank, Block-11, CGO Complex, Phase-1, Lodhi Road, New Delhi - 110 003.

5. The entire reservoir created due to submergence shall be declared Reserve Forest under Indian Forest Act, 1927. However, regulated fishing shall be allowed.
6. Catchment Area Treatment Plan should be implemented as per the proposal submitted by the State Government.
7. Green belt of adequate width shall be raised by the user agency around the reservoir at the cost of the project.
8. The user agency shall facilitate a study on the impact of this project on the GIHP in general and flora & fauna of the local area in particular by a reputed institution like Wildlife Institute of India (WII) or Bombay Natural History Society (BNHS) or Indian Institute of Sciences (IIS) etc.
9. 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.
10. The user agency will take all measures to contain the subsidence over 6.053 ha of forest land required for underground works. In the event of subsidence beyond permissible limits, the user agency will be responsible for the damage and provide equivalent non-forest land along with funds for Compensatory Afforestation for the same to the State Forest Department within 6 months of its occurrence.
11. The User agency to consult other companies having experience in construction of roads in hilly areas such as BRO to avoid frequent road blockade due to land slides etc and shall provide breast walls and retaining walls wherever necessary.
12. Transfer of forest land to the user agency should not be affected by the State Government till formal order approving diversion of forest land is issued by the Central Government.
13. Other standard conditions as applicable to proposals relating to Hydro Electric Projects will be applicable in this case also.

After receipt of the compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980.

Yours faithfully,

(C.D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Himachal Pradesh, Shimla.
2. The Nodal Officer (FCA), O.o PCCF, Government of Himachal Pradesh, Shimla.
3. The Conservator of Forests (Central), Regional Office, Chandigarh.
4. The User Agency.
5. Monitoring Cell of FC Section.
6. Guard file.

(C.D. Singh)

Sr. Assistant Inspector General of Forests