To

The Principal Secretary (Forests),
Government of Uttarakhand,
Dehradun

Sub: General approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of forest land for restoration/reconstruction including realignment of roads damaged in the recent floods and construction of helipads and ropeways in flood affected areas in Uttarakhand.

Sir,

I am directed to refer to this Ministry’s letter of even number dated 24th July 2014 on the above-mentioned subject wherein this Ministry keeping in view the urgent necessity to restore and strengthen the communication network in flood affected districts in Uttarakhand accorded general approval under section - 2 of the Forest (Conservation) Act, 1980 for a period of one year for diversion of forest land, not more than one hectare in each case, for restoration/reconstruction including realignment, by the Government Departments, of roads/bridges damaged in the floods and construction of helipads and ropeways in flood affected areas in Uttarakhand subject to fulfillment of conditions stipulated in the said letter.

This Ministry has received requests to extend the said general for a further period and also to extend the same to diversion of forest land up to 5 hectares of forests land in each case, for restoration/reconstruction including realignment, by the Government Departments, of roads/bridges damaged in flood affected districts in Uttarakhand.

Accordingly, after detailed examination of the matter, the Central Government, hereby accords general approval under section 2 of the Forest (Conservation) Act, 1980 for a period of one year with effect from 24th July 2014 for diversion of forest land, not more than five hectares in each case, for restoration/reconstruction including realignment, by the Government Departments, of roads/bridges damaged in the recent floods and, diversion of forest land not more than one hectare in each case for construction of helipads and ropeways in flood affected areas in Uttarakhand, subject to fulfillment of the following conditions:

(i) General approval shall be applicable for restoration/reconstruction including realignment of the existing roads/bridges damaged by the recent floods and construction of helipads and ropeways only. Use of forest land for construction of new roads will be governed by the existing provisions;

(ii) User agencies shall explore all feasible alternatives to minimize use of forest land for restoration/ reconstruction including realignment of roads/ropeways. Additional forest land to be used for restoration/reconstruction including realignment of existing
roads/bridges and construction of new helipads and ropeways shall be restricted to the bare minimum and shall be used only when it is unavoidable. The concerned Divisional Forest Officer shall certify to this effect;

(iii) Additional forest land utilized for restoration/reconstruction including realignment of a stretch of road/bridge shall not be more than 5.00 hectares. Similarly, forest land utilised for construction of helipads and ropeways shall not be more than 1.00 hectare in each case;

(iv) Revised alignment of each stretch of the road/bridge and location of each helipad and ropeway shall be jointly finalized by the representative of the user agency and the State Forest Department;

(v) Legal status of the forest land shall remain unchanged;

(vi) The user agency shall submit the project proposal to the state/UT Government in the prescribed i.e. Form -A as provided in Rules -6 of the Forest (Conservation) Rules, 2003;

(vii) State Government shall accord approval to the proposal duly recommended by Principal Chief Conservator of Forests;

(viii) Project site should be outside Protected Areas;

(ix) Nodal Officer, the Forest (Conservation) Act, 1980 shall submit monthly report to the concerned Regional Office by 5th of every month regularly regarding approval of such cases. In the event of failure, the exercise of power by the State Government to grant such permission may be suspended by the Central Government for a specified period of time or till the information is submitted;

(x) User agency shall plant and maintain two times the number of trees felled on the diverted land to maintain the green cover at the project cost. Planting site for the purpose will be identified by the State Forest Department (Preferably within or in the surrounding area of the project). Only indigenous forest tree species shall be used for such plantations. Trees, if planted on the diverted area, will not be felled without the permission of the State Forest Department;

(xi) User agency shall be responsible for any loss to the flora/fauna in the surroundings and therefore, shall take all possible measures to conserve the same;

(xii) User Agency shall pay the Net Present Value (NPV) of the diverted forest land at the rates stipulated by the Ministry of Environment and Forests from time to time;

(xiii) Permission accorded by the State Government shall be subject to the monitoring by the concerned Regional Office of this Ministry;

(xiv) The forest land shall not be used for any purpose other than that specified in the proposal. Any change in the land use without prior permission of the Central
Government shall amount to the violation of Forest (Conservation) Act, 1980. Request of such changes shall be made to the Regional Office by the Nodal Officer (Forest Conservation) of the State.

(xv) The State Forest Department /State Government or the concerned Regional Office, may impose from time to time any other condition in the interest of conservation, protection and /or development of forests.

(xvi) This general approval shall be valid till 23rd July 2015.

Yours faithfully,

(T. C. Nautiyal)
Director

Copy To:-

1. Prime Minister’s Office (Kind attn.: Shri Santosh D. Vaidya, Director), South Block, New Delhi for kind information.
2. The Cabinet Secretariat, (Kind attn.: Shri Murali Bhavaraju, Under Secretary), Rashtrapati Bhawan, New Delhi. New Delhi for kind information.
3. The Secretary, Ministry of Home Affairs, New Delhi for kind information.
4. The Principal Secretary, Public Works Department, Government of Uttarakhand, Dehradun.
5. The Principal Chief Conservator of Forest, Government of Uttarakhand, Dehradun.
7. Regional Office (North Central Zone), Ministry of Environmental and Forests, Government of India, Dehradun.
8. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division MoEF.
9. The Director, Regional Office Headquarters Division, MoEF.
10. Sr. PPS to DGF&SS, MoEF.
11. Sr. PPS to Adal. DGF (FC), MoEF.
12. PS to IGF (FC), MoEF.