

**MINUTES OF THE 84th FOREST ADVISORY COMMITTEE MEETING HELD UNDER
THE CHAIRMANSHIP OF SH IQBAL KHANDEY IAS, CHIEF SECRETARY, JAMMU
AND KASHMIR, AT CIVIL SECRETARIAT, SRINAGAR, ON 09/06/2014.**

The 84th meeting of the Forest Advisory Committee (FAC) constituted under the J&K Forest (Conservation) Act, 1997, was held under the chairmanship of Sh. Iqbal Khandey, IAS, Chief Secretary, Jammu and Kashmir Government, at Civil Secretariat, Srinagar, on 9th June, 2014.

The following members of the FAC and special invitees attended the meeting:

(I) Members (FAC)

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| 1. Dr. Arun Kumar, IAS | Financial Commissioner (Revenue) |
| 2. Sh. B.R. Sharma, IAS | Principal Secretary, Planning & Dev. Deptt. |
| 3. Mohammad Afzal, IAS | Secretary, Forest Deptt. |
| 4. Sh. A.K. Singh, IFS | Chief Wildlife Warden, J&K |
| 5. Sh. Abhai Kumar, IFS | Pr. Chief Conservator of Forests, J&K |
| 6. Sh. Suresh Chugh, IFS | Director, Deptt. of Env. & RS |
| 7. Sh. M.J.Sharma, IFS | Director, Soil Conservation Deptt. |
| 8. Prof. S.P.S. Dutta | Member (Non-official) |

(II) Special Invitees

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| 1. Sh. Nissar Darzi, IFS | Chief Conservator of Forests, Kashmir |
| 2. Sh. D.D. Gorka | Chief Engineer (PMGSY), Jammu |
| 3. Sh. R.P. Singh | Project Director, NHAI, Jammu |
| 4. Sh. A. K. Gandotra | SE, PMGSY
(Rep. of the Chief Engineer, PMGSY, Kashmir) |
| 5. Sh. Z.M. Khan | CEO, Dodhpathri Dev. Authority |
| 6. Sh. Ab. Majid Bhatt | Ex. Engineer (Rep. of CEO JAKEDA) |

Agenda Item No. (1)

The item-wise agenda for the approval of following proposals was presented by Sh. Rajeev Kumar Tiwari IFS, Member Secretary, Forest Advisory Committee (FAC). Proposals were discussed and following decisions were taken;

Agenda Item No.	Proposal	Forest Division	Indenting Agency	Decision of FAC
84.01	Proposal to allow use of 1.058 Ha. of forest land for construction of road from Baba Dera to Tanda.	Reasi Forest Division	PMGSY	Amount of Rs. 8.7 lakhs for the roadside plantation is to be included, as pointed out by the Secretary (Forests). Total amount mentioned in Condition no. (4) and (12) will be revised to Rs 1937439/-. Proposal was approved on the terms and conditions laid down in the Agenda.
84.02	Proposal to allow use of 6.32 Ha of forest land for construction of road from Shivas to Gandhari.	Kishtwar Forest Division	PMGSY	Proposal was deferred due to involvement of large number of Deodar- Kail trees in the alignment. Area is also very steep and cutting of dense forest and construction activity may destabilize the down hill slopes. FAC directed to explore the possibility of widening of existing pony tracks. The Chairman directed the Chief Engineer, PMGSY to personally visit the area.
84.03	Proposal to allow use of 0.825 Ha of forest land for Construction of road from Mohra to Upper Mohra.	J.V Forest Division	PMGSY	Proposal was approved on the terms and conditions laid down in the Agenda.
84.04	Proposal to allow use of 1.32 Ha of forest land for construction of road from Perthkote to Childar.	Mahore Forest Division	PMGSY	Proposal was approved on the terms and conditions laid down in the Agenda. Amount for the roadside Avenue plantation is to be revised to Rs.792000/- for 1.32 km road on forest land. Total amount will be revised to Rs. 2123824/- as pointed out by the Secretary (Forests).

84.05	Proposal for diversion of 2.70 Ha of forest land for construction of PMGSY road Chingus to Rani Badetar (Phase-II) passing through Co.121/N & 128/N.	Nowshera Forest Division	PMGSY	Proposal was approved on the terms and conditions laid down in the Agenda.
84.06	Proposal to allow use of 2.134 Ha of forest land for construction of road from Baidanan to Dudran.	J.V.Forest Division	PMGSY	Proposal was approved on the terms and conditions laid down in the Agenda.
84.07	Forest clearance to allow use of 1.72 Ha. of forest land for construction of road from Batote to Chakwa.	Batote Forest Division	PMGSY	Proposal was deferred with the direction that width of the road may be reduced to 6 mt from the proposed 7.5 mt. In the proposal, length of the road was reduced by one km. FAC directed that the proposal for full length of the road may be submitted.
84.08	Forest clearance to allow use of 2.035 Ha of forest land for construction of road from Bhella to Gosti.	Bhaderwah Forest Division	PMGSY	Proposal was approved on the terms and conditions laid down in the Agenda.
84.09	Forest clearance to allow use of forest land for infrastructure development.	Pir Panchal Forest Division	Dodh Pathri Dev. Authority	Proposal was deferred with the direction to revise the proposal. Chairman desired that the Financial Commissioner (Revenue) and the Pr. Secretary (Planning), members (FAC) may visit the site to see and decide the locations proposed to be developed. FAC also directed that construction of buildings on the meadows should be minimized and any infrastructures to be built may be located in such a way that it merges with the surroundings.
84.10	Forest clearance to allow use of 6.57 Ha of forest land for construction of road Gund to Upper Judda.	Mahore Forest Division	PMGSY	Proposal was approved on the terms and conditions laid down in the Agenda.

84.11	Forest clearance to allow use of 4.14 Ha of forest land by Air Force.	Poonch Forest Division	IAF	Proposal was approved on the terms and conditions laid down in the Agenda. Proposed area falls under Co. 170/M and 250/S of Poonch Forest Division.
84.12	Forest clearance to allow use of 2.688 Ha of forest land for construction of road Darsoo to Guddar Part-II.	Udhampur Forest Division	PMGSY	Proposal was approved on the terms and conditions laid down in the Agenda.
84.13	Forest clearance to allow use of 2.457 Ha of forest land for construction of road from Naily to Hayatpura.	Rajouri Forest Division	PMGSY	Proposal was approved on the terms and conditions laid down in the Agenda.
84.14	Forest clearance to allow use of 1.20 Ha of forest land for construction of road from Kalidab to Loorkote.	Rajouri Forest Division	PMGSY	Proposal was approved on the terms and conditions laid down in the Agenda.
84.15	Forest clearance to allow use of 2.33 Ha of forest land for construction of road from Tandar to Charat via Pakhlai.	Udhampur Forest Division	PMGSY	Proposal was approved on the terms and conditions laid down in the Agenda.
84.16	Forest clearance to allow use of 1.10 ha of forest land for implementation of 2 MW Khari MHP 1 st Hydro Power Station at Mohu Mangat Nallah.	Ramban Forest Division	JAKEDA	Proposal was deferred with the direction that a detail presentation on the proposal should be made by the User Agency.

I. Following general directions were also given by the Committee:-

- a. It was noted that Index Map submitted by the User Agencies are vague and don't have sufficient information. It was decided by the committee that besides a good quality colour coded Index Map, a GPS based map on KMZ file should also be submitted with the proposals.

- b. User Agencies will ensure that muck is disposed off only on the designated sites. Number and locations of the dumping sites should be rationalized keeping in view the length of road.
- c. A system of monitoring of the proposals approved under the Forest Conservation Act needs to be in place. Task of monitoring may also be assigned to the third party agencies at the cost of User Agency. Monitoring may also be conducted through the State Government departments.
- d. User Agencies will seek guidance from the Department of Soil Conservation for the soil conservation works during execution of the project.
- e. On the issue of the development of technique for the transplantation of conifer saplings in forests by the State Forest Research Institute, it was decided that Forest Department will arrange a visit of Sh S.P.S. Dutta, member (FAC) to the Research site of SFRI.
- f. The Chairman directed that Commissioner/ Secretaries of the concerned departments should also be invited in the meeting as special invitee.

Agenda Item No. (2)

Status of payment of outstanding amount pending against various User Agencies was presented by the Member Secretary and following decisions were taken;

- i. FAC observed that progress of outstanding payment is slow and User Agencies should make the payment due against the sanctioned cases. Unless outstanding amount is cleared, proposals of the respective User Agencies should not be processed.
- ii. It was decided that in case, payment is not received within one year of the sanction of a proposal, approval should be considered as deemed to have been withdrawn and process for formal cancellation of order should be initiated.
- iii. Payment in one case “Loran- Oranpathri - Kuliyan Road” has not been processed by the Chief Engineer, SAMPARK (BRO), as it is the BADP deposit work and payment in this case is to come from the State Government. It was decided that matter should be taken up with the Planning department.
- iv. Proposal of MD, SPDC for cancellation of forest clearance in cases, in which forest land is not required by the agency, should be placed before the FAC. Fresh proposal of Baglihar HEP should also be processed.
- v. All cases under which forest land has not yet been utilized due to nonavailability of money in the scheme or due to nonrequirement of land and payment is still outstanding, a proposal for the cancellation of clearance may be put up before the Committee.

Agenda Item No. (3)

A presentation on the report of the committee constituted by the Pr. Chief Conservator of Forests for monitoring of the Chenani –Nashri Tunnel (NHAI) was made by the Member Secretary. Following process was followed for the monitoring of the project;

- I. User Agency was requested vide letter no. PCCF/FC/1355/2221-23 dated 07/11/2013 to submit a report on the compliance of the terms and conditions imposed in Government sanctions given for the project.
- II. Project Director, NHAI submitted detail compliance report vide no. PD/JMU/Leighton/Vol-VI/93 dated 17/01/2014.
- III. Monitoring team under the Chairmanship of the Addl. Pr. Chief Conservator of Forests (P&P) visited the project on 13th March 2014.
- IV. Based on the observations of the committee, User Agency was requested to furnish some documents vide no. PCCF/FCA/1355/3378 dated 15/03/2014, which was furnished by the NHAI vide letter no. PD/JMU/Leighton/Vol-VIII/13-14/575 dated 28/03/2014.

Based on the compliance report submitted by NHAI, observations of the monitoring team and the reply of the NHAI, findings of the monitoring of “Chenani-Nashri Tunnel” is as under;

S.No.	T&C of Govt. Sanction	Reply of NHAI	Findings of Monitoring
1	User agency shall construct retaining walls/breast walls as per approved plan and design and take all necessary steps to check soil erosion. The user agency shall seek technical guidance in this respect from the Director, Soil Conservation Department. A copy of the plan and design shall be made available to the forest department.	Retaining/ Breast walls are being constructed as per approved plan.	<ol style="list-style-type: none"> i. Protection walls are being provided. However, retaining walls of gabion structure failed at two muck disposal sites, which is now being replaced by RCC retaining wall with heavy toe protection. ii. Soil Conservation Department has not been consulted and copy of the plan has not been made available to the Forest Department.
2	The user agency shall not dump the debris on forest land and it shall be dumped on separate dumping sites.	<ol style="list-style-type: none"> I. Muck is being dumped on authorised sites only. II. Additional land for Muck disposal sites have been identified on both the sides. III. Gabion structure have been replaced on both the sides with RCC retaining walls with toe protection against erosion. 	<ol style="list-style-type: none"> i. Retaining walls at North portal as well as South portal collapsed due to overburden and scouring at the toe. ii. Overflowing of muck, as muck quantity exceeded the original estimate by 60%. iii. NHAI admitted that; <ol style="list-style-type: none"> a. Quantity of Muck disposal was under estimated. b. Design of Retaining wall went wrong. c. Only 10% muck could be reused instead of 30% as stipulated initially. iv. RCC retaining walls are being constructed replacing the gabion structure. v. No communication has been made with the dept. regarding variation of the quantity of muck. vi. No advance action was taken for

			<p>identification of the sites for disposal of excess muck.</p> <p>vii. Process of disposal of muck is faster than the slope stabilization and provision of protection works. It shows lack of planning on the part of NHAI.</p>
4	Regular monitoring of the water quality in terms of turbidity, micro-flora, pH level to be done and reported to the forest department.	Regular monitoring is being done by an independent third party EKO PRO-ENGINEERS PVT LTD., which is accredited by the MoEF.	<p>i. 1st report has been received on 2nd April, 2014.</p> <p>ii. An ETP has been established to treat the sewage being produced by the project colony.</p>

After detail deliberation following observations were made by the FAC;

- I. FAC showed concern on the failure of retaining walls and that the quantity of Muck exceeded by 60% than the original calculation and the information was not shared with the Forest Department nor were any timely measure taken for acquisition of land for the muck disposal.
- II. It was also observed that the original estimate that the 30% of the Muck would be reused in aggregates was also wrong as the encountered rock is mostly not suitable for aggregates based on stipulated technical specification requirement. It shows deficiency in the survey and investigation work including the geological investigation done before the start of the project.

The Forest Advisory Committee expressed its concern on the miscalculations and faulty designs in the implementation of the project and it was decided that findings of monitoring of the project will be shared with the Ministry of Surface Transport and Ministry of Environment and Forests, Government of India.

Meeting ended with vote of thanks to the Chair.

Rajeev Kumar Tiwari, IFS
(Member Secretary)
Forest Advisory Committee.