

The Chairperson
Forest Advisory Council
MoEF, CGO Complex
Lodi Road
New Delhi.

11th November 2009

Dear Sir,

This is in continuation with the letter sent to you on 19th August 2009. We are hoping that the FAC and the Ministry of Environment have taken cognizance of the grave concerns in relation to the Renuka Dam related Forest Clearance. We mention here that we were thoroughly disappointed and shocked at the grant of the Environment Clearance to the project without the project having a Forest Clearance considering that it involves the diversion of a large area of forest. In this letter we would like to point out an additional fact in relation to the private and shaamlaat forests. Apart from the Forest land involved in the project there is 445.89 hectares of shaamlaat forests with lakhs of trees will be acquired for the project. The revenue records if examines will prove the extent of vegetation on these lands.

The project proponent itself had hired a contractor for the counting of trees standing on private property and as per the report submitted by the contractor 13 lakhs trees (both on agriculture land and private forest land) have been found standing in submergence area (the copy of report is attached with the hard copy of this letter being posted to you). The HPPCL has made full payment to the contractor but now is refusing to acknowledge this report).

The Supreme Court of India vide its Order dated 8th may, 2009 in I.A. No. 2370 in Writ Petition (Civil) No. 202/1995 in the matter of T.N. Godavarman Thirumulpad Vs Union of India & Ors accepted the following recommendations of the Central Empowered Committee (CEC) that compact wooded blocks of above five hectares, which are otherwise not notified/recorded as forest, should be treated as "forests" for the purpose of the F.C. Act. Felling of trees and non-forest use of such areas should be permissible only after obtaining approval under the F.C. Act. (Please see attached response of the Minister of Environment in the Lok Sabha in this regard)

As per this provision the *shamlaat* forests involved in the Renuka Dam project will also require clearance under the Forest Conservation Act apart from the forests under the jurisdiction of the Forest Department. We once again reiterate that all these forests are being used for the subsistence livelihoods by the local population of the region and the community and individual use rights have yet to be settled as per the provisions of the Forest Rights Act 2006 and the advisory of the Ministry of Environment dated 30th July 2009.

Also see attached the order of the Chief Information Commission in relation to Green House Gas emissions related to Dams and the fact that the Environment Clearance for the project has been given by the MoEF without taking into account the same. The CF Chandigarh (Regional Office) when visited the area in early August 09 was apprised of the issue and we

hope these have been reported to your office and committee. We sincerely appeal that the issues be thoroughly examined and reviewed and demand that the Forest Clearance not be granted for this project which will cause irreversible damage to the ecosystems of the region.

We would once again draw your attention that the project is being justified using Delhi's demand for water as the key reason. However, various organization and experts have challenged the technical feasibility and the very role of this project in meeting with the Delhi's water demand. Kindly consider that destroying 900 hectares of Himalayan forests in the era of the climate change crisis, when the feasibility of the project has not been established would be a heinous crime.

Thank you

Puran Chand, Renuka Bandh Sangharsh Samiti
Kuldeep Verma, PAPN, Sirmaur, HP
Subodh Abhi, Jan Ekta Samiti, Paonta Sahib, HP
Kulbhushan Upmanyu and Guman Singh, Himalaya Niti Abhiyan
Rahul Saxena, Lok Vigyan Kendra
Manshi Asher, Environment Research and Action Collective, HP
Himanshu Thakkar, SANDRP, New Delhi

Copy to

1. Minister of Environment and Forests
2. DGF and IGF, Forest Clearance, MoEF

Annexure 1

Ministry of Environment and Forests

Cutting of trees in Himachal Pradesh

Wednesday, July 29, 2009 16:50 IST

Lok Sabha

The Supreme Court of India vide its Order dated 8th may, 2009 in I.A. No. 2370 in Writ Petition (Civil) No. 202/1995 in the matter of T.N. Godavarman Thirumulpad Vs Union of India & Ors accepted the following recommendations of the Central Empowered Committee (CEC):

1. Felling of trees from the forest area approved for non-forestry use under Section 2 of the Forest (Conservation) Act (F.C. Act) may continue to be permissible.
2. Compact wooded blocks of above five hectares, which are otherwise not notified/recorded as forest, should be treated as "forests" for the purpose of the F.C. Act. Felling of trees and non-forest use of such areas should be permissible only after obtaining approval under the F.C. Act.
3. Felling of trees in non-forest areas should be strictly regulated as per the provisions of the Land Preservation Act, 1978; and
4. No felling of trees or non-forest use of area falling within the National Parks and Wildlife Sanctuaries should be permissible unless specifically permitted by this Hon'ble Court. The recommendation of the C.E.C is extended to the whole of State of Himachal Pradesh except in respect of Khair trees from the non-forest areas.

No Committee of the Union Ministry of Environment & Forests has visited Himachal Pradesh in this regard. Minister of State for the Ministry of Environment and Forests (Independent charge) Shri Jairam Ramesh replied in a written question by Dr. Rajan Sushant in Lok Sabha today.

KP/DB

Annexure 2

The Chairperson
Forest Advisory Council
MoEF, CGO Complex
Lodi Road
New Delhi.

Date: 19th Aug 2009

Dear Sir,

We, as people to be affected by the proposed Renuka Dam project, would like to bring to your notice some important issues related to the proposal for diversion of 790 hectares of Forest land for the project in Renuka, Rajgarh, Nahan, Poanta Sahib and Shimla Divisions.

- 1. Loss of livelihoods and settlement of rights:** The residents of the area almost 750 families from 37 villages, especially the poor and the landless, are the most dependent upon the forest lands for grazing cattle and collecting fuel wood and other NTFPs. There are many tribal Gujjar shepherds who have their summer camps and access routes in the area to be acquired for the Dam. The forest uses of the people of Himachal Pradesh have been elaborately recorded during the forest settlement processes and almost all the people belong to the category of either forest dependent Scheduled Tribes or Other Traditional Forest Dwellers as defined under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (hereafter referred to as FRA). We are afraid that, as in the past, forest rights of the people would be ignored while diverting forest resources that they depend upon for livelihoods requirements. In keeping with the circular issued by the MoEF on 30th July 2009, the forest clearance to the project should not be given because the process of settlement of rights under the FRA 2006 is still not initiated. The Government of Himachal Pradesh (GoHP) is yet to initiate and complete the process of recognition of forest rights in the lands to be acquired. (Please see attached letters from Gram Panchayats and Sabhas related to the same)
- 2. Loss of forests and biodiversity:** It is unfortunate that the project proponents are claiming that the forest land involved has sparse vegetation where as there are lakhs of trees of saal, khair and aamla and many others. The EIA report itself has a detailed listing of the flora, fauna and riverine ecology of the Giri river valley where the dam is proposed to be constructed. As per the EIA report for the project, out of the land area surveyed in 10 km radius of the dam, if subtract the land used for agriculture, settlement, water bodies, barren land, snow covered land, we see that 65.02% of the remaining land (mostly forested lands) is described as having "Dense Vegetation". We are also attaching here report of the contractor hired to enumerate the trees on private lands which the HPPCL claims has no trees where as lakhs (almost 13 lakhs) of trees have been counted. The loss of these forests could never be compensated through afforestation measures. Apart from the vegetation on the forest lands, there is

thick vegetation on *shamlaat forests* (private forests) which are also going to be acquired. However, the trees on these lands are not even being counted or considered to exist by the project proponents. The fact that 49 hectares of the Renuka Wildlife Sanctuary is also going to be diverted (and there is a High court matter related to this) and that the Renuka lake, a Ramsar Site is just adjacent to the proposed dam site are also issues that need to be looked at seriously.

3. **Downstream impact:** Damming a river is like blocking the life sustaining blood vessels of the environment causing irreversible damage to all human beings; animals; birds; insects; microorganisms; aquatic life including all species and ecosystems listed in the above paragraph on Renuka Wetland. The damming of the Giri River will change the ecology of the area and will affect the normal flow of water from the Renuka Lake to the Giri River, thus, endangering the Lake, and destroying the spirituality of the area and the faith of the people of India.
4. **Greenhouse emissions and climate change:** The EIA report of the project does not mention what will be the climate change contribution of the proposed reservoir. As it has been nationally and internationally accepted, reservoirs in tropical countries like India can emit very large quantities of methane, which has 21 times greater potency than carbon dioxide. Any EIA must estimate this quantity in this age. Similarly, the EIA should also project as to what will be impact of climate change on the project. Neither of this has been done.

We are attaching here a detailed memorandum that was submitted to the Ministry of Water Resources and the Expert Committee of the MoEF considering the environment clearance for the project. We are also attaching news paper clippings indicating the severe opposition to the project by local communities.

Based on the above we appeal that the clearance for diversion of forest lands for this project be rejected considering the wide-reaching ecological impacts of the dam if allowed to be constructed.

Yours sincerely

Puran Chand

Durga Das

Renuka Bandh Sangharsh Samiti

Guman Singh

Himalaya Niti Abhiyan

Copy to

Mr Ansar Ahmed

Inspector General of Forests

Forest Conservation