

To  
Shri Jairam Ramesh  
Minister of Environment and Forests  
Paryavaran Bhavan  
New Delhi

3rd March 2011

\*Subject- Objections on the FAC recommendation to diversion of 17.6857 ha of forest land for construction of 130 MW Integrated Kashang -Stage II & III Hydro Electric Project.\*

Dear Shri Jairam Ramesh,

We would like to put forth our objection regarding the forest clearance recommended to 130 MW Integrated Kashang stage-II and III HEP coming up in Kinnaur district, Himachal Pradesh by FAC in its 11th February 2011 meeting. We strongly feel that FAC has recommended forest clearance in haste and overlooked many important aspects. These include:

1. Non-compliance of Forest Rights Act, 2006: As per the circular issued by MoEF on 30th July, 2009 the FAC should not have granted Forest Clearance considering that not a single claim has been recognised in the affected villages where as the process of filing claims under the Forest Rights Act 2006 was initiated by the State Government in Kinnaur district in the year 2009. This submission was also made by us to the MoEF's NFRA Committee, which visited the state in July 2010.

2. Violation of PESA Act - Kinnaur District is a Schedule-V area, where NoC from the Gram Sabha (village general body) for diversion of resources towards development projects is a must. The project proponents are yet to undertake this process in the proposed project area where 3 Panchayats will be affected. This is a clear violation PESA (the Panchayat Extension to Scheduled Areas) Act in 5th scheduled areas.

3. Loss of Livelihood- Due to construction of this project 200 families in Lippa village are on the verge of losing their existence. Huge loads of silt from the Pager stream near Lippa village is naturally washed off by the Kerang stream. The diversion of Kerang stream will prevent this natural occurrence thus putting under threat the safety of Lippa. Almost 80% families of Lippa village have agriculture fields and 35 water sources, which are used to irrigate these fields, in Lapo Mohal, will be adversely impacted by construction of diversion weir structure for stage II and III and power house of stage- IV.

4. Ecologically fragile and sensitive area - The project area falls in an alpine zone (more than 10,000 feet altitude) where the ecological foot print of any activity is going to be huge since the area, with several glaciers, is covered with snow for almost 4 to 6 months and the vegetation is slow growing and very sensitive to any interference. Further on the same mountain side where the project is planned, two more tunnels are planned at different altitudes, one for construction of Jungi-hopan 960 MW project and the other for NH-22. In toto, there would be three tunnels if we include the Kashang-Kerang link tunnel in a mountain which is severely under threat of sliding down. It is important to note that the Shukla Committee report submitted to the High Court of Himachal has also recommended that there should be a restriction on Hydro electric Projects in the High Altitude areas above 7500 ft.

The Kashang project will adversely impact the Chilgoza forests (*Pinus gerardiana*) which is one of the rare tree species and had a little success in artificial regeneration. Moreover, Lippa Asrang Wild Life sanctuary, an abode of some of the rare and endangered flora and fauna found in alpine zones. There is also a controversy that the project area falls within WLS area or not according to the EMP on page 115 "Lippa, Asrang and Tokhtu, having population of 1600, are situated within the sanctuary." This could mean that the whole of 48 MW of the HEP and diversion weir of another 130 MW falls within Lippa Asrang WLS. There was a need for further investigation which was not done while recommending forest clearance to the project.

5. Applying for Forest diversion with a piecemeal approach- This integrated project is being developed in four separate stages. While the EAC had asked for a cumulative impact assesment for all the four stages of the project the FAC has not taken this approach to look at the impact of the entire diversion of forest for all four stages. The project proponents first applied for diversion of 18.71 hectare of forest land in 2006 for Kashang stage-I and now applied for diversion of 17 hectare of forest land for stage II and III. Its application for Stage IV is still pending. The FAC should have taken this into consideration before recommending the Forest Clearance of the stages separately.

6. EAC recommendations on Sutlej Basin and Environmental Clearance challenged- It is important to note that the Expert Advisory Committee on River Valley Projects has recommended a Cumulative Basin Assesment study for Sutlej basin considering the large number of planned and proposed projects. While the

Environment Clearance for the Integrated Kashang project has already been granted it is important to note that this has been challenged in the National Environment Appellate Authority whose member Shri. Kala visited the project area in October 2010 in order to make a decision related to the petition filed by locally affected persons. The judgement on the same is now pending with the National Green Tribunal, yet to become functional. The FAC should have taken into account this fact before recommending the forest clearance,

In the light of these facts we appeal to the MoEF that the recommendation of FAC should be reviewed and the diversion of the Forests for Stage II and III of the Kashang HEP not be cleared on the grounds presented above.

Sincerely

1. S.S Negi, President and Devi Gyan, Vice-president, Paryavran Sankrahshan Sangarsh Samiti  
Village- Lippa, District- Kinnaur, Himachal Pradesh; 09418006543
2. R S Negi, Him Lok Jagirita Manch, Kinnaur; 09418002562
3. Manshi Asher and Prakash Bhandari, Him Dhara- Environment Research and Action Collective, Diffarpat,  
Palampur, District Kangra, HP. Tel : 09816345198