

AGENDA ITEM NO.6

F. No. 8-31/2010-FC

Sub: Seeking advice of FAC on the various aspects especially Wildlife related issues of the proposal in compliance of order dated 24.03.2014 passed by Hon'ble National green Tribunal in respect of Diversion of 1898.328 ha of Forest Land for Parsa East and Kante basan Coal Block Open Cast Mining Project in Hasdeo Arand Forest area in the State of Chhattisgarh.

1. This relates to diversion of above mentioned proposal. A brief background of the developments in the matter, leading to the present circumstances, is given below:
 - i. The State Government of Chhattisgarh, vide their letter dated 28.04.2010, submitted a proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of 1898.328 ha of forest land for Parsa East and Kante Basan coal block open cast mining in Hasdeo Arand forest.
 - ii. The said proposal along with the site inspection report submitted by the RO, Bhopal was considered by the FAC in its meeting held on 10.03.2011 and the Committee desired that area may be visited by the Sub-Committee of the FAC to have a better appreciation of the proposal. The site was visited by the Sub-Committee of FAC and report submitted to the FAC.
 - iii. Subsequently, the proposal was again considered by the FAC in its meeting held on 20-21 June, 2011 and the Committee The Committee listened to the presentation made by the Nodal Officer (FAC) of the State & the project proponent and noted the following:
 - a. The coal block is on the northern fringe of Hasdeo-Arand.
 - b) The mining is planned in two phases with the aim of sequential mining, scientific void management, planned felling of tress and afforestation, top soil management, and reclamation, etc.
 - c) In phase-I (15 years), total requirement of forest area is 762 ha (40% of total), where 1,25,547 trees will be affected.
 - d) In phase-II (16th year onwards), total requirement of forest area will be 1136.328ha, where 2,42,670 trees will be affected.
 - e) The reclamation of mined out area will start from 3rd year onwards.
 - f) The project belongs to the State Government and is directed to meet the energy requirements of the State.
 - iv. The FAC also taken into consideration the observations of the sub-committee of the FAC, which visited the area recently. The report of the Sub-committee consisted of Shri A.K. Bansal, Dr. Mahesh Rangarajan and Shri Harish Chaudhary concluded that:
 - a) The Quality of the forest cover available in the Parsa East and Kante Basan coal block is poorer compared to area in the Tara coal block. However, as per the study jointly undertaken by the MoEF and MoC Gross Forest Cover is 52.95% and Weighted Forest Cover comes to 27.55%.

- b) During the short visit of the sub-committee, it was not possible to ascertain the extent of presence of wildlife (fauna and avifauna). However, the area appears to be suitable and existing habitat for wild vertebrates including large mammals that are in schedule I of the Wildlife (Protection) Act. DFO, South Surguja Division, while forwarding the proposal for diversion of forest land in the Tara coal Block, in his site inspection note dated 2nd may 2007 indicated that the area is rich in biodiversity. These lists included Schedule-I Species (under the Wildlife Protection Act, 1972) such as the sloth bear and leopard. Their presence in turn indicates a population of wild prey species.
- c) Previous reports of endangered species include a Novemebr 2005 sighting of a small herd of wild elephants that moved from Maheshpur to Salhi via Kantaroli, Abhaipur and Janardanpur. The elephants stayed in this area for nearly four days. The team headed by DGF&SS during their visit to the area on 27th & 28th August 2009 also confirmed the presence of elephants in the area.
- d) Interaction with villagers, who are likely to be affected if the projects become operational, revealed inadequate knowledge about the R&R policy/measures. The process of the FRA, especially of settlement of community rights is not complete.
- v. The FAC after considering all the findings and observations did not recommend the diversion of the proposed forest area in view of fact that area proposed for diversion has *high ecological and forest value and the number of trees to be felled was very high, which did not justify diversion from conservation point of view.*
- vi. Recommendation of FAC was placed for approval before the Hon'ble Minister of Environment & Forests for their acceptance. The then Hon'ble Minister of State for Environment & Forests after considering the recommendations of FAC and taking into consideration the various issues, proceeded on to grant permission for Stage – I approval to the proposal on 23.06.2011. the Hon'ble MEF has overruled the recommendation of the FAC on the following grounds:
 - a) Coal block located in fringe area and not in biodiversity rich area of Hasdeo-Arand Coal filed.
 - b) Substantial changes have been introduced in the mining plan as originally envisaged. Revised plan envisage mining in two phases of 15 years each.
 - c) Concern identified relating to wildlife should be taken care of through a well-prepared and well-executed Wildlife Management Plan and Programme under the aegis of WII, Dehradun.
 - d) These coal blocks are linked to super critical thermal power generating stations. In fact this is an explicit pre-condition for approval in order to remove any ambiguity on this score.
 - e) Both the State Government involved –Chhattisgarh and Rajasthan (which will use the coal mined at Parsa East and Kante Basan) have been persistently following up since their power generation plans are closely linked with these coal blocks.
 - f) While the FAC has to do its due diligence with single-minded focus, as the Minister I have necessarily to keep the boarder development picture in mind and balance out different objectives and considerations.

- vii. On the basis of the order dated 23.06.2011 of the then Minister, this Ministry decided to give Stage-I clearance to diversion proposal of (I) Tara Coal Block and (II) PEKB Coal Block in Hasdeo-Arand Coal Block. MoEF granted Stage-I clearance dated 06.07.2011 to the diversion of 1898.328 ha of forest land (for mining in two phases) in Parsa East and Kante Bassan captive coal blocks open cast mining project in favour of M/s RVUNL in South Sarguja Forest division in Sarguja district of Chhattisgarh subject to fulfilment of certain terms & conditions, as specified therein.
- viii. The State Government of Chhattisgarh has furnished the satisfactory compliance report on conditions stipulated in the Stage-I approval dated 6.07.2011 vide their letter no. 331-53/2455 dated 31.12.2011 (p- 490/c). After having found the compliance report submitted by the State Government complete, the stage –II approval was granted by MoEF on 15.3.2012 for the said proposal subject to fulfilment of certain conditions.
2. Subsequently, an appeal was filed by Mr. Sudiep Shrivastava before the Hon'ble National Green Tribunal challenging the order dated 28-3-2012 passed by the State Govt. of Chhattisgarh under section-2 of the FC Act, 1980 for diversion of 1898.328 Ha of forest land of Parsa East and Kante Besan Captive Coal Blocks open cast mining project.
3. Matter was concluded after series of hearing conducted by the Hon'ble NGT and judgement was passed on 24.03.2014 wherein the Hon'ble NGT inter-alia directed as under:

“1. Order dated 23rd June, 2011 passed by the respondent no. 2- MoEF Government of India and consequential order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;

2. The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the 48 proposal discussed herein above with emphasis on seeking answers to the following questions: (i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.

3. *The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.*

4. *All work commenced by the respondent no. 3 project proponent and respondent no.4 pursuant to the order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand suspended till such further orders are passed by the MoEF in accordance with law.”*

4. A copy of the order dated 24.03.2014 may kindly be seen at F/X.
5. From the examination of the operational part of the order dated 24.03.2014 of the NGT, it has been observed that following issues are required to be re-examined by the MoEF:
 - i. What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question.
 - ii. is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna.
 - iii. Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need.
 - iv. Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies.
 - v. What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora.
 - vi. What is their opinion about the Wildlife Management plan finally prescribed.
 - vii. What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.
6. As per the information provided in the original proposal and the site inspection report of the area submitted by the Regional Office, Bhopal, following information regarding the flora and fauna have been indicated in the proposal:
 - i. The wildlife found in the area includes Bear, Wild Boar, Fox, Jackal, Wolf, Monkey, Rabbit and Hyena etc. Migratory elephants have also visited the area during the period 2004 to 2008.
 - ii. The Main species are Sal, Dhawa, Saja, Aaonla, Achar, Bhilwan, Mahua, Harra & Jamun. In addition medicinal plants like Safed Musli, Kali Musli, Ashwagandha & Satavar are also found in the area.

About 3,68,217 trees are required to be felled. The details are as below-

No. of trees below 60 cm girth	-	1,60,007 trees
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No. of trees below 60 cm girth - 2,08,209 trees

- iii. Further, the Sub-Committee of the FAC, who visited the area has reported following status with regard to wildlife and conservation value of the area:
- a) The Quality of the forest cover available in the Parsa East and Kante Basan coal block is poorer compared to area in the Tara coal block. However, as per the study jointly undertaken by the MoEF and MoC Gross Forest Cover is 52.95% and Weighted Forest Cover comes to 27.55%.
 - b) During the short visit of the sub-committee, it was not possible to ascertain the extent of presence of wildlife (fauna and avifauna). However, the area appears to be suitable and existing habitat for wild vertebrates including large mammals that are in schedule I of the Wildlife (Protection) Act. DFO, South Surguja Division, while forwarding the proposal for diversion of forest land in the Tara coal Block, in his site inspection note dated 2nd may 2007 indicated that the area is rich in bio-diversity. These lists included Schedule-I Species (under the Wildlife Protection Act, 1972) such as the sloth bear and leopard. Their presence in turn indicates a population of wild prey species.
 - c) Previous reports of endangered species include a November 2005 sighting of a small herd of wild elephants that moved from Maheshpur to Salhi via Kantaroli, Abhaipur and Janardanpur. The elephants stayed in this area for nearly four days. The team headed by DGF&SS during their visit to the area on 27th & 28th August 2009 also confirmed the presence of elephants in the area.
- iv. Issues regarding *opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora needs further deliberation in the Ministry and by the FAC.*
- v. With regards to the Wildlife Management Plan it is to be submitted that the MoEF, vide its letter 18th January, 2013, has requested the WII, Dehradun to examine and provide comments to this Ministry to the management plan submitted to by the State Government for the WII so that a good wildlife management plan may be prepared and executed.
- vi. The WII has furnished their comments which may kindly be seen on page 894-896/c. beside this the WII, Dehradun has suggested that their comments may be incorporated in the respective plans by the State Government of Chhattisgarh.
- vii. Based on the comments of the WII, Dehradun, the MoEF has stipulated following additional conditions in the Stage-II order for effective implementation of the Wildlife Management Plan:
- a) The State Government will suitably incorporate the comments, as suggested by of the WII, Dehradun, into the Wildlife Management Plan prepared for the area.
 - b) The user agency will make provision for appropriate financial outlay for the establishment of Rescue and Rehabilitation team to mitigate human-wildlife conflicts.
 - c) In order to ensure proper implementation of the Wildlife Management Plan, the user agency shall make necessary provisions for carrying out the monitoring and evaluation of

the plan. It would be appropriate to include Chief Wildlife Warden of the State as part of the Monitoring Committee.

- d) The user agency will undertake and implement suitable mitigative measures as prescribed in the Wildlife Management Plan for reducing the dependency of cattle and people on the surrounding forest area.
7. In view of the above directions contained in the order of Hon'ble NGT, it is proposed that proposal may be submitted to the FAC for examination of the issues as contained in the order of NGT. Fact related to the proposal as contained in the original have been compiled in the form of fact sheet. The same may kindly be seen at F/Y below.
8. It is also to mention that original file pertaining to the proposal, on the directions received from the NGT, has been submitted to the NGT during the hearing of case. File is yet to be received back from the Office of the NGT. The same is being requested as the judgement in the matter has already been passed by the NGT.
9. Fact sheet of the proposal indicating the facts of the proposal as contained in the original proposal are given as under:

FACT SHEET

1.	Name of the Proposal	Diversion of 1898.328 ha of forest land for Parsa East and Kente Basan captive coal block open cast mining project in favour of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited in South Surguja Forest Division in Surguja district of Chhattisgarh.
2.	Location	
	i) State	Chhattisgarh
	ii) District	Surguja
3.	Particulars of Forests	
	f) Name of Forest Division	South Surguja Forest Divisions
	g) Forest area involved	1898.328 ha
	h) Legal Status/Sy. No	Protected Forest - 1654.109 ha Chhote Bade Jhar ke jungle - 244.219 ha Total - 1898.328 ha
	i) Map	Enclosed (p-199/c)
4.	Topography of the area	-
5.	(viii) Vegetation	Sal, Saja, Dhawra, Salai, Bija, Aanwla, etc., at p-106/c.
	(ix) No. of trees which will be affected	3,68,217 trees at p-16/c
	(x) Density	0.1 - 0.6
6.	Whether area is significant from wildlife point of view	It does not form part of any National Park, Sanctuary or Biosphere reserve, Tiger reserve, Elephant corridor, etc.
7.	Details of Mining	
	i. Total project area	2711.034 ha
	ii. Notified forest land	1654.109 ha

	iii. Area of jungle / jhar	244.219 ha at p-14/c
	iv. Tenancy land / non-forest	702.163 ha
	v. Period of mining lease proposed	Thirty (30) years
	vi. Total reserve	452.46 MT of mineable reserve
	vii. Reserve in forest area	-
	viii. Reserve in non-forest area	-
	ix. Annual estimated production	10.00 MTPA
	x. Nature of mining operation	Open cast
	xi. Phased reclamation plan	Phased plan enclosed
	xii. Gradient of the mining area	-
	xiii. No of labourers to be employed	Direct employment - 1240 man days per year
8.	Compensatory Afforestation	CA has been proposed over double the degraded forest land, i.e., 900 ha at a cost of Rs.2,54,551/- and unirrigated CA over 2896.656 ha area at a cost of Rs.72,435/-. The total cost of CA scheme is Rs.43.892/- crore.
9.	Catchment Area Treatment	Not Applicable
10.	Rehabilitation of Oustees l) No of families involved m) Category of families n) Details of rehabilitation plan	580 ST/SC - 325, others-94 Forwarding letter to Rehabilitation Plan is enclosed at (p-171/c).
11.	Reclamation of mined areas	Reclamation plan at p-177/c.
12.	Cost Benefit Ratio	1:3.234 at p-147/c.
13.	Recommendation i. DFO ii. PCCF iii.State Government	All have recommended the proposal. p-18/c. p-20/c. p-21/c.
14.	District Profile	-
	(i) Total Geographical area of District	6664.384 sq km
	(ii) Total forest area of District / Divisional forest area	2637.276 sq km
	(iii) Total area diverted since 1980	4533.346 ha in Nil no of cases
	(iv) Total CA stipulated	Forest land - 4625.640 Non-forest land - Nil.
	(iv) Total CA done since 1980	Forest land - 4625.640 ha Non-forest land - Nil.

Other Remarks:

8. The Ministry of Coal allotted Parsa East & Kete Basan coal block vide its letter dated 19/25.06.2007 to Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL) to meet the requirement of coal for their two thermal power project viz. Chabra phase-II and Jhalawar projects. The approximate area of the project is 27.11 sq km which is situated in district Surguja, Chhattisgarh at p-94/c.

9. The area proposed for Parsa East & Kete Basen coal block open cast mines, fall under Udaipur Range of South Surguja Division, Ambikapur. Total forest area in 16 compartments of Phatehpu, Matringa, Gumga and Ghatbarra protected forest block is 1654.109 ha and revenue forest land is 244.219 ha. Total forest land 1898.328 ha at p-181/c.
10. The item wise break up of the land use is given below at p-97/c:

Sl. no.	Item	Forest land (in ha)	Revenue land (in ha)	Total area (in ha)
1	Quarry Area	1714.667	681.301	2371.705
2	Barrier	16.820	-	16.820
3	External Dump	113.417	80.230	165.830
4	Washery	15.226	24.274	47.340
5	Colony	30.591	2.258	31.440
6	Infrastructure	1.145	20.475	21.620
7	Others	6.462	4.168	56.279
	Total	1898.328	812.706	2711.034

11. The Compensatory Afforestation (CA) has been proposed over double the degraded forest land i.e. 900 ha at a cost of Rs.2,54,551/- and unirrigated CA over 2896.656 ha area at a cost of Rs.72,435/-. The total cost of CA scheme is Rs.43.892/- crore at p-224 to 280/c.
12. The user agency has submitted the mining plan has been accorded approval by IBM, Nagpur at p-176/c.
13. The user agency has also submitted an undertaking to pay NPV at p-122/c.
14. The user agency has given an undertaking to bear the cost of CA at p-120/c.
15. No violation of the Forest (Conservation) Act, 1980 has been reported at p-17/c.
16. There is no archaeological / heritage site / defence establishment or any other important monument located in the area at p-182/c.
17. The User agency has also submitted a copy of the no objection certificates from the Gram Sabha at p-184 to 187/c.
18. The user agency has informed that the EIA/EMP required for Environmental Clearance is under preparation and will be submitted to the MoEF later on at p-123/c.
19. The cost of the project is Rs.950.00 crores at p-94/c.
20. The State Government has recommended the proposal.

SITE INSPECTION REPORT

1. The site inspection has been done by the Regional Office, Bhopal.
2. Legal status of the forest land is given below:

Type	Area (in Ha)
Protected Forest	1654.109
Revenue Forest	244.219
Total	1898.328

3. Item-wise break up details of the forest land proposed for diversion is given below:

Sl. No.	Type	Area (in ha)	Non-forest area (in ha)	Total
1.	Surface mining	1714.667	681.301	2395.968
2.	Barrier	16.820	-	16.820
3.	Overburden dump	113.417	80.230	193.647
4.	Washery	15.226	24.274	39.5
5.	Colony	30.591	2.258	32.849
6.	Industrial building etc	1.145	20.475	21.620
7.	Store workshop substation etc	6.462	4.168	10.630
	Total	1898.328	812.706	2711.034

4. The total cost of the project is Rs.950 crores.
5. The wildlife found in the area includes Bear, Wild Boar, Fox, Jackal, Wolf, Monkey, Rabbit and Hyena etc. Migratory elephants have also visited the area during the period 2004 to 2008.
6. The Main species are Sal, Dhawa, Saja, Aonla, Achar, Bhilwan, Mahua, Harra & Jamun. In addition medicinal plants like Safed Musli, Kali Musli, Ashwagandha & Satavar are also found in the area.
7. About 3,68,217 trees are required to be felled. The details are as below-

No. of trees below 60 cm girth	-	1,60,007 trees
No. of trees below 60 cm girth	-	2,08,209 trees

8. **Background note on the proposal:** There are eight coal blocks viz Tara, Bissar, Madanpur, Paturia, Parsa, Morgia-I & Morgia-II in Hasdeop Arand coal fields. All these proposed coal fields are in forest areas. The Ministry of coal, Government of India sanctioned Parsa East and Kete Basan coal blocks to Rajasthan Rajya Vidyut Utpadan Nigam Limited. The total mineable reserves of coal are 452.46 MT. The reserve shall last 49 years at estimated production 10 MTPA. Mining is proposed by open cast mining. The initial mining lease period proposed is 30 years which is renewable in future. The coal

produced shall be used in two thermal power projects 2x250 MW project unit no. 3 &4 and Kalisindh Thermal power project 2x600MW district Jhalawar which are under construction phase and different units are likely to be commissioned between the period 31.10.2011-31.12.2012 and 31.12.2011-31.03.2012, respectively. A joint venture company M/s Parsa Kente Collieries Limited has been formed between Rajasthan Rajya Vidyut Utpadan Nigam Limited and Adani Group for development of mines.

9. The CA has been proposed over double the degraded forest area. This includes irrigated afforestation over 900 ha at a cost of Rs.2,54,551/- and unirrigated CA over 2896.656 ha area at a cost of Rs.72,435/-. The total cost of CA scheme is Rs.43.892 crore.
10. **Reclamation plan** is proposed to fell trees in a phased manner. Plantation of reclaimed area will be done in a phased manner to nullify the number of trees felled. It is planned to plant trees in unworked area, outside dump area during the first two years. During the third year, plantation on unworked area and outside dump area and on dump area in a phased manner has been proposed. During fourth and fifth year plantation outside dump area and on dump area has been proposed. From seventh year onwards, plantation on dump area has been proposed in a phased manner. Over the entire life of the mine, afforestation will be done over 2173.10 ha. Native species shall be planted at 1500 saplings per ha. The costs of technical reclamation @ Rs.9.10 lakh per ha is Rs.1,91,106.12 lakh and the cost of biological reclamation @ Rs.3.30 lakh per ha is Rs.6,128.25 lakh at current rates.
11. The proposal involves the acquisition of 812.706 ha non forest area. The total number of persons that shall be displaced as a result of the project is 580 out of which SC/ST families are 345. These persons will be rehabilitated as per the policy of the State Government.
12. The cost benefit ratio is 1:3.234.
13. No violation of FC Act, 1980 has been reported by the State Government.
14. The mining project will increase the power generation for supply to the public for domestic consumption and use in industry. The state will get royalty for the coal produced in addition to other taxes. The place where the project is located is a remote tribal area. The project will generate direct regular employment for 1240 people in addition to indirect employment. The project will give a boost to the economy of the region and help in its development.
15. The CCF (central) while forwarding the proposal has recommended the following:
 - i. The user agency shall ensure complete compliance of all terms and conditions stipulated under environmental clearance and other clearances from the Ministry.
 - ii. Proper and timely implementation of land reclamation/rehabilitation of mines areas as per the given progressive mine reclamation plan,

- iii. Proper implementation of rehabilitation/resettlement of displaced persons by the user agency, as per guidelines/policies of the Government.
- iv. Proper implementation of “wildlife conservation plan” as agreed and proposed by the State Government.
- v. Regular monitoring of activities by Regional Office, Ministry of Environment & Forests, Bhopal pertaining to mine reclamation and implementation of other terms and conditions of EC and FC during entire course of mine operation.

May be submitted before FAC for consideration.
