

MINUTES OF MEETING OF FOREST ADVISORY COMMITTEE (FAC)

HELD ON 21st September, 2020

Agenda No. 1

File No. 8-03/2020-FC

(Online Proposal No. FP/HP/MIN/34137/2018)

Sub: Proposal for seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 for non-forestry use of 54.668 ha. of forest land for extraction of sand, stone and bajri from bed of river Yamuna mining project by Randeep Singh, Mauza and MohalBhagani, District Sirmour, within the jurisdiction of Paonta Forest Division, DistrictSirmour Himachal Pradesh, Regarding.

1. The above stated agenda item was considered in FAC meeting on 21.09.2020. Corresponding agenda note may be seen at ***parivesh.nic.in***.
2. During deliberations on the matter the FAC observed that:
 - a. The proposal was discussed in FAC meeting dated 23.04.2020, wherein the proposal was deferred seeking certain additional information/details/clarifications from the State Government.
 - b. The Nodal Officer-cum-Addl. Pr. CCF (FCA), Government of Himachal Pradesh vide their letter No.Ft.48-3758/2018 (FCA) dated 18th August, 2020 has forwarded point wise reply to the observations made by the FAC in its meeting dated 23.04.2020. The reply of the state government is summarised as below;
 - i. The State Government has now confirmed that the proposed mining conforms to the DSR (as per EMSMG-2020 and SSMMG-2016 issued by MoEF&CC) of the concerned district.
 - ii. The State Government also confirmed that the issue of conservation of riverine wildlife biodiversity will be fully addressed during the proposed mining as per direction given by the CWLW of the State Government.
 - iii. State Government has further submitted that no tree shall be felled for the proposed activity.
 - iv. On the observation that certain CA areas are falling in river bed and MDF areas, the State Government has submitted a revised CA area.

As per DSS analysis in the FC Division, the revised proposed CA areas have 3 ha of VDF and 4 ha of MDF.

- v. On the representation from BNHS (Bombay Natural History Society) wherein it has been highlighted that the Asan Barage Conservation Reserve (in Uttarakhand state) is about 6 km from the proposed mining area and the proposed mining would have adverse impact on such conservation area, the CWLW, Uttarakhand has informed that there is no adverse impact of the proposed mining activity on Asan Conservation Reserve.

Decision of FAC:

FAC, after thorough deliberation and discussion with DDG Regional Office, Dehradun, Nodal Officer (FCA), Himachal Pradesh and DFO, Paonta Sahib, (Through Video Conference) **recommended the proposal** with general, standard and following specific conditions:

- i. Extraction of minor mineral shall be carried out manually. Further, heavy vehicle and heavy machineries shall not be used for extraction and transportation of sand, stone and Bajri from the river bed.
- ii. The extraction of minor mineral shall be as per DSR study report and the annual quantity shall not exceed the average of extractions in the years of 2013-14 to 2015-16.
- iii. As per DSS analysis, out of total proposed C.A area, 3 ha of land is classified as Very Dense Forest, 4 ha of land is classified as Moderately Dense Forest. Therefore, the State Government shall identify degraded/ open forest/non-forest land in lieu of above mentioned VDF and MDF for taking up C.A.
- iv. Bamboo plantation shall be raised between the mining area in the river bed and the nearby agricultural fields on the river bank to avoid erosion of agriculture field at the project cost.

Agenda No-2

F. No. 8-29/2019-FC

(Online No. FP/MP/FVC/36403/2018)

Subject: Diversion of 100.00 ha of Forest land (PF -188) for Relocation of Village "Khamda and Malani Part 5" from Bori Sanctuary in Satpura Tiger Reserve, Hoshangabad, Madhya Pradesh—reg.

1. This proposal was considered by FAC in its meeting held on 21st September, 2020. The detailed agenda notes may be seen on [www. parivesh.nic.in](http://www.parivesh.nic.in).
2. While deliberating on the proposal, FAC observed that:
 - a. The above stated agenda item was considered in FAC meeting on 27th February, 2020 wherein the Committee had deferred the proposal seeking certain additional information.
 - i. The KML files along with geo spatial details of village Malni Part-5 which is to be relocated from Satpura Tiger Reserve District Hoshangabad, Madhya Pradesh, shall be submitted by the State Government. Extent of forest area which is proposed for vacation shall also be submitted.
 - ii. Details of rehabilitation plan and associated funding arrangements shall also be provided for record purposes prior to Stage II approval.
 - iii. The complete compliance of FRA, 2006 as per norms shall be submitted.
 - iv. Comments of National Tiger Conservation Authority (NTCA) on the proposed proposal may also be obtained by the MoEF&CC for further consideration by the Committee.
3. As desired by FAC in their meeting on 27.02.2020, the comments of NTCA have been obtained wherein the said proposal has been recommended and it has been mentioned that this voluntary village relocation is important for creation of inviolate area in the core/ CTH of Satpura tiger reserve for strengthening tiger conservation.
4. The Government of Madhya Pradesh vide letters dated 08.07.2020 and 10.07.2020 had submitted the information as per FAC meeting 27.02.2020 along with the kml/shape files of the forest area in Satpura Tiger Reserve from where relocation will be made. The FC Division made DSS analysis of the kml/shape files of site to be vacated and certain issues were raised for response

of the State Government. The State Government vide its letter dt. 20.08.2020 has furnished its reply to the Ministry and same has been accepted.

5. It was informed to the Committee that as per the reply of the State Government, out of 124 families, 37 families of Khamda Village and out of 318 families of Malini Village 11 families are to be relocated as per the instant proposal.
6. FAC took cognisance of piece meal relocation of villages and expressed concern that this may result in loss of perceived conservation benefits due to change in mind set of villagers in due course of time and it may result in reverse migration too. FAC members sought clarification from the PCCF (Land Management) cum Nodal Officer, (FCA), Department of Forests, Government of Madhya Pradesh, who had joined the meeting through VC. The Nodal Officer (FCA) explained that this phased manner of village relocation is being taken up because of availability of suitable locations and availability of extent of land. Due to existence of large number of families inside Satpura Tiger Reserve the State Government is taking up the matter in a phased manner. He further informed that the present 37 nos of families of Khamda village are the only remaining families out of 124 nos of families. Due to existence of strong social bonding among tribals of one hamlet; DGF & SS urged that the relocation may be taken up hamlet wise. He further emphasised for keeping revenue authorities in the loop for ensuring provisioning of better public amenities at the proposed site of relocation.

Decision of FAC:

After thorough deliberations and discussions with the Nodal Officer (FCA), Government of Madhya Pradesh and Deputy Director General of Forests, Regional Office, Bhopal, FAC recommended for **in-principle approval** with general, standard and the following specific conditions:

- i. The State Govt. shall endeavour to ensure that the whole of a hamlet of a village is relocated at the same time as far as possible.
- ii. The State Govt. shall ensure that the rehabilitation plan includes all need based facilities for the villagers.
- iii. The State Govt. shall ensure all essential facilities are provided to the villagers by the district administration in order to avoid any possibility of reverse

migration.

- iv. Details of relocation shall be provided to the NTCA for onward legal action/compliances in IA No. 3924 of 2015 in WP (C) 202/1995.
- v. Details of de-notification/de-reservation to be made due to this approval shall also be made part of record of State Forest Department of Madhya Pradesh and Forest Survey of India, Dehradun.

Agenda No. 3

F. No. 8-01/2020-FC

online no.- FP/OR/MIN/30980/2017

Sub: Proposal for diversion of 783.275 ha of forest land consisting of 643.095 ha of RF in Chhendipada & Kankurupal Reserved Forest and 140.180 ha of Village Forest land in Chhendipada Range of Angul Division for Naini Coal Block (Open Cast) under Angul District, Odisha of M/s Singareni Collieries Company Ltd.

1. The above stated agenda item was discussed in FAC meeting held on 21.09.2020. The details of agenda item can be seen at parivesh.nic.in.
2. Government of Odisha on dated 04.01.2020 has submitted a proposal for diversion of 783.275 ha of forest land in favour of M/s Singareni Collieries Company Ltd (SCCL). The total lease area is 912.799 ha.
3. The forest area is Tropical Moist Deciduous Forest. As per legal classification the area has Reserved Forest (643.095 Ha), Revenue Forest (15.017 ha) and DLC Forest(125.163 ha).
4. The forest area required for mining is requested for 40 years.
5. It is reported in SIR that the movement of elephant is noticed in northern & southern part of lease area. If the area is mined out, the surrounding villages will be impacted more. So detail mitigation plan needs to be prepared for avoiding Human-animal conflict in future and for providing safe passage to elephants.

6. During deliberations FAC also observed that, in 2013 Ministry, vide letter No. 11-423/2011-FC dated 31.01.2013 allowed the SCCL the status of CPSU for the purpose of Compensatory Afforestation (CA), even though the State Government (Telangana) has 51% holding in the company. From the records, besides requests and recommendations from Ministry of Mines and Government of Telangana, no plausible reasons for according such special status to SCCL at the cost of conservation principles could be found out.

Decision of FAC:

After detailed examination and deliberations on the proposal with DDG Regional Office Odisha, Nodal Officer Odisha and representatives of user agency, FAC deferred the proposal seeking following information:

- i. The state government has recommended the CA over degraded forest land equivalent to double the area proposed for diversion. The CA is proposed in Reserved Forests. At present this dispensation is available for proposals of Government of India and Central PSU user agencies only. Ministry vide para 2.4(i) of comprehensive guideline dated 28.3.2019 has allowed CA over forest land not under management and/or administrative control of the State/UT Forest department and on which the provisions of FC Act, 1980 are applicable. State Government of Odisha shall explore option of finding degraded forest area outside the notified forests, in the category of area mentioned in para 2.4(i) of comprehensive guidelines.
- ii. A coal washery has been proposed over the forest area portion in the project area. State Government shall explore the possibility of establishing the coal washery, which is a non-site specific use, on non-forest area. The alternatives explored may be submitted.
- iii. It was noted that as per land use plan, 40.060 ha forest land is proposed to be used for establishment of washery and service building. It is to be recalled that a coal washery's requirement of water is quite substantial. In addition, there is substantial outflow of wastewater from a washery. State Government should examine the potential impact of large water withdrawal from forest area for the proposed washery, as well as the waste water and dust from the washery, on the flora and fauna of the locality. Establishing such unit requires adoption of precautionary principle. All mitigation measures that are essential to minimise

the impact of the proposed washery shall be listed if ashery could not be located outside forest land.

- iv. Movement of elephant has been reported in northern and southern part of lease area. It is also and reported that the proposed Similipal-Satkosia Tiger Corridor is about 8.12 Km on the north side of the proposed project. Mining in the area is likely to cause Human-animal conflict in the area. Comments in this regard shall be sought from NTCA and Project Elephant Division of MoEF&CC with regard to wild life management plan with appropriate mitigation measures for the entire area.
- v. From the perusal of land use it is learnt that 98.057 ha forest land has been earmarked for structures including drainage, roads, transmission lines, etc. This need detailed elaboration and justification.
- vi. Safety zone shall be clearly earmarked in the proposal.
- vii. There is discrepancy in the number of trees enumerated to be felled. As per DFO report, it is 1,06,536 trees, whereas RCCF reported 1,06,209, and the SIR of Regional office reported 1,05,092 trees. The exact figure may be submitted.

Agenda No. 4

File No. 8-01/2019-FC

online no.- FP/OR/MIN/20092/2016

Sub.: Modification in the condition stipulated while granting *In principle* approval for diversion of balance forest of 80.826 ha (16.566 ha of forest land and 64.260 ha of non-forest land recorded as forest as on 25.10.1980), in addition to 52.348 ha of forest land already diverted, that includes 3.916 ha of forest land in safety zone and 1.129 ha of forest land in green belt (total forest land of 133.174 ha in ML) within the total mining lease area over 169.00 ha of Tiringpahar Iron & Manganese Mines of M/s. Tata Steel Ltd. in Keonjhar district, Odisha during extended ML period as per MMDR (Amendment) Act, 2015.

1. The above stated agenda item was discussed in FAC meeting held on 21.09.2020. The details of agenda item can be seen at parivesh.nic.in.
2. The proposal was granted in-*principle* approval on 02.08.2019 subject to certain conditions prescribed therein. Thereafter the User Agency i.e. Tata Steel Limited on dated 07.08.2019 submitted a representation requesting that following two specific conditions as imposed by FAC and stipulated in Stage-I approval may be reconsidered.
 - i. *State Government shall submit detail status of reclamation done by the user agency till date. State government may also see if the user agency had resorted to any violation in respect of any condition stipulated in reclamation plan approved by IBM.*
 - ii. *State Government shall ensure that 46 ha out of the 80.826 ha un-diverted forest land having vegetation density of more than 0.4, is maintained as green cover, till a comparable area is reclaimed and vegetated.*
3. The Ministry vide its letter dated 23.08 2019 forwarded the representation of user agency to State Govt. for furnishing para-wise comments. State government in its reply confirmed that there is no area with extent of 46 ha with vegetation density of more than 0.4 within 80.826 ha of forest land.

4. Further it was clarified that mining is continuing in the quarry within the Sabik forest land proposed for diversion i.e. 64.260 ha so also within the already diverted area and the said quarries can be reclaimed and vegetated only after mineral is exhausted within them.

Decision of FAC:

After detailed examination and deliberations on the proposal in presence of DDG Regional Office, Odisha and Nodal Officer (FAC) of Government of Odisha, FAC observed that the condition of retaining an area of 46 ha within 80.826 ha was imposed based on observations of Regional Office in the SIR. DDG, Bhubaneswar clarified that the inspection of the area was done one and half year ago and as per DSS there are certain green patches which are outside the area sought for the diversion. These areas are either already diverted or are under non forest category. Present DSS analysis also reveals that there are green patches but predominately covered with bushes and scattered tree growth.

FAC **recommended** that the following two clauses of the in-principle approval issued on 21.09.2019:

- a. *State Government shall submit detail status of reclamation done by the user agency till date. State government may also see if the user agency had resorted to any violation in respect of any condition stipulated in reclamation plan approved by IBM.*
- b. *State Government shall ensure that 46 ha out of the 80.826 ha un-diverted forest land having vegetation density of more than 0.4, is maintained as green cover, till a comparable area is reclaimed and vegetated*

May be read as

- a. *State government shall see if any violation has been committed in respect of any condition stipulated in reclamation plan approved by IBM*
- b. *Deleted*

Agenda No. 5

File No. 8-15/2019-FC

(Online proposal No. FP/PB/HYD/40592/2019)

Sub: Proposal for seeking prior approval under Forest (Conservation) Act, 1980 for use of 275.16 ha (211.06 ha protected forest + 64.10 ha. PLPA area) excluding de-listed area (58.75 ha) out of 333.91 ha of forest land for construction Reservoir of ShahpurKandi Dam Project in Tehsil – Dhar Kalan under Forest Division and Distt. Pathankot in Punjab. -reg.

1. The above stated agenda item was discussed in FAC meeting held on 21.09.2020. The details of agenda item can be seen at parivesh.nic.in.
2. Total reservoir area of the proposal is 952.26 ha out of which the reservoir area in Punjab is 333.91 ha, while as the reservoir area in Jammu & Kashmir is 618.35. The proposal is for diversion of forest area in the project falling only within the State of Punjab.
3. The forest type of the forest area proposed for diversion in Punjab side is “Northern Dry Mix deciduous forest”. As per the legal status, the proposed forest area consists of protected forest(211.06) and 64.1 ha area has been notified (closed) under section 4 of PLPA(Punjab Land Preservation Act, 1900).
4. Being a national project and considering its high significance, FAC decided to accept the justification of the State Government in identifying few CA patches each of which is less than 5 ha.

Decision of FAC:

After detailed examination and deliberations on the proposal with officials of Regional Office, Chandigarh, PCCF (HoFF) Punjab and Nodal Officer (FCA), Punjab, FAC observed that it is a national project of immense importance. The project proposal has two inter-dependant components, northern side is located in J&K and southern side is in Punjab. FAC analysed the part of project proposal submitted by the Government of Punjab. After detailed analysis and deliberation with PCCF (HoFF) Punjab, FAC agreed to recommend the project (Punjab part of the project) for in-principle approval under Section-2 (ii) of the Forest (Conservation) Act, 1980 with general, standard and following specific conditions.

- i. This recommendation for *in principle* approval should not be construed in any manner as prior consent of the FAC to recommend diversion of the forest area on the J&K side. To avoid a *fait accompli*, FAC also recommended that compliance of the conditions of this *in-principle* approval shall be initiated only after in-principle approval for diversion of forest area in J&K part of the project is obtained.
- ii. State Government and user agency shall ensure that the CA areas are free of encroachment and encumbrances prior to submission of compliance report by the user agency.

Agenda No. 6

File No. 8-12/2020-FC

(Online Proposal No. FP/UK/Others/48385/2020)

Sub: Proposal for seeking prior approval of the Central Government under Section 2 of Forest (Conservation) Act, 1980 for non-forestry use of 106.16 ha of forest land Compartment No. 3 and 8 of Kalagarh Tiger Reserve Division of Pakhro Range, Pakhro Block of District Pauri Garhwal, Uttarkhand for establishment of Tiger Safari.

1. The above stated agenda item was considered by FAC in its meeting on 21.09.2020. The corresponding agenda note may be seen at www.parivesh.nic.in.

2. During deliberations FAC observed that:

- i. Statutory approvals from NTCA (National Tiger Conservation Authority) and CZA (Central Zoo Authority) have been obtained for this proposal.
- ii. As per norms, Compensatory Afforestation has been proposed over 16.0 ha non-forest land which is equal to the 15% of the forest land proposed for diversion. Further, NPV @ 15% has also been proposed to be paid as per relevant guidelines.
- iii. As per the information received from the state government, construction activity over 4000 Sq. meter shall be carried out under this project and this is not listed in the Schedule of the EIA Notification 2006. Therefore, the proposal does not require Environment Clearance and consequent Wildlife Clearance from Standing Committee of the National Board for Wild Life.
- iv. During the meeting it was mentioned that, NTCA has informed to advise the

state government to follow prescriptions of *Guidelines for Establishment of Tiger Safari* issued in 2016 (as revised in 2019) by NTCA in respect of *Selection of Animal as prescribed in section 38-I of Wildlife (Protection) Act, 1972, Visitor Sensitisation, Surveillance for Watch & Ward, Re-ploughing of 70% of receipts to the Tiger Reserve concerned and 30% for the Tiger Safari, Layout of Roads, Vehicle standards, Veterinary Care including equipment, Other enabling requirements, supporting services and any other prescribed in said guidelines etc.*, while complying with the conditions laid down by CZA in this respect.

- v. It was also observed by the Committee that the area of CA has been proposed in degraded mountainous slopes, which will be helpful for treatment of such areas. It was further suggested by the Committee that such degraded areas especially in mountain landforms should be taken up for C.A on priority basis to improve overall ecology of these area.

Decision of FAC:

FAC after through deliberation and discussion with DDG Regional Office, Dehradun (through Video Conference) **recommended the proposal** with general, standard and following specific conditions:

- i. All conditions in the statutory approvals obtained from NTCA and CZA shall be complied.
- ii. The State Government shall ensure the infrastructure of the tiger safari is created mainly from bamboo and other natural materials.

Agenda No. 7

Policy Issues:

The following three policy issues were discussed by the Committee.

- A. Coal Mining leases involving forest and non-forest land: Commencement of mining operations in non-forest land before obtaining approval under the FCA, 1980 – reg.**
- B. Zoo to be considered as a forestry activity.**
- C. Definition of ‘permanent structure’ under ecotourism facility, development of which would attract provisions under FCA, 1980.**

Decision of FAC:

FAC considered the policy issues and decided that FC division of MoEF&CC may have some more deliberation on the issues involving concerned divisions of the Ministry, after which same may be placed before FAC with appropriate recommendation for analysis and decision.

(Not present)

(Sh S. D. Vora)

Member

(Confirmed)

(A.K. Mohanty)

Inspector General of Forests (FC)

(Confirmed)

(Sh Anmol Kumar)

Member

(Confirmed)

(Dr Sanjay Deshmukh)

Member

(Confirmed)

(Sisir Kumar Ratho)

*Additional Director General of
Forests*

(Confirmed)

(Rama Shankar Sinha)

*Additional Commissioner (NRM)
Ministry of Agriculture and Farmers welfare
(Member)*

(Approved)

(Dr. Sanjay Kumar)

Director General of Forests & Special Secretary
