

**MINUTES OF MEETING OF FOREST ADVISORY COMMITTEE HELD ON  
26<sup>TH</sup> OCTOBER, 2018**

**Sandeep Sharma, AIGF (FC)**

**Agenda No. 1**

**F.No. 8-59/2018-FC**

**Sub: Diversion of 341.23 ha of forest land in the Bolangir Forest Division under Bolangir District, Odisha for construction of Upper Lanth Medium Irrigation Project.**

1. The above stated detailed agenda was considered in FAC meeting on 26.10.2018.
2. FAC observed that the proposed Project is located in Belpara and Khaprakhol Blocks of Patnagarh Sub-Division of Bolangir District in the State of Odisha which is inhabited mostly by people belonging to SC, ST and other backward classes.
3. The total land required for this Medium irrigation Project is 877.203 ha. which includes 341.203 ha of forest land and 535.973 ha. of non-forest land including private land of 396.14 ha. The forest land of 341.203 ha. includes 285.259 ha. of RF land (Bender-I RF 39.760 ha. + Bender-II RF 245.499 ha.) and 55.971 ha. of Revenue forest land spread over 13 villages.
4. It is reported that the area has 19107 numbers of trees below 60 cm girth and 82437 numbers above 60cm girth and has crown density varying between 0.5 and 0.7.
5. The proposal has been recommended by concerned DFO, CF, Nodal Officer and State Government.
6. It is reported that 342 families are in the project area and will be rehabilitated as per R&R Plan.
7. State Government had reported that they have explored different alternatives. Among all alternatives present site is geo-technically feasible and hence selected.

**Decision of FAC:**

FAC after thorough deliberation and discussion with the APCCF Regional Office **recommended the proposal for in-principle approval for diversion of 341.23 ha forest land** with standard, general and following specific conditions:

- i. R&R Plan duly approved by competent authority shall be furnished prior to Stage-II approval.
- ii. State Government shall furnish revised trees enumeration list over forest and non-forest land in the project, prior to stage II approval. The number of trees which are falling in submergence area shall not be felled and shall be retained. In other area the User Agency shall pay towards cost of removal of trees enumerated before commencement of work after obtaining and tree felling



should be taken up in phases strictly as per requirement under the supervision of the Divisional Forest Officer, Bolangir Forest Division.

- iii. Detailed Project Report as per present cost-estimate along with administrative approval for this project shall be furnished.
- iv. Approved CAT Plan shall be submitted, to be implemented at project cost.
- v. Canal Bank Plantation on either side of the two canals shall be raised and maintained at project cost, with the approval of the scheme by DFO, Bolangir.
- vi. State Government shall ensure that the land selected for Compensatory afforestation is suitable for plantation. Certificate in this regard shall be submitted prior to Stage-II approval.

### Agenda No. 2

F. No. 8-53/2000-FC

**Sub: Diversion of 2.880 ha of forest land (in addition to already diverted 100.00) for up-gradation of existing forest road (cart road) from Kothiatola to Dongorbore Iron Ore Mine and in favour of M/s Raipur Alloy & Steel Ltd. In Rajnandgaon Forest Division in Rajnandgaon district of Chhattisgarh.**

The above stated detailed agenda was considered in FAC meeting on 26.10.2018 and recommendation of FAC will be conveyed after Model Code of Conduct (MCC) is lifted.

### Agenda No. 3

F.No. 8-53/2018-FC

**Sub: Diversion of 523.046 ha of forest land for construction of Lower Kopili Hydro Electric Project by Assam Power Generation Corporation Ltd. (APGCL) under Dima Hasao West Division, Haflong and Hantren Division, Assam.**

1. The above stated detailed agenda was considered in FAC meeting on 26.10.2018.
2. The user agency is APGCL, which is a State PSU.
3. As estimated, 66195 number of trees will be felled and the area falls in Eco Class-I.



**Decision of FAC:**

FAC after thorough deliberation and discussion with the APCCF Regional Office and Nodal Officer, Assam, **deferred its decision till the following information on the proposal are furnished** to the Ministry.

- i. From the perusal of detail of Land Use submitted by the user agency it is observed that 176.746 ha have been earmarked for “miscellaneous activities”. State Government shall clarify the activities in detail.
- ii. As per land use there are certain activities which are not site specific. State Government and user agency in consultation with Regional Office, Shillong shall explore the possibilities of shifting the activities to non-forest area. Efforts shall be made to minimize the requirement of forest area. Both Regional Office and State Government shall use DSS to minimize the requirement of forest area. The DSS analysis report in this regard shall also be submitted.
- iii. From the perusal of CA land status, it is observed that the CA has been proposed over double degraded forest area. As per FCA guidelines this dispensation is not acceptable for projects of State PSUs. Regional Office, Shillong shall inspect the CA site and submit its report.
- iv. User Agency shall submit approved R&R Plan.
- v. State Government shall submit detail cost benefit analysis in accordance with Ministry’s guidelines.

**Agenda No. 4**

**F. No. 8-25/2009-FC**

**Sub: Proposal for diversion of 226.67 hectares of forest land for Karo OCP in favour of M/s. Central Coal Fields Limited (CCL) in Bokaro district of Jharkhand**

**and**

**Diversion of 7.57 ha of forest land for construction of dispatch conveyor of Karo OCP in favour of M/s Central Coal field Limited (CCL) in Bokaro district of Jharkhand.**

1. The above stated detailed agenda was considered in FAC meeting on 26.10.2018.
2. The Government of Jharkhand vide their letter no. 3/Van-Bhumi-02/2009/451/VP dated 22.02.2009 submitted proposals for **diversion of 226.67ha** of forest land and vide letter No. Van Bhumi-33/2016-2284/V.P. dated 30.05.2017 for **diversion of 7.57 ha** of forest land for above two proposals respectively, for seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.



3. The proposal for diversion of 226.67 ha of forest was earlier placed before FAC in its meetings held on 04.11.2009, 21.07.2010, 24.11.2015, 15.06.2017 and at last on 25.01.2018.
4. The above facts for **diversion of 226.67ha** of forest land was considered by the FAC in its meeting held on **25.01.2018** and the FAC, after careful consideration of the facts placed before it and the facts placed on website of forest clearance decided to accord in -principle approval with general and standard conditions as below:
  - (i) Compensatory afforestation shall be raised over double the diverted forest land diverted and at least 1000 plants per hectare (480 hectares x 1000 = 480000 plants) shall be planted over identified degraded forest land with provision for ten years of subsequent maintenance.
  - (ii) 25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
  - (iii) The user agency should plan in such a fashion that the internal dumping starts early which will reduce the actual OB dump area. The mining plan should be modified in that line. The external OB dump should be limited to the non-forest area alone. The user agency also should explore the possibility of dumping the OB from the proposed mine in the already existing voids or voids being created due to mining in other adjacent mines of the user agency.
  - (iv) The Karo OCP is located in the East Bakaro coal fields, where a number of mines of CCL are under operation. Due to the mining the area has been denuded causing environmental problems like dust pollution, damage of trees, etc., which need immediate attention. The user agency should plan for taking up plantation in all the available areas in the East Bokaro coalfields of CCL. The plantation should be done by the CCL under the supervision and advice of the Forest Department. Instead of sectoral green planning, the CCL should go for integrated green planning including soil and moisture conservation measures for the East Bokaro coal fields.
  - (v) The voids available locally within the CCL should be identified and earmarked for deposition of ash generated from the nearby Bokaro TPS.
  - (vi) The user agency should give an undertaking to contribute proportionately for the regional wildlife management plan which is under preparation.
  - (vii) The State Government shall provide the details compensatory afforestation land which has been reported encroached / under agriculture and / civil construction etc. and shall submit to the Regional Office who will inspect and submit the report.
  - (viii) The recommendation of the FAC will be placed before the competent authority in the Ministry for in-principle approval after the receipt of SIR from regional office and the suitability of CA site is examined by the FC division to its satisfaction.



5. The observation of FAC was conveyed to the Government of Jharkhand. State Government simultaneously moved another application for construction of dispatch conveyor belt and requested for diversion of additional 7.5 ha forest area for construction of conveyer belt. In the meantime the query raised by the FAC related to 226.67 ha is addressed by the regional office and state government.
6. **Details of all the patches along with the site inspection remarks are given in tabular form as below:**

Sl. No.	Name of the PF selected for CA	No. of patches	Area in hectares	Remarks
1	Chonrgoi	1	5.00	Fit for plantation and free from encroachment and other encumbrances.
2	Chutgadda	1	70.00	Fit for plantation and free from encroachment and other encumbrances.
3	Dabhadih & Murhulsudi	1	32.00	Fit for plantation and free from encroachment and other encumbrances.
4	Gobindpur	1	28.00	Fit for plantation and free from encroachment and other encumbrances.
5	Knjkiro	2	105.00	Fit for plantation and free from encroachment and other encumbrances.
6	Karma	2	15.00	Fit for plantation and free from encroachment and other encumbrances.
7	Khetko	1	47.00	<b>Some fields observed but during inspection all the fields were left uncultivated and DFO informed that these fields were taken over by Forest Dept.</b>
8	Champi	3	30.00	<b>In patch 1, as per DSS some agricultural fields observed but during inspection all the fields were left uncultivated and DFO informed that these fields were taken over by Forest Dept.</b>
9	Kumardaga	1	54.00	Fit for plantation and free from encroachment and other

				encumbrances.
10	Sijhua	1	23.00	Fit for plantation and free from encroachment and other encumbrances.
11	Ulgadda	2	17.00	Fit for plantation and free from encroachment and other encumbrances.
12	Mugorangamati 01	4	28.00	Fit for plantation and free from encroachment and other encumbrances.
13	Mugorangamati 02	1	26.00	Fit for plantation and free from encroachment and other encumbrances.
	<b>Total area in hectares</b>		<b>480.00</b>	

**Decision of FAC:**

The recommendation of Regional Office and State Government regarding CA land was accepted by the FAC. It further recommended that MoEF&CC may process the proposal file with respect to diversion of 226.67 ha of forest land in favour of M/s. Central Coal Fields Limited (CCL) in Bokaro district of Jharkhand as per the procedure. FAC further observed that 7.5 ha of forest land required for construction of dispatch conveyor of Karo OCP is integral part of the proposal related to 226.67 ha. FAC took into the account the facts related to both the projects and analyzed them holistically. During the deliberation with the representative of user agency, it is learnt that the user agency will also construct a service road along the conveyor belt. The instant proposal does not include any detail regarding construction of service road. Further, on analysis of KML files of dispatch conveyor proposal on DSS, it is learnt that there is discrepancy in the area calculation. FAC after thorough deliberation and discussion with the APCCF Regional Office, Nodal Officer Jharkhand and user agency **decided to defer the matter** till the following information/documents are submitted to the Ministry.

- i. State Government shall submit KML files of exact forest area required for construction of dispatch conveyer. All the components such as service road etc. shall be included into detail land use.
- ii. From analysis of DSS it is observed that proposed CA land seems to have been encroached. State government shall ensure that CA land is free from the encroachment. A certificate in this regard shall be submitted.



Agenda No. 5

F. No. 8-21/2015-FC

**Sub: Diversion of 277.15 ha of forest land in favour of M/s Central Coalfield Limited for Rajrappa Open Cast Mine in Bokaro Forest Division in Bokaro District in the State of Jharkhand –reg.**

1. The above stated detailed agenda was considered in FAC meeting on 26.10.2018.
2. The above stated agenda item was earlier considered in detail in FAC meeting held on 24.11.2015. The FAC after detailed deliberations recommended that State Government be requested to submit following information / documents:
  - (i) Comments on the recommendations of the Regional Office, Ranchi that State Government should explore possibility of underground mining.
  - (ii) Comments on the observation of the Regional Office, Ranchi that since the area of forest land diverted is large it will definitely show significant impact on the flora and fauna of the area.
  - (iii) Compliance of the conditions stipulated in central Government's approval dated 15.03.2007 for diversion 510.82 ha.
  - (iv) Reason for submitting the proposal for diversion of only 277.15 ha out of total 336.58 ha of forest land in block II excluding balance of 59.53 ha of forest land.
  - (v) DGPS maps in shape files for the land proposed for diversion.
  - (vi) Purpose wise breakup of forest land proposed to be diverted.
  - (vii) Compliance to Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
3. State government submitted its response to the FAC observations on 02.11.2016. On analysis of its reply in MoEF&CC following was observed and communicated to the state government vide Ministry's letter dated 27th February, 2017:
  - i. There are significant variations between the responses given by the State Govt., PCCF and State Nodal Officer vide their letter no. Van Bhumi-21/2013/5032 dated 02.11.2016, letter No. 22/ P 2-(2)/2013/3581 dated 19.09.2016 and letter No.890 dated 10.09.2016 respectively.
  - ii. Moreover, the comments on the observation of the Regional Office, Ranchi that since the area of forest land diverted is large it will definitely show significant impact on the flora and fauna of the area, the compliance of the conditions stipulated in central Government's approval dated 15.03.2007 for diversion 510.82 ha., Justifiable reason for submitting the proposal for diversion of only 277.15 ha out of total 336.58 ha of forest land in block II excluding balance of 59.53 ha of forest land, DGPS map of the area proposed for diversion and compensatory afforestation and purpose-wise break up of land are not given.
4. The State Government of Jharkhand Department of forest, Environment and Climate Change vide his letter No. Vanbhumi-21/2013/3305/VP dated 06.08.2018 submitted



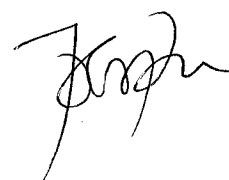
their reply in response of Ministry's letter dated 27.02.2017. The information given by the state government is under below:

S. No.	Observations raised by MoEF& CC on 27.02.2017	Reply submitted by the State Government of Jharkhand
1.	Moreover, the comments on the observation of the Regional Office, Ranchi that since the area of forest land diverted is large it will definitely show significant impact on the flora and fauna of the area	State Government has informed that there will be definitely impact on the flora and fauna of the area. User agency have submitted undertaking to comply any suggestion pertaining to mitigation of impact on flora and fauna.
2.	compliance of the conditions stipulated in Govt of India's approval dated 15.03.2007 for diversion 510.82 ha.	The State Government informed that the user agency has complied the conditions stipulated in the Govt of India's approval dated 15.03.2017.
3.	Justifiable reason for submitting the proposal for diversion of only 277.15 ha out of total 336.58 ha of forest land in block II excluding balance of 59.53 ha of forest land	State Government informed that the user agency has stated that as per the project report/ mining plan of Rajrappa OCP 3 MTY approved by the CCL Board on 23.12.2009 the requirement of FC is for 277.15 ha forest included jungal-jhari. Block-II consists of Block-II East and Block-II west. Block-II East is part of present PR/Mining plan of Rajrappa OCP approved by the CCL board on 23.12.2009. Against Block-II East, only 277.15 ha forest and JJ land is required. The remaining land of 59.53 ha lies in Block-II west which is beyond the present PR/Mining plan of Rajrappa OCP, Block-II.
4.	DGPS map of the area proposed for diversion and	In this regard the state government informed that the DGPS map of the area proposed for diversion and compensatory afforestation is submitted.





	compensatory afforestation	<p>DFO, Bokaro reported that However, on examining the compensatory afforestation sites which were proposed in 6 patches for 554.30 ha with the original proposal (as under) i.e. part-II of the DFO, Bokaro which was forwarded by letter no. 664 dated 25.03.2013, it was observed that the sites proposed for CA were worked at different point of time by doing plantation activities under state government schemes, hence new CA sites are being proposed.</p> <p><b>Originally proposed CA Sites:</b></p> <table border="1"> <thead> <tr> <th data-bbox="649 660 722 884">S. No.</th> <th data-bbox="722 660 852 884">Name of Mauza</th> <th data-bbox="852 660 998 884">Thana/Thana no.</th> <th data-bbox="998 660 1128 884">Plot. No.</th> <th data-bbox="1128 660 1226 884">Area (in ha)</th> <th data-bbox="1226 660 1399 884">Cost of CA (inRs.)</th> </tr> </thead> <tbody> <tr> <td data-bbox="649 884 722 1131">1</td> <td data-bbox="722 884 852 1131">BarkiP unnu</td> <td data-bbox="852 884 998 1131">Mahuata nd/57</td> <td data-bbox="998 884 1128 1131">1588, 3246, 1592,3245, 3888</td> <td data-bbox="1128 884 1226 1131">100.00</td> <td data-bbox="1226 884 1399 1131">98,97,050.00</td> </tr> <tr> <td data-bbox="649 1131 722 1332">2</td> <td data-bbox="722 1131 852 1332">Chhotki Punnu</td> <td data-bbox="852 1131 998 1332">Mahuata nd/56</td> <td data-bbox="998 1131 1128 1332">526, 573, 587, 592</td> <td data-bbox="1128 1131 1226 1332">55.00</td> <td data-bbox="1226 1131 1399 1332">54,35,027.00</td> </tr> <tr> <td data-bbox="649 1332 722 1935">3</td> <td data-bbox="722 1332 852 1935">Tirla</td> <td data-bbox="852 1332 998 1935">Mahuata nd/43</td> <td data-bbox="998 1332 1128 1935">211,212, 837, 854, 857, 865, 875, 884, 876, 889, 211, 236, 248, 281, 1010</td> <td data-bbox="1128 1332 1226 1935">150.00</td> <td data-bbox="1226 1332 1399 1935">1,48,17,741.00</td> </tr> </tbody> </table>	S. No.	Name of Mauza	Thana/Thana no.	Plot. No.	Area (in ha)	Cost of CA (inRs.)	1	BarkiP unnu	Mahuata nd/57	1588, 3246, 1592,3245, 3888	100.00	98,97,050.00	2	Chhotki Punnu	Mahuata nd/56	526, 573, 587, 592	55.00	54,35,027.00	3	Tirla	Mahuata nd/43	211,212, 837, 854, 857, 865, 875, 884, 876, 889, 211, 236, 248, 281, 1010	150.00	1,48,17,741.00
S. No.	Name of Mauza	Thana/Thana no.	Plot. No.	Area (in ha)	Cost of CA (inRs.)																					
1	BarkiP unnu	Mahuata nd/57	1588, 3246, 1592,3245, 3888	100.00	98,97,050.00																					
2	Chhotki Punnu	Mahuata nd/56	526, 573, 587, 592	55.00	54,35,027.00																					
3	Tirla	Mahuata nd/43	211,212, 837, 854, 857, 865, 875, 884, 876, 889, 211, 236, 248, 281, 1010	150.00	1,48,17,741.00																					



		<b>4</b>	Rangamati	Mahuatan/47	115, 138, 156, 191, 199, 209, 210	100.00	98,78,494.00	
		<b>5</b>	Chagri	Mahuatan/47	33, 57, 58, 79, 80, 97, 449, 456, 886, 887, 888, 887, 888, 909, 960	100.00	98,59,938.00	
		<b>6</b>	Chugru	Mahuatan/42	1087, 1094, 1095, 1097	49.30	48,66,869.00	
		<b>Total</b>				<b>554.30</b>	<b>5,47,55,119.00</b>	

So, the above mentioned site were changed and new sites were identified for the purpose of compensatory afforestation for 554.30 ha against the forest land diverted for Rajrappa OCP. There are 9 patches in total as mentioned below. These sites have been verified and the entire compensatory afforestation scheme has been revised.

**Revise CA Sites.**

S. no	Name of Mauza	Thana/Thana no.	Plot. No.	Area (in ha)	Cost of CA (inRs.)
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		<b>1</b>	Penk	Nawadih-05	324,351	50.00	1,03,96,000.00
		<b>2</b>	Penk	Nawadih-05	324,322	40.00	88,09,000.00
		<b>3</b>	Penk	Nawadih-05	616,618,578,524,465,539,526,488,518	100.00	2,01,24,000.00
		<b>4</b>	Penk	Nawadih-05	1476,1650,1561,1597,1879,1862,1860,1892,1489	80.00	1,75,19,000.00
		<b>5</b>	Penk	Nawadih-05	2025,2030,2055,1834	20.00	64,55,000.00
		<b>6</b>	Nawadih	Petarwar-101	26,239,498,621,632,636,649,652,669,697,708,734,847,885,890,97	84.00	1,92,17,000.00

				0, 971,98 1, 990,10 21, 1025			
		7	Tangt ona	Petarwar- 102	2493	80.0 0	1,81,08,000. 00
		8	Bang a	Petarwar- 31	183,22 3, 224,23 2, 246,33 0, 334,34 6, 391,39 2	35.0 0	86,22,000.00
		9	Nawa dih	Petarwar- 52	3,101, 108,11 2, 121,12 6, 249,25 1, 287,47 5, 483	65.3 0	1,69,74,000. 00
		<b>Total</b>				<b>554. 30</b>	<b>12,62,24,000 .00</b>
5.	purpose-wise break up of land are not given	In this regard the state government informed that component wise requirement of forest land after rationalization has been submitted.					

**Purpose wise breakup:**

S. no.	Particulars in use of land	Required Area	Tenancy	Forest	Jungle-Jhari	GMK/GMA	Total required of Forest & JJ
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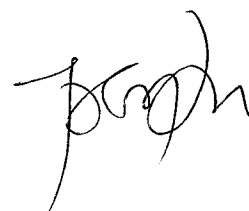
							<b>Land</b>
<b>1</b>	Quarry	963.72	442.45	99.31	320.69	98.97	277.15 ha
<b>2</b>	Infrastructure	285.14	89.41	102.8	55.61	34.51	
<b>3</b>	Embankment	197.69	36.88	39.66	60.59	59.77	
<b>4</b>	Safety Zone	0	0	2.00	3.9	0	
<b>Total (in Acres)</b>		<b>1446.55</b>	<b>568.74</b>	<b>243.77</b>	<b>440.79</b>	<b>193.25</b>	
<b>Total (in ha)</b>		<b>585.65</b>	<b>230.26</b>	<b>98.69</b>	<b>178.46</b>	<b>78.24</b>	

### **Decision of FAC:**

FAC on analysis of detail facts presented by state government and discussion with the nodal officer Jharkhand observed that total area of Rajrappa mining lease is 3300.53 ha. Out of it, forest area is 1298.3 ha. Entire project area is divided into five blocks. So far, approval under the FCA, 1980 has been obtained for 510.12 ha of forest land. On adding up the area of instant proposal i.e. 277.15 ha, so far proposal for total area of 787.27 ha has been received for diversion under the FCA, 1980 while forest area of 511.12 ha is yet to be applied for prior approval of the Central Government under the FCA, 1980. It is reported that the area has been acquired by the user agency under the CBA (A&D) Act, 1957 on 21.12.1966.

FAC after thorough deliberation and discussion with the APCCF Regional Office, Nodal Officer Jharkhand and user agency **decided to defer the matter** till the following information/documents are submitted to the Ministry:

- i. On perusal of land use plan it is learnt that 102.8 ha forest land is proposed for infrastructure component. User agency/State government shall give detail break up of this land use. State government shall explore possibility to use non forest land for non site specific activities within the mining lease
- ii. State government shall explore the possibility of taking up CA from the reclaimed non-forest mined out area within total mining lease of 3300.53 ha.
- iii. State government shall provide the detail of NPV amount paid against the forest area within total mining lease.
- iv. MoEF&CC may seek legal advice from MoLJ regarding payment of NPV amount for entire forest area within a mining lease as per MoEF&CC guideline no 11-599/2014 dated 1.4.2015.



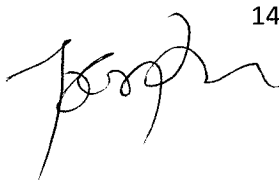
- v. State government shall clarify the status of 59.53 ha land which is reported to be part of Block II and which is not part of present Mining plan of Rajrappa OCP block II. It may be clarified whether the patch of 59.53 ha is under management control of forest department and managed under working plan or not. Status of other part of forest area which is not diverted under the provisions of FCA 1980 may also be clarified.
- vi. No tree felling and mining work is to be carried out within 50 meter width along the river bank. The area is to be maintained as green belt.
- vii. Soil and moisture conservation plan shall be prepared in consultation with forest department to minimize adverse effect of mining over Damodar River.
- viii. State Government may also explore the possibility of underground mining.

#### Agenda No. 6

F. No. 5-3/2007-FC (Pt.)

**Sub.: Guidelines for stipulating the norms for Survey and Investigation (Prospecting of Ores) on forest land.**

1. The above stated detailed agenda was considered in FAC meeting on 26.10.2018.
2. The matter to modify the guidelines with respect of prospecting was pending with MoEF&CC for long. This Ministry received representations from the Ministries of Mines, Coal and Petroleum and Natural Gas to relax the existing guidelines to exempt drilling of 15 – 20 bore-holes per sq. km in forest area for prospecting of minerals from the requirement of obtaining prior approval of the Central government under the Forest (Conservation) Act, 1980. Accordingly, the proposal for increasing the density of bore holes per hectare for the purpose of exploration of minerals under Forest Conservation Act. was discussed in FAC on 22.3.2018 and FAC after thorough deliberation with representatives of Ministry of Coal, observed that the exploratory drilling for prospecting of mineral ore over an area of about 10 m x 10 m per drilling site is a non-forestry activity and drilling of 20 such drilling will certainly affect the forest and wildlife.
3. With the approval of competent authority on the recommendation of Forest Advisory Committee in connection with prospecting of minerals to further simplify the process of grant of approval under the FCA, 1980 for prospecting of mineral in forest areas, the Ministry issued a guideline on 09.05.2018 stating the following:
  - (i) *The prospecting of minerals by drilling bore holes for collecting seismic waves and collecting mineral samples constitutes non-forestry activities for the purpose of Forest Conservation Act.*
  - (ii) *The user agency shall apply online for diversion of forest area as per the procedure laid down by MoEF&CC from time to time.*
  - (iii) *General approval may be accorded to the state government by the MoEF&CC*



*for prospecting of minerals in forest land having average weighted crown density up to 40 % as per the latest FSI report.*

- (iv) In case of coal, lignite and metallic ores - test drilling up to 20 boreholes of maximum 8" dia per 1.0 sq km and in case of non-metallic ores excluding coal & lignite - test drilling up to 16 boreholes of maximum 6.6" dia per 1.0 sq km for prospecting exploration or reconnaissance operations, without felling of trees, may be allowed by state government. In all other cases involving more number of drilling of bore holes, prior permission of Central Government under the Act would be required.*
- (v) In case of seismic survey for exploration of hydro carbon the user agency shall pay NPV @ of 2.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.*
- (vi) In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density upto 40%,the prospecting agency shall pay NPV @ of 5.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.*
- (vii) In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density between 40 to 70 percent, the State Government shall forward the application to the Regional Office of the Ministry for consideration. The proposal will be considered in the REC and if recommended then the approval will be granted with mandatory condition inter alia that user agency will pay NPV @ of 10.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed.*
- (viii) The NPV deposited for prospecting will not be adjusted against the diversion proposal of forest land under section 2 of FCA 1980. The amount will be non-refundable as well non-adjustable.*
- (ix) User agency shall submit complete plan of operation for prospecting in the entire forest area in the mining block prior to start of work to the Nodal officer of the state.*
- (x) User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area and degraded forest land as per prescription of working plan in a contiguous patch.*
- (xi) The user agency shall engage ICFRE to conduct study on the impact numbers of bore holes for prospecting over forest and wild life of the area and suggest mitigation measures. The design of study shall be approved by MoEF&CC.*
- (xii) Prospecting in protected areas such as national parks, wildlife sanctuaries,*



*biosphere reserve, Tiger reserves, corridors, pristine forests identified by State and Central Government etc. shall not be allowed.*

*(xiii) The delegation of power to grant permission for prospecting by the state government shall be valid for 5 years only and will be reviewed after expiry of five years.*

4. After issuance of above stated guidelines MoEF&CC further received many representations from Federation of Indian Mineral Industries (FIMI) forwarded by NITI Aayog, NRE Vertical-E&F Division, Government of India, New Delhi vide their OM letter No. 12074/2(2)/2015-E&F dated 31st May, 2018 vide which requested for partial withdrawal of M/o EF & CC guidelines for stipulating the norms for Survey and Investigation (Prospecting of Ores) on forest land was sought.
5. This issue was considered by the FAC in its meeting held on 19.06.2018.
6. The matter was again discussed in FAC meeting on **19.06.2018**. After thorough deliberation and discussion with APCCF, Regional Office, Bhopal, Nagpur, Bhubaneswar, Bangalore, Chennai and Nodal Officers of Maharashtra, Karnataka, Madhya Pradesh recommended that following conditions in MoEF&CC guidelines no 5-3/2007-FC dated 09.05.2018 may be modified as:

**(i) Condition no X of the guidelines states that:**

*User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area **and** degraded forest land as per prescription of working plan in a contiguous patch.*

**It shall be read as:**

User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area or degraded forest land as per prescription of working plan.

**(ii) The condition no XI states that**

*The user agency shall engage ICFRE to conduct study on the impact numbers of bore holes for prospecting over forest and wild life of the area and suggest mitigation measures. The design of study shall be approved by MoEF&CC.*

**This condition is recommended to be deleted:**

FAC recommended that the guideline no 5-3/2007-FC dated 09/05/2018 shall be modified accordingly.

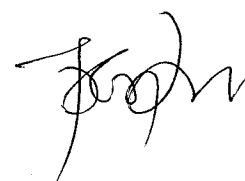
7. While the file was processed to solicit the approval of MEF on the recommendation of FAC , a high level meeting under the chairmanship of Hon'ble MEF with Hon'ble Minister of Coal, Hon'ble minister of steel and Hon'ble Chief minister of Jharkhand was held in the ministry of environment, Forest and Climate Change on 14<sup>th</sup> August





2018. In the meeting an issue related to exemption of NPV for prospecting projects and its adjustment in the amount of NPV required to be paid in actual diversion was discussed. Following issues were raised. The details are as under:

S. no	Ministry/ State	Issue raised
i.	Ministry of Mines	<p>It is stated by the Ministry of Mines that the imposition of 5-10% Net Present Value (NPV) for taking up the exploration and also make it to engage ICFRE to conduct study on the impact and suggest mitigation measures, of which, the design also shall be approved by MoEFCC.</p> <p>It is estimated that the cost of carrying out exploration will increase manifold due to the imposition of 5-10 % NPV and will in turn lead to more delays in the explorations. Under the garb of relaxation of the said guidelines, in fact more restrictions have been imposed on explorations. This will adversely affect the mineral exploration which is essential for mineral development in the country.</p> <p>In view of above, it is requested that the condition of imposition of NPV for prospecting operations and requirement of impact study to be done through ICFRE need to be reviewed by MoEFCC to create a favourable regime for encouraging exploration activities and the earlier request of exempting up to 20 boreholes/sq. Km. for prospecting of minerals in forest areas may be allowed for. This will not only enable accurate assessment of mineral resources, but is also essential for scientific and optimal mining for minimizing the impact on environment.</p>
ii.	Ministry of Coal	<p>Ministry of Coal mentioned that the Exploring drilling in the forest areas is a temporary event lasting for a maximum of about 10 days and that too only during day time. The area covered for exploration is generally less than 0.07% of the area per sq.km.</p> <p>No permanent change in caused to the forest land during the exploratory drilling process by CMPDI. Similarly, the surface geophysical survey by CMPDI neither</p>



		<p>require any bore hole to be drilled nor explosive charge is blasted. Rather, CMPDI uses either hammer or vibrosis for generating seismic waves. The exploration activity by CMPDI, neither involve felling of trees nor making of new roads in forest areas. CMPDI takes up exploratory drilling mainly in open canopy area wherever approach is available. Whereas, as per notification No. F. No. 5-3/2007-FC dated 9<sup>th</sup> May, 2018, it is stipulated to apply online for diversion of forest for drilling purpose. The following is submitted in this regard:</p> <ul style="list-style-type: none"><li>a) Drilling does not require diversion of forest land. Therefore, for undertaking drilling activities, the required formalities need to be cut short.</li><li>b) It should specify the process of application for grant of general approval for drilling in forest having crown density less than 40%.</li><li>c) Since there is little disturbance to flora and fauna population in the forest due to drilling, payment of NPV @5% in case of crown density up-to 40% and NPV @10% in case of crown density from 40-70% is not justified. This is so because there is no diversion of forest land for exploration and impact is negligible. This amount is non-refundable and non-adjustable. This will require huge capital expenditure and will be a repeat expenditure on account of CAMPA as mining companies have to pay it again for diversion of forest for mining purpose.</li><li>d) The notification provides for cost to be borne by user agency for planting 20 tall trees per bore hole. This will incur additional expenses.</li><li>e) It is suggested that the provisions contained in the Forest (Conservation) Act, 1980 dated 16.12.2008 may be simplified as <i>"In case of coal, lignite-test drilling upto 7 (seven) boreholes of maximum 6" dia per sq. km. for prospecting, exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act."</i></li></ul>
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		<p>2. The above issue was also deliberated in the joint meeting held on 2nd July, 2018 between the Secretary (Coal) and Secretary (EF&amp;CC) to review EC/FC to Coal mining projects/washeries. As informed, the matter has been discussed in the Forest Advisory Committee in its meeting on 19.06.2018 wherein it was informed that the matter relating to payment of NPV for exploration activities requires more deliberation and examination of different court orders.</p> <p>3. MoC also informed that the regional/ detailed exploration of coal from non-CIL blocks is funded through Central Sector Schemes. Paying huge NPV from this fund would reduce the output of exploration meterage. It was also insisted that if at all NPV to be charged, it should be charged in proportion to the actual diversion of forest land (0.07% approx.). Secretary (EF&amp;CC) assured to look into the matter.</p>
iii.	Govt. of Jharkhand	<p>With reference to notification no 5-3/2007/FC dated 09.05.2018, for prospecting in forest area, the user agency shall pay NPV at the rate of 2%, 5% or 10% of the total prospecting lease area depending on average weighted crown density, type of minerals and technology used. Payment of NPV when the presence of mineral itself is not certain is not reasonable and therefore the user agency may not be asked to pay NPV during prospecting.</p>

It was conveyed that the matter will be discussed in forthcoming FAC meeting.

8. Further IA division vide their OM No. Z-11013/19/2017-IA(M) dated 10.08.2018 forwarded a copy of minutes of meeting held on 02.07.2018 between the Secretary (EF&CC) and Secretary (MoC) to review environment /forest clearance to coal mining projects / washeries. With regard to issues related to forest clearance for exploration of coal in forest areas, it is mentioned in the Minutes that :

*To address the concerns of Ministry of Coal regarding enhancement of boreholes density for coal exploration in forest areas, the matter was last discussed by the Forest Advisory committee in its meeting held on 19<sup>th</sup> June, 2018. It was informed that the matter relating to payment of NPV for exploration activities requires more deliberation and examination of different court orders.*

*Ministry of coal informed that the regional/detailed exploration of coal from non CIL blocks is funded through central sector schemes. Paying huge NPV from this fund*



would charge in proportion to the actual diversion forest land (0.07%). Secretary (EF&CC) appreciated the concern and assured to look into the matter.

9. **Again the matter was placed before FAC on 30.08.2018.** FAC after through deliberation & discussion) with APCCF, Regional Office Bhopal Nagpur recommended that following points in guidelines dated 09.05.2018 issued by MoEF&CC may be modified as:

- (i) **Condition no (V)** In case of seismic survey for exploration of hydro carbon the user agency shall pay **NPV @ of 2.0 per cent** of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.

**May be read as**

**Condition no (V)** In case of seismic survey for exploration of hydro carbon the user agency shall **pay NPV @ of 1.0 per cent** of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground

- (ii) **Condition no (VI)** In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density upto 40%, the prospecting agency shall pay **NPV @ of 5.0 per cent** of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.

**May be read as**

**Condition no (VI)** In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density upto 40%, the prospecting agency shall pay **NPV @ of 2.0 per cent** of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground

- (iii) **Condition no (VII)** In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown



density between 40 to 70 percent, the State Government shall forward the application to the Regional Office of the Ministry for consideration. The proposal will be considered in the REC and if recommended then the approval will be granted with mandatory condition *inter alia* that user agency will pay **NPV @ of 10.0 per cent** of the total prospecting lease area in which exploration/prospecting /survey is proposed.

**May be read as**

**Condition no (VII)** In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density between 40 to 70 percent, the State Government shall forward the application to the Regional Office of the Ministry for consideration. The proposal will be considered in the REC and if recommended then the approval will be granted with mandatory condition *inter alia* that user agency will pay **NPV @ of 5.0 per cent** of the total prospecting lease area in which exploration/prospecting /survey is proposed

- (iv) **Condition No (VIII)** The NPV deposited for prospecting will not be adjusted against the diversion proposal of forest land under section 2 of FCA 1980. The amount will be non-refundable as well non-adjustable.

**May be read as**

**Condition No (VIII)** The NPV deposited for prospecting will be adjusted against the diversion proposal of same forest land under section 2 of FCA 1980. The amount will be non-refundable. If after prospecting, it is established that the area does not possess the material for which prospecting is carried out, the amount of NPV will not be refunded and adjusted. Payment of NPV for prospecting will not confer any right with user agency to get forest clearance of that particular land under section 2(ii) of FCA 1980. All decisions will be taken as per procedure prescribed in Forest conservation rules 2003 and on merit.

**10. The rules and already existing guidelines were discussed in detail by the FAC for further analysis.**

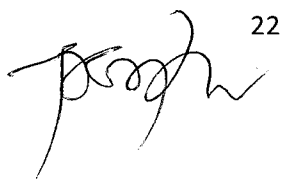
**Decision of FAC:**

FAC after thorough deliberation and discussion with APCCF Regional office Bhubaneswar, Shillong, Nodal officer Jharkhand, Assam, Karnataka and Chhattisgarh observed that the guidelines with respect to FCA 1980 shall not be contradictory to the existing FCA rules. In the backdrop of above stated facts FAC **recommended that the following guidelines for Survey and Investigation activities shall be framed:**



- 1) Prospecting in National parks, Wildlife sanctuaries, biosphere reserve, Tiger reserves and notified wildlife corridors shall not be allowed.
- 2) Investigations and surveys carried out in connection with development projects such as **transmission lines, hydro-electric projects, seismic surveys, exploration for oil drilling etc.** will not attract the provisions of the Act as long as these surveys do not involve any clearing of forest or cutting of trees, and operations are restricted to clearing of bushes and lopping of tree branches for purpose of sighting.
- 3) Any investigation or survey operation, that involves clearing of forest area or felling of trees, prior permission of the Central Government shall be obtained.
- 4) Prospecting of any mineral, done under prospecting license granted under MMDR Act, including collection/ removal of samples and seismic survey in the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under Forest (Conservation) Act, 1980 would be required. However, for drilling up to 25 boreholes of maximum 4” dia per 10 sq km for prospecting, exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act.
- 5) For prospecting of minerals (including hydrocarbons) which requires drilling of more than 25 boreholes of maximum 4” dia per 10 sq km and/ or felling of trees , the following guidelines will be followed:
  - i. For seismic survey prior permission of Central Government under the Act would be required. **NPV @ 1%** will be charged of total lease area proposed for prospecting.
  - ii. The user agency shall apply for diversion of forest area for prospecting and the proposal will be processed as per the procedure laid down in Rule 5 and 6 of Forest (conservation) Amendment Rules 2016.
  - iii. In case of proposal in forest area with vegetation density between 0.1 and 0.4 **NPV @ 2%** will be charged for the total lease area proposed for prospecting.
  - iv. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having vegetation density between 0.4 and 0.7, the State Government shall forward the on-line application to the Regional Office of the Ministry for approval. The REC may consider the proposal and may grant approval on merit to the concerned state/UT, with mandatory conditions *inter alia* that user agency will pay **NPV @ 5.0 per cent** of the total prospecting lease area in which exploration/ prospecting /survey is proposed.
  - v. Both in-principle and final approval may be granted by the Regional Office in one go. The amount of NPV and/or payments towards planting of

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trees, shall be deposited online in the stipulated account, as per the instructions issued by Ministry of EF&CC from time to time. State government shall ensure that the NPV and other levies, if any, have been deposited prior to commencement of actual work.

- vi. Any amount of NPV deposited in the stipulated Government account is non-refundable. However, the NPV deposited for prospecting in the area, will be adjusted against the estimated NPV to be levied, in case the approval is obtained for diversion of the same forest land for mineral extraction, under section 2 of FCA 1980.
  - vii. Permission for carrying out survey/investigation/prospecting/exploration or any payment of NPV deposited for such operations will not confer any right with user agency to get forest clearance of that particular land under section 2(ii) of FCA 1980. All decisions will be taken as per procedure prescribed in Forest Conservation Rules 2003 (as amended upto date) and on merit.
  - viii. User agency shall submit complete plan of operation for prospecting in the entire forest area in the mining block prior to start of work to the Nodal officer of the state.
  - ix. User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area or degraded forest land, as per prescription of working plan.
- 6) Special dispensation is being made for exploration for Hydrocarbons. In case of switching to exploitation/extraction of hydrocarbon, if the bore-well hit the reserve during exploration, the same shall not be treated as a technical violation. However, the user agency shall submit complete online application for diversion, within three months of start of extraction.

**Additional Agenda No. 1**

**F. No. 8-60/2018-FC**

**Sub: Proposal for diversion of 121.83 ha of forests land under Forest (Conservation) Act, 1980 for Laser Interferometer Gravitational Wave Observatory in India (LIGO) in Village Dudhala, Anjanwada, Nandgaon, Sawali (B), Tal-Aundha (Nagnath), District-Hingoli Maharashtra.**

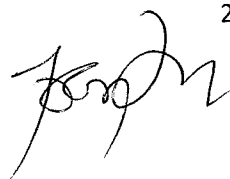
1. The above stated detailed agenda was considered in FAC meeting on 26.10.2018.



2. The State Government of Maharashtra vide their letter No. FLD-2018/CR-222/F-10 dated 09.08.2018 submitted the above-mentioned proposal seeking prior approval of the Central Government.
3. The proposal has been initiated by the Chief Administrative Officer, Government of India, Department of Atomic Energy (DCS&EM). It is reported that the Union Cabinet chaired by Hon'ble Prime Minister has given approval on 17.02.2016 for setting up this project called Laser Interferometer Gravitational Wave Observatory (LIGO) in India. This project is under joint collaboration with LIGO, USA and Department of Atomic Energy (DAE) and Department of Science and Technology (DST) of Government of India. A MOU has been signed in March 2016 in US among US National Science Foundation, DAE and DEST in the presence of Hon'ble Prime minister of India.
4. On analysis of the area on DSS it is observed that the area is having very less vegetation density i.e 0.1 and there are only 305 trees only.
5. It is reported that the Laser Interferometer Gravitational Wave Observatory (LIGO) project is the largest science project funded by the US-National Science Foundation (NSF) and designed to open the field of gravitational wave astrophysics through the direct detection of gravitational waves. LIGO laboratory operates two observatories in the US located at Hanford, WA and Livingston, LA. Operating in conjunction with the two US based LIGO interferometers and the VIRGO and GEO (both located in Europe), LIGO-India would become the southernmost detector in the network.
6. Further, it is informed that, a consortium (IndIGO-Indian Initiative on Gravitational wave Observation) has been made up of scientists from the number of Indian Institutes and Universities – IUCAA (Pune), TIFR (Mumbai), RRI(Bangalore) RRCAT (Indore), IPR (Gandhinagar), IISER (Pune, Kolkata, Trivandrum), University of Delhi, IIT (Madras) and CMI (Chennai), Jamia Milia, BITS (Goa), Tezpur University, IISc (Bangalore) and admitted to membership in the Gravitational Wave International Committee (GWIC) whose mission is to facilitate internal collaboration and cooperation in the construction, operation and use of major gravitational wave detection facilities world-wide.
7. It is also reported that the LIGO-India shall be a unique facility in the world along with US detectors of gravitational waves. This gives opportunities for scientists and engineers, Institutes, Universities of India to understand the Universe better and lead the global frontier in astronomical arena.

**Decision of FAC:**

After thorough deliberation with APCCF regional office Nagpur through video conference it is observed that the project area is devoid of vegetation. As per land use submitted by the user agency it is learnt that the actual requirement of the area for various non forestry activities is far less than the area sought for diversion. Regional office confirmed that the balance area will be retained 'as it is' and may be supplemented by plantation in due course of time. FAC after thorough deliberation and discussion





**recommended the proposal to accord in-principle approval for diversion of 121.83 ha of forest land** with standard, general and following specific conditions:

- i. No residential buildings shall be allowed on diverted forest land.
- ii. The User Agency to bear the cost of erecting an effective fencing and a provision of sufficient nos. of fulltime chowkidar for protection degraded forest area where compensatory afforestation is to be taken.
- iii. State government shall explore the feasibility to transplant young trees at the cost of user agency on the area decided by local DCF/CF
- iv. Adequate precautions shall be taken to safeguard the adjoining areas from explosives and it shall not be stored in the forest area.
- v. The User Agency shall not use the forest land for dumping the overburden.
- vi. The forest land shall not be used for any purpose other than specified in the proposal.
- vii. The User Agency will demarcate the proposed forest area as desired by Forest Department and provide retaining walls, breast walls for protection of human beings.
- viii. The User Agency shall ensure that no damage is caused to the wildlife in the area, due to this project.
- ix. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- x. In the reports of PCCF(HoFF) & DFO, Hingoli and CCF, Aurangabad a discrepancy was observed with reference to total number trees to be felled. Therefore, the number of trees required to be felled/translocated shall be listed accurately prior to stage II.

**Additional Agenda No. 2**

**F. No. 8-27/2016-FC**

**Sub: Diversion of Balance Forest Land 401.7824 Ha. Including 7.2807 Ha Of Safety Zone Out of Total Forest Land Of 519.7472 Ha Within Total Mining Lease Area Of 618.576 Ha For Iron Ore Mining In Gandhamardan (Block-A) Mining Lease In Keonjhar District, Odisha Of M/S Odisha Mining Corporation Ltd. During 2nd Renewal of Mining Lease Period (Likely To Extended Up To 31.03.2020 As Per Amended Provision Of MMDR Act, 2015.**

The agenda item was taken in FAC meeting on 26.10.2018, as additional agenda with the permission of the Chair.

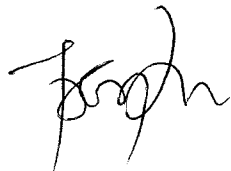
**Decision of FAC:**

This agenda item was earlier discussed in the FAC meeting held on 20.9.2018. In the meeting it was recommended to form a subcommittee under the chairmanship of Sh



Tejender Singh APCCF, Regional Office, Bhopal. It was deliberated in the FAC on 26.10.2018 that the area in which the particular mine falls comes under the jurisdiction of Regional Office, Bhubaneswar hence it is **recommended that the subcommittee shall be formed under the chairmanship Sh R.K Dey APCCF, Regional Office, Bhubaneswar instead of Sh Tejender Singh APCCF, Regional Office Bhopal.** All other member shall remain the same as per decision of FAC on 20.9.2018.

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A handwritten signature in black ink, appearing to be 'Tejender Singh', written in a cursive style.

**MINUTES OF MEETING OF FOREST ADVISORY COMMITTEE (FAC) HELD ON  
26<sup>TH</sup> OCTOBER, 2018**

**[Shri Shrawan Kumar Verma, DIGF (FC)]**

**Agenda No. 1**

**File No. 8-87/2001-FC (Vol. I)**

**Sub: Diversion of 4.828 ha of forest land in favour of M/s Singareni Collieries Company Ltd. (SCCL) for sinking of Man Winding Shaft and essential infrastructure in Shantikhani Long Wall Project in Mandamarri area, under Forest Division Benampally and District Mancherial, State Telangana (Online Proposal No. FP/TG/MIN/27545/2017)**

The above stated detailed agenda was considered in FAC meeting on 26.10.2018 and recommendation of FAC will be conveyed after Model Code of Conduct (MCC) is lifted.

**Agenda No. 2**

**File No. 8-87/2001-FC (Vol.)**

**Sub: Diversion of 178.243 ha. in Bellampally RF, Bellampally Range of Bellampally Forest Division in Mancherial District for Additional Mining lease for Shantikani Extn Block (Underground Long Wall Project) in favour of M/s. Singareni Collieries Company Ltd. (SCCL), Mandamarri, area in Mancherial District of Telangana.**

The above stated detailed agenda was considered in FAC meeting on 26.10.2018 and recommendation of FAC will be conveyed after Model Code of Conduct (MCC) is lifted.



Agenda No. 3

F. No. 8-81/1992-FC (pt.)

**Sub: Proposal for *ex-post-facto* approval for diversion of 2.025 ha forest land in Nithadi RF, Holalkere Range, Chitradurga Division in favour of M/s Sesa Sterlite Ltd., Bheemasamudra, Chitradurga.1.**

1. The Government of Karnataka vide its letter no. FCA/11.1/124/KAR/6554 dated 23.01.2015 submitted the above mentioned proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980. **The proposal envisages *ex-post-facto* approval for diversion of 2.025 ha.** forest land in Nithadi RF, Holalkere Range, Chitradurga Division in favour of M/s Sesa Sterlite Ltd., Bheemasamudra, Chitradurga which has been reported to be used by the user agency without approval under the Forest (Conservation) Act, 1980.
2. The proposal was considered earlier by FAC in its meeting on 30.04.2015 asking the Govt. of Karnataka to clarify about certain variations in the area, the existence of Hari Halla Perennial River within 250 metres of road, how the violation happened and also the Regional Office to carry out the inspections to verify the variations. The RO, Bangalore carried out the inspection on **09.12.2015** submitted the report. The State Govt. also submitted the para wise reply of the **FAC observation vide their letter NO A5 (1) MNG CR 10/2013-14 dated 26.12.2017.**
3. **The proposal was again place before the FAC in its meeting on 23.02.2018** and the FAC recommended following
  - a. On analysis through DSS it is observed that the area proposed for diversion is 0.91 ha and not 2.025 ha. the state govt shall provide the shape file of 2.025 ha along with exact alignment to the RO Bengaluru. The RO in consultation with state govt and user agency shall convey to the MOEF&CC for final decision on the new wider road as proposed by the user agency and recommended by the State Govt.
  - b. The State Govt. will inform whether the permission for use of the existing forest road was given to the user agency as UA is claiming. If no permission was granted, the UA will deposit the **Penal NPV and Penal CA** for using the forest land illegally. The proposal for the diversion of forest land for width of road of 15 meters will be considered only after the report on justification for the same is submitted by the RO Bengaluru.
4. The RO Bengaluru submitted the report vide letter No FCA/11.1/124/KAR/631 dated 13.08.2018 justifying the wider road. The user agency has given undertaking to deposit the **Penal NPV and Penal CA for the violation from 30.12.2014 when final renewal for 164.79 ha was granted.**



5. The above stated agenda item was again placed before FAC in its meeting held on 26.10.2018

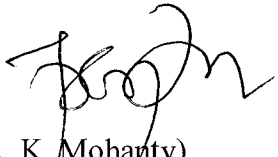
**Decision of FAC:**


FAC after thorough deliberation and discussion with the Nodal Officer (FCA) Govt. of Karnataka and representatives of User Agency **recommended to accord Ex-post-facto approval for diversion of 2.025 ha forest land** with following specific conditions:

1. The User agency shall pay NPV and Penal NPV as per Ministry's guideline dated 29.01.2018.
2. User agency shall provide penal CA on degraded forest land equivalent to the land (2.025 ha) utilized in violation of the provision of Forest (Conservation) Act 1980
3. State Government shall submit the action taken report against the officials who had allowed the usage of 2.025 ha of forest land as road without prior approval of MOEF&CC as per the provisions of FCA 1980.

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*Confirmed through trail*  
(S. D. Vora)  
Member

  
(A. K. Mohanty)  
Inspector General of Forests (FC)

  
(Saibal Dasgupta)  
Addl. Director General of Forests (FC)

Additional Commissioner (Soil Conservation)  
Ministry of Agriculture (Member)

  
(Siddhanta Das)  
Director General of Forests & Special Secretary