

Recommendation of Forest Advisory Committee in its meeting held on 27th February, 2020

Agenda No. 1

F. No. 8-99/2006-FC

Sub: Proposal for diversion of 137.02 ha. of forest land for Coal Mining by M/s National Aluminium Company Limited (NALCO) (Earlier M/s Orissa Mining Corporation (OMC)- issue of Stage-II Clearance and additional diversion of 6.5 ha of forest land located in village Raijharan, Nandichor, Similisahi, Kosala of safety zone area of Utkal 'D' Coal Mine of NALCO in Angul District, Odisha.

The above stated agenda item was considered by FAC in its meeting on 27.02.2020. The corresponding agenda note may be seen at www.parivesh.nic.in. FAC after through deliberation and discussion observed that:

1. The total lease area of the project is 319.23 ha. Out of this, 17.95 ha is operationally unsuitable for mining. It was informed by the user agency that the lease area has been accordingly revised to 301.28 ha and out of which 143.52 ha is revenue forest land.
2. It is reported that out of this 143.52 ha of revenue forest area, In principle approval for 137.02 ha revenue forest land for non-forestry use was obtained on 20.10.2006.
3. Now state government had moved a proposal for diversion of 6.5 ha of revenue forest which is to be maintained as safety zone in and around the boundary and along the water rivers/nalla/water bodies within the lease area.
4. On DSS analysis, it is observed that the part of area offered for plantation in lieu of safety zone has Moderately Dense Forest (MDF).

Decision of FAC:

FAC after thorough deliberation and discussion with DDG regional office Odisha, Nodal officer Odisha (through Video Conference) and representatives of user agency **recommended the proposal** with standard, general and following specific conditions.

- Part of land offered for plantation is MDF. State Government shall identify eligible degraded forest land (i.e. having vegetation density less than 40 per cent), for carrying out above plantation, prior to stage II approval for the proposal.

Agenda No. 2

F. No. 8-11/2017-FC

Sub: Diversion of 280.54 ha of forest land for construction of Talong Londa Hydro Electric Project (225 MW) in East Kameng District of Arunachal Pradesh by M/s GMR Londa Hydro Power Pvt. Ltd.

The above stated agenda item was considered by FAC in its meeting on 27.02.2020. The corresponding agenda note may be seen at www.parivesh.nic.in. FAC after through deliberation and discussion observed that:

1. The State Govt. of Arunachal Pradesh vide their letter No. FOR.329/Cons/2010/584-89 dated 27.05.2015 submitted above mentioned project proposal seeking approval under section 2 (ii) of Forest (Conservation) Act, 1980.
2. It is reported that the vegetation density in the forest area in question is around 0.7 and falls in eco class VI. Total 32,118 trees are proposed to be felled.
3. The site inspection of the area was carried out by Regional Office, Shillong on 28.03.2016.
4. The proposal was previously examined in the ministry and short comings were noticed. These were finally addressed by the State Government on 12.2.2020.
5. Considering presence of areas having Very High Conservation Value in the proposed site and concerns raised through a representation from BNHS (Bombay Natural History Society) on presence of rich floral and faunal elements, need for having a biodiversity study was discussed. However, it was informed that a study has already been conducted through an empaneled Research institute to meet the mandatory requirement for Environment Clearance, and the same could be used for the purpose of forest clearance.

Decision of FAC:

FAC, after thorough deliberation and discussion with DDG-in-charge Regional Office, Shillong, and representatives of user agency, **deferred the proposal** and recommended that:

1. Inputs be obtained from Wildlife Division of the Ministry on the proposal, particularly with respect to findings in DSS analysis and points raised by BNHS, and put up in the next meeting.
2. The User agency shall share the study report with the State Government and same shall be vetted by Wildlife Institute of India (WII) at the cost of user agency. Independent view of WII in this regards will be obtained.

Agenda No. 3

F.No. 8-74/2003-FC (pt.)

Sub: Proposal seeking prior approval under Forest (Conservation) Act (FCA), 1980 for non-forestry use of 7.45 ha forest land in favour of M/s Central Coalfield Limited (CCL) for Selected Dhori Opencast Coal Mining Project in Bokaro Forest Division, District Bokaro (Jharkhand) – regarding.

The above stated agenda item was considered by FAC in its meeting on 27.02.2020. The corresponding agenda note may be seen at www.parivesh.nic.in. FAC after through deliberation and discussion observed that:

1. State Government of Jharkhand, vide their letter dated 3.10.2019 submitted the above-mentioned proposal seeking prior approval of the Central Government under FCA, 1980.
2. The site inspection of the area was carried out by Regional Office, Ranchi on 10.01.2020.
3. The total lease area of the proposal is 264.85 ha, out of which 249.75 ha is forest area.
4. Out of total forest area in the lease, 143.05 ha was already approved under the Forest (Conservation) Act 1980 for a period up to 30.06.2006. Subsequently, two more patches of 96.183 ha and 70.658 ha were given approvals.
5. On analysis of the figures related to forest area within the lease area it is learnt that there is part forest area which exists in the lease and had not been diverted under the provisions of FCA 1980.
6. The user agency has not paid NPV for entire forest area within the lease area.

Decision of FAC: FAC after thorough deliberation and discussion with DDG Regional Office Ranchi and representative of User agency, **deferred the proposal** and sought the following information from the State Government for consideration of the Committee:

1. Status of deposit of NPV for entire forest area within the lease area shall be submitted.
2. The User Agency shall provide information on the use or planned use of the entire forest area within the lease area.
3. Status of the forest area, within the lease area, for which the approval under FCA 1980 has already been given, in terms of whether work as per mining plan has started or not, shall be clarified.

Agenda No. 4

File No.8-43/2011-FC

Sub: Diversion of 75.304 ha of forest land for construction of 180 MW Bajoli- Holi Hydro Electric Project in favour of GMR Bajoli Holi Hydro Power Pvt. Ltd in Bharmour Forest Division in Chamba District of Himachal Pradesh. -regarding permission for felling of additional number of 12 trees and use of non-diverted degraded/blank forest land in lieu of diverted dense forest land of almost equal area.

The above stated agenda item was considered by FAC in its meeting on 27.02.2020. The corresponding agenda note may be seen at www.parivesh.nic.in. FAC after through deliberation and discussion observed that:

1. The above stated proposal was granted Stage II approval on 20.10.2012. User agency is working in the area since then.
2. It was informed by the State Government that an area measuring 1.570 ha in khasra numbers 4/1 and 0.0664., 0.202 ha. and 0.704 ha in Khasra No.24 & 116/1, in Mohal Gadoh in DPF PaniNali had been diverted for the quarrying activities proposed in the instant proposal.
3. Further, it has been informed by the State Government that the user agency has not used the diverted forest land under Khasra No. 4/1 & 24. Only diverted forest land under Khasra No. 116/1 has been used for quarrying activities with the reason that requirement of this project would be met from the area under Khasra No. 116/ 1. Therefore, enumeration and felling of trees were taken in Khasra No. 116/1 only and the trees in other two Khasra Nos. 4/1 & 24 had neither been enumerated nor felled.
4. It has been informed that the user agency later felt that it was necessary to make the use of remaining allotted quarry area to meet the balance raw material requirement, because in the incessant rain and huge flood in Ravi River in the month of September, 2018, that resulted in erosion of the platform along the river and washing away the material collected for crushing and production of sand/aggregate. The user agency has applied for felling of trees standing over Khasra Numbers 4/1 and 24. These trees were not enumerated earlier and felling permission was not sought from the GoI, MoEF.
5. State government had informed that the area was inspected by DFO Bharmour, who reported that **127** numbers of trees of various species were standing over the Khasra No. 4/ 1, 24 & 116/ 1. Felling of these trees are unavoidable if the diverted/allotted forest land is used for the said purpose. Large number of trees area standing over Khasra No. 4/1 in Mohal Ghado in DPF PaniNalli and to avoid huge numbers of trees felling in Khasra No. 4/1, DFO Bharmour has proposed to use small portion of non-diverted forest land to the extant 0.421 ha in Khasra No. 4. This degraded forest land is lying adjacent to the project site. State government is of the view

that if swapping of equivalent area from Khasra No. 4/1 to Khasra No. 4 is done, **nearly 115 trees of can be saved from felling.**

Decision of FAC: After thorough deliberation and discussion with DDG Regional Office Dehradun and representatives of user agency the proposal for diversion of new forest area of 0.421 ha, in khasra number 4, as per revised land use plan submitted by state, is **recommended to be accepted** with standard, general and following specific conditions

1. The area, proposed to be surrendered in khasra number 4/1 and 24 shall be handed over to State Forest Department prior to stage II approval.
2. FRA certificate for new forest area of 0.421 ha shall be submitted, as per the guidelines in this regard, prior to stage II approval.
3. State government shall ensure that number of trees required to be felled shall be minimum.

Agenda No-5

File No. 8-32/2019-FC

Sub: Proposal for diversion of 365.66 hectare (i.e. 319.02 ha. for Lower Reservoir + 22.50 ha. for Power House & TRC Outlet + 6.96 ha. for Penstock + 8.02 Ha for Intake Structure + 2.43 ha. for Tail Race Channel and 6.73 ha. for Internal Roads) of forest land in Compartment Nos. 113, 114, 115, 116 and 117 of Gani RF, Kurnool Range, Kurnool Division for establishment of Integrated Renewable Energy Project, Pinnapuram in favour of M/s Greenko Energies Pvt. Ltd., Hyderabad.–regarding.

The above stated agenda item was considered by FAC in its meeting on 27.02.2020. The corresponding agenda note may be seen at www.parivesh.nic.in.

FAC after thorough deliberation and discussion observed that:

1. The Detailed Project Report (DPR) has not be submitted by the User Agency.
2. The project is environment-friendly source of energy.
3. The area proposed to be diverted has a road which will get submerged. The user agency will be constructing a new road.
4. During deliberations, issues regarding public usage of road infrastructure and additional plantation in nearby compartments to increase canopy density > 0.4 were discussed. The user agency agreed on allowing public to use roads constructed within project area but showed inability on financial viability of the project to carry out additional afforestation as proposed by the State Government.

Decision of FAC:

FAC after thorough deliberation and discussion with officials from Andhra Pradesh Forest Department, DDG Regional Office Chennai and representative of user agency **recommended the proposal** with General, Standard and following Specific conditions.

1. User Agency shall submit the approved Detailed Project Report (DPR) through the State Government.
2. The forest compartments (compartment Nos. 113, 114, 115, 116 and 117), which are getting adversely affected may be taken care of and afforestation (for improving canopy density from 'open' to 'moderately dense forest') may be taken up by the Forest Department at the cost of User Agency only to stabilise the rim of the reservoir i.e. 100 mts from the periphery of the HFL. Rest of the forest areas of affected compartments shall be taken up for improving canopy density through NPV, collected from this project.
3. User Agency will allow use of road infrastructure within project area to common public.
4. As per site inspection report, over an extent of 8.15 ha within the 408.68 ha of non-forest land surveyed for compensatory afforestation are in the nature of streams / cart road / government lands etc. Hence, this 8.15 ha area shall be demarcated suitably.
5. The User Agency shall raise avenue plantation on either side of the road proposed in the proposal, at the project cost.

Agenda No. 6

File No. 8-31/2019-FC

Sub: Proposal for diversion of 374.75 ha of forest land under the Forest (Conservation) Act, 1980 for rehabilitation of Rantalodhi Village of Tadoba Andhari Tiger Reserve in compartment No. 14-B, District Chandrapur of the State of Maharashtra.

The FAC considered the above mentioned agenda item in its meeting held on 27.02.2020. Dy Director General (Central), Regional Office, Nagpur and the Addl. PCCF & Nodal Officer (FCA), Maharashtra were present in the meeting. Facts of the case, site inspection report of the Regional Office, along with the proposal file were presented before the Committee. After detailed deliberations on the issue, the FAC, noted the following:

1. Proposal envisages non-forestry use of 374.75 ha of forest land in Chandrapur Forest Division for rehabilitation of Rantalodhi Village from Tadoba Andhari Tiger Reserve (TATR).
2. Nodal Officer (FCA), Maharashtra informed the FAC that there were total six villages in the TATR which needed rehabilitation and so far, based on the approvals accorded by the Central Government, villages' viz. Botezari, Jamni, Navegaon (Ramdegi) and Kolsa (part)

have already been rehabilitated and shifted outside the TATR. Further, rehabilitation of Palasgaon is under process.

3. Committee noted that earlier, Central Government had accorded approval for rehabilitation of Rantalodhi village from TATR to Brahmapuri Forest Division vide letter No. 8-40/2001-FC dated 16.01.2002. However, subsequently, villagers of Rantalodhi villages refused for their rehabilitation to Brahmapuri Forest Division. Now the State Government, based on the selection of the area by the villagers, has proposed their rehabilitation in Chanderpur Forest Division over an area of 374.75 ha.
4. Regarding increase in the quantum of forest area proposed for rehabilitation under the current proposal in comparison to earlier one approved by the Central Government, the Nodal Officer (FCA) informed the Committee that due to change in rehabilitation norms, proposed forest area for rehabilitation has increased. Earlier, requirement was proposed @ 1 ha per family as per the earlier norms. Whereas under the new norms the requirement is 2 ha per family, i.e. as per Maharashtra's State Government GR dated 3.10.2012 and corrigendum dated 14/06/2013. It was also informed that number of families have also increased to 244 out of which 145 have opted for option II and 90 families have opted for option I and rehabilitation of families who opted option –II (where land is required) is being carried out under this proposal.
5. DIG (FC) informed the Committee that as per guidelines dated 22.05.2019, issued by the MoEF&CC in pursuance of Hon'ble Supreme Court order dated 28.01.2019, the area proposed for rehabilitation should not be more than the area being vacated in the concerned Protected Area. Committee was informed that extant proposal is not in conformity with the guidelines dated 22.05.2019 and direction of Hon'ble Supreme Court as forest area of 374.75 ha has been proposed for rehabilitation in lieu of 175.26 ha of forest land to be vacated from TATR. Nodal Officer (FCA), informed the Committee that forest area requirement of area has been rationalized in light of exiting norms only and there is no exaggeration of the forest area proposed for rehabilitation.

Decision of FAC:

After detailed examination and deliberations on the proposal, the Committee **deferred the proposal** with following recommendations:

1. Since the proposal is not in conformity with the guidelines of Ministry dt. 22.05.2019, the State Government, if so desires, may approach Supreme Court to seek relief in this regard.
2. 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.

Sub: Proposal for diversion of 100 ha. of forest land for relocation of village Khamda and Malni part 5 from Bori Sanctuary in Satpura Tiger Reserve, District Hoshangabad, Madhya Pradesh.

This proposal was considered by FAC in its meeting on 27th February 2020. The detailed agenda notes may be seen on [www. parivesh.nic.in](http://www.parivesh.nic.in).

While deliberating on the proposal, Forest Advisory Committee observed that:

1. The Regional office, Bhopal in their Site Inspection Report, submitted vide letter dated 21.11.2019, has observed that efforts need to be made to select the forest area with crown density for the instant relocation project.
2. As per the DSS analysis, out of total proposed area of 100 ha, 28 ha. of land is ‘Very Dense Forest’, 57 ha is ‘Moderately Dense Forest’ and 15 ha is Non-Forest land, in terms of forest classes (as per the ISFR 2015).
3. As 85% of the proposed area is falling under VDF and MDF. Ministry vide its letter dated 23.12.2019 had already requested the State Government to reassess the site selected for relocation proposal.
4. In reference of this, the Government of Madhya Pradesh vide its letter dated 11.02.2020 has informed that the Field Director, Satpura Tiger Reserve vide his letter dated 27.01.2020 reported that the proposed forest area is falling under compartment No. P-188 having a total area of 347.149 ha. Out of this, 182.00 Ha has already been utilized for relocation with the approval of Govt. of India. Out of the remaining area of 165.149 ha, the present proposal (area = 100 Ha) is submitted for relocation. Also, it is reported that the relocation is carried out with the consent of the villagers and the villagers have shown their wish to settle at the proposed location.
5. DIG(FC) informed the Committee that as per guidelines dated 22.05.2019, issued by the MoEF&CC in pursuance of Hon’ble Supreme Court order dated 28.01.2019, the area proposed for rehabilitation should not be more than the area being vacated in concerned Protected area. This aspect could not be examined by MoEF&CC, since the details of the site to be vacated has not been provided in the proposal. In the instant proposal 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 has not submitted.

Decision of FAC:

After detailed examination and deliberations on the proposal, the Committee **deferred the proposal** with recommended as follows:

1. 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.
2. Details of rehabilitation plan and associated funding arrangements shall also be provided for record purposes prior to Stage II approval.
3. The complete compliance of FRA, 2006 as per norms shall be submitted.
4. 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.

Agenda No. 8

Policy Issue

F. No. 11-230/2019-FC

Sub: Approval of Annual Plan of Operations (APO) which includes activities of proposals where compensatory levies have been deposited after ‘in principle’ approval but ‘Final approval’ under the Forest (Conservation) Act, 1980 is pending - reg.

FAC considered the above mentioned policy issue referred by the State Government of Bihar and it noted that the State Government has sought clarification from the Central Government whether, after obtaining ‘in principle’ approval, especially in case of linear projects where ‘working permission’ was issued after depositing compensatory levies (i.e. CA and NPV), work related to implementation of CA scheme can be included in the APOs.

DIGF (FC) submitted that given the legal provisions, an APO can considered only where final approval of the corresponding proposal has been accorded by the competent authority. However, keeping in view the ecological considerations, especially in case of linear projects, where soon after the grant of Stage-I approval and subsequent deposition of compensatory levies, felling of trees and project work is allowed, issue regarding taking up of CA etc (pending Stage-II approval) needs further deliberations. In such cases, there are incidences of exorbitant delay in submission of compliance report and thereby grant of Stage-II approval resulting into a situation which despite the fact that forest ecosystem, under proposed non-forestry use, already disturbed, compensatory measures viz. CA, SMC works, and other project specific measures gets delayed for want of Stage-II approval.

FAC, after detailed deliberations observed that though the argument of delayed Stage-II approval and consequential delayed implementation of mitigation measures appears to be sound on ecological consideration yet situation of allowing approval /implementation of activities as per APOs without Stage-II approval is more likely to result into a tendency of not obtaining 'final approval' under FCA-1980. This situation may further delay the process of obtaining Stage-II approval by the State Government ultimately resulting into the violation of the Forest (Conservation) Act, 1980.

FAC, accordingly, **recommended not to consider the request of the State Government** for inclusion of activities in APOs of those proposal where 'final approval' has not been accorded under FCA-1980.

Confirmed through mail
(S. D. Vora)
Member

Confirmed through mail
(Dr. Sanjay Deshmukh)
Member

not present
Additional Commissioner (Soil Conservation)
Ministry of Agriculture (Member)

not present
(Sh. Anmol Kumar)
Member

Sd/-
(A.K. Mohanty)
Inspector General of Forests (FC)

Sd/-
(Dr. Sanjay Kumar)
Addl. Director General of Forests (FC)