

Minutes of Meeting of Forest Advisory Committee held on 28th March, 2019

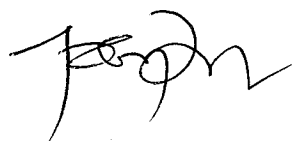
Agenda No. 1

F. No. 8-65/2018-FC

Sub: Diversion of 383.37 ha of balance virgin forest land in favour M/s Tata Steel Ltd within total mining lease area of 1160.06 ha of Nowamundi Iron Ore Mine falling under the jurisdiction of the Chaibasa South Forest Division, West Singhbhum District in the State of Jharkhand.

The above stated agenda item was considered by FAC in its meeting on 28.03.2019. The corresponding agenda note may be seen at parivesh.nic.in. FAC after through deliberation and discussion observed that:

1. The total lease area is 1160.06 ha and out of it 762.43 ha is recorded/notified forest. Balance 397.63 ha is non forest land.
2. It is reported that out of 762.43 ha of forest land, 370.92 ha has been accorded approval under the provisions of FCA 1980 on 4.9.2014.
3. Presently state government had recommended for diversion of balance forest area i. e. 383.37 ha. In this regard it is observed that balance 8.14 ha area which is reported to be part of safety Zone area is not included in the total area sought for diversion.
4. On analysis through DSS it is observed that the proposed area is a part of MPSM (Management plan for Sustainable mining) in Saranda region of Jharkhand. The area has been studied in detail by ICFRE and Wildlife Institute of India (WII). Based on carrying capacity study over the region, MoEF&CC had designated certain areas as conservation zone and certain areas as mining zone. On analysis of the shape files provided by the state government it is learnt that the area is calculated as 338.4 instead of 383.37 ha. Further analysis reveals that 316.32 ha is under mining zone and 22.09 ha is falling in the conservation zone area of MPSM.
5. Total number of trees enumerated in the area is 4472. Enumeration has been reported to be done in 2007-08.
6. Cost benefit analysis done by the state government provides different figures than that reflected in SIR by Regional Office.
7. As reported by the DCF in Part-II, the proposed area forms the part of Singhbhum Elephant Reserve. (The entire forest area of the Division falls under Singhbhum Elephant Reserve).
8. State government had reported violation of the provisions of FCA 1980. It is further reported that a case of forest offence has been registered on 10.08.04 under the Indian Forest Act against the user agency for doing illicit mining and extracting 33840 cft of iron ore from plot no. 893 in Noamundi P.F. and thereby causing a revenue loss of Rs. 1,35,36,000/- and damage of Rs. 2,70,72,000/- to the state. The said plot which lies within the mining lease area of the user agency is a part of this diversion proposal. The case is under trial in the court of Judicial Magistrate, Chaibasa. A case has also been recommended under FCA against the then District mining officer, Chaibasa for his involvement in violation of the FC Act in this case. He has been accused of inviting unauthorised tender and illegally permitting a tender for lifting and transporting of iron ores from the said plot. However Regional office in its SIR has reported that in the year 2005, the M/s Tata Steel has done mining in the forest area outside of the previously approved forest area. A case was filed before the court of



Chief Judicial Magistrate (CJM), Chaibasa. The Hon'ble Jharkhand High Court has dismissed the petition No. WP(Cr.) No.174/2009 regarding the quashing of the case pending before CJM, Chaibasa. It is submitted by the user agency that on the basis of a prosecution report sent to the CJM, Chaibasa by the then DFO, Chaibasa, the case was disposed of in favour of Tata Steel on 24.05.2011. So, no allegation of violation is existing against the company.

9. On analysis of CA areas on DSS it is observed that certain CA areas have encroachments and are not compact.

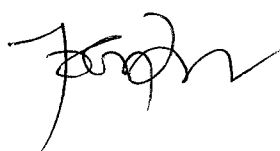
Decision of FAC:

After thorough deliberation and discussion with ADG(C) Regional Office (MoEF&CC) Ranchi, (through V.C), APCCF cum Nodal officer (FC) Jharkhand and representatives of user agency, it was observed that the proposal submitted by the state government lacks many vital information. In absence of requisite information, it is difficult to analyse the proposal. In this back drop **it was decided that the state government shall ensure that the proposal shall be submitted complete in all respect** as per the requirements prescribed in Forest (Conservation) rules and subsequent guidelines thereof. FAC further observed that:

1. State government shall calculate and demarcate the total forest area within the mining lease. A comprehensive detail of area already diverted and balance area which require diversion shall be verified. Correct shape file of the area already diverted and requested for diversion shall be provided. In the present proposal the area sought for diversion is 383.37 ha whereas shape file is provided for 338.42 ha only. This discrepancy shall be explained by state government.
2. On analysis of shape file through DSS it is observed that out of 338.42 ha area 22.09 ha is falling under conservation zone as earmarked in MPSM. This analysis shall be done again at the state level with correct shape file for 383.37 ha. The exact forest area within existing lease area, falling under conservation zone, as prescribed in MPSM shall be intimated with shape files. State government shall certify the exact forest area within existing mining lease falling in conservation zone.
3. It is reported by the ADG(C) Regional Office, (MoEF&CC) Ranchi, during discussion that there is approx. 22 ha non forest area within the lease, which is well forested and in the interest of wilderness shall not be diverted. It is observed that state government, in consultation with Regional office, shall verify the status of the non-forest area. If the area is falling in the category of 'forest' as defined by the Hon'ble Supreme court in its order on 12.12.1996, the same shall be included in the total area for which diversion is being sought under the provisions of FCA 1980.
4. User agency has not given purpose wise breakup of the area. Hence it is proposed that user agency shall provide the purpose wise breakup of the entire lease area.
5. Safety zone area to be demarcated on the ground. Shape file of the area shall be provided. It shall be part of total lease area and also area proposed for diversion.
6. Enumeration of trees shall be done afresh. Exact number of trees to be felled in the area shall be reported.
7. It is reported by the ADG(C) Regional Office, (MoEF&CC) Ranchi, in the SIR that the user agency has requested for 383.37 ha of virgin forest area adjoining/surrounding its 370.92 ha of already broken up area being mined. It is observed through DSS that comparatively 3 smaller patches of land with reasonably good forest cover are falling outside the main ML area. In two of the patches, there are approximately 5.81 ha and 2.16 ha of forest land, respectively. The 3rd patch appears to be non-forest land. Mining



- activities in such smaller areas located considerably away from the main ML area, situated in different locations may create fresh hubs of immense disturbances with far reaching impacts in the surrounding undisturbed ecology and environment in comparison to the impacts of opening of the fresh areas within the compact/main ML areas, already being mined. Specific comments of state government shall be submitted in this regard.
8. Regional office Ranchi has observed that the local forest department perhaps failed to realize the importance of the proposed forest land by stating that "other wild animals like hare, noticed in the area in addition to the elephants visiting the area at times" which is incorrect and an understatement of facts. Accordingly, the Ministry may consider stipulating to biodiversity status study through a Government university and monitoring of criteria and indicators at regular intervals. Specific comments in this regard may be submitted by the State government.
 9. On analysis of shape file, as submitted by the state government, through DSS it is observed 5 ha patch with in the area sought for diversion have habitation and building. During discussion it was reported that the area contains school building. It is further reported by the user agency in the meeting that the buildings over this patch of 5 ha has been constructed prior to 1980. Documentary evidence regarding non forest use of forest land prior to 1980, duly verified by the state government shall be submitted.
 10. State government shall recheck the non-forest area earmarked for CA. It shall be ensured that the different patches of non-forest area earmarked for CA shall be compact in itself to avoid future honey combing. On analysis through DSS it is observed that few patches of proposed CA areas are not compact and have private holdings in between. Presence of private land holdings with in the land earmarked for CA will lead to epicenter of encroachment and will be difficult to manage. It is therefore advised that state government shall ensure that compact patches be selected for CA, then each patch should be compact in itself.
 11. It is reported by the user agency in the meeting that NPV for entire forest area within the lease area has been paid. State government shall verify the same.
 12. The Cost Benefit Ratio reported by the Regional Office is 1:116.08 while the State Government reported the same as 1:7.5. Discrepancy in the CB analysis needs to be rectified and correct analysis needs to be intimated by the State Government. CB analysis reveals that entire parameters as specified in the Ministry's guidelines dated 1.08.2017 have not been accounted for while assessing the loss to the forest. For example, while calculating the loss of EG&S (Ecosystem Goods and Services) only direct services excluding indirect services have been taken into consideration. Similarly, loss due habitat fragmentation and cost of CA and soil conservation loss, etc. has not been included in the analysis.
 13. Mining Plan & Mining Scheme has been submitted for the period 2006-07 to 2010-11 which has already expired. Mining Plan was approved by the Controller of Mines, Indian Bureau of Mines vide letter No. 314(3)/91-MCCM(C)/MP-27 dated 29th January, 1992. Approved mining scheme for the current period of for the proposed mining in 383.37 ha has not been submitted along with the proposal.
 14. The Ministry had earlier accorded approval over an area of 370.92 ha vide letter dated 4th September, 2014. A monitoring report on the status of compliance of conditions has been submitted by the User Agency in the proposal. However, the same is not certified either by the authorities in the State Forest Department or by the Regional Office of the Ministry. A report on the status of compliance of conditions, duly certified by the Nodal Officer (FCA), Govt. of Jharkhand needs to be submitted by the State Government
 15. No specific certification on the suitability of non-forest land identified for CA has been submitted.



Agenda No. 2

File No. 8-69/ 2018-FC

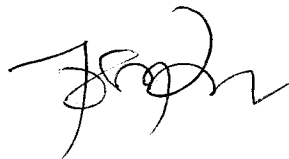
Sub.: Proposal for diversion of 390.264 ha forest land (370.152 ha area of Baidhan RF forest of Dudhichua Block + 20.112 ha area of Revenue Forest Land of Village Chuidhe and Jhingurdeh = 390.264 ha) in favour of M/S Northern Coal Field Limited (NCL), for Bina Kakri Open Cast Coal Mining, under Singarauli Forest Division and District in the State of Madhya Pradesh.

1. The Additional Principal Chief Conservator of Forests (Land Management) & Nodal officer FCA 1980, Satpura Bhawan, Govt. of MP submitted the above proposal vide letter No. F-1/FP/MP/MIN/2025/2016/3367 Bhopal Dated 30.10.2017.
2. The corresponding agenda note may be seen at parivesh.nic.in.
3. The above stated agenda item was considered in FAC meeting on 28.03.2019. The FAC observed following:
 - a. As per DSS analysis it was found that about 96 ha forest area as VDF, about 272 ha is MDF and about 18 ha as open forest.
 - b. There are about 245462 trees to be felled which comes out to be as 630 trees/ha which is very high.
 - c. Proposed area falls in Elephant Corridor.
 - d. It appears that the proposed area is already covered under some plantations.

Decision of FAC:

FAC after through deliberation and discussion with Nodal Officer (FCA) of the State and User Agency on the above observations, decided the following:

- a. The State Govt was advised to review the proposal and submit report in the light of above estimated area under VDF & MDF. They are also requested to redraw the proposed diversion proposal on the lines of analysis of Amelia Coal Block by FAC, excluding the certain area from proposal. For this purpose, State Govt. may seek help from FSI Nagpur.
- b. The state government should give justification for proposing the part of Elephant Corridor area for diversion.
- c. The state Government should also give justification for proposing the CA area which is already covered under some plantation.



Agenda No. 3

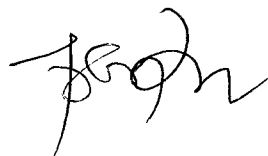
File No. 8-26/ 2017-FC

Sub.: proposal for extending the lease period from 30 years to 100 years for already granted Stage-I of 598.64 ha forest land in favour of Defence Research and Development Organization (DRDO) for research and development purpose in Bhopal District of Madhya Pradesh.

1. The Additional Principal Chief Conservator of Forests (Land Management) & Nodal officer FCA 1980, Govt. of MP submitted the above proposal vide letter No. F-5/805/2017/10-11/572 Dated 25.02.2017.
2. The corresponding agenda note may be seen at parivesh.nic.in.
3. The above stated agenda item was considered in FAC meeting on 28.03.2019. The FAC observed following:
 - a. The proposal was considered in FAC meeting on 15.06.2017 and it was recommended for In-principal approval.
 - b. The maximum lease period was allowed for 30 years only.
 - c. Now the State Govt. has submitted that the User Agency requests for extension of lease period from 30 years to 100 years.
 - d. FAC observed that in all forest land diversion cases the NPV is estimated for a period of 50 years. After this period, it is presumed that the forest land will be restored to forest department. This is one of the premise for not allowing any diversion for a period more than 50 years.

Decision of FAC:

FAC after through deliberation & discussion with Nodal Officer (FCA) of the State on the above observations, recommended for extending the lease period from 30 years to 50 years.



Additional Agenda No. 1

F. No. 8-32/2017-FC

Sub: Diversion of 1007.29 ha of forest land in favour of Water Resource Department, Medininagar, Jharkhand for construction of North Koel Dam Project in core area of Palamau Tiger Reserve in Latehar and Garhwa Districts in the State of Jharkhand – reg.

The above stated agenda item was considered by FAC in its meeting on 28.03.2019. The corresponding agenda note may be seen at parivesh.nic.in. FAC after through deliberation and discussion observed that:

1. The above-mentioned proposal has been accorded Stage-I approval under the Forest (Conservation) Act, 1980 vide this Ministry's letter dated 23rd February, 2018
2. The State Government of Jharkhand vide letter dated 12th November, 2018 submitted a report on the compliance of conditions stipulated in the Stage-I approval and also requested to waive of certain conditions stipulated in the Stage-I approval.
3. The proposal, along with compliance report and request of the State Government was considered by the FAC in its meeting held on 15th November, 2018 and the FAC, taking into considerations the recommendations of the standing Committee of the NBWL, modified/revoked eight conditions out of 11 as proposed by the State Government. Approval of the Central Government to amend the condition of Stage-I approval was conveyed to the State Government vide Ministry's letter dated 27th November, 2018.
4. The Chief Secretary, Government of Jharkhand, vide his letter dated 24th December, 2018 again requested the Ministry to consider conditions no. 7 and 9 (c) of the Stage-I approval. The FC Division vide its letter dated 18th February, 2019 referred this request to the Wildlife Division of the Ministry with a request to place the same before the Standing Committee of the NBWL and to the NTCA for their comments.
5. Condition no. 7: of the approval states that "*The State Govt. shall transfer the land acquired in 15 villages to Palamu tiger Reserve to provide landscape integrity and tiger range management. Such land should be notified as forest land and integrated in the PTR landscape within a period of 6 months from the dated of grant of final approval.*"
6. Condition no. 9 (c) (i) states that "*The State Government may implement the time bound settlement plan for settling the submergence villages before the start of the work.*"
7. In response to condition no 7, State government has stated that, it has no objection in transferring the said non-forest land of 15 villages, which has already been acquired by the Water Resources Department, Jharkhand, but this land should be transferred in lieu of CA land requirement for other projects taken up in the State of Jharkhand.
8. In response to condition no 9 (c) (i), the state government has stated that this condition would not allow the execution of the work without prior settlement of submergence villages. In this regard the State Govt. has already represented that the financial burden of the settlement plan be borne by Govt. of India on which decision is awaited. In view to this, the condition in para 9 (c) (i) be amended to state that State Govt. will ensure time bound settlement plan for settling the submergence villages before closing the sluice gates of the dam.
9. The matter was taken up in FAC on 21st February, 2019 and the FAC noted that the conditions as highlighted by the Chief secretary, Jharkhand in his letter, are related to the protected area and in the past any decision on reconsideration of the stipulated conditions were taken after due consultation with NTCA and NBWL. FAC noted that



the request of Chief Secretary Jharkhand were forwarded to NTCA and NBWL for comments. It was decided that further action on the request will be taken as per final recommendations of NTCA and NBWL in this regard

10. The matter related to modification of Stage-I conditions i.e. conditions no. 7 and 9 (c) was considered by the Standing Committee of the NBWL in its meeting held on 25th February, 2019. The minutes of the meeting of the Standing Committee of the NBWL are reproduced as under:

The IGF(WL) briefed the Standing Committee on the proposal and stated that the proposal was recommended by the Standing Committee in its 43rd meeting held on 27th June 2017 with the mitigation measures imposed by the Chief Wildlife Warden, Site Inspection Committee and the NTCA. He added that State Government vide its letter dated 05.02.219 has requested the Ministry to amend the following conditions imposed by the FAC:

(7) the State of Government shall transfer the land acquired in 15 villages to Palamau Tiger Reserve to provide landscape integrity and tiger management. Such land should be notified as forest land and integrated in the Palamau Tiger Reserve landscape within the period of 6 months from the date of grant of final approval.

(9)(c)(i) the State Government may implement the time bound settlement plan for the submergence villages before the start of the work.

Further, the State Government has stated that the above conditions would not allow the execution of the work without prior settlement of submergence villages. In this regard the State Government has already represented that the financial burden of the settlement plan be borne by the Government of India on which decision is awaited. In view of this, the condition in para 9(c)(i) be amended to state that the State Government will ensure time bound settlement plan for settling the submergence villages before closing the sluice gates of the dam.

The Forest Conservation (FC) Division of this Ministry vide its letter dated 18.02.2019 referred the matter to Standing Committee of the NBWL and also to NTCA to furnish its comments on the request of the State Government. The NTCA has furnished the comments vide its letter dated 22.02.19.

Further, the IGF(WL) stated that the NTCA has agreed to amend its recommendations corresponding to the conditions 7, and 9(c)(i) of the MoEF&CC's approval under Forest Conservation Act in the manner as below:

(1) This Authority has already accorded its consent for transferring and notifying non-forest land in 15 villages to Forest Department to integrate in PTR landscape. As far as transfer of this land in lieu of C A is concerned, this Authority has no objection and FC Division, MoEF&CC or competent authority may take decision in this regard.

(2) This Authority has no objection in amending condition 9(c)(i) to the extent of ensuring time bound settlement plan for settling the submergence villages before closing the sluice gates of the dam.

After discussions, the Standing Committee agrees to the above amendments made by the NTCA in its recommendations corresponding to the conditions 7, and 9(c)(i) of the MoEF&CC's approval under Forest Conservation Act.

Decisions of FAC

After thorough deliberation and discussion with ADG(C) Regional Office, (MoEF&CC) Ranchi, (through V.C) and APCCF cum Nodal officer (FC) Jharkhand, **the following was recommended:**

1. Condition no. 9 (c) (i) of Stage II approval which read as “*The State Government may implement the time bound settlement plan for settling the submergence villages before the start of the work.*”
May be replaced as
“*The State Government may implement the time bound settlement plan for settling the submergence villages before closing the sluice gates of the dam.*”
2. No change in the condition no 7 of stage II approval shall be done.

Confirmed through email

(S. D. Vora)
Member



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

Confirmed through email

(Dr Sanjay Deshmukh)
Member

Confirmed through email

(Sh Anmol Kumar)
Member

confirmed telephonically

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

Absent

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



(Siddhanta Das)
Director General of Forests & Special Secretary