MINUTES OF THE MEETING OF THE FOREST ADVISORY COMMITTEE (FAC) HELD ON 23rd APRIL, 2020

At the outset, IG (FC) & MS (FAC) welcomed the Chairman, Members of the Committee, DDGFs (Central) of Regional Offices of MoEF&CC and concerned Nodal officers of States. Chairman, in his initial remarks highlighted the need for timely convening of such meeings, which as per Forest (Conservation) Rules, 2003 must be held at least once every month, Needless to say, FAC has been conducting its meeting regularly every month to consider and examine proposals within the provisions of Forest (Conservation) Act, 1980 and also various policy matters placed before it from time to time.

The FAC appreciated the efforts of Ministry in making agenda for discussion available beforehand and continuing to to conduct the meeting through video conferencing (VC) during this period also. Use of technology for such meeting is more environmental freindly and time & cost efficient than any other method. Moreover, for conducting government business during the long lockdown period due to COVID-19 outbreak, optimal use of available technology has more relevance and is a praiseworthy step. It was also placed on record that, FAC has been conducting its meetings with the aid of VC since long, particularly to enable and encourage maximum number of outstation officials such as DDGs of Regional Offices and Nodal Officers from the State Governments to participate in the meeting.

The agenda wise discussions were held with three FAC Members, DDGs (Central) of Bengaluru, Chennai, Lucknow, Dehradun, Chandigarh, Ranchi, Shillong, Bhopal; and Nodal Officers (FCA) of the concerned states joining the meeting through VC. Technical Director, NIC and other members of his team were available throughout the VC to ensure that the meeting was conducted smoothly and all participants were able to express views without technical hinderance. The DSS team of MoEF&CC shared high resolution maps /images of the project area, the CA land and related structures on screen with all participants being able to view and seek clarification as required. Participants expressed satisfaction with the technical arrangement of VC and opined that the system may be continued even after the lockdown period is over. Chairman suggested to the official of FC division to look into ways of meeting contingent expenses of expert members due to use of electronic equipment/materials.

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Agenda No. 1

File No. 8-03/2020-FC

Sub: Proposal for seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 for non-forestry use of of 54.668 ha. of forest land for extraction of sand, stone and bajri from bed of river Yamuna mining project by Randeep Singh, Mauza and Mohal Bhagani, District Sirmour, within the jurisdiction of Paonta Forest Division, District, Sirmour Himachal Pradesh (Online Proposal No. FP/HP/MIN/34137/2018) regarding-:

- 1. The above stated agenda item was considered by FAC in its meeting on 23.4.2020. The corresponding agenda note may be seen at www.parivesh.nic.in. The meeting was attended by Nodal Officer (FCA) of Himachal Pradesh and DDG (Central), Regional Office, Dehradun. The facts related to the project, as submitted by the State Gvernment of HP were perused and analysed by FAC.
- 2. FAC after through deliberation and discussion observed that:
 - i. The Government of Himachal Pradesh, Forest Department vide their letter No.Ft.48-3758/2018 (FCA) dated 18th January, 2020 has submitted a fresh proposal to obtain prior approval of the Central Government, under Section-2 of the Forest (Conservation) Act, for non-forestry use of of 54.668 ha. of forest land for extraction of sand, stone and bajri from bed of river Yamuna river bed, Shri Randeep Singh, Mauza and Mohal Bhagani, District Sirmour, within the jurisdiction of Paonta Forest Division, District-Sirmour, Himachal Pradesh.
 - ii. The user agency is a private agency and such proposals require payment of NPV and other compenstatory levies as per the relevant guidelines.
 - iii. The proposal has been duly recommended by different designated authorities of state government.
 - iv. Though it is river bed mining, State Government had proposed to fell 57 numbers of trees. The issue need further clarification from the State Government.

- v. Against the proposal, 110.0 ha degraded forest land in C.No. 1&2 of RF area Yamuna and Mehruwala & C.No.-12 of RF Dhandla Tehsil Paonta Sahib has been proposed for compensatory afforestation
- 3. FAC took a note of the issue that a similar proposal for seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 in favour of Uttarakhand Forest Development Corporation, Dehradun for renewal of collection of Minor Minerals from 628.8 ha forest land of Song River 1, 2, 3 and Jakhan 1, 2 for 10 years under Dehradun Forest Division, Uttarakhand was discussed in the FAC meeting held on 19.12.2020. In this meeting the Committee deferred the proposal with some general observations including one specific observation as follows:

"The State Government shall conduct a study to ascertain the impact of such mining in upstream and downstream. The study shall come out with clear recommendation as how such mining is useful in maintaining the natural flow of the river and health of adjoining forests. It should cover the impact of mining in the area in last 10 years. The study may correlate satellite imageries of last 10 years. It may also be ascertained that how much loose boulders and sand can be collected for the purpose of mining every year. The study may be conducted through a recognized institute of repute".

4. It was informed that environment wing of MoEF&CC had issued guidelines for Enforcement and Monitoring of Sand Mining (EMSMG) in January 2020, which is in continuation of Sustainable Sand Mining Management Guidelines (SSMMG) issued in 2016. The management of sustainable sand extraction are the key objective of the Guidelines. The SSMMG 2016 highlights the identification of the sand mining sources, replenishment of River Bed material (Sand, Boulder, Gravel, and Cobble etc.), preparation of District Survey report (DSR), and Standard Environmental Conditions applicable for sand mining projects. The "SSMMG, 2016" requires preparation of DSR, which is an important initial step before grant of mining lease/LoI. It also emphasizes detailed procedure to be followed for the purpose of identification of areas of aggradation/ deposition where mining can be allowed and identification of areas of erosion and proximity to infrastructural structures and installation where mining should be prohibited. Calculation of annual rate of replenishment, allowing time for replenishment after mining, identification of ways of scientific and systematic mining; identifying measures for protection of environment and ecology and determining measures for protection of bank erosion, benchmark (BM) with respect to Mean Sea Level

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- (MSL) should be made essential in mining channel reaches (MCR) below which no mining shall be allowed.
- 5. It is understood that the observations made by FAC in December 2019 in the case of mining in Song river in utterakhand, as highlighted para-3 above, seems to be addressed in the SSMMG 2016 and EMSMG 2020.
- 6. It was informed by the Nodal officer of the state that the user agency will use the existing roads as approach road to the mining.

Decision of FAC:

After thorough deliberation and discussion, FAC **deferred the proposal** with following observations: that State Government shall submit following additional information and clarification for appropriate decision on the matter.

- i. The State Government to confirm that the proposed mining conforms to the DSR (as per EMSMG-2020 and SSMMG-2016 issued by MoEF&CC) of the concerned district.
- ii. The State Government to confirm that the issue of conservation of riverine wildlife biodiversity will be fully addressed during the proposed mining as per direction given by the CWLW of the state Government.
- iii. As trees are important constituent of a riverine ecosystem, the State Government shall explore the possibility of marking barest minimum number of trees for felling.
- iv. On analysis of CA area through DSS it is observed that a part of the proposed CA area is MDF (Medium Dense Forest). This area cannot be considered as Degraded Forest suitable for CA. Moreover, some patches of CA fall in river bed area. It is not clear from the proposal how the CA, so raised could be protected from inundation and damage during high flood instances. Specific clarification in this regard shall be submitted.
- v. A reperesentaion has been received from BNHS (Bombay Natural History Society) wherein it has been highlighted that the Asan Barage Conservation Reserve (in Uttarakhand state) is about 6 km from the proposed mining area and the proposed mining would have adverse impact on such conservation area. Specific comments of State Government in this regard shall be submitted.

Agenda No. 2

File No: 8-37/2002-FC Vol.

Sub: Proposal for seeking prior approval of the Central Government under FCA, 1980 in favour of Uttarakhand Forest Dev. Corporation (UKFDC), Dehradun for renewal of Collection of Minor Minerals from 64.0 ha of forest land of Song River in Block No. 8 of Bhupalpani under Raipur Range of Mussoorie Forest Division, Dehradun, Uttarakhand (Online proposal no. FP/UK/MIN/21355/2016)

- The above stated agenda item was considered by FAC in its meeting on 23.4.2020. The
 corresponding agenda note may be seen at www.parivesh.nic.in. The meeting was attended by
 DDG (Central), Dehradun. The facts related to the project, as submitted by the State
 Gvernment were perused and analysed by FAC.
- 2. FAC after through deliberation and discussion observed that:
 - MoEF&CC had accorded approval for diversion of 64.0 ha of forest land for collection of boulder, bajri, sand etc. vide letter No. 8-37/2002-FC dated 20-21 January 2003 for a period of 10 years. The lease period of the mining has expired on January 2013.
 - ii. After expiry of above lease period, the State Government vide their letter no.959/FP/UK/ MIN/21355/2016 (Dehradun) dated 14.09.2017 submitted a Proposal for seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 in favour of UKFDC, Dehradun for renewal of collection of Minor Minerals from 64.0 ha forest land of Song River for next 10 years.
 - iii. The lease period of earlier mining was upto 2013 and there is a gap of 6 years which cannot be treated as renewal.
 - iv. UKFDC being a State Government agency, payment of NPV is exempted.
 - v. No tree is reported to be felled.
 - vi. The project proposal has been recommended by concerned authorities of State Government.
 - vii. CA has been proposed on 128.0 ha of degraded forest land double in extent of the forest land being diverted.
 - viii. On analysis of KML files of CA land on DSS it is observed that 85 ha is under Medium Dense Forest (MDF) category.

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3. FAC took a note of the issue that a similar proposal for seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 in favour of Uttarakhand Forest Development Corporation, Dehradun for renewal of collection of Minor Minerals from 628.8 ha forest land of Song River 1, 2, 3 and Jakhan 1, 2 for 10 years under Dehradun Forest Division, Uttarakhand was discussed in the FAC meeting held on 19.12.2020. In this meeting the Committee deferred the proposal with some general observations including one specific observation as follows:

"The State Government shall conduct a study to ascertain the impact of such mining in upstream and downstream. The study shall come out with clear recommendation as how such mining is useful in maintaining the natural flow of the river and health of adjoining forest. It should cover the impact of mining in the area in last 10 years. The study may correlate satellite imageries of last 10 years. It may also be ascertained that how much loose boulders and sand can be collected for the purpose of mining every year. The study may be conducted through a recognized institute of repute".

4. It was informed that environment wing of MoEF&CC had issued guidelines for Enforcement and Monitoring of Sand Mining (EMSMG) in January 2020, which is in continuation of Sustainable Sand Mining Management Guidelines (SSMMG) issued in 2016. The management of sustainable sand extraction are the key objective of the Guidelines. The SSMMG 2016 highlights the identification of the sand mining sources, replenishment of River Bed material (Sand, Boulder, Gravel, and Cobble etc.), preparation of District Survey report (DSR), and Standard Environmental Conditions applicable for sand mining projects. The "SSMMG, 2016" requires preparation of DSR, which is an important initial step before grant of mining lease/LoI. It also emphasizes detailed procedure to be followed for the purpose of identification of areas of aggradation/ deposition where mining can be allowed and identification of areas of erosion and proximity to infrastructural structures and installation where mining should be prohibited. Calculation of annual rate of replenishment, allowing time for replenishment after mining, identification of ways of scientific and systematic mining; identifying measures for protection of environment and ecology and determining measures for protection of bank erosion, benchmark (BM) with respect to Mean Sea Level (MSL) should be made essential in mining channel reaches (MCR) below which no mining shall be allowed.

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Minutes of meeting of Forest Advisory Committee (FAC), held on 23.04.2020 at MoEF and CC New Delhi

- 5. It is understood that the observations made by FAC in December 2019 in the case of mining in Song river in utterakhand, as highlighted para-3 above, seems to be addressed in the SSMMG 2016 and EMSMG 2020.
- 6. It was informed by the Nodal officer of the state that the user agency will use the existing roads as approach road to the mining.

Decision of FAC:

After thorough deliberation and discussion FAC deferred the proposal and sought following information and clarification for appropriate decision on the matter.

- i. The State Government to confirm that the proposaed mining conforms to the DSR (as per EMSMG-2020 and SSMMG-2016 issued by MoEF&CC) of the concerned district.
- ii. The State Government to confirm that the issue of conservation of riverine wildlife biodiversity will be fully addressed during the proposed mining as per direction given by the CWLW of the state Government.
- iii. As per DSS, it is observed that a part of proposed CA area is MDF (Medium Dense Forest). The revised CA scheme, without having any VDF or MDF, with KML files shall be submitted.
- iv. State government shall clarify whether there is any overlapping area with the proposal submitted by the State Government which was considered by FAC in its meeting on 19.12.2020.

Agenda No. 3

F. No. 8-20/2014-FC

Sub: Diversion of 1165.66 ha (including 91.331 ha underground area) of forest land for construction of Etalin Hydro Electric Project (EHEP) (3097 MW) in Dibang Valley District of Arunachal Pradesh by M/s Etalin Hydro Electric Power Company Limited, Arunachal Pradesh.

1. The above stated agenda item was considered by FAC in its meeting on 23.4.2020. The corresponding agenda note may be seen at www.parivesh.nic.in.

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- 2. FAC after through deliberation and discussion observed that:
 - I. The Proposal was earlier considered by FAC on 28.01.2015, 28.02.2017 and 17.10.2019.
 - II. In its meeting on 28.2.17, FAC analysed the proposal and recommended that:
 - i. State Government shall provide shape files of Forest land sought for diversion
 - ii. Approved CAT plan shall be submitted
 - iii. State Government shall submit R&R plan, duly approved by competent authority.
 - iv. It is observed that project proponent had proposed huge area for construction and dumping. State Government shall explore possibility to reduce area. Regional office in its site inspection had not recommended the proposal in the present form. State Government, in consultation with regional office may propose a modified proposal after addressing the concerns raised in the inspection note of regional office.
 - v. There are two different proposals for diversion of forest land in favour of same user agency. Both the proposals shall be combined and one comprehensive proposal with total land requirement shall be placed before FAC for further consideration.
 - vi. The CA area shall be revised. State Government shall provide shape file of CA land.
 - vii. The proposed project falls under the richest bio-geographical province of the Himalayan zone and falls under one of the mega bio-diversity hotspots of the world. The proposed project location falls at the junction of the Palaearctic, Indo-Chinese, and Indo-Malayan bio-geographic regions having luxuriant forests and plethora of flora and fauna. About 6 Globally Threatened mammal species are found in this region of which 3 are endangered and 3 are under vulnerable category. About 680 bird species have been recorded from this region which is about 56% of total bird species of India. Among them 19 are Globally Threatened and 10 Near Threatened. It has 4 Critically Endangered, 2 endangered and 13 vulnerable species. This makes this area a very important place in terms of conservation of globally threatened bird species. It also has 3 very rare restricted range endemic bird species. This entire region falls under, IUCN management categories III, IV, Endemic Bird Area, Global Biodiversity Hotspot, and Key Biodiversity Area indicating its importance at global scale. The Chief Conservator of Forest however, mentions few mammal and plant species. In fact, this area has more biodiversity than any other part of the country. Another independent study using camera traps captured a total of 12 individual tigers and 8 individual clouded leopards at various locations in Dibang Valley. A large majority, above 60%, of the camera traps

were placed outside Dibang Wildlife Sanctuary which shows that both species are not only abundant but also very widespread in the district. Therefore, FAC recommended conducting multiple seasonal replicate studies on biodiversity assessment by an internationally credible institute as the current study (EIA) is completely inadequate in this regard.

- viii. FAC also directed to take views of NTCA since this is a vital tiger area of the region.
 - ix. There were a number of representations received regarding the project and project proponent was advised to provide clarification on the same.
- III. The observations of FAC were conveyed to State Government, Regional office, and NTCA and user agency. MoEF&CC was received comments of State Government, Regional office Shillong. Besides, biodiversity assessment study carried out by Wild life institute of India was also been received in MoEF&CC. Views of NTCA was not received. All these facts were placed before FAC on 17.10.19.
- 2. After thorough deliberation and discussion on 17.10.19, FAC observed that recommendations of last FAC (28.2.17) meeting have not been complied fully and the replies submitted in compliance of all observations are not satisfactory. Moreover, FAC could not obtain viewpoints of representatives of user agency or State Government, as they were not present for consultation and clarification on queries. In this regard, it was recommended that a subcommittee of FAC shall visit the site and check if the total land requirement could be further reduced. The subcommittee may also look into the concerns highlighted by Regional Office in its SIR especially related to tree enumeration process and the aspects highlighted in biodiversity assessment study by WII. Report of subcommittee was to be exhaustive with appropriate recommendations so that FAC could take appropriate decision. It was proposed that subcommittee shall have following as its member
 - a) Sh S.D Vora Member FAC
 - b) Dr Sanjay Deshmukh Member FAC
 - c) Representative of Regional Office, Shillong
 - d) IG NTCA Regional Office, Guwahati
 - e) Sh G.V Gopi, Wildlife Institute of India, Dehradun
 - f) CCF(T), Arunachal Pradesh
 - g) CCF(WL), Arunachal Pradesh

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- 3. FAC also referred to the minutes of its previous meeting and the SIR (Site inspection report) submitted by Regional Office in 2014.
- **4.** As per recommendation of FAC on 17.10.2019, a sub-committee was constituted vide this Ministry's letter dated 15.01.2020 and the constituted Sub-committee visited the site during 10-14 February, 2020.
- 5. The report of the Sub-committee constituted as per decision of FAC vide this Ministry's letter dated 15.01.2020 has been received and the same is reproduced below:

REPORT OF THE SITE VISIT OF THE SUB-COMMITTEE OF FAC:

Introduction: The proposal for diversion of forest land for the construction of the 3097 MW Etalin Hydroelectric Power Ltd was submitted to the State Forest Department in March' 2014 after revising drawings/maps for an area of 1165.66. State Governemnt, after completing due procedures forwarded the proposal in October 2014 to MOEF & CC. Regional Office Shillong conducted the Site Inspection of the project from 2nd to 4th December 2014. Forest Diversion proposal of the project was discussed in FAC Meeting on 28/01/2015 wherein it was recommended that the project shall be reviewed after completion of Dibang Basin Studies. Meanwhile the State Govt. was asked, among other things, to examine the observations made by Regional Office in Site Inspection Report (SIR) and if required, may modify and resubmit the proposal after addressing the issues raised by Regional Office in its report.

The Government of AP has submitted the information as per the queries raised by the Ministry vide its letter dated 29th May 2015. The State has also addressed the issues raised by the SIR, namely, (i) The reduction in area for Muck Dumping, Quarry area and Construction facilities area including Labour Camps. (ii) Tree enumeration and sampling intensity.

The matter has been discussed in the FAC in a number of its sittings and in its meeting on 17/10/2019, the FAC recommended that the site visit of the Etalin HEP would be carried out with the specific mandate which is given below, namely,

- i. To check if the total land requirement could be reduced
- ii. To look into the concerns highlighted by the Regional Office in its SIR especially related to the process of tree enumeration
- iii. To look into the aspects highlighted in the biodiversity assessment study by WII

Site Visit: The site visit was carried out from the 10th February to the 15th February 2020 with the members as nominated by the Ministry as per Ministry's letter No F.NO.8-20/2014-FC dated 15.01.2020 with members as per list in the Annexure –I

The Committee members were detailed about the project through a presentation by the User Agency on the evenings of 10th Feb 2020 at Roing and on 11th Feb 2020 at Etalin. Thorough discussion was made on all the aspects of the project and on the observations of the SIR and the related issues. The WII team also made their presentation on the 11th Feb 2020 at Etalin. The presentations were detail and was well-appreciated by the Sub-Committee, considering the difficulty under which the WII has to work.

The decisions of the Committee with respect to its mandate:

- A. Reduction in Area: In its presentation, the User Agency gave detailed explanation of its purpose wise use of land and its proper utilization of the land stating, among others,
- That the project is huge & lies in a very remote area having no infrastructural facilities, as such, all the infrastructure facilities have been thoughtfully planned to cater the peak requirement which is anticipated as 11000 (including families).
- That the Entire project, with approximately 50 project components, is spread across a road distance of approx. 40 km, i.e., 22 km. on Dri side and 17 km. on Tangon side. Main Construction facility areas are; Aggregate Processing plants, Batching plants, Workshops, parking areas, explosive magazine, Oil Depot, Site Stores, Fabrication yards, Steel Yards, Facility areas for erection of DG sets, Ventilation Blowers & Compressors, Medical facility areas.
- To ensure effective construction planning so as to complete the project in most effective manner & to reduce the unnecessary transportation causing pollution, all the work locations are provided within the above construction facilities.
- That in Etalin HEP efforts were made to optimize and centralize the construction facilities in such a way that for two structures like Surge Shafts being in vicinity, the facilities are clubbed.

- That the location of Aggregate Processing Plants (APPs) & Batching Plants (BPs) are already so optimized that these are planned near the Quarry area or close to each other.
- That instead of providing APPs and BPs for each project component, these plants are so optimized that some of them are catering to multiple project components.
- The workshops, stores etc. are located in major project components only. Fabrication yard is centralized, wherever possible Steel Yards are also centralized and merged with other facility areas.
- That they have explored the non-forest land in the area, but have not been able to identify such like land in the vicinity of the Project for the purpose.

It was informed before the Sub-Committee that the User Agency has on its own reduced the area from 1360 ha initially proposed to the current 1165.66 ha after discussion with the local officers wherein 16 % of the area was reduced after taking away most of the very dense forests. The matter was discussed and studied threadbare by the Sub-Committee.

- The DFO Anini submitted before the Committee that the area that can be reduced at this point
 of time is the area already awarded to NHIDCL for their realignment. The area of 15.58 ha
 would therefore stand reduced.
- The User Agency has identified and made a commitment that it would return the land
 measuring 424.83 ha to the Forest Department immediately after the COMISSIONING of
 the project. The details of the area located in various pockets of land acquired are given in
 Annexure-II which includes the Undertaking, the statement and the relevant map.

It may be also mentioned that, the UA submitted that any further reduction in the area may render the project technically unfeasible. In view of the above, the Sub-Committee has recommended the reduction of 15.58 ha from the proposed area of the proposal and the handing over of an area of 424.83 ha to the Forest Department after commissioning of the project.

B. Tree Enumeration: The observations/ objections raised by the SIR and the reply of the State Government to each of these concerns has been considered by the Sub-Committee and the three issues were discussed and the finding of the Sub-Committee is as follows:

- i. Sampling Intensity: The SIR of the Regional Office has observed that in some of the patches (LAs) the sampling intensity was found to be only 4% which is very less. State Government has earlier submitted that the sampling intensity is 10% and not 4% as mentioned in the SIR of the Regional Office. The State Government has not submitted anything to the Ministry in support of the claim of 10% sampling intensity. At the time of the field visit, the DFO produced before the Committee few of the enumeration notebooks. In the absence of all the Enumeration notebooks and other details like number of plots and their sizes and locations (GPS locations), the Sub-Committee decided to ascertain from the available notebooks by checking some of the Land Patches (LAs) to see if the LAs for which 100% plots may be available whether these plot add up to 10% or not. It was found from the available enumeration notebooks that 07 LAs covered in these notebooks have the sampling intensity of around 10%. The detail is attached as Annexure -III
- ii. Size of the sampling plots: Regarding the observation of the Regional Office that because the sampling plots were measured along the slope the actual sizes (area) of the plots are less than what was calculated, the matter was discussed in detail. Since this is an anomaly, it is therefore recalculated as per actual projection area and the size of the plots were corrected accordingly. The area of each of the plots were recalculated based on the slope data and in the resultant extrapolation the number of trees has risen from current 280681 to 311858 (Annexure IV).

A. Total No of Trees to be felled/projected as per earlier sampling area: 280681

B. Total no of trees projected to be felled as per corrected sampling area: 311858

C. No of trees falling in 15.58 ha which will not be part of this proposal: 6758

D. No of trees falling in FRL-4 (LA-20 and LA-21) is:

Thus the total number of trees that are going to be felled in this proposal is (N=B-C-D) 302,538.

The Committee feels that the User Agency should as far as possible still further reduce the number of trees to be felled from the construction sites, the areas acquired for roads and other components of the projects. After detailed deliberation and practical discussion with

DFO Anini, the User Agency has submitted an undertaking (Annexure-V) that it would reduce further the number of trees to be felled over and above the above by 24500 trees. So, the total number of trees to be felled will be reduced further (302,538- 24500=278038).

Thus the total number of trees to be felled is: 278,038

iii. Non-accounting of the big-size trees: The Regional Office has observed that huge trees were not mentioned or accounted for in the enumeration data. This matter was discussed and the submission of the State Government that the 'two huge trees were exceptional and could not be considered as true representation of the population' has been considered by the Sub-Committee. After detailed discussion the Committee feels that as it would be difficult to establish the veracity of the claim due to the terrain of the area, the contention of the State Government is justified and accepted.

In view of the above submissions from the State Government, the Sub-Committee accepted the tree enumeration as per corrected figures.

3. Wildlife aspect and WII studies:

Observation of Multi Seasonal replicate study and wildlife conservation plan against Etalin Hydro Electic Project was submitted by Wildlife Institute of India (WII):

In accordance with recommendations of "Forest Advisory Committee" (FAC), MoEF & CC and letter No FOR-279/Cons/2010/Vol-I/836-40 dated 23rd June, 2017 from APCCF & Nodal Officer (FCA) Arunachal Pradesh to Director, WII, Dehradun, a multiple seasonal replicate studies along with wildlife and biodiversity conservation plan has been prepared and submitted. As per the study report and wildlife conservation plan, the multidisciplinary team undertook surveys within the Zone of Influence (ZOI) of EHEP. In the study, mammals, birds, entomofauna, herpetofauna and plants were considered to represent terrestrial system and fishes and benthic invertebrates were included to represent aquatic system. The biodiversity status assessment of flora and different faunal groups showed record of 413 plants species, 159 species of butterflies, 113 species of spiders, 11 species of odorates, 14 species of amphibians, 31 species of reptiles, 230 bird species and 21 mammalian species, within the proposed project study area.

One of the main observations of the study is that conversion of 1165.66 ha of land for HEP will have direct loss of habitat on floral and identified faunal groups. CA, the first plan of action and mandatory to mitigate loss of habitat is not sufficient and therefore the study has recommended various action plans, mainly three categories as below:

- i) Mitigation plan- Mandatory Action Plan: This include C.A, Greenbelt, Muck-dump management and restoration, technical and managerial interventions- noise and vibration and technical and regulatory mechanism- mitigation for faunal mortality.
- ii) Biodiversity conservation plan: The activities proposed are development of open butterfly parks, development of reptile park, facilitating nesting niche- deploying nest boxes for cavity nesting avifauna, Habitat restoration overall biodiversity and possibly RET species, conservation of RET flora, Aquatic habitat and biodiversity conservation, maintain the stream morphology and impacts of hazardous and domestic waste disposal- river system.
- iii) Action plan for enhancement of bio resources for people: The study has identified suitable activities to reduce impact on the ethnic group dependent on forest resources. The action plan identified are- selected natural resource enhancement, life quality enhancement, development of additional livelihood, people's biodiversity register- programme and awareness, biodiversity- awareness and education and sustainable use of rare resources and issues related to migrant workers on biodiversity and cultural values.

Wildlife corridor and Tiger Movement: The study reports that 78 cameras were deployed for 1552 trap nights/ days during four-month survey, no tiger was camera trapped. 21 mammalian species were recorded in the study area. Further no pugmarks or scats of tigers during this survey was found. Therefore, the tiger presence in study area was not established. Low abundances of prey species in general and absence of large prey species in specific along with human related disturbances in the area might have kept tiger away from the proposed project area. A long term monitoring study on mammalian fauna in Dibang WLS has recorded presence of few tigers outside sanctuary. The linear distance measured for three nearest records (location) of tiger outside DWLS and between boundary of proposed project site ranged from 10.2 km to 14.00 km from north (till end of submergence). The existing cumulative impacts such as presence of more villages, habitat degradation, hunting, high vehicle movements and low prey base, qualify the project area as not potential habitat for

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tiger to use or move across. Additionally, considering availability of large extent of suitable habitat in the surrounding environs well above the project area, this hydro power project is not visualized to restrict the movement of tigers occurring in and around the Dibang WLs into any direction in the entire Dibang Valley.

In view of above facts observed in the field and on examining the report presented before the committee by WII representatives, the members of the Sub-Committee are of the opinion that due consideration for Wildlife conservation has been addressed in the mitigation plan. The project may be allowed subject to condition that the financial outlay of Wildlife conservation plan be deposited to Forest Department by User Agency.

Recommendation of Sub-Committee:

- i. The area of the proposal of the project stands reduced from 1165.66 ha to 1150.08 ha after reducing the area of 15.58 ha already allotted to NHIDCL.
- ii. The User Agency shall handover the area of 424.83 ha of land acquired, to the Forest Department immediately after commissioning of the project duly restored.
- iii. The Tree enumeration as corrected is accepted. The figures of trees to be felled stand corrected from 280677 nos to 311858. The number of trees to be actually felled is 278038.
- iv. The Wildlife Study done by WII is accepted *in toto* by the Sub-Committee along with all the recommendations with condition that the UA funds the Conservation Plan.

Further recommendations: The Sub-Committee also has heard and seen the difficulty of the Forest officers and staff due to lack of communication, lack of manpower (1 RFO, 1 Dy Ranger, 3 guards, 1 UDC, 1 peon in Anini Forest Division), and its remoteness wherein it is found that the forest staff are working in very difficult conditions. The Sub-Committee also noted that with the increase of the population and improvement in infrastructure and communication the exploitation and vulnerability of the forests has increased manifolds. Therefore, the Committee feels that in order to strengthen the protection and monitoring of the forests:

a. The User Agency shall purchase and install 1 VSAT along with maintenance for a period of 3 years.

b. One field vehicle (Bolero) and 4 motorbikes for forest protection

The Sub-Committee also recommended that in order to prevent the muck rolling down the slopes, the UA should construct proper breast-wall/ river-bank protection wall to contain the muck and prevent it from going to the streams/ rivers.

Decision of FAC:_

FAC appreciated the comprehensive report of the Sub-committee. The report was deliberated in great detail during the VC meeting. FAC members in the Sub-committee confirmed the recommendation of the report and during the discussion all the members of the FAC concurred that findings of the sub-committee may be accepted by the FAC. FAC further observed that the particular project was submitted to MoEF&CC in 2014 and was subsequently deliberated in detail on several occasions along with recommendations of study reports on Cumulative Impact Assessment & Carrying Capacity Study of Dibang river basin, multiple seasonal replicate studies on biodiversity assessment by WII, Dehradun and FAC subcommittee. FAC also took note of large number of representations received through email, against the commissioning and approval of the project at the proposed location. All these representations are similar or same in content. These are general in nature and no new detailed scientific, economic or sociological evidence was provided for specific analysis/deliberation.

The FAC appreciated the submission in this proposal that it is a run-of-the river project, with potentially lesser submergence and overall area to be used for power generation project of the size of 3097 MW. Further, mitigation plan for likely loss of biodiversity in zone of influence of this project has been provided by WII after detailed study which needs to be implemented fully and in time.

After thorough deliberation and giving due consideration to all facts and reports, FAC observed that it would be prudent that the inputs of the nodal Ministry i.e Ministry of Power, Government of India may be sought with respect to its stand regarding implementation of this project (EHEP) in view of:

(i) the project is delayed by over six years and the country's energy plan might have changed during this period,

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- (ii) large number of hydro-electricity projects are pending for environmental /forest clearance, and inter-se priority may be considered in view of minimising cumulative adverse impacts of the projects to be implemented in a given period of time in a given area; and
- (iii) tariff structure of this project which was already high at the time of proposal (2014).

It may also be got clarified that if the Ministry of Power wishes to consider the project for approval in its present form or some other decision on the project has been taken. In addition to it the FAC observed that:

- State Government shall submit cost benefit ratio analysis (C/B ratio) for the project as per the latest Guideline of the MoEFCC. The Regional Office of MoEF&CC, Shillong will be associated with the analysis exercise.
- 2. State Government shall submit details of the forest area including the KML files, which FAC sub-committee had recommended to be surrendered /reduced.
- 3. The area is rich in bird life (230 bird species have been recorded by WII). State Government will therefore, review if trees marked for felling could be left as such, at least in the reservoir area, as dried trees could also be used as bird habitat.
- 4. As this is a large sized project in the Himalayas, inputs of IA Division of the Ministry on whether environmental impact of the proposed project and mitigating measures have been considered, will be obtained.
- 5. The inputs from Wildlife Division of MoEF&CC/ NTCA are not available. The Wildlife Division be requested to submit their comments in consultation with NTCA and taking into account the report of the WII.

Agenda No. 4

File No. 8- 17/2018-FC

Sub: Preliminary exploration (G-3) of Iron ore resource in 123.09 ha. of forest land in Blocks 13/1 (North) of Ramanamali Block, Bellari District by Geological Survey of India, State Unit Karnataka & Goa, Bengaluru - Seeking modification of the conditions laid in Stage-II (final) approval.

- The FAC considered the above-mentioned agenda item in its meeting held on 23.04.2020.
 The detailed agenda notes can be seen on the website www. parivesh.nic.in. Dy Director General (Central), Regional Office, Bengaluru and the Nodal Officer (FCA), Government of Karnataka had participated in the meeting through video conferencing.
- 2. Facts and background of the case were presented before the FAC, which observed that:
 - a. Stage-I approval for the above proposal was accorded vide this Ministry's letter dated 26.06.2018 with certain specific conditions based on the accepted recommendations of FAC in its meeting held on 17.05.2018.
 - b. Proposal was granted Stage-II approval by the MoEF&CC on 08.11.2019, inter alia, stipulating (condition-viii) the following condition:

 "(viii) No new additional road shall be constructed by the user agency for transporting prospecting tools and machines. The user agency may use the existing forest road/path with prior information to the concerned Divisional Forest Officer."
- 3. While recommending the proposal again vide their letter no. FEE 04FFM 2018 dated 27th February 2020, the State Government has informed that during filing of Form-C, under point no. C-3. V, the user agency had submitted a plan and all dimensional attributes regarding making of new kaccha roads to reach the borehole points from existing road. These kaccha roads will be utilized for transportation of drilling equipment and personnel movement till completion of the activity. In the Form-C, the user agency had submitted a detailed plan of drilling mentioning borehole locations along with existing as well as new/proposed kaccha roads.
- 4. FAC observed that previous approval accorded was only for boreholes without allowing permanent change in landuse for Kachha road having extent 0.432 ha which was part of 123.09 ha. Now, as per the request of the user agency duly recommended by the State Government again, FAC noted that the approved activity is not possible for taking up in the forest area without allowing access, which involves construction of kaccha roads over 0.432 ha, which is in fact a very small fraction of whole forest area under diversion.

Decision of FAC:

After detailed deliberations the FAC **recommended** modification of relevant conditions of the Stage II approval dated 13th November 2019 after due compliance of following additional conditions:

i. Additional NPV arising due to permanent change caused by construction of the kaccha road (involving 0.432ha of forest land) shall be levied from the user agency.

- ii. The concerned Divisional Forest Officer will ensure that construction of kaccha road is as per initial proposal.
- iii. If construction of kaccha road necessitates felling of trees, 10 trees for each tree proposed to be felled, shall be planted. The cost of preparation of plan and plantation of such trees 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.

Agenda No. 5

File No. 8- 19/2018-FC

Sub: Preliminary exploration (G-3) of Iron ore resource in 66.91 ha. of forest land in Blocks 13/1 (South) of Ramanamali Block, Ballari District by Geological Survey of India, State Unit Karnataka & Goa, Bengaluru - Seeking clarification on the conditions laid in Stage-II (final) approval.

- 1. The FAC considered the above-mentioned agenda item in its meeting held on 23.04.2020. The detailed agenda notes can be seen on the website www. parivesh.nic.in. Dy Director General (Central), Regional Office, Bengaluru and the Nodal Officer (FCA), Government of Karnataka had participated in the meeting through video conferencing.
- 2. Facts and background of the case were presented before the FAC, which observed that:
 - a. Stage-I approval for the above proposal was accorded vide this Ministry's letter dated 26.06.2018 with certain specific conditions based on the accepted recommendations of FAC in its meeting held on 17.05.2018.
 - b. Proposal was granted Stage-II approval by the MoEF&CC on 08.11.2019, inter alia, stipulating (condition-viii) the following condition:
 - "(viii) No new additional road shall be constructed by the user agency for transporting prospecting tools and machines. The user agency may use the existing forest road/path with prior information to the concerned Divisional Forest Officer."
- 3. While recommending the proposal again vide their letter no. FEE 04FFM 2018 dated 27th February 2020 the State Government has informed that during filing of form-C, under point no. C-3. V, the user agency had submitted a plan and all dimensional attributes regarding making of new kaccha toads to reach up to the borehole point from existing road. These kaccha roads will be utilized for transportation of drilling equipment and personnel movement till completion of the borehole. In the form-C, the user agency had submitted a detailed plan of drilling mentioning borehole locations along with existing as well as new/proposed kaccha roads.
- 4. FAC observed that previous approval accorded was only for boreholes without allowing permanent change in landuse for Kachha road having extent 0.2854 ha which was part of 66.91 ha. Now, as per the request of the user agency duly recommended by the State Government again, FAC noted that the approved work can not be taken up in the forest area

without allowing access which involves 0.2854 ha which is a small fraction of whole area proposed for diversion.

Decision of FAC:

After detailed deliberations the FAC **recommended** modification of relevant conditions of the Stage II approval dated 13th November 2019 after due compliance of following additional conditions:

- i. Additional NPV arising due to permanent change caused by construction of the kaccha road (involving 0.2854 ha of forest land) shall be levied from the user agency.
- ii. The concerned Divisional Forest Officer will ensure that construction of kaccha road is as per initial proposal.
- iii. If construction of kaccha road necessitates felling of trees, 10 trees for each tree proposed to be felled, shall be planted. The cost of preparation of plan and plantation of such trees 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.

Agenda No. 6

File No. 8- 17/2019-FC

Sub: Proposal seeking permission for Survey & Exploration of Uranium over 83 km² [(over an area of 7 km² (in 2 blocks of 3 and 4 km² in Nidgul RF of WLM Division, Nagarjuna Sagar and 76 km² (in 2 blocks of 38 km² of each)] in Amrabad Tiger Reserve by Atomic Minerals Directorate for exploration and Research, South Central Region, Hyderabad.

- 1. The FAC considered the above-mentioned agenda item in its meeting held on 23.04.2020. The detailed agenda notes are placed on www. parivesh.nic.in. Dy Director General (Central), Regional Office, Chennai and PCCF cum Nodal Officer (FCA), Telengana were present in the meeting. Facts of the case, in the form of fact sheet were presented before the Committee.
- 2. The above proposal was previously considered in the FAC meeting held on 22.05.2019. In that meeting, FAC had observed that there are certain deficiencies in the proposal. However, considering the fact that the proposal is of critical importance from national perspective, it recommended for in-principle approval subject to submission of all required documents/information in due format. After receipt of the same, the complete proposal may be placed before the Competent Authority for approval.
- 3. The requisite details sought in the FAC meeting held on 22.05.2019 is still awaited in the Ministry.

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4. In the meanwhile, a communication has been received regarding decision taken by the Hon'ble Legislative Council of the State which is quoted below verbatim:

"The house unanimously resolves to request the government of India not to permit or allow the mining operations of Uranium in Nallamalla Forest area and other areas in Telangana State".

- 5. FAC observed that information/documents sought based on recommendations of minutes of last meeting 22.05.2019 has not been submitted by the State Government.
- 6. It was also noted that PCCF Telangana has provided inputs on this issue and mentioned that the matter is still pending with State Board for Wildlife.

Decision of FAC:

After detailed deliberations the FAC *deferred* the proposal and sought the following information/documents from the State Government for further consideration:

- i. All information/documents sought from the State, vide meeting of FAC dt. 22.05.2019.
- ii. Decision of the State Wildlife Board and further action taken by the State Government on the same.
- iii. A clear recommendation of the State Government with regard to consideration of the project for approval under Forest (Conservation) Act._

Agenda No. 7

File No. 8-05/2020-FC

- Sub: Proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for non-forestry use of 98.05 ha of forest land in favour of Tilaiya Canal Division, Water Resource Department, Government of Bihar for construction of Ganga Water Lift Scheme in Gaya and Bodhgaya District of Bihar reg.
 - 1. The above stated agenda item was considered by FAC in its meeting on 23.4.2020. The corresponding agenda note may be seen at www.parivesh.nic.in.
 - 2. FAC after through deliberation and discussion observed that:

- a. The State Government of Bihar vide their letter no. Vanbhoomi-29/2020 393 (E)/VPJP dated 3rd April, 2020 submitted the above-mentioned proposal seeking prior approval of the Central Government under Section-2 of the FCA, 1980.
- b. Project has been conceived to supply drinking water and to recharge the ground water. It has been indicated in the proposal that declining rainfall and inadequate recharge of ground water and over utilization of ground water due to increased population has lead to continuously decline in ground water level in Boghgaya, Gaya &Rajgir towns of South Bihar. It is also noteworthy that ground water depletion is often thought to impact people who use ground water. In fact, depletion can also affect rivers, species, ecosystems and surface water users. Many rivers receive some or even most of their flow from groundwater, particularly during the driest months. In addition, forests are home to diverse and widespread number of ground water-dependent species and ecosystems, some of which are endangered.
- c. It is reported by the State Government that Central Ground Water Board estimated that the ground water level in Gaya has shrunken to 0.52m in previous one year whereas that of Rajgir to 5.06 m in the last ten years. To tackle the problem of water scarcity, State Government resolved that during four months of the monsoon period, water from Ganga River should be stored in reservoirs and utilized for drinking water. This water otherwise gets drained into the Bay of Bengal. Storing water in reservoirs over a long period would also help in recharging the ground water aquifers.
- d. It is also indicated that Wildlife sanctuary at Rajgir will be provided water from the proposed reservoir for various animals in the area and also water bodies inside the sanctuary area. Similarly, the ground water level condition in the Tetar panchayat forest area and Manpur Abgilla will improve leading to benefit to flora and fauna of the area. Ganga water lift scheme is envisaged to meet the demand of domestic water of these towns, by lifting Ganga water through pumps and conveyance through pipelines. In the months of July to October, water will be drawn from the Ganga River and it will be stored at nearby places of Gaya and Rajgir towns.
- e. The stored Ganga water will be treated in water treatment plant to provide drinking water to these cities throughout the year. Under this scheme, a reservoir is to be constructed near the Tetar Panchayat of Mohara block and water treatment plant with

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a small reservoir in the hills of Abgila near Gaya town. With this, the city of Gaya and Bodh Gaya will get drinking water throughout the year, as well as the ground water level of Gaya town and flora and fauna in the adjoining area will also improve.

- f. Proposed project envisages non-forestry use of forest land at two locations at Atri and Gaya in Gaya district involving forest area of 88.14 ha and 9.91 ha respectively.
- g. With regards to justification for locating the project in forest area, the State Government has mentioned that Ganga Water Lift Scheme is a bid to provide drinking water to the water scarce cities of Rajgir, Gaya, and Bodh Gaya which are prominent tourist places with high footfall and high density of resident population and experience acute shortage of drinking water during the period of April to July. Following justification has been provided for locating the project components in the forest area:

Tetar Reservoir Area – As per engineering considerations, location of earthen dams for reservoirs should be in gorges or mountainous area. The proposed region is surrounded by mountains on three sides, which is best suited for reservoir construction. With the construction of this reservoir, the ground water level of this region will improve, which will also benefit the rest of the forest.

Abgila Small Reservoir cum Water Treatment Plant Area - After stone excavation (a Government Quarry) in this area, there is a pit of about 25 meters, which is perfect for constructing small reservoirs. Also, being close to the city, water treatment plant is also proposed to be constructed in the area

- h. DCF reported presence of high density clumps of *Dendrocalamus strictus* on the hill slopes in northern aspect and less diversity on other slopes. Scattered occurrence of species like Sal, Ken, Parmi, Palmyra in foothills and valley has been reported by the DCF concerned. Similarly, species like Casia fistula, Acacia spp., Shisham, Khair and Chakundi etc. have been reported in the area of 9.91 ha.
- i. It is reported that density of vegetation is 0.2 (as per ISFR)
- j. It is reported that area proposed for non-forestry use does not form the part of any National Park, WL Sanctuary, Bioshpere Reserve, Tiger Reserve, Elephant Corridor, etc. Rajgir WL Sanctuary is located at a distance of about 21 km from the area proposed for non-forestry use. Major wildlife found in the area reported to be blue bull, jackal, hare, common langur, etc. The DCF in his inspection report has

categorically mentioned that proposed project will not have any impact on the wildlife of the area.

- k. CA has been proposed over non-forest land i.e. 128.18 ha of non-forest land comprised of 110.62 acres (44.79 ha) in Ethari village of Guraru Division and 176.01 acres (71.22 ha) in Imnabad village of Imamganj Division in Gaya District and 5.05 ha and 7.08 ha in Ramdasi and Baudikala villages, respectively of Rajauli Division of Nawada District. Analysis of DSS report revealed agricultural fields in Imamganj.
- 3. It was reported by the Nodal officer (FCA), Bihar that the existing roads will be used during construction phase. So no land has been requested for road construction

Decision of FAC:

FAC, after thorough deliberation and discussion and especially taking note of that Rajgir Wildlife Sanctuary will be provided water from the proposed reservoir, and creation of water bodies in a drought prone area will ultimately benefit the flora and fauna of the area, recommended the proposal for approval with general standard and following specific conditions:

- i. State Government shall submit revised KML file of the forest area proposed to be used under Tetar Reservoir Area prior to Stage II approval.
- ii. State Government shall institute a monitoring mechanism to assess the positive impact of the reservoir water on the improved soil moisture conditions and the flora and fauna in the forest adjoining the project area, and share the results on a biennial basis with State Forest Department and Regional office of MoEF&CC.

Agenda No. 8

File No. 8-42/2011-FC

Sub: Diversion of 202.34 ha of forest land for renewal of lease for manufacturing of salt in favour of M/s Sikka Salt Works in Jamnagar district in the State of Gujarat -reg.

- 1. The above stated agenda item was considered in FAC meeting on 23.04.2020. The corresponding agenda note may be seen at parivesh.nic.in.
- 2. During deliberations on the matter the FAC observed the following;

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- a) The proposal was first considered by the FAC in its meeting held on 17th and 18th July, 2014. Then FAC had recommended the proposal for grant of 'in-principle' approval under the FC Act, 1980 subject to submission of certain documents. However, the Stage-I approval to the proposal was not accorded for want of submission of the additional detail from the State Government.
- b) Thereafter the State Government informed that the area under the proposal was never a forest land. Land in question was part of un-surveyed land and specific measurements on ground was not done at the time of issuance of the notification under Section-4 of the Indian Forest Act, 1927. The proposal was submitted for renewal of lease for obtaining prior approval of the Central Government with presumption that the Section 4 notified forest land will be settled in favor of Forest Department by the Forest Settlement Officer.
- c) The State Government further informed that original land use of the said land was revenue land and the legal status of the same was never changed to forest land and the land was never a forest land. Further, referring to the report of FSO, the State Government has mentioned that land in question was not part of Section-4. Area of 750 ha was notified under Section-4 and the same area was notified under Section-20 implying that there is no deletion of forest area.
- d) Adverting to the above facts, the State Government had requested for allowing to withdraw the proposal pending approval under Section 2 of the FCA, 1980.
- e) The proposal was again considered by the FAC in its meeting held on 26.09.2019. The FAC recommended that, for consideration of the request of the state Government, it shall furnish a certificate that the land in question was never a 'forest' (as per the definition given by Hon'ble Supreme Court in its order in WP 202(C)/1995 dated 12.12.1996) as on 25.10.1980 or after that, as per the records of the State Forest Department and State Revenue Department. It cannot also be interpreted as 'Forest' based on order of any court of law or communication of State Government or Government of India.
- f) The said recommendation of FAC has been communicated to the State Govt. vide Ministry letter dated 21.10.2019.
- g) In reference of this, the State Government vide its letter dated 24.01.2020 has submitted a certificate wherein it is mentioned that "Based on relevant records of Forest Department and Revenue Department the proposed area is revenue land and has never been forest land on or before 25.10.1980".

Decision of FAC:

After through deliberation and discussion with Nodal officer (FCA), Gujarat and DDG (RO, Bhopal), and in view of facts of the proposal submitted and a clearcut certificate furnished by the State Government, the FAC recommended to accept the request of State Govt. to withdraw the proposal pending before the Central Government for approval under Section 2 of the Forest (Conservation) Act, 1980.

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Agenda No. 9

File No. 8-21/2005-FC

Sub: Diversion of 44.52 ha of forest land for renewal of lease for manufacturing of salt in favour of M/s Sikka Salt Works in Jamnagar district in the State of Gujarat -reg.

- 1. The above stated agenda item was considered in FAC meeting on 23.04.2020. The corresponding agenda note may be seen at parivesh.nic.in.
- 2. The FAC observed following:
 - a) The instant proposal was accorded Stage-I approval by the Ministry on 21st March, 2005. Subsequently, after re-examination of the proposal with respect to the request of the State Government to waive off the provisions of the CA and NPV, the proposal was rejected by the Ministry on 24.09.2009.
 - b) Thereafter the State Government has informed that the area under the proposal was never a forest land. Land in question was part of unsurveyed land and specific measurements on ground was not done at the time of Notification under Section-4. However, presuming that said land is Section-4 land, proposal under the FC Act was moved for obtaining the prior approval of the Central Government.
 - c) The State Government further informed that original land use of the said land was revenue land and the legal status of the same was never changed to forest land and the land was never a forest land. Further, referring to the report of the Forest Settlement Officer, the State Government has mentioned that land in question was not part of notification issued under Section-4 of the Indian Forest Act, 1927. It was also mentioned that the forest area having extent of 750 ha was notified under Section-4 of the Indian Forest Act, 1927 at the location and now notification under section 20 of the Indian Forest Act, 1927 of the same extent exists at the location. The State Government has informed that there is no reduction in extent and hence land in question is outside the 750ha notified asSection-4 and hence was not a forestland.
 - h) Adverting to the above facts, the State Government had requested for allowing withdrawing the proposal pending approval under Section 2 of the Forest (Conservation) Act, 1980.
 - d) The proposal was again considered by the FAC in its meeting held on 26.09.2019. The FAC had recommended that, for consideration of the request of the state Government, it shall furnish a certificate that the land in question was never a 'forest' (as per the definition given by Hon'ble Supreme Court in its judgement dt 12.12.1996) as on 25.10.1980 or after that, as per the land records of State Forest Department and State Revenue Department. It cannot also be interpreted as 'Forest' based on order of any court of law or communication of State Government or Government of India.

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- e) The said recommendation of FAC was communicated to the State Govt. vide Ministry letter dated 21.10.2019.
- f) In reference of this, the State Government vide its letter dated 24.01.2020 has submitted a certificate wherein it is mentioned that "Based on relevant records of Forest Department and Revenue Department the proposed area is revenue land and has never been forest land on or before 25.10.1980".

Decision of FAC:

After through deliberation and discussion with Nodal officer (FCA), Gujarat and DDG (RO, Bhopal) during the meeting, and in view of the facts of the proposal submitted and a clearcut certificate furnished by the State Government of Gujarat, the FAC recommended to accept the request of State Govt. to withdraw the proposal pending before the Central Government for approval under Section 2 of the Forest (Conservation) Act, 1980.

Agenda No. 10

File No. 8-07/2019-FC

Sub: Diversion of 115.874 ha. of forest land in favour of M/s Jaiprakash Associates Ltd. for proposed diversion of forest land at village Kota in Tehsil Robertsganj, District Sonbhadra for JP Super cement plant & it's township (a unit of Jaiprakash Associates Ltd. Sector 128, Noida) in District Sonbhadra State Uttar Pradesh.

- 1. The above stated agenda item was considered in FAC meeting on 23.04.2020. The corresponding agenda note may be seen at parivesh.nic.in.
- 2. During deliberations on the matter, FAC observed the following;
 - a) A meeting was held with officials of Regional Office, Lucknow, State Forest Department and user agency in the Ministry on 06.08.2019 for detailed discussion on the said proposal.
 - b) The observations of said meeting were communicated to the State Government of Uttar Pradesh vide Ministry's letter dated 28.08.2019.
- Now, the State Government of Uttar Pradesh vide their letter dated 04th March, 2020 forwarded point-wise reply as under:

S. No.	Observations raised by the MoEF&CC	Reply submitted by the Nodal Officer (FCA) Govt. of UP
1.	The State Government should clarify that what action has been taken for unauthorised use of forest land;	जे0 पी0 एसोसिएटसिल० द्वारा अनाधिकृत रुपसे वनभूमि कब्जाकरनेके संबद्धमें कितपय व्यक्ति द्वारा सी0 इं0 सी0 में शिकायत दर्जकरायी, जिसपर सी0 इं0 सी0 द्वारा सम्बन्धित पक्षोसे रिपोर्ट/आख्या मांगी गयी। पक्षोद्वाराप्र स्तुत आख्यापर वचार करनेंकं उपरान्त सी0 इं0 सी0 द्वारा अपनी संस्तुति मा0 उच्चतम न्यायालय

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नईदिल्लीको प्रेषित कियागया। जिसका संज्ञान लते हुए, उ०प्र० शासन द्वारा मा० उच्चतम्न्यायालयमें रिटसंख्या-24692009 दाखिल की गयी, जिसे मा० उच्चतम न्यायालय द्वारा एन 0 जी0 टी0 न्यायालय, नई दिल्ली को सुनवाई करने का निर्देश दियागया। जिसके क्रममें मा0 राष्टीय हरित न्यायाधिकरण, नई दिल्ली द्वारा एम 0 ए 0 नं01166/2015 में दिनांक 04.05.2016 जे0 पी0 एसोसिएटसलि0 से सम्बन्धित कूल 1083.203 हे0 (जिसमें ओबरा वनप्रभागका 599.183 हे0 है) क्षेत्र को वनविभागकंपक्षमेंनिर्णयपारितकियागया। मा0 राष्टीयहरितन्धायाधिकरण, नईदिल्लीकंआदेशदिनाक-04.05.2016 कं कोटा, अनुपालन ओबरापनारीकंसम्बन्धमेंपूर्वमेजारीधारा20 की विज्ञप्ति को निष्प्रभावी मानते हुये कूल 1083.203 हे0 क्षेत्र को सम्मिलित करते हुए ओबरा प्रभाग वन ग्रामकोटामेंविज्ञप्तिसंख्या-1142-14-2-2016-20(4)/2016 12440.413 हे0, 23.06.2016 द्वाराकूल ग्रामओबरापनारीमेँविज्ञप्तिसंख्या 1141/14.2.2016-20(3)/2016 दिनांक 10.06.2016 द्वाराकूल 1912.751 हे0, सोनभद्रवनप्रभागकेग्राममकरीबारीमेंविज्ञप्तिसंख्या 1139/14-2-2016-/2016 दिनांक 10.06.2016 20(1)कुल 398.5570 हे0 तथाकेंमूरवन्यजीवप्रभागीमीरजापुरकेग्राममरकुंडीमेंवि ज्ञप्तिसंख्या1192/14-2-2016-20(5)/2016 दिनांक 10.06.2016 कुल द्वारा 904.768 हे0 क्षेत्रकापुन:भारतीयवनअधिनियम 1927 कीधारा20 की विज्ञप्ति जारीकियागया।मा0 राष्टीयहरितन्यायाधिकरण, नई दिल्ली कं आदेश दिनाक 30.05.2016 केअनुपालमेंमे0 जे पी0 पी0 एसोसिएट्रस लिमिटेड, डालाद्वाराजै०पी० सुपर प्लान्टव आवासीय क्षेत्र स्थापना हेतु115. 874 हे0 वनभूमि हस्तान्तरण का पूर्ण प्रस्ताव गयाथा, उपलब्ध कराया

		जिसकेक्रममेंप्रस्तावउच्चस्तरपरप्रेषितकियाजाचुकाहै।
		यहभीअवगतकरानाहैकि MoEF&CC guideline No. 11-42/2017-FC dated 29.01.2018; (activities which constitutes violation of provision of Forest (Conservation) Act, 1980 and Rules made thereof and guideline issued in this behalf by user agency and quantum of penalty to be imposed-regarding common guideline to be followed by FAC/REC while considering the proposal under Forest (Conservation) Act, 1980). 3.Accordingly the ministry has decided to adopt following guidelines while imposing penalty in various cases, on the recommendation of FAC/REC after due deliberation in its meeting, for use of forest land for non-forestry purpose in violation of provision of forest (Conservation) Act, 1980, Rules made their of and guideline issued for time to time to implement FC act and Rules; E. In cases where (forest land) has been changed to (nonforest land) in government records; If the violation is not attributable to the user agency, no penalty should be
2.		वनदोवस्तअधिकारीजिलाजजद्वाराअपनेन्यायलयमेंनयेसिरेसेवादोंकी सुनवाईकरतेहुएप्रश्नगतक्षेत्रधारा४ कीविज्ञप्तिसेपृथककरदियागयाथा,प्र
		श्नगतक्षेत्रकेसम्बन्धमें माo एन 0 जी0 टी0,नईदिल्ली द्वारा दिनांक
		04.05.2016 को वन
		विभागकेपक्षमेंनिर्णयपारितकियागया,जिसकेअनुपालनमेंप्रश्नगतक्षेत्रको
		सुरिक्षतवनकेपक्षमें अमलदरामदकराते हुए, धारा 20 की विज्ञप्ति जारी
		किया तथामा'0 एन 0 जी0 टी0 नईदिल्लीकेआदेशदिनांक-30.05.2016
		के अनुपालन
		मेंमें0 जे०पी'0 एसोसिएटसलि0 द्वारावनभूमिहस्तान्तरणकाप्रस्तावप्रेषि
		तकियागयाहै।
		प्रश्नगतवनभूमिकाउपयोगकरनेंहेतुप्रभागस्तरसेकोईआदेशनिर्देशनिर्गत
		नहींकियेगयेहैं।
		इसकेअतिरिक्तवनभूमिकेगैरवानिकीप्रयोगकेसम्बन्धमेंबिन्दुसंख्या'में
		स्थितिस्पष्टकीगयीहै।
3.	Whether all court orders pertaining to the project has been complied with or not?	विषयकप्रकरणराम्बन्धकेसंबंधमेमा० एन ० जी०टीं०,नईदिल्लीकेआदेश

Minutes of meeting of Forest Advisory Committee (FAC), held on 23.04.2020 at MoEF and CC New Delhi

		दिनांक 04.05.2016 केअनुपालनमें प्रश्नगतक्षेत्रकोसुरिक्षतवनकेपक्षमें अमलदरामदकरातेहुए, धारा20 कीविज्ञप्तिजारीकियाजाचुकाहै।मा'0 एन 0 जी0 टीo, नईदिल्लीकेआदेशदिनांक 30.05.2016 केअनुपालनमें में 0 जै0 पी०एसो
		सिएट्रसलि०द्वाराप्रश्नगतक्षेत्रकाभूमिहस्तांतरणकाप्रस्तावप्रेषितकियाग याहै।
4.	It has come to the notice that the present project will be transferred to M/s Ultra Tech Cement Ltd. State Govt. need to clarify why the permission for diversion of forest land is not being taken in the name of M/sUltraTechCement Ltd.	इससम्बन्धमेविस्तृतआख्यावनभूमिहस्तान्तरणकेप्रस्तावमेसंलग्नमुख्य वनसरक्षक,मीरजापुरक्षेत्र,मीरजापुरकेस्थलीयनिरीक्षणिटप्पणीमेंइंगित प्रभागीयवनाधिकारी, ओबराकेपत्रांक 304/ओबरा/15 भृ० ह 0, दिनांक 28.07.2018 मेंसन्नहितहै।

- d) As per the Site Inspection Report submitted by the Regional Office, MoEF&CC, Lucknow of the proposal it was observed that some violation of Section 2 of Forest (Conservation) Act, 1980 has taken place during 2007 onwards.
- e) This proposal of 115.874 ha is part of 1083 ha forestland decided in favor of Department of Forest, Uttar Pradesh by Hon'ble National Green Tribunal in MA no. 1166 of 2015, 1169 of 2015 in WP (C) No. 202 of 1995 and MA no. 1164 of 2015 in WP 202 of 1995 and Original Application No. 494/2015 in CWP no. 130/2011. The legal issues related with above mentioned matter and operative portion of the order 4th May 2016 of Hon'ble NGT was also briefed to the members of the FAC.
- f) Issues pertaining to DSS analysis regarding difference in extent of area of the proposal that the proposal is of 115.874 ha whereas area calculated through the shape/kml file is 119.68 ha, on proposed Compensatory Afforestation site already pre planting activities are visible and timeline of the proposal shows construction activities after 2007 also.
- g) It was also observed that the answer provided by the State Government are not clear regarding compliances of specific orders of Hon'ble NGT, action initiated against the erring officials for violation of provisions of FCA 1980, payment of compensatory levies on remaining forestland approximately 968 ha in extent etc.

Decision of FAC:

FAC, after through deliberation and discussion with Nodal officer (FCA), Uttar Pradesh and DDG (RO, Lucknow), **deferred** the proposal and sought following details from the State Government:

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- i. The detailed chronology of events which are vital to decide the issues pertaining to violation of FCA 1980;
- ii. Issue of violation of Forest (Conservation) Act, 1980 noted in Site Inspection Report of the Regional Office, MoEF&CC, Lucknow;
- iii. The detailed clarification on responsibility with regard to the unauthorized use of forest land.
- iv. Details of action initiated by the State Government in compliance of the orders issued by the Hon'ble NGT in this matter;
- v. Issues pertaining to DSS analysis;
- vi. The relevant copies of the orders of Hon'ble Court with regard to the present proposal.

Agenda No. 11

File No. 11-165/2019-FC

Sub: Clarification regarding guidelines for diversion of forest land for non-forest purposes related to general approval under Section-2 of the Forest (Conservation) Act, 1980 for laying of underground CNG/PNG and Slurry pipelines – reg.

- 1. The above stated agenda item was considered by FAC in its meeting on 23.4.2020. The corresponding agenda note may be seen at www.parivesh.nic.in.
- 2. FAC after through deliberation and discussion observed that:
- i. This matter relates to the clarification on imposition of Compensatory Afforestation (CA) on the proposals for laying of underground CNG/PNG/ and Slury Pipelines.
- ii. This has been raised by the State Government of Punjab through RO Chandigarh vide letter No. 1-2Misc/2019-ROC dated 08.01.2020.
- iii. The State Government of Punjab has informed that Ministry has issued guidelines vide letter dated 7th November, 2014, whereby General Approval (GA) under Section-2 of the FCA, 1980 has been extended to underground laying of CNG/PNG pipelines along the road subject to:
 - a. Located within existing Right of Way (RoW)
 - b. not falling in National Parks and Wildlife Sanctuaries,
 - c. without felling of trees,

- d. maximum size of the trench is not more than two meter in depth and one meter in width, and
- e. fulfilment of conditions stipulated in the Ministry's letter dated 16.10.2019.
- iv. Further, the State government has referred the MoEF&CC guidelines issued vide letter dated 7th September, 2015 and stated that GA had heen granted under Section-2 of the FCA, 1980 for underground laying of CNG/PNG along the roads within existing right of way (trench is not more than two meter in depth and one meter in width) not falling in National Parks and Wildlife Sanctuaries and without felling of trees. Moreover, the State Government shall realize Net Present Value (NPV) of such forest land, except for those categories of projects which have specifically been exempted from payment of NPV by the Hon'ble Supreme Court.
- v. Further, the State government has again referred the MoEF&CC guidelines issued vide letter dated 15th June, 2004 and stated that GA had been granted under Section-2 of Forest (Conservation) Act, 1980 for diversion of forest land for underground laying of optical fiber cables, underground electric cables, underground laying of telephone lines and underground laying of drinking water supply pipelines subject to the conditions mentioned in letter even dated 16.10.2000 of MoEF. In this letter, it was also clarified that the question of CA does not arise as the diversion of forest land for laying of underground optical fiber cables, underground electric cables, underground laying of telephone lines and underground laying of drinking water supply pipelines do not involve tree felling.
- vi. But similar clarification is missing in present guidelines issued vide letter no. 5-2/2017-FC dated 28.03.2019 in Para 4.2 of Chapter-2.
- 3. In view of the above, the State Government has requested to clarify on imposition of CA for diversion of forest land for non-forestry purposes under GA under Section-2 of FCA, 1980, in case of underground CNG/PNG and Slurry pipelines subject to the conditions mentioned in letter even dated 16.10.2000 of Ministry of Environment & Forests.
- 4. The relevant guideline pertaining to the issue highlighted is as under:

Para 4.2

Laying of Underground Optical Fiber Cables (OFC), telephone lines, drinking water supply pipelines, electricity cables, CNG/PNG and Slurry pipelines. General approval is

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accorded for the above listed projects along the roads within existing RoWs (trench size not more than two meter in depth and one meter in width) not falling in National Parks and Wildlife Sanctuaries without felling of trees. Approval, in addition to general conditions mentioned above under para 4.1, is subject to the following specific conditions:

- a. No tree felling is involved for the proposed work -After completion of the project the area under RoW should be reclaimed suitably.
- b. UA agrees to make good for any loss to Forest/Environment.
- c. The UA will seek permission from the local FD for carrying out any maintenance.
- d. In case, the proposed area falls in the RoW of the road passing through National Parks and Wildlife Sanctuaries, General Approval is subject to requisite permissions from the State Board for Wildlife shall be obtained.
- e. In case, the proposed area falls in the RoW of the road passing through Tiger Reserves, General Approval is subject to requisite permissions from the National Board for Wildlife/NTCA shall be obtained.

Para 4.1 states that

The Forest (Conservation) Act, 1980 and the Forest (Conservation) Rules, 2003, and amendments issued therein, provide the regulatory procedures for prior approval of the Central Government for diversion of forest land for non-forest use required by various User Agencies including the Central/State Government Departments and PSUs. However, the Central Government has granted General Approvals for diversion of forest land for the specified area in each case and for specified public utility services and critical/strategic defence infrastructure as detailed below, subject to the following:

- User Agency shall apply, online, in the "Form A" of the Forest (Conservation) Rules,
 2003 and amendments issued therein.
- b) The procedure for processing of the applications as stipulated in the Forest (Conservation) Rules 2003 as amended up to date will be strictly followed. However, in view of General Approval granted by the Central Government the decision for diversion of the forest land or rejection thereof will be taken by the respective State/UT

Government and a copy of the decision will be forwarded to the MoEF&CC and the its concerned Regional Office.

- c) The forest area involved is not within a National Park and/or a Wild Life Sanctuary.
- d) User Agency (UA) shall explore all feasible alternatives to minimize use of forest land.
- e) Forest land to be used shall be restricted to the bare minimum and shall be used only when it is unavoidable.
- f) The UA will submit scheme for Compensatory Afforestation as per extant guidelines in the matter.
- g) The UA shall pay the applicable NPV in pursuance of the orders of the Hon'ble Supreme Court.
- h) In addition to monthly report of diversions of forest land under General Approval accorded by MoEF&CC, each State/UT Government shall submit half yearly reports for the period ending June 30 and December 31 containing details of all forest lands diverted under the General Approval along with the status of actual utilization of the forest lands so diverted for the stated purpose, to MoEF&CC and its concerned Regional Office.
- (i) The diversions and compliance to the conditions will be monitored by the concerned Regional Office, MoEF&CC.

Decision of FAC:

FAC observed that as per existing guidelines dated 28.3.19, condition mentioned in Para 4.1 (f) is also applicable on the proposals mentioned in Para 4.2. In this regard, FAC further observed that this is an activity to be taken up in forest area which is already under non forest use.

After thorough deliberation on the issue, FAC recommended that CA may not be levied in case of laying of Underground Optical Fiber Cables (OFC), telephone lines, drinking water supply pipelines, electricity cables, CNG/PNG and Slurry pipelines within the RoW of existing roads (trench size not more than two meter in depth and one meter in width) not falling in National Parks and Wildlife Sanctuaries without felling of trees.

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Thus para 4.2 may be read as

Laying of Underground Optical Fiber Cables (OFC), telephone lines, drinking water supply pipelines, electricity cables, CNG/PNG and Slurry pipelines. General approval is accorded for these projects for taking up within RoW of existing roads (trench size not more than two meter in depth and one meter in width) not falling in National Parks and Wildlife Sanctuaries' without felling of trees. Approval, in addition to general conditions mentioned above under para 4.1 (except condition "f") is subject to the following specific conditions:

- a. No tree felling is involved for the proposed work -After completion of the project the area under RoW should be reclaimed suitably.
- b. UA agrees to make good of any loss to Forest/Environment.
- c. The UA will seek permission from the local FD for carrying out any maintenance.
- **d.** In case, the proposed area falls in the RoW of the road passing through National Parks and Wildlife Sanctuaries, General Approval is subject to prior permissions from the State Board for Wildlife.
- e. In case, the proposed area falls in the RoW of the road passing through Tiger Reserves, General Approval is subject to requisite permissions from the National Board for Wildlife/NTCA.

Agenda No. 12

File No. FC-11/72/2019-FC

Sub: Proposal for transfer of forest land within the Group Centre of CRPF, Kathgodown to Kendriya Vidyalaya Sangathan (KVS) for construction of Kendruya Vidyalaya, Reg.

- 1. The above stated agenda item was considered by FAC in its meeting on 23.4.2020. The corresponding agenda note may be seen at www.parivesh.nic.in.
- 2. FAC after through deliberation and discussion observed that:

- The proposal in question was accorded stage II approval in 2009 for non forest use of forest land for establishment of CRPF (Central Reserve Police Force) center at Kathgodam over 64.76 ha of forest land.
- ii. CRPF had reuested that it intends to establish a School by KVS over 7.5 acre out of already diverted forest area.
- iii. It is further informed that MHA (Ministry of Home Affairs) in consultation with KVS has approved establishment of a KV at Group Centre Campus in Kathgodam. Establishment of a school is necessary in the campus to facilitate the education to the children living in the Group Centre as well as wards of other Central/State Government employees and the local public.
- iv. It is also requested to wave off the condition that bar CRPF for further transfer the forest land to any other agency, as imposed by the State Government letter dated 29.04.2009. This relaxation will enable CRPF transfer of 7.5 acres land on lease to KVS for opening a Kendriya Vidyalaya.
- v. For taking further action on the request of CRPF, the Ministry referred this matter to RO Dehradun on 19.02.2020 and requested to take up this matter with State and UA and submit recommendation at the earliest.
- vi. In response of MoEF&CC request, RO Dehradun has submitted that after consultation with the nodal officer of the state it is learnt that in the earlier only 0.95 ha (2.34 acre) forest was proposed to be used for establishment of Kendriya Vidyalaya in the diverted forest area. This land use was approved by the Mininstry. Now CRPF proposes to use 7.5 acre. (approx 3 ha area.)
- vii. RO Dehradun has recommended for submission of a new proposal with land use change and fresh KML file of the area.

Decision of FAC:

After thorough deliberation and discussion FAC observed that the said area is already under non forest use. The present proposal involves issues related to change in the name of user agency as well as change in use area of the diverted land for the purpose already included in the original approved proposal.

This seems to more adminstartive in nature. Therefore, the FAC recommended that FC division of MoEF&CC may further analyse the issue adminstartively and if need be, may place before FAC for further deliberation.

Confirmed through e-mail (S. D. Vora)

Member

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

Confirmed through e-mail (Dr Sanjay Deshmukh) Member

Confirmed through e-mail (Sh Anmol Kumar)
Member

Addl. Director General of Forests (FC)

Not present
Additional Commissioner (Soil Conservation)

(Dr. Sanjay Kumar)
Director General of Forests and Special Secretary

Signature Not Verified

Digitally signed by ANJAN KUMAR MOHANTY