

MINUTES OF THE MEETING OF FOREST ADVISORY COMMITTEE HELD ON

29th April 2021

Policy Issue

Agenda No. 1

F.No.11-162/2020-FC

**Sub: Considering linear projects linked to mining projects as standalone projects
- reg.**

1. The above stated agenda item was discussed in the FAC meeting held on 29.4.21 through Video Conferencing.
2. It was informed that The Chairman-cum-managing Director, M/o Coal vide his DO letter dated 04.03.2021 has requested MoEF&CC to empower IRO/REC to grant approval to linear projects linked to earlier approved mining proposals for expeditious disposal.
3. In his justification for the request, the CMD coal has clarified that Coal India is mandated to meet the coal requirement of the country. Though coal mining and transportation both causes adverse impact on the environment, it has been observed that transportation of coal causes more air pollution than production of coal. Accordingly, M/s Coal India Limited has planned for mechanized evacuation of coal through conveyor belts along with Silo and dispatch via railway sidings for improving air quality in the mining areas. This will ensure reduced truck transportation, dust levels, greenhouse gas emissions and improved air quality. Road networks are also being strengthened, wherever needed, to ensure that they by-pass existing villages, resulting in improved safety of inhabitants and better air & noise quality levels near their habitations.
4. At present the guidelines issued under Forest Conservation Act (FCA 1980) stipulates that for "Mining projects", forest land clearances (irrespective of quantum of forest land) have to be accorded by MoEF&CC. Linear projects

like conveyor belts, Railway sidings and roads being executed by Coal India are considered as part of mining projects and for any such projects, clearances from the Ministry is required. Whereas commissioning of linear projects, other than that required for mining activities, over forest land (irrespective of quantum of FL) are accorded permission under FCA 1980 at Integrated Regional Offices of the Ministry.

5. Recommendations of the FAC meeting of 27.06.2019 on similar policy matter relating to the conveyor belts linked to mining projects was also deliberated, wherein, FAC recommended to consider the linear projects linked to mining as linear project subject to condition that such project will be dealt in the same office in which original proposal of corresponding mining proposal was considered, for the purpose of diversion under FC Act, 1980. Based on the recommendation of FAC, the Ministry had issued guidelines on 5.08.2019.

Decision of FAC:

The FAC reviewed the above guidelines dated 05.08.2019 in detail. During deliberations and discussions, the FAC observed that, in general, mining project proposals submitted in the very first instance for forest clearance are comprehensive enough. Roads and other extraction paths are already included in the mining plan submitted along with the forest clearance proposal, and the area of such extraction paths/ roads etc. is also included in the original forest clearance proposal. These mining proposals are dealt with by either the Integrated Regional Office/Regional Empowered Committee or the MoEF&CC (HQ)/ FAC as per delegation of powers under the Forest (Conservation) Rules, in their completeness (i.e. for both mining and extraction path together). However, at times it may be the case that there is a need for creating another extraction path after original project has been approved and mining has started due to a new exigency. Such exigency may also arise if the mining company or a group of miners in that area wish to deploy new technologies and establish conveyor belts, railway lines/sidings, MGRs, etc. for transportation of mined materials which are relatively more eco-friendly as compared to transportation by road. The Carbon footprints are also lower. Therefore, such supplementary linear forest clearance proposals conceived after approval of original forest clearance for the said mining area should be given preference.

The FAC also observed that there is a clear cut delegation of power under the Forest (Conservation) Rules as per which forest clearance of all linear

infrastructure project irrespective of area has been delegated to IRO/REC. Therefore, if there is a supplementary proposal for a linear infrastructure, the same should be dealt by IRO/ REC even if its utility pertains to a mining project which was dealt by MoEF&CC (HQ)/ FAC. The FAC observed that any delegation should always be complete in itself and it should not be ridden with conditions, otherwise decision making becomes delayed and difficult. On this account also, all linear projects should be dealt by IRO/ REC only even if they are supplementary or adjunct to any large mining project originally dealt by MoEF&CC(HQ)/ FAC.

The FAC also reviewed the rationale of the guideline dated 05.08.2019. It appears that the 05.08.2019 guidelines were framed on the premise that it is easier for the office which has dealt with the original mining proposal to deal any supplementary proposal also as the entire detail pertaining to various project parameters, past developments and decision of the Ministry, etc. are available with that office (IRO or MoEF&CC HQ). However, now all information is available online on PARVESH Portal which is accessible to the IRO as well, and other details are available through e-Office which is now operational 100% in MoEF&CC and its IROs.

Accordingly FAC recommended that supplementary linear projects linked to mining that are conceived after the start of the original mining, should be considered as a standalone linear project and they should be disposed by the REC/IRO concerned as per provisions provided in the Forest Conservation) Rules, 2003. However, to ensure that the sanctity of such delegation is maintained, the FAC further recommended that:

- i. All forthcoming forest clearance proposals (both for green field mining as well as brown field expansion) shall have an additional column for the project proponent to certify that they have critically examined the mineral extraction pathways and have found them to be adequate, and that no new extraction path outside mining area shall be proposed in the next minimum 5 years.
- ii. Incentives may be designed for such mining projects that use eco-friendly transport such as conveyor belt or electric transport (rail/road) from the very beginning. MoEF&CC may design and implement such incentives.
- iii. As far as possible, existing roads/ rails/ belts should be strengthened to minimise forest / tree cover loss.
- iv. In case of later-day supplementary proposal for extraction path (linear road/ rail/ belt project), cogent reasons/justifications of not including such linear infrastructure at the inception stage shall be provided by the User Agency.

The FAC recommended that the Ministry's Guidelines dated 05.08.2019 be updated on the above lines.

Agenda No. 2

F.No.8-277/1985-FC (VOL)

Sub: Clarification whether the 50% NPV or full NPV amount to be imposed for the proposals which were approved for underground mining before and later they have been converted for surface rights -Reg.

1. The above stated agenda item was discussed in the FAC meeting held on 29.04.2021.
2. Issues related is quantum of NPV to be charged on proposals seeking further forest diversion for use of surface forestland where diversion of forest land for underground mining has already been approved and user agency has paid NPV at the rate of 50 percent of the total NPV. The dispensation of charging 50% of applicable NPV is provided on account of no change in land use on surface.
3. The matter was referred by the Government of Telangana regarding diversion of 2.85 ha of forest in the Ramavaram RF of Kothagudem Division for installation of Submersible Pumps & Sand Stowing Plant at Padmavathi in favour of Singareni Collieries Company Limited (SCCL). This project is being installed over a forest area which has already been accorded permission for underground mining and 50 percent NPV has been paid for the project.

Decision of FAC

FAC after thorough deliberation and discussion observed that NPV is an assessed value to compensate losses arising on account of loss of ecosystem services due to diversion of forest land for non-forestry purposes. For the purpose of approval of forest land diversion. Under F(C) Act 1980, presently, the rates of NPV have been fixed based on vegetation density and forest type of the forest area proposed for diversion. The FAC also observed that the assessed NPV in any forest land diversion proposal can't exceed 100% of the above rate. Therefore, FAC

recommended that Ministry may clarify the matter by way of issuance of guidelines stating clearly that balance only 50% of NPV will need to be paid in case of surface use of forestland where diversion for underground mining has already been considered.

Additional Agenda

Acceptance of proposals submitted through online mode at PARIVESH Portal - reg.

1. The above stated agenda item was considered in the FAC meeting held on 29th April 2021.
2. It was informed that with the advent of online FC module for the submission, monitoring and tracking of applications seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980, the Ministry, vide its guidelines dated 24.07.2014 had clarified that from 15th July, 2014 onwards, all new forest clearance proposals will be accepted through online mode only. To facilitate smooth transition i.e. shifting from physical mode to online mode, it was also clarified in the said guidelines that for the initial one month, the project proponent will have the option to submit the proposal for forest clearance in both online mode through MoEF&CC's portal or in the offline mode as was being done by prior to 15th July, 2014.
3. Subsequently, FC module providing for online submission of FC applications was integrated with PARIVESH portal and the said portal was made functional from 10.08.2018 onwards.
4. During the intervening period, Ministry has been advising it IROs to process the FC cases received through online mode only. However, it has been noticed that FC proposals are not being processed without submission of hard/physical copy.
5. As per Ministry's Handbook of Forest (Conservation) Act, 1980 issued on 28.03.2019 at para 1.3 it is stipulated that

"1.3. Procedure for submission of proposals: All proposals for diversion of forest land for any non-forest purpose, irrespective of its ownership, requiring prior approval of the Central Government under FCA shall be submitted to the Nodal officer of the State/UT Government, **online in the appropriate form and as per the procedures & requirements** prescribed under the Forest (Conservation) Rules 2003, as amended from time to time."

Decision of FAC

After thorough deliberation and discussion by FAC with Regional officers IRO Bengaluru, Bhopal, Chandigarh and Shillong, it is recommended that processing of FC proposals will be based on submission of details/documents/information online on PARIVESH portal and deficiencies/ inaccuracies/ inappropriateness of the information/details/documents shall be the liability of the concerned user agency as well as State/Union Territory of Administration. If there is to be any exception to On-line processing due to technical issues such as limited access to internet (e.g. in some islands of A&N), the PCCF&HoD/HoFF shall make suitable prior arrangement for off-line processing of cases in consultation with the concerned IRO and in the meantime shall endeavour to move to 100% online processing as soon as possible.

(Confirmed through email)

(Sh S. D. Vora)

Member

(Confirmed)

(Sh Brijendra Swaroop)

Inspector General of Forests (FC)

(Confirmed through email)

(Sh Anmol Kumar)

(Confirmed through email)

(Dr Sanjay Deshmukh)

Member

(**Not present**)

(Sh Soumitra Dasgupta)

Additional Director General of Forests

Member

(**Confirmed through email**)

Additional Commissioner (Soil

Conservation)

Ministry Agriculture (Member)

(**Approved**)

(Dr. Sanjay Kumar)

Director General of Forests & Special Secretary