

**Recommendation of Forest Advisory Committee in its meeting held on 11th
May, 2022**

Agenda-1

File 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 subject agenda item was considered by FAC in its meeting held on 11.05.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting through video conference
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. FAC after through deliberation and discussion observed that:
 - i. The Proposal was earlier considered by FAC on 28.01.2015, 28.02.2017, 17.10.2019 and 23.04.2020.
 - ii. A Sub-Committee of the FAC also visited the area and after analysis of all issues in a holistic manner submitted the report to the FAC recommending the project.
 - iii. Comments of the M/o Power, Government of India, Wildlife Institute, Dehradun, NTCA, Impact Assessment and Wildlife Divisions of MoEF&CC were also obtained by the Forest Conservation Division. Ministry of Power has recommended the project. IA Division of the Ministry has also recommended the project. Similarly, WII and NTCA have suggested to take cognizance of certain safeguards and mitigating measures for the better conservation and protection of Wildlife in the area while considering the approval of project.
 - iv. Pr. Secretary (Forest)/PCCF (HoFF) informed the Committee that State Government is inclined to go ahead with the project. Committee was also apprised that all issues have been examined by the State, including representation received against the project from the public and after thorough examination and due diligence at State level, the

State has recommended the project for approval under the FC Act, 1980.

4. Decision of FAC:

After thorough deliberation and discussion with Pr. Secretary (Forest)/PCCF (HoFF), the FAC desired that almost all issues have been addressed in details by the Sub-Committee and the State. However, still there are some apprehensions/representations received from some quarters concerning to wildlife and other issues related to reported endemic flora and fauna of the area. To further address all such issues in a holistic manner, the FAC recommended the following:

- (i) A committee under the chairmanship of Dr. Sanjay Deshmukh, FAC member comprising the following members may be constituted to examine the content of all such representations made against the proposal:
 - a. Dr. Sanjay Deshmukh, FAC member-Chairperson
 - b. AIGF (FC), MoEF&CC, New Delhi.
 - c. A representative from concern IRO
 - d. A representative from Govt. of Arunachal Pradesh

The committee may submit their comments/report within three weeks.

- ii. A committee under the chairmanship of Regional Officer, Integrated Regional Office, Guwahati and Nodal Officer (FCA), Govt. of Arunachal Pradesh as a member may also be constituted to visit and monitor the compliance of conditions of various FC approvals for Hydro-electric Projects in past in the State of Arunachal Pradesh and submit their report **within three weeks**.
- iii. Both the committees are to be facilitated by the government of Arunachal Pradesh / PCCF (HoFF) and may provide all the logistics regarding visits to the area and arrangement of venue of the meeting.

Agenda No. 2

File No. 8-31/2021-FC

Subject: Diversion of 126.42 ha forest land for the construction of Sarkula Medium Lift Irrigation Project in favour of Water Resource Division under Shivpuri District of Madhya Pradesh State (Online No. FP/MP/IRRIG/34676/2018) - reg.

1. This proposal was considered by FAC in its meeting held on 11th May, 2022. The details of the proposal may be seen at www.parivesh.nic.in.
2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC which after thorough deliberation and discussion observed that:
 - i. The Government of Madhya Pradesh vide their letter No. F-3/53/2018/10-11/15/4119 dated 09.12.2021 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 (ii) of the Forest (Conservation) Act, 1980 on the above mentioned subject.
 - ii. The Nodal Officer, FCA, Government of Madhya Pradesh attended the meeting online and informed that the present proposal is for both i.e. 25% for drinking water and 75% for Irrigation.
 - iii. The DIGF (Central), Integrated Regional Office, Bhopal who has conducted the Site Inspection for this proposal also attended the meeting online and informed that 41 Nos. of families are to be displaced from the Non-Forest Area due to this project.
 - iv. IRO in its inspection report and DSS revealed that the area proposed for diversion has a check dam and an approach road. The year of construction of these could not be ascertained during site visit neither the departments which have constructed these structures could be ascertained.
 - v. The Nodal Officer, FCA, Government of Madhya Pradesh informed that the Compensatory Afforestation has been proposed on non – forest land having extent 126.655 ha in Village Tonka under Shivpuri District, Madhya Pradesh. However the area can accommodate around 50,400 plants and rest of the plantation (to compensate for loss of forest and tree cover) shall be taken up on 127.00 ha. of DFL.
 - vi. The DIGF (Central), Integrated Regional Office, Bhopal informed that during site visit it was observed that plenty of root stock of Acacia etc. is present in the non-forest area proposed for Compensatory Afforestation.
 - vii. DSS analysis reports that the actual forest area affected through the instant proposal is found to be 126.555 ha.

3. Decision of FAC:

After thorough deliberations and discussions with the Nodal Officer, FCA, Government of Madhya Pradesh the FAC **recommended the proposal** for diversion of 126.42 ha forest land for the construction of Sarkula Medium Lift Irrigation Project with General, Standard

and following specific conditions:

- i. DSS analysis of the area and the IRO report have revealed constructions of certain structure like check dams and approach road in the area proposed for diversion. The State Government shall verify these constructions to ascertain whether the said constructions actually can be construed as violation of Forest (Conservation) Act, 1980 and action, as appropriate may accordingly be initiated under intimation to MoEF&CC.
- ii. The Muck disposal plan shall be submitted.

Agenda No. 3

File No. 8-13/2020-FC

Subject: Proposal for diversion of 160 ha. of forest land for relocation of forest village Karmajhiri in Seoni District under Pench Tiger Reserve Buffer Zone in the State of Madhya Pradesh (Online No. FP/MP/FVC/39952/2019) - reg.

1. This proposal was considered by FAC in its meeting held on 11th May, 2022. The details of the proposal may be seen at www.parivesh.nic.in.
2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC which after thorough deliberation and discussion observed that:
 - i. The Government of Madhya Pradesh vide their letter No. F-5/891/2020/10-11/2397 dated 30.07.2020 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 (ii) of the Forest (Conservation) Act, 1980 on the above mentioned subject.
 - ii. This proposal was considered by FAC in its meeting held on dated 24.03.2021.
 - iii. The FAC deferred the proposal and desired the following clarification/additional information:
 - a. The State Government shall provide the detail of the extent of the area with documentary evidence which is presently under extreme adverse ecological pressure due to existence of Nistar Rights of inhabitants of the forest village, and that the proposed relocation will create inviolate areas of the same land in Pench Tiger Reserve accordingly.

- b. Ministry may seek legal opinion on applicability of the guidelines dt. 20.05.2019, (which was issued in pursuance of the direction of Hon'ble Supreme Court in their order dt. 28.01.2019 in IA No. 3924/2015 in WP (Civil) 202/1995) for relocation of village that do not form part of core area of a Tiger Reserve or part of any National Park or Wildlife Sanctuary.
- iv. The Ministry vide letter no. 8-13/2020-FC dated 12.05.2021 has requested the Government of Madhya Pradesh to take appropriate action in the matter as per recommendation of FAC.
- v. The Ministry vide letter dated 13.05.2021 has requested the ASG, Hon'ble Supreme Court of India to provide opinion on following point:
- " Whether the village Karmajhiri which does not form part of Core area of a Tiger Reserve or part of any National Park or Wildlife Sanctuary can be relocated to another forest area based upon the Hon'ble Supreme Court Orders in IA No. 3924/2015 in WP (Civil) 202/1995 dated 28.01.2019"*
- vi. The Government of Madhya Pradesh vide their letter no. F-5/891/2020/10- 11/4408 dated 30.12.2021 submitted the reply
- vii. The Addl. Govt. Advocate, Central Agency Section, Hon'ble Supreme Court Compound, New Delhi vide their email dated 31.01.2022 informed that Department concerned has to contact Advice Section, Ministry of Law & Justice, Department of Legal Affairs, Shastri Bhawan, New Delhi with self-contained note and relevant papers.
- viii. The Ministry vide note dated 02.02.2022 sought legal opinion from Ministry of Law and Justice.
- ix. The Ministry of Law and Justice vide note dated 04.02.2022 informed that :

It is observed that the referring Ministry is the nodal Ministry on the subject under reference. However, no comments, on the issue under reference, have been furnished by the referring Ministry in the present matter whereas the same is crucial for our consideration and to enable us to examine the matter in its correct perspective.

Therefore, at the first outset, the referring Ministry, being the nodal Ministry on the subject, is requested to examine the present issue at their own level in light of the applicable Law/Act on the subject and guidelines issued by the

Ministry vide letter no. F. No. 8-34/2017-FC dated 20.05.2019 as well as in light of the order(s) passed by the Hon'ble Supreme Court i.r.t. relevant matters on the subject.

After doing, the needful as requested/suggested above, the matter may be referred to us for our consideration and advice, if desires so, with the Ministry's own comments/inputs on the issue under reference.

- x. The Chief Wildlife Warden (CWLW), Government of Madhya Pradesh attended the meeting online and informed that the fringe forest area of the proposed village to be relocated has extreme biotic pressure due to existing Nistar Rights of inhabitants.
- xi. The Nodal Officer, FCA, Government of Madhya Pradesh attended the meeting online and informed that the village Karmajhiri is not a part of core area of Pench Tiger Reserve but the site supports critical Tiger habitat and State Government is in continuous process to declare the said site as Critical Tiger habitat

3. Decision of FAC:

After thorough deliberations and discussions with the Nodal Officer, FCA, Government of Madhya Pradesh the FAC **deferred the proposal** for diversion of 160 ha. of forest land for relocation of forest village Karmajhiri in view that the said proposal does not come under the preview of Ministry's guidelines dated 20.05.2019 regarding relocation of villages from National Parks, Sanctuaries and Tiger reserves based on Hon'ble Supreme Court Orders in IA No. 3924/2015 in WP (Civil) 202/1995 dated 28.01.2019.

The State Government of Madhya Pradesh is advised to furnish the notification of declaration of the area in question either as Core/Critical Wildlife Habitat of a Protected Area or Core/Critical Tiger Habitat under Pench Tiger Reserve.

Agenda No. 4

File No. 8-31/2019-FC

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

(Online No. FP/MH/REHAB/39365/2019) – reg.

1. This proposal was considered by FAC in its meeting held on 11th May, 2022. The details of the proposal may be seen at www.parivesh.nic.in.
2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC which after thorough deliberation and discussion observed that:
 - i. The Government of Maharashtra vide their letter No. FLD-2019/C.R. 291/F 10 dated 04.11.2019 submitted the above proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980.
 - ii. The instant proposal was discussed in FAC in its meeting held on 27.02.2020 wherein the Committee deferred the proposal with the following recommendations:
 - a. Since the proposal is not in conformity with the guidelines of Ministry dated 22.05.2019, the State Government, if so desires, may approach Supreme Court to seek relief in this regard.
 - b. Comments of National Tiger Conservation Authority (NTCA) on the proposed proposal may also be obtained by the MoEF&CC for further consideration by the Committee.
 - iii. The Ministry has received a letter no. 2-77CEC/SC/2019- Pt-VIII dated 04.03.2021 from the Central Empowered Committee on the above mentioned subject wherein views of the MoEF&CC on the letter dated 03.03.2021 received from Chief Wildlife Warden, Government of Maharashtra, Nagpur was requested.
 - iv. A policy issue was considered by FAC in its meeting held on dated 26.11.2021 wherein the FAC recommended as under:
 - a. The FAC after thorough deliberation and discussion agreed that voluntary relocation of villages from core/critical Tiger habitats and core of the Protected Areas is an important activity which is in favour of both wild animals and the inhabitants living inside wildlife rich areas. Such matters should therefore be taken up positively.
 - b. The people going in for voluntary relocation opt for different models and it may not be possible to ensure that the area being vacated is exactly same as the area proposed for diversion. Such matters are therefore required to be considered on case to case basis.
 - c. The anthropogenic pressure of a village is there beyond the village boundary and the area under Nistar/community rights may be considered as a part of the village area, provided the extent of such rights is duly recorded in the relevant records and

documentary evidence are available to support such claims. The total area proposed for diversion in such cases should not be more than the area of the village including the extent of recorded rights.

- d. The Forest Department should encourage rehabilitated families in relocated forest area for improvement of their livelihood based on tree/ forest based economic opportunities by providing appropriate training and imparting skill-sets in ecotourism, Bamboo and Medicinal plants and other NTFPs through sustainable collection, processing, value addition and marketing etc. to help in conservation of forest area around rehabilitation.
- v. In view of said recommendation of the Forest Advisory Committee, the approval of competent authority was attained on dated 27.01.2022.
- vi. Meanwhile the Hon'ble Supreme Court vide their order dated 14.12.2021 in IA No. 93836/2021 issued following order as under:

Permission is granted for relocating 145 families in Compartment No.14-B of Village Salori, District Chandrapur, Maharashtra for rehabilitation of families residing in Rantalodhi Village in Tadoba – Andhari Tiger Reserve, subject to grant of necessary permission by MOEF as recommended by CEC for diversion of 374.75 hectares of forest land for non-forest use.

- vii. As the recommendation of FAC and orders of Hon'ble Supreme Court were in line with each other. Therefore, the Ministry vide letter of even no. dated 09.02.2022 requested the State Government to take further necessary action as per the orders of the Hon'ble Supreme Court dated 14.12.2022.
- viii. The State Government vide letter their dated 11.04.2022 requested to consider the request of the Chief Wildlife Warden, Maharashtra for de-reservation of 374.75 ha of Forest Land for rehabilitation of Rantalodi village from Core Area of Tadoba Andhari Tiger Reserve, Maharashtra to Chandrapur Forest Division ”.

3. Decision of FAC:

After thorough deliberations and discussions with the Nodal Officer, FCA, Government of Madhya Pradesh the FAC **recommended the proposal** for diversion of 374.75 ha of forest land under the Forest (Conservation) Act, 1980 for rehabilitation of Rantalodhi Village with General and Standard conditions in light of Hon'ble Supreme Court order dated 14.12.2021 in IA No. 93836/2021 and decision taken in the meeting of FAC held on 26.11.2021.

AGENDA ITEM No. 5

F. No.8-88/1998-FC

Sub: Extension of Forest Clearance co-terminus with the extended mining lease period for Belakundi Iron & Manganese Mining Lease of M/s OMDC Ltd. regarding.

1. The above stated agenda item was considered by FAC in its meeting on 11.05.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting through video conference.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. FAC after through deliberation and discussion observed that:
 - i. Proposal relates to extension of validity of approval granted under the Forest (Conservation) Act, 1980 to Belkundi Iron & Manganese Mining lease of M/s OMDC.
 - ii. Total area of Mining lease is 1276.79 ha, comprising of 695.907 ha of forest land (RF and Revenue land) and 580.883 ha of non-forest land.
 - iii. Stage-II approval under the Forest (Conservation) Act, 1980 was granted by the Ministry vide letter dated 15.08.2006 over an area of 384.54 ha.
 - iv. M/s OMDC Ltd has deposited Rs. 32,72,41,4801- towards NPV over 448.276 ha forest land. Subsequently, 266.455 ha of Sabik land and 3.931 ha of deemed forest land were also identified in the lease area of the user agency.
 - v. Government of Odisha vide their letter dated 08.12.2021 requested to extend the approval granted under the Forest (Conservation) Act, 1980 to make it co-terminus with the lease period for Belkundi mine of Ms/ Orissa Mines Development Corporation (OMDC) granted on 3.02.2020 for a period 20 years w.e.f. 15.08.2006 to 15.08.2026
 - vi. The FAC also observed that MoEF&CC has already issued guidelines dated 1.04.2015, incorporated at Para 7.3 (iii) of the Handbook of the Forest (Conservation) Act, 1980 wherein it is provided that in case of existing mining leases where approval under the FC Act, 1980 has been granted in the past, the period of validity of

approvals accorded under Section-2 of the FC Act shall be deemed to have been extended up to a period co-terminus with the period of mining lease in accordance with the provisions of the MMDR Act, 1957.

vii. Committee also observed that in the meeting of Committee held on 30.03.2020, similar cases of Odisha and Chhattisgarh were considered wherein Committee inter-alia observed that there does not seem to be any impediment in extending the prior approval granted under the FCA-1980 for mining projects of government companies. Committee also observed that it will be appropriate for the Central Government to appraise the conditions of extension of mining projects in terms of (a) whether the conditions stipulated in the previous forest clearance related to compensatory afforestation and other mitigation measures have been adequately met or not, and (b) if the extension of mining beyond 50 years will require any additional mitigation measure because of new situation on the ground.

viii. Committee also observed that IRO of the Ministry at Bhubaneswar carried out the site inspection of the area and recommended stipulation of certain conditions.

4. Decision of FAC: The Committee had detailed discussion and deliberation with Regional officer, Bhubaneswar and Nodal officer (FCA) of Odisha. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee recommended that a Sub-Committee of the FAC, comprising of Shri Anmol Kumar, Member and Regional Officer, IRO, Bhabaneswar will visit the area to ascertain the following:

- i. Status of compliance of conditions stipulated in the approval granted by the Ministry vide letter dated 15.08.2006
- ii. Status of approvals obtained by the user agency in respect of forest area, identified subsequently in the mining lease area of the user agency
- iii. Status of forests and the mining site as of now.
- iv. Current status of mining operations in the forest area by the user agency

Additional Agenda No. 1

F. No. 8-06/2022-FC

Sub: Proposal for non-forestry use of 214.869 ha of forest land in favour of M/s Maharashtra State Power Generation Company Limited (MAHAGENCO) for Gare

Pelma Cector -II Opencast Coal Mining Project in the Mand Raigarh Coalfield, in District Raigarh (Chhattisgarh) – reg.

1. The above stated agenda item was considered by FAC in its meeting on 11.05.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting through video conference.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. FAC after through deliberation and discussion observed that:
 - i. Proposal envisages non-forestry use of 214.869 ha of forest land. Proposal involves 2368.618 ha of non-forest land also. Total area required for the project is 2583.487 ha.
 - ii. Legal status of forest land is Protected Forests and Revenue Forests involving areas of 99.735 ha and 115.134 ha, respectively. Vegetation density of 0.5 has been reported with 3684 project affected trees.
 - iii. Compensatory afforestation has been proposed over equivalent non-forest land of 214.938 ha in two patches in Raigarh District of State. CA scheme for an area of 119.455 ha has been submitted along with the proposal. Site suitability certificates from the DCF concerned have not been submitted and uploaded online.
 - iv. Proposal does not form part of any National Park, Wildlife Sanctuary, wildlife Corridors and no PAs are located within a distance of 10 km from the boundary of area proposed for diversion Protected Area. However, movement of elephants have been reported in the nearby areas. A Wildlife Management Plan has been prepared .
 - v. Extant Coal Block has been allotted by Ministry of Coal vide order dated 31.08.2015 to M/s Maharashtra State Power generation Company Limited (MAHAGENCO) for utilization in end use plant viz. three Thermal Power Projects viz. Chandrapur TPP (1000MW), Koradi TPP (1980 MW), Parli TPP (250 MW) in Maharashtra.
 - vi. Regional Office of the Ministry at Raipur carried out the site inspection of the area proposed for diversion and recommended the proposal for diversion subject to certain conditions.
 - vii. Forest Conservation Division of the Ministry, after scrutiny of the proposal, observed certain shortcomings, which have been replied by the State. Summary of the same is as under:

- a. Project affected trees is 3684 as per the site specific enumeration report by the filed officials.
 - b. User agency has made adequate provisions of embankment all the western and eastern banks of Kelo river.
 - c. No forest land is involved in the approach road.
 - d. Cost benefit analysis of the project is estimated on higher side due to fact that owing to poor vegetation the value of parameter corresponding to NPV is quite low resulting into lower estimates of total cost of the project while the quality of coal in the project area is good quality yielding comparatively higher economic returns.
 - e. Measures included in the Wildlife Management Plan have been approved by the PCCF (Wildlife) and CWLW, Chhattisgarh.
 - f. Details of area identified for afforestation in lieu of 1.5 times the area of safety zone has been submitted along with supporting attributes.
 - g. Coal evacuation has been proposed through Bhalumuda railway station of Chhattisgarh East Railway limited (CERL), which is adjacent from the GP-II coal block and was made operational by railways w.e.f.7.03.2022.
- viii. Regional Officer, Raipur informed the Committee that there are number of mines working in the Gare Pelma area, besides many industries also operating in the area. Therefore, a study to assess the cumulative impact of all such activities on the hydrological regimes of Kelo river needs to be undertaken by the State. IRO also informed that mining should be carried out after leaving embankment area from the bank of river Kelo as per the relevant guidelines of DGMS.
- ix. Proposal involves displacement of people from the non-forest land. R&R Plan has prepared and approved by the concerned authority of the State.
 - x. No violations of Forest (Conservation) Act, 1980 have been reported by the State and IRO. Authorities in the State Government and State Forest Department have recommended the proposal for approval under the Forest (Conservation) Act, 1980.
5. **Decision of FAC:** The Committee had detailed discussion and deliberation with Regional officer, Raipur. After going through the facts of the proposal, the Committee **recommended the proposal** for grant of Stage-I approval under the Forest (Conservation) Act, 1980 subject to fulfilment of general, standard applicable to coal mining projects and following specific conditions:
- i. Mine is located close to Kelo River flowing in the area. Numbers of mines are operational in the area which may cause threat to hydrological regime viz. Kelo river

and its rivulet, therefore, a study to assess the hydrological regimes and cumulative impact of mining and industrial activities being undertaken in the Gare Pelma area, on the hydrological regimes of area shall be undertaken in consultation with the Water Resource Department and the same shall be submitted along with considered opinion of Water Resource Department of the State before Stage-II approval. Recommendation to be made in the study shall be implemented by the State from the funds to be realized from the agencies, on pro rata basis, working in the area. The user agency shall also keep adequate area, as per the guidelines of DGMS (Director General of Mine Safety), along the bank of River Kelo as intact and no mining should be carried out in this area. Embankment should be constructed to ensure protection of river and its hydrology from the mining.

- ii. A Soil and Moisture Conservation (SMC) work plan to mitigate the impact of the proposed mining activity on the local rivulets (nallah) shall be prepared by the user agency in consultation with the State Forest Department and the same shall be submitted along with Stage-I compliance. Cost of implementation of the provisions of the said Plan will be deposited into the CAMPA and the same shall be intimated to the Ministry before Stage-II approval.
- iii. Elephant/Wildlife Management Plans should be revised and prepared keeping in view the locality factors, occurrence of wildlife, management interventions required for areas. State Government may also get the revised Plan verified by an institute of repute. Cost of implementation of the Plan so finalized shall be deposited into State CAMPA and detail of the same along with approved Plan shall be submitted to the Ministry before Stage-II approval.
- iv. Proposal involves displacement from non-forest land. A copy of approved R&R plan, prepared in consonance with the R&R policy of the State, shall be submitted along with the compliance of Stage-I approval. It shall be ensured that no rehabilitation is proposed on the forest land.
- v. Final Mining Plan, after rectifying the detail of forest area involved in the mining leases and being approved under the Forest (Conservation) Act, 1980, shall be submitted to the Ministry before Stage-II approval.
- vi. Area of green belt proposed by the user agency should be increased to cover maximum possible area under the green belt in the lease area of the agency and a report containing the detail of areas proposed to be kept as green belt should be submitted before Stage-II approval.

Policy Issue

Sub: Charging of an lump sum amount of the project cost towards the cost of implementation of the Wildlife Management Plan and lump sum amount of the project cost towards the cost of implementation of Soil and Moisture Conservation Plan –reg.

1. The Committee considered the above mentioned policy issue and observed as under:
2. Approval granted under the FC Act, 1980 for mining project mostly carries conditions pertaining to preparation of Wildlife Management or Soil and Moisture conservation Plan by the State in consultation with the Institute of repute.
3. Generally, preparation of such plans by the premier/reputed institutes consumes substantial time resulting into considerable delay in the process ultimately delaying the commencement of different developmental projects.
4. Committee was apprised that many proposals in the States like Odisha, Chhattisgarh, and Jharkhand are pending for want of submission of these plans and deposition of cost into the account of CAMPA.
5. During the various reviews of root causes analysis of factors responsible for delays in the process of approval, such plans have also been observed to be causing delays in the process of seeking approval of the Central Government. It is also observed in such reviews that although delay are not attributed to the user agencies, yet the user agency has to bear the impacts of delayed execution of project of account of increased interests burden of the project, increased implementation and operational cost, etc.
6. **Decision of the FAC:** After thorough deliberation, the Committee opined that such situation needs to be resolved and a balanced view on the conservation and developmental needs of the country is to be taken. In order to streamline the process of approval under the Forest (Conservation) Act, 1980, the step taken should not compromise on the issue of conservation and protection of our natural resources on one hand and should not hamper the legitimate development need of the nation on the other hand due to procedural requirements. Committee further observed that implementation of mitigating measures as recommended by the Committee should invariably be commenced with the commencement of non-forestry use of forest land. Under no circumstances, such mitigating measures should be delayed beyond 2 years

to ensure commencement of rejuvenation of ecosystem services lost from the area due to the non-forestry use of forest land at the earliest possible time. After detailed deliberations and discussion in the matter with the official of the Forest Conservation Division and Regional Officers, the Committee recommended the following:

- i. The State Government should submit Wildlife Management Plan, along with detail cost of its implementation into the account of CAMPA along with the Stage-I compliance. However, in cases where it is not possible for the State to submit the compliance due to delay in preparation of such plan, a lump sum quantum of following amount may be realized from the User agency and submitted along with the Stage I Compliance:
 - a. 2% of total project cost towards the cost of implementation of the Wildlife Management Plan and/or 0.5% of the project cost towards the cost of implementation of Soil and Moisture Conservation Plan, as the case may be, shall be charged from the user agency and deposited into the account of CAMPA and the same may be intimated to the MoEF&CC for the purpose of obtaining approval under the FC Act, 1980.
 - b. The provisions provided in the WLMP or SMC Plan shall be approved by the competent authority in the State and accordingly, the deficit amount, if any, from the money already realized to the tune of 2% and/or 0.5% of project cost, shall be paid by the user agency, and same shall be deposit in the CAMPA account prior to actual working on the Forest area.
 - c. The State Government shall ensure that details of the finalized WLMP, SMC Plan and disposition of monies, payment of deficit amount, etc. shall be intimated to and concurred by the concerned IRO of the Ministry before actual breaking/Non forestry use of the forest land.

(Confirmed through email)

(Sh S. D. Vora)

FAC Member

(Confirmed through email)

(Dr Sanjay Deshmukh)

FAC Member

(Confirmed through email)

(Sh Anmol Kumar)

FAC Member

Confirmed through email)

(Sh Om Prakash Sharma)

FAC Member

(Confirmed)

(Sh S.P. Yadav)

Additional Director General of Forests

(Confirmed)

(Sh Ramesh Kumar Pandey)

Member Secretary (FAC)

(Approved)

(Sh. C.P. Goyal)

Director General of Forests & Special Secretary