

Sandeep Sharma, AIGF (FC)

Agenda No. 1

F. No. 8-32/2018-FC

Sub: Proposal for diversion of 48.83 ha of forest land for construction of Markatola Tank in favour of Water Resource Department, Rajnandgaon under Forest (Conservation) Act, 1980 in Rajnandgaon District in the State of Chhattisgarh-reg.

The above stated agenda was placed before FAC on 17.5.18. FAC after thorough deliberation and discussion observed that

1. The State Government of Chhattisgarh vide their letter No. F-5-6/2018/10-2 dated 21.03.2018 had submitted the above-mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. The proposal pertains to requirement of forest land for construction of water tank by water resource department
3. It is proposed that the density of the protected forest is 0.5 and site quality is V.
4. It is reported that area is not significant from wild life point of view
5. It is reported that it doesnot forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc.
6. It is reported that there is no protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area
7. No work in violation of FCA 1980 has been carried out in the area.
8. Compensatory afforestation has been reported to have been proposed over 102.237 ha of Orange Forest Land.
9. Cost benefit ratio has not been calculated as per latest guidelines dated 01.08.2017 issued by MoEF&CC.
10. DFO had recommended the proposal subject to following conditions:
 - a) The project proponent shall not violate the provisions of Indian Forest Act, 1927, Wildlife (Protection) Act, 1972, Forest Conservation Act, 1980 and Biodiversity Act, 2002.
 - b) Clearing of forest land shall not be done and breaking of forest land shall not be done
 - c) No damage to the flora and fauna shall be caused.
 - d) Environment shall not be polluted.
 - e) Temporary road shall not be constructed in forest area.
11. The proposal is recommended by CCF,PCCF/Nodal and state government.

Recommendation of FAC

FAC after thorough deliberation and discussion observed that

1. Compensatory afforestation is proposed over 100 ha of Orange Forest land in lieu of forest area sought for diversion. On analysis on DSS it is observed that some compartment of the proposed CA area is falling in protected Forest. Since present proposal is a state government project, double degraded forest area for



CA cannot be accepted and need reverification. State government shall revise the CA scheme and the area proposed for CA plantation and submits it along with DSS analysis report for consideration of FAC.

2. Detail land use plan of the proposed area is not given. State government shall submit land use plan.
3. As per enumeration list of trees to be felled submitted by state government it is observed that 7910 trees are to be felled but in DFO recommendation it is reported that cleaning of forest and breaking of land shall not be done. This recommendation of DFO may be clarified.
4. As per description provided in the proposal it is mentioned that the total period for which forest land is proposed for diversion is only for one year. This detail need further clarification from state government
5. State government shall submit cost benefit analysis as per latest guidelines dated 01.08.2017 issued by MoEF&CC.

Agenda No. 2

F.No. 8-82/2014-FC

Sub: Diversion of 1,038.187 hectares of Revenue and DLC forest land including 4.051 hectares under safety zone within the lease hold area of 1,914.063 hectares allocated for opencast coal project (OCP) by M/s. MNH Shakti Ltd. (Talabira II and III OCP) in Jharsuguda and Sambalpur Forest Division within the jurisdiction of Jharsuguda district and Sambalpur district of Odisha- Subsequent re-allotment of Talabira II and III OCP coal blocks in favour of M/s. Neyveli Lignite Corporation (NLC) India Limited following cancellation of allotment the said coal blocks to the prior allottee i.e. M/s. MNH Shakti Ltd.as per Hon'ble Supreme Court's order.

The above subject proposal was considered by the FAC in its meeting held on 17.5.18.FAC observed that

1. This proposal was earlier considered by FAC on 16.11.17.
2. The diversion proposal for 1,038.187 hectares of Revenue and DLC forest land including 4.051 hectares under safety zone within the lease hold area of 1,914.063 hectares in Talabira II and Talabira-III coal block was submitted by State Government of Odisha in favour of MNH Shakti Ltd. on 5th May 2014. MNH Shakti Ltd was a Joint Venture Company (JVC) formed among Mahanadi Coalfields Ltd., M/s Neyveli Lignite Corporation Ltd., and M/s Hindalco Industries Ltd. incorporated under Companies Act 1956 (No.1 of 1956) on 16.7.2008.
3. Before the forest clearance could be granted the Supreme Court in their order dated 25th August 2014 cancelled allocation of 214 Coal Blocks, including the Talabira –II and Talabira –III coal Blocks allotted to M/S MNS Shakti Ltd. Therefore, the Ministry vide its letter dated 18.11.2014 decided to close the said proposal in the Ministry and communicated to the State Government.
4. Government of Odisha vide their letter No.10F (Cons)/72/2013/14211/F&E dated 06.07.2017 sought clarification regarding subsequent re-allotment of Talabira II and III OCP coal blocks in favour of M/s. Neyveli Lignite Corporation (NLC)



India Limited following cancellation of allotment the said coal blocks to the prior allottee i.e. M/s. MNH Shakti Ltd. as per Supreme Court's order.

5. The Ministry vide its letter dated 06.09.2017 clarified that as per the guidelines dated 09.06.2015 pending proposal may be process if they have been submitted by the respective new allottees selected or to be elected by the Central Government in accordance with the provisions of the Coal Mines (Special Provisions) Act, 2015 and rules framed thereunder, once the following procedural formalities are completed
 - (i) Duly filled in part-I of the application in the format prescribed in Form-A appended to the Forest (Conservation) Rules, 2003 along with all necessary undertakings/certificates, including documentary proof in support of allocation of such block in favour of the new allottee and details of non-forest/revenue forest land identified for creation of compensatory afforestation, wherever required, is submitted by the new allottee to the Nodal Officer concerned;
 - (ii) Non-forest/revenue forest land identified by the new allottee for creation of compensatory afforestation, wherever required, is inspected and found to be suitable for creation of compensatory afforestation and from management point of view by the Divisional Forest Officer(s) having jurisdiction over such land; and
 - (iii) A copy of part-I of Form-A along with all necessary undertakings/certificates submitted by the new allottee along with a certificate from the Divisional Forest Officer(s) having jurisdiction over the non-forest/revenue land identified for creation of compensatory afforestation, wherever required, stating therein that such land is suitable for creation of compensatory afforestation and from management point of view, is provided by the Nodal Officer or the State Government concerned to the authority with whom the proposal submitted by the original allottee is presently pending. Such documents will substitute and replace the corresponding documents available in the proposal submitted by the original allottee.

6. The State Government of Odisha vide their letter no. 10F(Cons) 72/2013/20567/F&E dated 07.10.2017 informed that vide No.20959 dt.22/09/2017 the duly filled in part-I of Form-A provided by the new allottee i.e M/s Neyveli Lignite Corporation (NLC) India Limited has been submitted along with necessary undertakings and other documents pertaining to forest area coming within jurisdiction of **Sambalpur Forest Division and Jharsuguda Forest Division** of this coal block duly countersigned by the respective DFOs in respect of above forest diversion proposal in a separate volume in compliance to the guidelines dt.09/06/2015 of MoEF&CC for further processing / considering the forest diversion proposal under Section 2 of FC Act, 1980.

7. However as per the guideline dated 09.06.2015, the CA site selected by new allottee shall be inspected again and suitability of the site need to be verified by the field officers and endorsed by nodal officer. The shape files of CA land submitted by the old allottee was analyse on DSS and it was found that the CA site is not a

degraded forest and area is having patches of medium dense forest (MDF) as well as very dense forests (VDF) due to passage of time since the CA site was proposed earlier along with diversion proposal.

8. The project involves 1894 no. of Project displaced families including 443 no. of SC families and 575 no. of ST families. The R&R Plan is required to be prepared and implemented with due approval of the RPDAC/State Government before commencement of project activities on final forest clearance.
9. **Recommendation of FAC on 16.11.2017:** FAC after thorough deliberation and discussion with user agency, Nodal Officer Odisha, APCCF, Regional Office, Bhubaneswar recommended that:
 - i) If the mining plan and the proposed land use has changed from that in the original proposal submitted by M/S MNH Shakti Ltd, then the revised proposal will be submitted along with mining plan. State Government in discussion with the user agency shall revise the land use plan so that forest land can be put to use only for those components which are site specific and are essentially required for mining on forest area only. Since the lease area consists of both forest and non-forest land, the possibility of shifting all activities except mining pits to non-forest land within the lease shall be explored.
 - ii) Nodal officer of State shall identify double the degraded forest land for Compensatory afforestation after analysing the same on the DSS prior to submission to MoEF&CC.
 - iii) **Regional office will examine the completeness of the proposal in all respect and carry out fresh Site inspection of the proposed site for diversion as well as the compensatory afforestation site offered by the user agency. The SIR shall have special mention about possibility of reducing felling of trees within the lease area.**
 - iv) R&R plan duly approved by competent authority shall be submitted.
 - v) Complete compliance of the FRA must be done and certificate should be submitted by the State Government.
10. Based on the above recommendation, the State Govt. of Odisha and Regional Office, Bhubaneswar vide this Ministry's letter dated 07.12.2017 requested for compliance.
11. In response to Ministry's letter dated 07.12.2017 the State Government of Odisha vide their letter No.10F(Cons)/246/17/9380/F&E dated 21.04.2018 has furnished their reply with a request to consider the same and take further steps for according In -principal approval for diversion of 1038.187 HA of Revenue and DLC forest land including 4.051 HA under safety zone within the leasehold area of 1914.063 HA of allocated for Open Cast Coal Project (OCP) by the new allocation i.e. M/s Neyveli Lignite Corporation (NLC) India Ltd. (Talabira II & III OCP)in Jharsaguda and Sambalpur Forest Division within the jurisdiction of Jharsaguda District and Sambalpur District of Odisha subject to compliance of all such relevant

condition as per MoEF's guidelines in force pertaining to projects involving Diversion of more than 500 HA of forest land.

The information sought by MoEF&CC and reply given by the State Govt. are as follows:

S. No.	Information sought by MoEF&CC	Response of State Govt.
(i)	If the mining plan and the proposed land use has changed from that in the original proposal submitted by M/S MNH Shakti Ltd, then the revised proposal will be submitted along with mining plan. State government in discussion with the user agency shall revise the land use plan so that forest land can be put to use only for those components which are site specific and are essentially required for mining on forest area only. Since the lease area consists of both forest and non-forest land, the possibility of shifting all activities except mining pits to non-forest land within the lease shall be explored.	In compliance to this condition, the State Government has reported that the new allocattee has modified the proposed land use pattern within the total coal block area bringing about certain changes in the area of different components like infrastructure, external dump, embankment, green belt area coming within both inside/outside the blasting danger zone which has been countersigned by Divisional Forest Officer, Sambalpur. However copy of revised Mining Plan duly approved by Competent Authority indicating the modification in land use suggested by new allocattee now, has not been furnished .
(ii)	Nodal Officer of State shall identify double the degraded forest land for Compensatory afforestation after analysing the same on the DSS prior to submission to MoEF&CC.	In compliance to this condition, the State Government has reported that in lieu of 1038.187 ha of forest land proposed for diversion under this coal mining project, 10,38,187 no. of plants are required to be raised in non-forest land/degraded forest land/revenue kism land as per MOEF&CC guidelines bearing F. No.11-423/2011-FC dt. 08.11.2017. In compliance to the above observation of MOEF&CC and guidelines of the Ministry stated above, 1034 ha of degraded forest land under the control of Forest Department and 534.081 ha of degrade revenue forest kism of land

		<p>has been identified within the jurisdiction of Bolangir, Subarnapur & Sambalpur Forest Division for the purpose of raising compensatory afforestation. As many as four no. of site specific compensatory afforestation schemes have been prepared by concerned Divisional Forest officers and approved by the Addl. PCCF (forest Division) & Nodal Officer, FC Act for their execution at Project Cost. The details of identified CA land and schemes so approved are indicated below.</p> <p>(a) The DFO, Bolangir has identified 564.00ha of degraded forest land for the purpose of compensatory afforestation against this project comprising of 343 ha in Suliamal PRF of saintala Range and 221 ha in Tikhri RF of Muribahal Range. Accordingly he has prepared a CA scheme over 564 ha as identified above for ANR mode of plantation @400 plants per hectare with 10 years maintenance along with barbed wire fencing etc. The CA scheme has been technically approved by Addl. PCCF (FD & No. FC Act) with a total Financial outlay of 4,83,57,000/- at current wage rate of 213.50 per manday including cost of maintenance of 10 years.</p> <p>The DFO, Bolangir has furnished land suitability of the identified degraded forest land. The species selected for the scheme includes <i>Dalbergiasissoo</i>(Sissoo), <i>Gmelinaarborea</i> (Gambhar), <i>Embliaofficinalis</i>(Amla), <i>Dendrocalamusstrictus</i> (Salia Bamboo), <i>Simarubaglauca</i>(simaruba), <i>Tectonagrandis</i>(Teak), <i>Acacia catechu</i> (khair) etc. The maps of CA area in degraded forest land including GPS readings of pillar and sol topomaps showing the identified CA land are also attached to the CA scheme.</p> <p>(b) The DFO, Subarnapur Division has identified 360 ha of degraded forest land for the purpose of compensatory afforestation against this project comprising of 60 ha in kumbharmunda RF of Subarnapur Range, 40 ha in Gaurhagarh RF and 50 ha in Dudura RF (both in Birmaharajpur Range), 50 ha each in Baradungri RF and Binka RF in Binika Range and 50 ha Harinapali RF ,25</p>
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		<p>ha in Barali RF and 35 Ha in Gheekundi RF(All in Ullunda Range) of Subarnapur Division. Out of 360ha of degraded forest land identified, the DFO has proposed to take off artificial Re-generation (Bald Hill) over 220 ha @1600 plants per ha and assisted Natural Re-generation over 140 ha @ 800 plant per ha. The CA scheme over 360 ha as identified above for AR/ANR mode of plantation has been prepared by DFO, Subarnapur with 10 yrs maintenance along with barbed wire fencing etc. The scheme has been technically approved by Addl. PPCF (FD&No., FC Act) with a total financial outlay of Rs 11,32,95.600/- current wage rate of 213.50 per manday including cost of maintenance of 10 years .</p> <p>The DFO, Subarnapur has furnished land suitability of the identified degraded forest land . The Species selected for this scheme includes Terminalia arjuna (Arjuna), Albizzialebbeck (kala Siris), Albiziaproceral(DhalaSiris), Dendrocalamusstrictus (Salia Bamboo), Azardirectaindica (Neem), Tamarindusindica (Tentuli), Dalbergiasissoo(Sissoo), Techtonagrandis(Teak),Acacia catechu(Khaira) etc. The maps of CA area in degraded forest land including GPS readings of pillar and sol topomaps showing the identified CA land are also attached to the CA scheme.</p> <p>(c) The DFO , Sambalpur , Division has identified 110 Ha of degared forest land for the purpose for compenstaryafforestaion against this, project comprising of 55 Ha each in table – A RF and Brisingharh RF of Sadar Range of Sambalpur Division. The CA scheme over 110 Ha as identified above for ANR mode of Palantion @ 400 Palnt per Ha has been prerapred by DFO, Sambalpur with 10 years maintenance alaong with barbed wire fencing, SMC measure etc. The Scheme has been techinally approved by Addl. PCCF (FD&NO, FC ACT) with the total financial outlay of Rs 1,72,00,000/- @ current wage rate of 213.50 per manday including cost of maintenance of 10 Years (</p> <p>The DFO, Sambalpur has furnished land</p>
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		<p>suitability of the identified degraded suitable land . The species selected for the scheme includes Manginifaraindica (Mango), Syzygiumcumini (Jamum), <u>Albiziaodoratissima</u> (kalasiris) , Albiziaprocera (dhalasiris), dendrocalamusstrictus (salia bamboo), Azadirachtaindica (neem), <u>Dalbergiasissoo</u> (sissoo), Acacia catechu (khair) etc. The map of CA Area in dergared forest land indicating GPS reading of pillars and Sol topomap showing the identified CA land are also attached to the CA scheme.</p> <p>(d) Further the Sambalpur district administration has provided degraded revenue forest Kisam land to the extent of 534.081 Ha comprising of 471.552 Ha in several villages of RengaliTahasil and remaining area in ManeswarThasil free from encroachment for the purpose of Compensatory afforestation against this project . The detailed land scheme of allotted Revenue forest land is also attached to the CA scheme. The CA scheme over 534.081 Ha comrpisng of ANR mode of the planation @1000 plants per hectare over 234.23 Ha in village Bomaloi, Telimal, Bhursipali, and Jalrli of RengaliThasil, @800 plants per Ha over 180.829 Ha in village Runimahul, Katerduha of Rengali Tahsil @400 plants per HA over 119.022 HA in village Dharopani and Derba of RengaliTahsil has been prepared by DFO/Sambalpur with 10 years maintenance along with barbed wire fencing, SMC measures etc. in the scheme has been technically approved by Additional PCCF (FD & NO,FC Act) with a total financial outlay of Rs. 9,38,06,200/- at current wage rate of Rs. 213.50 per manday including cost of maintenance 10 years</p> <p>The DFO, Sambalpur has furnished the land suitability of the identified degraded Revenue Forest land The species selected for this scheme include manginifaraindica (Mango), Artocarpusintegrifolia (Jack fruit), Syzygiumcumini (Jamum), <u>Albiziaodoratissima</u> (kalasiris) , Albiziaprocera (dhalasiris), dendrocalamusstrictus (salia bamboo), Azadirachtaindica (neem), <u>Dalbergiasissoo</u> (sissoo), Acacia catechu (khair), <u>Gmelinaarborea</u> (gambhar), emblicaofficinalis (Amla), etc. The</p>
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		<p>map of CA Area in degraded revenue forest land indicating GPS reading of pillars are also attached to the CA scheme. <u>In case, the revenue forest are allotted for the purpose of compensatory afforestation is not a notified forest under Odisha forest Act 1972, The same extent of revenue forest land are to alienated/mutated in favor forest Department for its subsequent declaration under sec. 33 of Odisha forest Act 1972 as per provision of point (VII) of explanation 2 under para 3.2 (I) of FC Act guidelines as communicated vide letter no. F.No. 11-423/2011-FC,dt:08.11.2017.</u></p> <p>Taking all the four approved CA scheme 11,60,102 no. of plants are to raised as against requirement of 10,38,187 no. of plants @ 1000 plants per each HA of forest land being diverted in this project as per prescription of MoEF&CC guidelines F.No. 11-423/2011-FC,dt:08.11.2017. Further it has also been reported that all the identified degraded revenue forest lands and degraded forest lands under F&E department have been primarily analyzed by the respective DFO's on DSS portal and according to the site suitability, the site specific compensatory afforestation scheme has been prepared.</p>
(iii)	<p>Regional Office will examine the completeness of the proposal in all respect and carry out fresh Site inspection of the proposed site for diversion as well as the compensatory afforestation site offered by the user agency. The SIR shall have special mention about possibility of reducing felling of trees within the lease area.</p>	<p>In this regard, the State Government has reported that the Conservator of Forest (Central), Eastern Regional Office, Bhubaneswar had visited the proposed site for diversion for mining purpose as well as proposed sites for compensatory afforestation on 07.02.2018 to 09.02.2018. Regional Office has submitted their report .</p>
(iv)	<p>R&R plan duly approved by competent authority</p>	<p>In compliance to this condition, it is reported by the State Govt. that the user agency has reported that the</p>

	shall be submitted.	R&R plan for the Talabira II & III Coal block of Neyveli Lignite Corporation (NLC) India Ltd. has been approved by the competent authority in RPDAC meeting carried on 07.04.2018.
(v)	Complete compliance of the FRA must be done and certificate should be submitted by the State Government.	In compliance to this condition, it is stated by the State Government that while forwarding the earlier forest diversion proposal in respect of previous allottee pertaining to 1030.18 HA of forest land in this coal block, the certificate in prescribed format issued by Collector, Sambalpur for 192.626 HA of forest land and Collector, Jharsaguda for 845.56 HA of forest land along with Gram sabha resolution in regional language and its English version etc. were furnish to Gol along with the DP. However, the copy of said certificate earlier issued by the respective Collectors are given. Gram Sabha resolution is in regional language and its English version is not given by the user agency.

12. **SITE INSPECTION REPORT OF THE REGIONAL OFFICE, BHUBANESWAR:** The SIR has been carried by Shri R. K. Samal, IFS, Conservator of Forest © for this proposal on 7-9th February, 2018 with the officials of State Forest Department and representatives of the User Agency. Regional Office, Bhubaneswar vide their letter no. 5-ORA205/2014-BHU dated 05.04.2018 has submitted Site Inspection Report (SIR). The SIR is reproduced below:

1. **Legal status of the forest land proposed for diversion**

The legal status of the forest land is as follows:

Name of the Division	Status of forest land	Area in ha.
Jharsuguda	Rev. forests	385.379
	DLC forests	460.182
Sambalpur	Rev. forests	192.626
Total		1038.187

2. **Item-wise break-up details of the land proposed for diversion:**

Initially proposed (break up details of land for diversion):

Sl. No.	Activities in the mining area	Forest Land (in ha)			Non-forest land (in ha.)		Grand Total (Area in Ha)
		Revenue Forest land	DLC Forest land	Total Forest land	Non-forest land	Total non-forest land	

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1.	Mine Excavation	382.768	290.4 42	673. 210	299.3 10	299.3 10	972.520
	SUB-TOTAL	382.768	290.4 42	673. 210	299.3 10	299.3 10	972.520
2.	Inside Blasting Danger Zone	-	-	-	-	-	-
a.	Infrastructure (Road, mine office, conveyor etc.)	8.236	4.6 34	12 .8 70	17. 860	17. 860	30.73 0
b.	External Dump	3.760	1.800	5.56 0	137.1 60	137.1 60	142.720
c.	Embankment	-	-	0.00 0	6.280	6.280	6.280
d.	Area to be developed as green belt.	144.864	64.11 9	208. 983	107.0 08	107.0 08	315.991
	SUB TOTAL	156.860	70.55 3	227. 413	268.3 08	268.3 08	495.721
3.	Outside Blasting Danger Zone	-	-	-	-	-	-
a.	Infrastructure (road, conveyor, railway & silo, washery, office, workshop & other utilities etc.)	13.392	1.218	14.6 10	226.6 20	226.6 20	241.230
b.	Embankment	1.020	-	1. 02 0	27. 890	27. 890	28.910
c.	Other area to be developed as green belt.	22.114	95.76 9	117. 883	37.95 8	37.95 8	155.841
	SUB TOTAL	36.526	96.98 7	133. 513	292.4 68	292.4 68	425.981
d.	7.5m Safety zone inside lease boundary.	1.851	2.200	4.05 1	15.79 0	15.79 0	19.841
	SUB TOTAL	1.851	2.200	4.05 1	15.79 0	15.79 0	19.841
	Grand Total	578.005	460.1 82	1038 .187	875.8 76	875.8 76	1914.06 3

However, as per the letter of Ministry vide No.8-82/2014-FC dated 7th Dec., 2017

the user agency i.e. M/s NLCIL has been proposing to change the land utilisation pattern with following changes to the above land use plan keeping the total requirement of land to be same with the increase in greenbelt area out of the proposed forest land for diversion and increase in the other activities (non mining activities) to the non forest land: They have been presented as Addition(+ve) and deletion (-ve).

Present break up of land proposed for diversion:

Sl. No.	Activities in the mining area	Forest Land (in ha)			Non-forest land (in ha)	Total (Area in Ha)
		Revenue Forest land	DLC Forest land	Total Forest land		
1.	Mine Excavation	382.768	290.442	673.210	299.310	972.520
2.	Inside Blasting Danger Zone	-	-	-	-	-
a.	Infrastructure (Road, mine office, conveyor etc.)	3.236 (-5 ha)	4.634	7.870 (-5 ha)	22.860 (+5 ha)	30.730
b.	External Dump	-	-	-	142.72 (+5.56 ha)	142.72
c.	Embankment	-	-	-	6.280	6.280
d.	Area to be developed as green belt.	153.624 (+8.76 ha)	65.919 (+1.8 ha)	219.543 (+10.56 ha)	96.448 (-10.56 ha)	315.991
	SUB TOTAL	156.860	70.553	227.413	268.308	495.721
3.	Outside Blasting Danger Zone	-	-	-	-	-
a.	Infrastructure (road, conveyor, railway & silo, washery, office, workshop & other utilities)	8.392 (-5.00 ha)	1.218	9.610 (-5.00 ha)	231.620 (+5.00 ha)	241.230
b.	Embankment	1.02	-	1.02	27.89	28.91
c.	Other area to be developed as green belt.	27.114 (+5.00)	95.769	122.883 (+5.00 ha)	32.958 (-5.00 ha)	155.841

		ha)				
	SUB TOTAL	36.526	96.987	133.513	292.468	425.981
d.	7.5m Safety zone inside lease boundary.	1.85 1	2.200	4.051	15.790	19.841
	Grand Total	578.00 5	460.182	1038.18 7	875.876	1914.063

3. **Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:**

No residential building is being constructed. However, 17.48 ha. of land is being used for infrastructure development i.e. road, conveyor, railways, site office, washery, workshop and other mining related utilities inside and outside blasting zone.

4. **Total cost of the project at present rates:**
Rs.447.80 crores as per the project proposal submitted earlier.

5. **Wildlife:**
Whether forest area proposed for diversion is important from wildlife point of view or not:

The area does not form part of any National Park/Wildlife Sanctuary/Elephant Corridor. As reported by the State Government, the faunal species noticed in the area are Snakes, Squirrels, Jackals, Mongooses, and many avifauna. However, there are instances of elephants visiting the area during cropping season is observed due to availability of marshy land and water.

6. **Vegetation:**

The vegetation is mostly Sal crop with other associates like Mahul (*Madhuca indica*), Asan (*Termanaliatomentosa*), Dhaura (*Anogeisuslatifolia*), Jamun (*Syzium cumin*), Mango (*Mangifera indica*), Char (*Buchnanialanzan*), having good regeneration. Density of vegetation is about 0.3.

- (a) **Total number of trees to be felled.**

The total forest land involved in the project is 1038.187 ha. Sample enumeration carried out by the DFO and user agency over 43 sample plots of 2.0 ha each located in the applied forest land. As such in all, 11,199 No. of trees of girth 30 cm and above have been enumerated over 86 ha of forest land. By extrapolating the figures over the entire forest land of 845.561 ha, 1,10,110 number of trees have been estimated in the forest proposed for diversion. Similarly, sample enumeration over 40 sample plots of 1.0 ha each located in the applied forest land has been carried out in forest area of the block in

Sambalpur division. By extrapolating the figures over the entire forest land of 192.628 ha, 20,611 number of trees have been estimated in the forest land proposed for diversion.

The user agency has proposed the land use plan that only 673.00 ha. of forest land will be used for mine excavation and 342.426 ha. will be used for maintaining as greenbelt. This will save many trees out of the estimated enumeration of trees. Trees between mining pit boundary and lease boundary including safety zone shall also not to be felled. **However, it will not be possible to save trees for long in the mining pit zone i.e. in middle of the lease as it contains the coal seam.**

Effect of removal of trees on the general ecosystem in the area:

Felling of such large number of trees if taken at a single point of time will cause damage to the environment of the area. Therefore trees should be cut as and when required only in phased manner.

(b) Important species:

Plant species which are commonly noticed in the proposed area are Sal (*Shorearobusta*), Mahul (*Madhucaindica*), Asan (*Terminalia tomentosa*), Dhaura (*Anogeissuslatifolia*), Jamun (*Syzygiumcumini*), Mango (*Mangiferaindica*), Char (*Buchanania lanzan*) etc.

Number of trees of girth below 60 cm.

As per sample plot survey and extrapolation:

Sambalpur division : 6,742
Jharsuguda division : 76, 248

Number of trees of girth above 60 cm.

As per sample plot survey and extrapolation:

Sambalpur division : 13,869
Jharsugudadivision : 33,862

7. Background note on the proposal:

Government of India, Ministry of Coal, has allocated Talabira coal block No.II&I II over 1530.170 ha and 383.893 ha respectively in total 1,914.063 ha to NLC India Ltd. for mining of coal vide order No.103/01/2016/NA dated 02.05.2016.

The aforesaid land of the coal block has been acquired by MCL under Coal Bearing Area (Acquisition and Development) Act, 1957 vide Gazette Notification No. SO No.1108 dated 26.03.2005 over 1,530.170 ha. and SO No.2424 dated

28.08.2009 over 383.893 ha. totaling to 1914.063 ha of land in villages Rampur, Dumermunda, Malda and Patrapali villages of Jharsuguda Tahasil of Jharsuguda district (Jharsuguda Forest Division) and in villages Talabira and Khinda of Rengali Tahasil in Sambalpur district (Sambalpur Forest Division) vide order No.43022/6/2016-PRIW-I issued by Govt. of India, Ministry of Coal dated 28.09.2016/05.10.2016 transfers the right in or over the said land so vested in MCL to NLC India Ltd.

The lease area includes forest land (Revenue & DLC) over 1,038.187 ha. in villages Rampur, Dumermunda, Malda and Patrapali villages of Jharsuguda Tahasil of Jharsuguda district and in villages Talabira and Khinda of Rengali Tahasil of Sambalpur district. Government non-forest land over 424.047 ha and private land over 451.829 ha. The forest land includes Revenue Forest land over 578.005 ha and DLC forest land 460.182 ha. Out of the total forest land of 1,038.187 ha. in Jharsuguda Forest Division 845.561 ha and in Sambalpur Forest Division 192.626 ha. The detailed land use plan in original has already been submitted by prior allottee M/s MNH Shakti Ltd. Now after the observation of MoEF&CC the user agency have changed the land use pattern bringing some of the non-mining activities from forest land to non forest land.

Previously this proposal for diversion of 1,038.187 ha. including 4.051 ha of forest land involved in this lease was applied by M/s MNH Shakti Ltd. (a subsidiary of M/s MCL) to MoEF vide letter No.393/10 dated 26.05.2010. This proposal was recommended by all statutory authorities including the State Govt. of Odisha, Forest and Environment Department vide letter No.10F(cons)72/2013/8222 dated 05.05.2014. As per proceeding of the Forest Advisory Committee held on 22nd and 23rd September, 2014, Agenda No.4 mentioned that FAC after deliberations decided to await for final judgement of the Hon'ble Supreme Court of India in the said writ petitions making the recommendations of the proposal seeking prior approval of Central Government under the Act for diversion of the said forest land.

The Hon'ble Supreme Court has given the judgement of cancellation of Talabira II & III block earlier allocated to M/s MNH Shakti Ltd. and Ministry of Coal has re-allocated the said coal block to NLC India Ltd. vide allocation letter No. 103/1/2016-NA dated 02.05.2016. Since, the coal block has been allotted to NLC Ltd. it has resubmitted the application under Clause 4 (i) of circular issued by MoEF&CC, Govt. of India No.11-584/2014-FC (Part) dated 09.06.2015 to the State Govt., Forest & Environment Department, Govt. of Odisha for their prior approval under Section 2 of FC Act for diversion of the said forest land for non-forestry use i.e. mining of coal. As per the above circular clause-4 'the proposals seeking in-principle approval under the Forest Conservation Act, 1980 for diversion of forest land located in any of the 204 coal blocks whose allocation has been cancelled by the Supreme Court submitted by the original allocattee which were at processing/examination stage in the State Government or the Central Government on the day of allocation of these blocks were cancelled by the Supreme Court shall be processed as if they have been submitted by the



respective new allottees selected or elected by the Central Government in accordance with the provisions of the coal mines (Special provisions) Act, 2015 and rules framed there under, once the following procedural formalities are completed.

- (i) Duly filled in part-I of the application in the format prescribed in Form-A appended to the Forest (Conservation) Rules, 2003 along with all necessary undertakings/certificates, including documentary proof in support of allocation of such block in favour of the new allottees and details of non-forest/revenue forest land identified for creation of compensatory afforestation, wherever required is submitted by the new allottee to the Nodal Officer concerned.
- (ii) Non-forest/revenue forest land identified by the new allottee for creation of compensatory afforestation, wherever required, is inspected and found to be suitable for creation of compensatory afforestation and from management point of view by the Divisional Forest Officer(s) having jurisdiction over such land; and
- (iii) A copy of Part-I of Form-A along with all necessary undertakings/certificates submitted by the new allottee along with a certificate from the Divisional Forest Officer(s) having jurisdiction over the non-forest/revenue land identified for creation of compensatory afforestation, wherever required, stating therein that such land is suitable for creation of compensatory afforestation and from management point of view, is provided by the Nodal Officer or the State government concerned to the authority with whom the proposal submitted by the original allottee is presently pending. Such documents will substitute and replace the corresponding documents available in the proposal submitted by the original allottee.

The new user agency i.e. NLC Ltd. has applied to MoEF through the State Government for diversion of the forest land under Section 2 of FC Act replacing the old user agency i.e. MNH Shakti Ltd. along with the necessary documents/certificates as required. The proposal was placed in the FAC meeting held on 16-11-2017 after due deliberation the committee inter-alia asked for certain clarification including fresh areas for CA and fresh site inspection report vide their letter No.8-82/2014-FC dated 7th December, 2017.

8. Compensatory afforestation:

State Government has earlier identified degraded forest land in extent i.e. 1692.00 ha in Bikramkhol PRF (1558.00 ha) and Amkhaman-Sagarpali RF (134.00 ha) under LakhanpurTahasil in Jharsuguda district in lieu of 845.561 ha. Forest land proposed for diversion in this project in Jharsuduga.

Similarly, degraded forest land twice in extent i.e. 400.00 ha had been identified in JhargatiGarpati RF under Sambalur district as against requirement of 386.00 ha, in lieu of 192.628 ha of forest land proposed for diversion in Samablpur



district.

However, State Government vide letter dated 06.07.2017 has intimated that CA land of 2092.00 ha identified pertaining to the earlier forest diversion have now grown vegetation over it.

The new user agency has furnished the undertaking to bear the cost of compensatory afforestation.

The user agency in consultation with the State Government have identified non forest land and degraded forest land for compensatory afforestation as given below. The Mouza details of all the non forest land (Revenue land) along with encroachment status have been given by the user agency. The details of the degraded forest land and shape files including GPS readings have also been given by the user agency.

Land identified for compensatory afforestation:

Degraded protected/ Reserve Forest:

Sl No.	Location	Area in Ha.
1	Bolangir Forest division	564
2	Sonepur Forest Division	360
3	Sambalpur Forest Division	110
	Total (A)	1034/2=517 ha.

Non forest revenue land (Gramya jungle/Patra jungle):

Sl No.	Location	Khata No.	lot No.	Kisam	Area in as per ROR	Remark (encroachment area in Ha.)	Final area in Ha.
1	Lapanga Circle						
a)	Bomaloi Patch-2	273	1558/321 2,	Gramya jungle	97.29	97.27-80.00=17.29 House/cultivation/pond	80.00
b)	Bomaloi Patch-1	273	1558/321 1, 1558/321 3, 1931/321 0, 1931/320 9, 1939/320 8	Gramya jungle			
c)	Telimal	196,	1447,	Gramya	81.58	0.00	81.58

	patch-1	197	1468	Jungle			
d)	Telimal patch-2		1800, 1876, 1875	Patra jungle			
e)	Telimal patch-3		1715, 1842, 2013	Gramya Jungle			
f)	Telimal patch-4		1713, 1849	Patra jungle			
g)	Derba	336	1524	Patra Jungle	24.40	0.00	24.40
h)	Dharropani-1	185	1216, 1433/1589, 1433	Gramya jungle	34.59	0.00	34.59
i)	Dharropani-2	185	1507, 1576, 1495	Gramya jungle	49.032	0.00	49.032
j)	Dharropani-3	185	1531	Gramya jungle	15.78	0.00	11.00
2	Laida Circle						
a)	Katurduha	290	1231, 1235, 1234, 1240, 1239, 1238, 1236, 804, 803, 1237	Gramya jungle	116.74	116.74-97.30=19.44 House/cultivation	97.30
b)	Jarli (Laida) (Phase I)	406	809, 812	Gramya jungle	33.79	33.79-33.00=0.76 House/cultivation	33.00
c)	Jarli (Laida) (Phase II)	406	814, 816	Gramya jungle	26.16	26.16-23.00=3.16 cultivation	23.00
3	Rengali Circle						
a)	Bhursipali	74	01	Gramya jungle	16.65	0.00	16.65
4	Katarbaga circle						
a)	Runimahul	122	615, 692	Patra jungle	24.76	24.76-21.00=	21.00

ph

						3.76 Pond/cu ltivation	
				Total	531.7 5	44.41	471.55 2
5	Maneswar Circle						
a)	Bikarpur patch-1	705	2148	Gramya jungle	47.56	47.56- 46.56= 1.00 ha As per report of RI 1.00 ha left for playgro und	46.56
b)	Bikarpur patch-2	705	2099	Gramya jungle	14.52 9	14.529- 13.529= 1.00 As per report of RI 1.00 ha left for playgro und	13.529
c)	Bikarpur patch-3	705	2180	Gramya jungle	2.44	0.00	2.44
				Total	64.52 9	2.00	62.529

Total (B) = 471.552+62.529=534.081

The GPS readings of the CA areas is enclosed as Annexure-1. The proposed revenue land for CA in Sambalpur District, Bikhampur (patch-1, 2 & 3- 62.529 ha), Teliamal (patch-1, 81.58 ha) and Bomaloi (Patch-2, 80.00 ha) were inspected during the site visit and the density of existing vegetation was found to be 10-30%. The proposed CA area in Sonepur Forest Division at Chandli RF (25.00 ha), Ghikundi RF (50.00 ha) under Ulunda Range and Durdura RF (50.00 ha) under Birmitrapur range were also visited and the density of existing vegetation was found to be 20-30%. The areas have good regeneration of Sal and its associates along with some blank patches at the fringes. The areas were found to be suitable for ANR plantation.

- (a) **Whether land for compensatory afforestation is suitable from plantation and management point of view or not:**

Yes suitable. However, the certificate has not yet been submitted from the local DFO(s).

- (b) **Whether land for compensatory afforestation is free from encroachment/other encumbrances:**

Yes free and the certificate is yet to be submitted by the DFO and Tahasildar for Forest and Non-forest land.

- (c) **Whether land for compensatory afforestation is important from Religious/Archaeological point of view:**

Not reported.

- (d) **Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not:**

The land identified for C.A. in different Divisions and in 31 patches and compact patches are not available and the area is quite large.

- (e) **Map with details:**

Yet to be submitted. Shape/KML files of the land identified for CA on revenue land and degraded forest land have been submitted by the user agency.

- (f) **Total financial outlay:**

Not yet submitted. Yet to be received from the State Govt. for the fresh area chosen for compensatory afforestation.

9. **Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:**

No violation of the Act has been reported.

10. **Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not :**

Project involves 1894 number of displaced families including 443 number of SC families and 575 number of ST families. The user agencies have been conducting meetings along with the villagers for acceptance of the compensation and parting their land to the user agency.

R&R plan has already been submitted by earlier prior allottee i.e. MNH Shakti Ltd. and the user agency have been working with the revenue authorities for land

acquisition and implementation of R&R plan.

11. Reclamation plan:

Already submitted along with the detailed proposal.

Details and financial allocation:

Total mine closure cost is approximately Rs.33,377.72 lakh with compound interest annually @5%.

12. Details on catchment and command area under the project:

Not applicable. Catchment and command area is applicable only for Hydel and Irrigation projects, where impounding of water is done. **However, this area forms the catchment of two river systems i.e. Bhedan river and Ib river which are situated along the boundary of the mining lease. Besides this Hirakud dam situated at just 150 metre from the periphery of the mining lease in the South West, to which the Ib river drains water into. Prevention of siltation in to the two rivers and finally to the Hirakud reservoir has to be given top most priority.** The user agency has to put Strong toe walls and garland drains for the OB dump yards wherever required with stone pitching and embankments along with sufficient tree plantation. Sufficient siltation tanks have to be constructed to check flow of any silt laden water to river.

In the Bhedan river side since the lease boundary is touching the river bank, as per the recent guideline of MoEF No. 11-125/2014-FC dated 2nd February, 2018 a strip of at least 50 metre from the river bank should be left without any activity. The rocky outcrop of the river bed wherever ever existing should not be disturbed. The road if any, proposed for construction should be properly stone pitched with proper cemented drainage system and siltation tanks to check of silt laden water to the river system. Besides this tree cover has to be made where ever vacant soil available.

Catchment area treatment plan to prevent siltation of reservoir:

Not applicable.

13. Cost benefit ratio:

1:9

14. Recommendations of the Principal Chief Conservator of Forests/State Government:

Yes. Recommended.



15. Recommendations of Addl. Principal Chief Conservator of Forests (Central) along with detailed reasons:

The said mining proposal and the fresh (2nd) site inspection report of CF (Central) is for diversion of 1,038.187 ha. of revenue and DLC forest land including 4.051 ha. under safety zone within the leasehold area of 1,914.063 ha. which was allocated earlier to M/s MNH Shakti Ltd., (Talabira II and III OCP) in jurisdiction of Jharsuguda district and Sambalpur district of Odisha: subsequently re-allotted in favour of M/s Neyveli Lignite Corporation (NLC) India Ltd. following cancellation of allotment of the said coal blocks to the prior allottee i.e. M/s MNH Shakti Ltd., as per Hon'ble Supreme Court's order. Considering the reports, site inspection and other details, the major points of this proposal, that may need to be highlighted for the consideration of the FAC and the Ministry are the following:-

1. The proposed area is not of notable importance from :the wildlife or biodiversity point of view. The vegetation density is also below 0.4. It is reported that elephants occasionally visit the area, mostly for water, most likely from the outside and to the other bank of the river, since the area is garlanded by rivers from all sides, virtually making it an island, not easily approachable by wildlife. Accordingly it appears conducive for the conservation of the limited fauna inside the lease and the wildlife of the outside i.e. the opposite side of the banks of the rivers, the action proposed are:-

a. For inland fauna:-

Instead conserving the usual 50 metre width vegetational greenbelt from the banks of streams, more wider greenbelt if possible, considering the width of rivers may be left to provide shelter, safety on the inner side of the river banks, from mining disturbance to the smaller animals/ fauna of the area.

b. For outside fauna:-

On the outer side of the Bhedan river bank enrichment plantations with riverine species may be taken up ensuring maintenance cover against possible dwindling due to mining and ancillary activities.

2. Within the northern and the north western boundary of the lease area 3 natural wetlands of considerable size (3 ha, 1.5 ha and 15 ha) formed by streamlets from the catchment, contributing water to river IB, and several wetlands are also seen just outside the boundary of the lease but inside flank of the IB river. Once the mining activities along with its ancillary activities starts these wetlands which may likely to become 'no mans property', are likely to be affected adversely. To preserve and augment these wetlands, it is proposed as per the feasibility, considering mining reserve —"*Wetlands within and _outside the lease, to be conserved/enriched with (wetland) trees on banks with a selective*



fencing allowing free passage to amphibians, reptiles, fishes and invertebrates but restricting anthropogenic disturbances" — by the project proponent under supervision of forest Department, to save natural wetlands from inadvertent damage due to default.

3. Necessary precautions may be taken to check pollution to stream, wetlands and reservoir beyond permissible limit and possibly by embankment, especially on the Bhedan river on the eastern boundary of the lease.
4. Highlighting another positive aspect of this proposal is the evacuation plan proposed for evacuation by closed conveyer belt across the river to the railway station/siding, which is only 3 km (approx.) from the mining site.

With the above observations this proposal recommended for consideration of Ministry for granting approval under Section 2 (ii) of Forest (Conservation) Act, 1980.

16. **Conservator of Forests shall give detailed comments on whether there are any alternative routes/alignment for locating the project on the non-forest land:**

It is site specific and it cannot be shifted to any other forest or non-forest land.

17. **Utility of the project:**

As per the project proposal project will generate employment opportunity for 427 persons daily which include skilled, semi-skilled and non skilled persons and around 10,000 persons will be benefitted directly and indirectly in course of execution of the project.

Numbers of Scheduled Caste/Scheduled Tribes to be benefitted by the project:

The area has a lot of Scheduled Tribes population and is expected many of them to be benefitted directly and indirectly as per the R&R plan and CSR policies of the user agency.

- 18.

- (a) **Whether land being diverted has any socio-cultural/ religious value:** Not reported.
- (b) **Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion:** Not reported.
- (c) **Whether the land under diversion forms part of any unique eco-system:**

No rare or endangered flora or fauna is noticed in the area as per the inspection reports furnished by Divisional Forest officers. However, the PCCF, Odisha while recommending the proposal has stated that the area is highly prone to crop raiding and depredation by wild Elephants and other wild animals.

Accordingly, it is proposed that a site specific wildlife conservation may be prepared by the user agency in consultation with the local DFO which has to be approved by the Chief Wildlife Warden and to be implemented in and around the area after due vetting from Eastern Regional Office, Bhubaneswar.

Since the area is prone to elephant movement, the project area has to be properly fenced, so that elephants and other wild animals do not fall into the mine pits.

The safety zone has to be properly maintained

19. Situation with respect to any Protected Area:

The nearest protected area Debrigarh Wildlife Sanctuary is more than 40 km from the project site.

20. Any other information relating to the project:

1. The boundary of the mining lease in the north-west is touching the Ib river for a length of about 2 km and there are three wetlands(Approx Area-19.32 Ha,3.4 Ha and 2.88Ha), where water from the Ib river enters during high flood level. These wetlands need to be conserved without any disturbance for saving the habitat of flora and fauna of this natural ecosystem.
2. The user agency will be using the coal for their projects at Tuticorin (TN), Berhampur near Kanpur (UP), Sirkazhi, Nagapatnam (TN) and the upcoming power plant to be established on the other side of Bhedan river in Jharsuguda district at Hirma.
3. As stated once the mine is in full operation and the infrastructure is ready, they will be transporting the coal from the mine by closed conveyor system to the IB railway station and by rail to Paradip port and then by ship to Tuticorin (TN). As soon as possible the conveyor system should be established to check further aggravation of pollution in the area as there are many industries existing in this district
4. The user agency has to keep the natural vegetation intact where area has been demarcated for creation of grassland dotted with trees.
5. The user agency has obtained the FRA certificates from District Collector Jharsuguda and Sambalpur with due process of conduct of Gram Sabhas

- 13.** Project proponent explained that no new mining plan is required as there is no change or extension in the mining area. It is further clarified that some of the ancillary activities to the mining is rearranged and proposed to carried out on



non-forest land in order to keep more area under green cover with in mining lease.

14. Recommendation of FAC

FAC after through deliberation and discussion with User agency, recommended the proposal with Standard, General and following Specific Conditions

1. The user agency is a central PSU. Compensatory afforestation can be raised over double degraded forest land. From analysis of the area it is learnt that user agency had provided only 1568.08 ha of degraded forest land for CA instead of stipulated requirement of 2076.34 ha of CA area. Status of land identified for CA, as per record submitted, is degraded forest and degraded revenue forest kism land. State government shall clarify the status of degraded and revenue forest kism land (i.e. 534.081 ha at Rangali Tehsil and Maneswar Tehsil) and further submit detail CA scheme of CA for balance area after DSS analysis before stage II approval.
2. An approved revised CA scheme for 2076.34 ha shall be submitted by the State government. The amount shall be deposited in Adhoc CAMPA account.
3. Felling of trees shall be kept minimum . Felling of trees, where ever necessary, shall be done in phased manner under the supervision of State forest department.
4. No excavation shall be allowed within 300 m from the river bank.
5. In addition to requisite safety zone of 7.5-meter-wide along the boundary with in the lease area, User agency shall maintain and raise green belt within boundary of mining lease area especially along the river bank. The plantation in this area shall be done on project mode with the objective to arrest the soil erosion from the active mine and minimise siltation of the rivers.
6. User agency in consultation with state government shall prepare Catchment treatment plan (CAT Plan).A plan with detail cost estimate, duly approved by competent authority shall be submitted prior to stage II approval.
7. State government shall prepare a site specific wild life management plan duly approved by Chief wild life warden of the state. The cost of preparation and implementation shall be borne by user agency.
8. User agency shall contribute towards regional wild life management plan as suggested by Chief wild life warden of the state.
9. DFO shall submit a certificate that the area designated for CA is free from encroachment and suitable for plantation.

Agenda No. 3

F. No. 8-12/2018-FC

Sub: Diversion of 133.58 ha of forest land (Comprising of 130.53 ha for Iron Ore Mining in erstwhile ML No. 2365 of M/s Tungabhadra Mineral private



Limited and 3.05 ha for approach road) in Donimalai Block, Sandur Taluk, Ballari District in favour of M/s JSW Steel Ltd. Toranagallu, Ballari District.

The above state agenda item was considered in FAC meeting on 17.5.18.FAC after detail deliberation and discussion observed that

1. The above subject proposal has been forwarded by the State Govt. of Karnataka vide its letter No. FEE 9 FFM 2018 dated 05.03.2018 for seeking prior approval/Stage-I approval under Forest (Conservation) Act, 1980 for diversion of 133.58 ha of forest land (Comprising of 130.53 ha for Iron Ore Mining in erstwhile ML No. 2365 of M/s Tungabhadra Mineral private Limited and 3.05 ha for approach road) in Donimalai Block, Sandur Taluk, Ballari District in favour of M/s JSW Steel Ltd. Toranagallu, Ballari District **subject to final decision of Government with regard to CA, FRA and conditions specified in Annexure-A of PCCF(HoFF)'s letter dated 20.01.2018.**
2. It is reported that it was a C category mine which was cancelled and now in re auction the same has been awarded in favour of **M/s JSW Steel Ltd. Toranagallu, Ballari District.**
3. It is reported that the forest type is Southern Dry Deciduous Forest. and it falls in Eco-class III.
4. It is reported that **Out 130.53 ha, 66.80 ha is already broken area and 63.73 ha area is unbroken area**
5. It is also reported that the it do not forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve and Elephant Corridor.
6. No protected archaeological/heritage site /defence establishment or any other important monument is reported to be located in the area.
7. As per the directions of the Hon'ble Supreme Court of India in W.P. No. 562/2009, the Central Empowered Committee conducted the joint survey of the M/s Tungabhadra Mineral Pvt.Limited , M.L. No. 2365 and **concluded the following encroachments done**

1.	Mining Pit	7.35ha
2.	OB dumps	49.38 ha
3.	Roads	-
4.	Others	26.46 ha
	Total	83.19 ha

8. **The Certificate on Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not given.**
9. DCF has reported that the Forest Clearance was granted for an extent of 125.58 ha, whereas as per the CEC digitization sketch the extent of lease areas was concluded 130.53 ha after joint survey by CEC. Therefore, the Commissioner, Department of Mines & Geology, Bangalore has issued a 'Letter of Intent' over

an extent of 130.53 ha. Out 130.53 ha, 66.80 hectares is already broken area and 63.73 ha area is unbroken area.

10. Nodal officer /PCCF and State government Recommended the proposal subject to final decision of Government with regard to CA, FRA and conditions specified by of PCCF(HoFF) in his letter.

11. PCCF (HoFF) in his letter no. A5 (1).MNG.CR.02/2017-18 dated 20.01.2018 has submitted following detail about the project

(i) MMRD lease (earlier): The mining lease area of M/s Tungabhadra Minerals Pvt Ltd. M.L, No. 2365, now cancelled as it was categorized under C-category mines by the Hon'ble Supreme Court, is located in Donimalai Block of SANDUR Taluk of Ballari district. The Mining lease was originally sanctioned vide M.L. No. 823/1646 during the year 1968 (18.04.1968) over an area of 728.44 ha in Donimalai Block, Sandur Taluk in favour of M/s Tungabhadra Minerals Pvt. Ltd. for a period of 30 years (valid upto 29.7.1998). Subsequently, the Mining lease was reviewed by the Commerce and Industries Department, Bengaluru over an extent of 125.58 ha with the new M.L. No. 2365 during the year 2002 for a period of 20 years w.e.f. 30.07.1998 (valid upto 29.07.2018).

(ii) FC lease (earlier): The forest clearance (FC) for the lease (ML No. 2365) was approved in favour of M/s Tungabhadra Minerals Pvt. Ltd by the Government of India, Ministry of Environment, Forest and climate change, New Delhi vide letter No. 8-46/96-FC dated 24.04.1999 (F/x) and by Government of Karnataka vide order No. FEE 38 FFM 98 dated 09.06.1999 and the FC approval was granted for a period of 10 years over an extent of 125.58 ha. Thus the Forest Clearance lease period expired on 08.06.2009 itself.

(iii) E-auction of Mining Lease: The 'C' category mining lease no. 2365 of M/s Tungabhadra Minerals Pvt. Ltd was cancelled as per the Hon'ble Supreme court order and the mining lease area was e-auctioned by the department of Mines & Geology as per the direction for the Hon'ble Court vide its order dated 18.04.2013. M/s JSW steel Ltd. has been declared as successful bidder of M.L. No. 2365 (C-category mine) through e-auction over an extent of 130.53 ha (as per CEC sketch). Further, the Commissioner, Department of Mines and Geology, Bengaluru has on 26.10.2016 issued a Letter of Intent over an extent of 130.53 ha for a lease period of 50 years.

(iv) Net Present Value (NPV): The Forest Clearance (FC) in favour of M/s Tungabhadra Mineral Pvt Ltd was granted in the year 1999. As the lease was approved before introduction of NPV, **The NPV was not paid by the previous user agency** i.e., M/s Tungabhadra Minerals Pvt Ltd. Therefore, Now M/s JSW

Steel Ltd. is required to pay the NPV for the mining lease area of 130.53 ha in order to get the lease renewed in favour of them.

- (v) **Safety Zone:-** The Safety zone extent is 7.38 ha as per the Reclamation and Rehabilitation (R&R) plan approved by the CEC. **M/s JSW Steel Ltd. have provided an undertaking to pay the cost of afforestation in degraded forest land on 1 ½ time of safety zone area.**
- (vi) **Compensatory Afforestation (CA) :** The joint survey conducted on 02.06.2017 has revealed an unbroken area (virgin-area) of 63.73 ha for mining and 3.05 ha for approach road totaling to 66.78ha . Accordingly, M/s JSW Steel Ltd. had identified the non-forest land in sy. No. 71 of Gavali Village, Khanapura Taluk, Belagavi district over an extent of 66.78 ha.
- (vii) **Boundary Pillars:** - the Corner boundary pillars for the C-category mines have to be erected by the Department of Mines & Geology. However, in this case only one boundary pillar (marked as LBS-I on joint survey map) is marked on the ground. Due to high slope, the department of Mines & Geology has not erected corner pillar as per specification. This corner pillar and intermediary pillars at distance of 20 meter are required to be erected before the handing over the mining lease area.
- (viii) **FRA compliance:-**Certificate in Form-II under Forest Rights Act, 2006 from the Deputy Commissioner, Ballari District is yet to be submitted by the User Agency.
- (ix) **Environmental Clearance (EC) :** EC granted earlier to M/s Tungabhadra Minerals Pvt. Ltd. has been transferred in favour of M/s JSW Steel Limited by State Level No. Environment Impact Assessment Authority – Karnataka vide letter no. J-11015/16/2007-IA.II (M) Dated 08.02.2017.
- (x) **Mining Plan:** The New Mining Plan has been approved by Indian Bureau of Mines, Bengaluru vide letter 279/1091/2017/BNG/453 dated 11-07-2017 as submitted by the User Agency M/s JSW Steel Limited.
- (xi) **The Deputy Conservator of Forest Belagavi Division vide his letter dated 25.09.2017 has reported to this office that the ownership of 66.78 ha land in Sy. No. 71 & 72 of Gavali village identified by User Agency for CA purpose is under question. Thus, the said lands for CA can not be accepted at present. However, the User Agency vide their letter dated 28.12.2017 and 03.01.2018 have agreed to provide alternate CA land for an extent of 66.78 ha i.e. Patta lands in different Survey numbers of Halabhavi and Bailagudda villages in Raichur District with whom they have entered in to agreement for purchase of said lands for CA purpose (Copies enclosed). They have also submitted an Undertaking that all the connected documents with suitability certificate will be furnished at the earliest.**
- (xii) **The following opinion may be noted regarding the instant proposal:**
- a. The proposal for grant of mining lease [ML no. 2365 of erstwhile lessee M/s Tungabhadra Minerals Pvt. Ltd.] in favour of M/s JSW Steel Ltd. over an extent of 133.58 ha of forest land has been recommended by both the field



officers (Deputy Conservator of Forests, Ballari Division & Chief Conservator of Forests, Ballari Circle) vide their letter dated 27.09.2017 & 28.11.2017 respectively.

- b. NPV: the Forest Clearance in favour of erstwhile Lessee M/s Tungahadra Minerals Pvt. Ltd was granted in the Year 1999. As the lease was approved before introduction of NPV, the NPV was not paid by the previous user agency i.e., M/s Tungabhadra Minerals Pvt. Ltd. Therefore, now M/s JSW Steel ltd. is required to pay the NPV for the entire extent of 133.58 hectare (130.53 ha for mining lease and 3.05 ha for approach road) in order to get the FC lease granted in favour of them.
- c. **Safety Zone:-** The Safety zone extent is 7.38 ha as per the Reclamation and Rehabilitation (R&R) plan approved by the CEC. M/s JSW Steel Ltd. have provided an undertaking to pay the cost of afforestation in degraded forest land on 1 ½ time of safety zone area.
- d. **Compensatory Afforestation :** As previous FC lease has already expired on 08.06.2009 and this C-category mining lease area has been e-auctioned by the GoK for a fresh period of 50 years, there is along gap of 8 ½ years. Further, the mine lease holding has also undergone change owing to e-auction conducted by Mines and Geology Department, Bengaluru. Renewal of an existing FC lease is possible only if the lease holder remains the same. Similarly, transfer of FC lease can take place from one entity to another only when the FC lease is in currency. On account of these two reasons, the instant case of seeking FC lease is neither a case of renewal nor transfer and needs to be treated as a case of fresh lease altogether and equivalent non-forest land (for entire extent of 133.58 ha) needs to be provided by the User Agency, even though a penal CA charge for double the extent i.e., 2 x 125.58 = 251.16 ha has been recovered from the previous lease holder at the time of grant of previous FC approval. An appropriate decision on the issue of CA may be taken by the Government.

The following conditions have been specified by PCCF (HoFF) .

- (i) User Agency shall pay NPV for the forest land to be diverted to the extent i.e. 133.58 ha
- (ii) The User Agency shall get CA land mutated in favour of the Forest Department for this project in order to get the CA land notified as Protected / Reserved Forest and the user agency shall pay CA charges as applicable.
- (iii) With regard to the safety zone, the User Agency shall pay the cost of afforestation charges in degraded forest as directed by the Ministry of Environment and Forests, GoI.
- (iv) User agency shall ensure demarcation of boundary of safety zone (7.5 m strip all along the outer boundary of the mining lease area), and its protection by erecting adequate number of 4 feet high RCC boundary



pillars inscribed with DGPS coordinates and deploying adequate number of watchers under the supervision of the State Forest Department.

- (v) In case of mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation / roads should be properly fenced by the user agency at the project cost to protect the vegetation / regeneration activities in the safety zone.
- (vi) Safety zone shall be maintained as green belt around the mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the user agency at the project cost under the supervision of State Forest Department.
- (vii) User agency either itself or through the State Forest Department shall undertake gap planting and soil and moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any located in the area within 100 m from outer perimeter of the mining lease.
- (viii) No labour camp shall be established on the forest land.
- (ix) The boundary of the mining lease and safety zone shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar, before Stage-II approval.
- (x) Adequate care shall be taken to check any rolling of over-burden / dumps beyond diverted area and also to check soil erosion caused due to mining activities.
- (xi) The user agency shall provide fuel preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- (xii) The layout land use plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xiii) The forest land proposed to be diverted shall under no circumstances be transferred any other agency, department or person without prior approval of the Central Government.
- (xiv) No damage of the flora and fauna of the adjoining areas shall be caused.
- (xv) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
- (xvi) Wherever possible and technically feasible, the user agency in consultation with State Forest Department shall undertake afforestation measures in the blanks with the lease area, as well as along the roads outside the lease area diverted under this approval, at the project cost.
- (xvii) The user agency should prepare a land surrender schedule specifying the year for surrendering the mined out and biologically-reclaimed forest land as per the mining plan and progressive mine closure plan and submit an



undertaking that the biologically-reclaimed land will be handed over to the State Forest Department as per this surrender schedule.

- (xviii) The forest area shall be used for the purpose of mining, storage of materials and OB dumps only. No permanent buildings or labour sheds should be constructed in the leased area.
- (xix) Violation of any of the conditions shall invite penal action, as deemed fit by the APCCF, RO, Bengaluru.
- (xx) The user agency shall take up the de-silting of the village tanks within one km area from the mine lease boundary as a Corporate's social responsibility so as to mitigate the impact of siltation of such tanks if any.
- (xxi) Adequate fire protection measures, including employment of fire watchers and maintenance of the fire line, etc. shall be undertaken by the user agency in and around the project area at its own cost.
- (xxii) The lessee shall not carry out any mining operation after 7.00 PM and before 6.00 AM.
- (xxiii) The lessee shall abide by the provisions of all the laws for the time being in force relating to working of minerals and matters affecting safety, health and convenience of the Lessee's employees or of the public doing execution of his work.
- (xxiv) The Lessee shall strictly abide by the provisions of the Karnataka Forest Act, 1963 and the Karnataka Forest Rules, 1969, the Karnataka Forest manual, 1976 and other Rules and Regulations.
- (xxv) If any dispute arises on the interpretation and implementation of above conditions and working difficulty the matter will be referred to the GoK and its decisions thereon shall be binding on both the parties.
- (xxvi) Conservation plan for wildlife shall be prepared in consultation with CCF, Ballari Circle. The plan shall also consist of inbuilt monitoring and evaluation mechanism. The said plan shall be implemented at the project cost.
- (xxvii) Any other conditions that the State Government or the APCCF, RO / PCCF, Bengaluru may impose from time to time in the interest of conservation, protection and development of forest.

12. Since the proposal was more than 40 ha Site inspection was carried out by regional office Bangalore. The SIR has been carried out by Ms. R.Padmawathe, DCF, RO, Bangalore and her report has been uploaded on website and copy of the same was discussed and placed as under:

1.	Legal status of the forest land proposed for diversion:	Donimalai Forest Block, Section-4 Notified area vide Notification No.FFD-29, FAF-84, dated 28.02.1985.
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2.	Itemwise break-up details of the forest land proposed for diversion:	S. No.	Component	Area in ha.
		1	Area under Dumps	31.79
		2	Roads	1.5
		3	Safety Zone/ Green Belt	7.38
		4	Infrastructure	0.3
		5	Virgin Area	55.17
		6	Road connecting both blocks/ parts	3.048
		7	Area under Mining	34.39
3.	Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:	No		
4.	Total cost of the project at present rates:	Rs.11000 lakhs		
5.	Wildlife:	Wild boar, Barking deer, Black naped Hare, Leopard, Sloth bear, Small Indian Civet and Jungle Cat are the prominent mammals while many varieties of birds like Jungle fowl, Peafowl, Night jars, Grey Treepie, Drongo, Asian Koel, Large grey babbler and Jungle babbler etc were found in the area. This area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc.		
6.	Vegetation:	Density 0.04. Eco-Class-III, Southern Dry Deciduous Forest. The area under mining is devoid of trees except <i>Prosopisjuliflora</i> , <i>Eucalyptus hybrida</i> , <i>Acaicaauriculiformis</i> , <i>Azadirachtaindica</i> , <i>Morindatinctoria</i> and <i>Cassia siamea</i> . Grasses like <i>Cenchrusciliaris</i> and <i>Cynadondactylon</i> are found, The major shrub is <i>Tecomastans</i>		

		<p>intermixed with <i>Calotropis gigantea</i> Root suckers of <i>Soymida febrifuga</i> and <i>Morinda tinctoria</i> are found in areas with some soil depth.</p> <p>The vegetation in unbroken area comprises <i>Terminalia tomentosa</i>, <i>Boswellia serrata</i>, <i>Anogeissus latifolia</i>, <i>Chloroxylon swietenia</i> and <i>Wrightia tinctoria</i>, <i>Albizia odoratissima</i>, <i>Azadirachta indica</i>, <i>Pterocarpus marsupium</i>, <i>Buchanania lanzan</i>, <i>Dalbergia paniculata</i> in the top storey while the understorey has <i>Canthium didymum</i>, <i>Morinda tinctoria</i>, <i>Dichrostachys cineraria</i>, <i>Acacia chundra</i>, <i>Zizyphus oenoplia</i>, <i>Zizyphus xylopyrus</i> and <i>Catunaregam spinosa</i>. Many grass species, especially <i>Cymbopogon coloratus</i> makes the area fire-prone during summer.</p> <p>There are a total of 3326 trees of different species and girth class found in the area.</p> <p>Out of 130.53 ha., 66.80 ha is already broken area and 63.73 ha area is unbroken area. The same is marked on sketch after conducting joint survey with Deptt. Of Mines and Geology.</p>
7.	Background note on the proposal:	<p>The mining lease area of M/s. Tungabhadra Minerals Pvt Ltd., ML No.2365, was cancelled as it was categorized under C-category mines by the Hon'ble Supreme Court.</p> <p>The FC for the lease was approved in favour of M/s. Tungabhadra Minerals Pvt Ltd., by Government of India, MoEFCC, New Delhi vide letter No.8-46/96-FC dated 24.04.1999 for a period of 10 years over an extent of 125.58 ha. Thus, the lease period had expired on 8.6.2009.</p> <p>M/s. JSW Steel Ltd., has been declared as a successful bidder through e-auction by Dept. of Mines & Geology, Karnataka for the</p>



		<p>Mining Lease No.2365 i.e., Bhadra Iron Ore Mines of M/s. Tungabhadra Minerals Pvt Ltd. Over an extent of 130.53 ha (as per CEC sketch). Further the Deptt of Mines & Geology, Bengaluru has on 26.10.2016 issued a Letter of Intent over an extent of 130.53 ha for a lease period of 50 years.</p> <p>An approach road of 3.05 ha has been included in the current proposal.</p>												
8.	Compensatory afforestation:	<p>The joint survey conducted on 2.6.2017 has concluded that the unbroken area is 63.73 ha in the leased out area earmarked for mining and 3.05 ha for approach road totaling to 66.78 ha. Accordingly, M/s. JSW Steel Ltd., had identified the Non-forest land to an extent of 66.78 ha in Sy.No.71 in Gavali village, Khanapur Taluk, Belgaum District towards CA.</p>												
9.	Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:	<p>Encroachment was made by the earlier lessee Tungabhadra Mineral Private Limited. As per the directions of the Hon'ble Supreme Court of India in W.P.No.562/2009, the CEC conducted a Joint Survey of M/s. Tungabhadra Mineral PvtLtd., M.L.No.2365 and concluded that the following encroachments were done:</p> <table border="1"> <tr> <td>1</td> <td>Mining Pit</td> <td>7.35 ha</td> </tr> <tr> <td>2</td> <td>O.B. dumps</td> <td>49.38 ha</td> </tr> <tr> <td>3</td> <td>Others</td> <td>26.46 ha</td> </tr> <tr> <td></td> <td>Total</td> <td>83.19 ha.</td> </tr> </table>	1	Mining Pit	7.35 ha	2	O.B. dumps	49.38 ha	3	Others	26.46 ha		Total	83.19 ha.
1	Mining Pit	7.35 ha												
2	O.B. dumps	49.38 ha												
3	Others	26.46 ha												
	Total	83.19 ha.												
10.	Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not:	No displacement involved.												
11.	Reclamation Plan:	Given												

	Details and financial allocation:	
12.	Details on catchment and command area under the project:	Not given
13.	Cost benefit ratio:	1:1448
14.	Recommendations of the Principal Chief Conservator of Forests/State Government:	Recommended.
15.	Recommendations of Regional Chief Conservator of Forests along with detailed reasons:	<p>i. Recommended</p> <p>ii. User Agency may please be instructed to take up soil conservation measures and wild life protection and management measures in consultation with forest Department.</p>
16.	Regional Chief Conservator of Forests shall give detailed comments on whether there are any alternatives routes/alignments for locating the project on the non-forest land:	Not applicable
17.	Utility of the Project:	Increasing steel production in the country
18.	Whether land being diverted has any socio-cultural/religious value:	Does not form part of any archaeological/heritage site/ defence establishment
19.	Situation w.r.t. any P.A.	No Protected Area in the vicinity
20.	Any other information relating to the Project:	Area to be diverted for conveyor belt and transmission line is not included in the proposal. Separate proposals for the same is given by user agency. The additional area

	requirement is Transmission line – 0.348 ha Conveyor belt -0.604 ha Therefore, an additional area of 0.952 ha needs to be included in this proposal. The total area required for this mine would then be 134.532 ha
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13. It is also mentioned here that with regard to **category 'C'** mining leases which were cancelled on the direction of the Hon'ble Supreme Court, the Ministry of Mines was requested that the existing statutory approvals/ clearances in favour of the lessee of the erstwhile **category 'C'** mining leases will be transferred in favor of the new lessee. This matter has been examined in the Ministry and a guideline was issued by MoEF&CC on 03.05.2017 which states the following:

- (i) In the case of the category "C" mines referred in the communication dated 29th October 2016 from Ministry of Mines, it is important to note that illegal mining of iron ore in Bellari region of the state of Karnataka was investigated by the Central Empowered Committee (CEC) and the report was submitted to the Supreme Court in the CWP no 562 of 2009 in the SamajParivartanSamudaya&Ors vs State of Karnataka &Ors. The report was disposed by the Supreme Court on 18th April 2013.
- (ii) As per the judgment, the those existing operating mines were classified as **category "C"** mines wherein (i) the illegal mining by way of (a) mining pits outside the sanctioned lease area have been found to be more than 10% of the lease area and/or (b) over burden/ waste dumps outside the sanctioned lease area have been found to be more than 15% of the lease area and/ or (ii) the leases found to be in flagrant violation of the Forest Conservation Act 1980 and/ or found to be involved in illegal mining in other cases. **The number of such cases was 49.**
- (iii) On the recommendation of the CEC the category "C" mines were cancelled by the Hon'ble Supreme Court and it was ordered that the area of mining leases falling in the category "C", after cancellation of the mining leases, may be directed to be allotted / assigned to the highest bidder (s) from amongst the end users. These category "C" mines were cancelled and put to auction after getting permission of the court.
The Hon'ble Supreme court has ruled on 30.7.2015 that:
8. The existing statutory approval / clearances in favor of the lessee of the erstwhile category "C" mining leases will be transferred in favor of new lessees. The concerned authority will take expeditious action for grant of the statutory approvals such as environmental clearance and approval/ TWP under Forest (Conservation) Act 1980.
- (iv) The Ministry has **no objection** in transfer of the FC clearance in favor of the new leases/ LOI holders provided the Ministry of Mines appoints a



designated officer in this behalf who will certify the grant of Letter of Intent of Intent (LOI) in favor of new lessee of the cancelled mining lease in category "C" referred in above paras on the following conditions:

- a) These new LOI holders have to apply separately to the Ministry of Environment, Forest & Climate Change for transfer of lease with requisite transfer fee. The ministry will examine the violations as reported in the CEC report and make necessary amendments in the stipulated conditions in FC clearances already granted, wherever necessary. Where additional forest land has been diverted/ broken for illegal mining then such excess forest land will not be a part of the new lease.
- b) Since category "C" mines have been canceled by Court order, the NOC for transfer of lease from the erstwhile lease holder of the cancelled category "C" mine will not be required for transfer of forest clearance in favor of new lease/ LOI holder who have got the lease of the cancelled mine in auction. However, the MoEF& CC will not be liable to pay any compensation or refund compensatory levies deposited in Adhoc CAMPA fund to the erstwhile lease holder in category "C" and the new lease / LOI holder who have got the lease/LOI in auction shall furnish an undertaking to this effect that the Forest Clearance be transferred with all the liabilities of the transferred lease area of the erstwhile lease holder of the cancelled category "C" mine.

15. FAC observed that the instant proposal pertains to C category mine. The erstwhile user agency was granted approval for diversion of Forest land Under the provisions of FCA 1980 up to 2009. The present user agency had been granted letter of intent (LOI) for next 50 years. Since the approval under the provisions of FCA to erstwhile user agency was only up to 2009, and it is reported that mine is closed for last eight and half years, the instant proposal is considered as a fresh proposal for the purpose of approval under the provisions of Forest (Conservation) Act 1980.

16. Recommendation of FAC:

FAC after thorough deliberation and discussion with user agency, Nodal officer Karnataka and representatives of regional office Bangalore, recommended the proposal with Standard, General and following Specific Conditions

1. User agency shall provide non-forest land equivalent to 133.58 ha. for compensatory afforestation. CA scheme shall be revised accordingly.
2. Non-forest land equivalent to 133.58 ha shall be transferred and mutated in favour of state forest department prior to Stage II approval.

3. State government shall ensure that CA scheme with at least 1000 plants per ha is plantable on the non-forest land which is being provided by the user agency for compensatory afforestation. In case if it is not possible to carry out plantation @ 1000 plants per ha in the proposed non-forest CA land, the remaining number of plants shall be planted on degraded forest land. The shape file of such degraded forest land shall be provided to MoEF&CC prior to stage II approval.
4. NPV for the entire area of 133.58 ha shall be charged.
5. State government shall develop a reclamation scheme for the area broken by erstwhile mine holder outside the mining lease. A detail scheme along with specific time line to green the area shall be submitted by the state government.
6. State government shall prepare a site specific wild life management plan duly approved by Chief wild life warden of the state. The cost of preparation and implementation shall be borne by user agency.
7. State government shall prepare a regional wild life management plan and user agency shall be asked to contribute to the regional wild life management plan in proportion to the area of mining lease falling within the designated region of wild life management plan. The contribution to the regional wild life management plan shall be different from site specific wild life management plan. The plan shall be approved by competent authority in the state.
8. User agency shall prepare and implement a soil and moisture conservation plan. It shall be duly approved by competent authority in the state.
9. All the conditions proposed by PCCF (HoFF) Karnataka in his forwarding letter A5(1) MNG.CR.02/2017-18 dated 20.01.2018 shall be complied .

Agenda No. 4

F. No. 8-34/2007-FC

Sub: Diversion of 193.19 ha of forest land for underground mining of coal for Mahakali Colliery in favour of Western coalfields Limited in Chandrapur in Maharashtra submitted by the State Government of Maharashtra.

The above stated agenda was placed before FAC on 17.5.2018. FAC after detail deliberation observed that

- 1 The State Government of Maharashtra vide their letter no. FLD-3606/CR 208/F-10 dated 20.07.2007 has submitted a proposal for diversion of 193.19 ha of forest land for underground mining in favour of above stated user agency.
- 2 The proposal was earlier placed in FAC meeting on 09.07.2008, 16.03.2016, 12.07.2017 and 26.3.18
- 3 In its meeting on 09.07.2008 FAC observed that in view of nearness of the project to Tadoba Tiger Reserve, it was suggested to examine the proposal by National Tiger Conservation Authority (NTCA). It was also desired by FAC on



09.07.2008 that comments from State Govt. on SIR done by RO Bhopal on violation of Forest.(Conservation) Act, 1980 and Rehabilitation of 146 persons on these lands may be sought.

- 4 These recommendation of the FAC on 09.07.2008 were communicated to the State Government vide this Ministry's letter of dated 4.08.2008. **However, the comments of NTCA was not sought as per the direction of the then DGF&SS whose remarks on file states that "I don't think reference to NTCA is necessary because of the fact stated by Chief Wildlife Warden Maharashtra which is that the Mine is 19 Km from Tiger reserve and 8 Km from buffer"**.
- 5 The reply of the above communication was received from the PCCF/State Government of Maharashtra, vide their letter no. FLD-3606/CR 208/F-10 dated 17.02.2014 .It states that:
 - i. With regards to the nearness of the project to the Tadoba Tiger Reserve, the State Forest Department has informed that a per the remarks of PCCF (Wildlife) and Chief Wildlife Warden, Nagpur, in his letter dated 22/02/2013, the distance of project site form the boundary of TATR is 19.00 km and 8.00 km from buffer of TATR. The proposed area does not fall in the corridor of wildlife and Chief Wildlife Warden has no objection for the project. In view of the remarks offered by the Chief Wildlife Warden , It is felt that the examination of the proposals by National Tiger Conservation Authority (NTCA) may not be necessary for this proposal.
 - ii. With regards to violation of the Forest (Conservation) Act, 1980, it is mentioned by the State Government that violation report for this project is submitted to Government of Maharashtra vide this office letter dt. 12/12/2006. As per the violation report, U/G mining was done on 77.71 ha of forest area before 25/10/1980. U/G mining was done in 47.07 ha forest area during the period of 25/10/1980 to 31/3/2005. As the mine is very old the documents such as lease deed maps etc. are not available, the only document made available by the project authority is a letter by Divisional Forest officer, North Chanda No. G/300 dt.23/01/1945 stating that Reserve forest area of 311 acres is granted to Mahakali Coal Mines Ltd. vide mining lease letter No. 967L/XIII dated 30/8/1921 along with a challan for Rs. 30.14
 - iii. From these facts and the violation report it is clear that the U/G mining was carried out in 47.07 ha of forest areas after 25/10/1980.
 - iv. The Mahakali Colliery is an underground coal mine and the surface forest area has not been disturbed and hence rehabilitation of 146 persons from these lands is not required.
- 6 Due to contradiction in the facts reported by the State Government and the Regional Office, the Regional Office was also requested on 12.09.2014 to re-inspect the area along with some senior officer of the State Government and submit a detailed Site Inspection Report along with Clear and unambiguous recommendations to the Ministry for further necessary action in the matter.



- 7 In response to this Ministry's letter dated 12.09.2014, the Regional Office vide its letter dated 12.12.2014 has submitted the SIR of re-inspection. The Site Inspection of this project was carried out by CCF on 14.11.2014 in the presence of Shri S.S.Patil, Divisional Forest Officer, Chandrapur & Shri Pakmode, Surveyor of the Forest Department, Shri R.K.Mishra, Area General Manager, Chandrapur Area, Shri S.K. Singh, Chief Manager(M), WCL, HQ, Shri. R.S. Gupta, Area Planning Officer, Shri J. Charde, Colliery Manager, Mahakali Mines and others. The details of SIR is as under:

I. Legal status of the forest land proposed for diversion:

193.19 ha. of forestland with following category is required for the diversion:

Reserved Forest - 93.64 ha.

Protected Forest - 85.84 ha.

Zudpi Jungle - 13.71 ha

Total - 193.19 ha.

- II.** Item wise break-up details of the forest land proposed for diversion: The entire forest area proposed for diversion is required for underground mining. Status of underground mining is as follows:

Mining already done up to 25/10/1980	77.71 ha.
Mining done after 25/10/1980	47.07 ha.
Mining to be done	68.41 ha.
Total	193.19ha

Though there is no dissent that mining has to be done in 68.41 ha. and mining was done in 47.07 ha. area after 1980 in violation of FCA, 1980, the contentious issue is to ascertain period of mining done in 77.71 ha. The WCL insists that it was done before 1980, the State Government does not agree to it and proposes penal CA on 125.49 ha.

- III. Whether proposal involves any construction of building (including residential) or not. If yes, details thereof:**

No. But 141 families were rehabilitated on Zudpi Forest from the site of Hindustan.

Lalpet Open Cast Mining and the same- has been regularized by the State Government. No surface right for this forest area is sought, but many encroached households were noticed in the Protected Forest land near Chandrapur- -Ballarshah road which passes through the proposed mining lease area.

- IV. Total cost of the project :** The cost of the project is reported to be Rs. 9.96 crore.

- V. **Wildlife:** This mining lease area being close to Chandrapur township is surrounded by habitation and is not very important from Wildlife point of view.
- VI. **Vegetation:** Area is dominated by the bushy type of vegetation of mixed category and is highly degraded.
- VII. **Background note on the proposal:** Mahakali Colliery (Underground Mine) opened in the year 1922 is located close to Chandrapur Town. Temporary Working Permission was granted by the MoEF, GoI vide letter no. 8-82/2005-FC dt. 23/11//2005 for one year. Mining has been stopped on expiry of this permission. Mining was done in 125.49 ha. and now the proposal is to carry out mining in 64.41 of balance forest land.
- VIII. **Compensatory afforestation:** Since this project involves underground mining, no Compensatory Afforestation is proposed.
- IX. **Whether proposal involves violation of Forest (Conservation) Act, 1980:** Yes. But the contention is about the area of violation. Though the M/s WCL maintains that mining has been continuing in the area since 1922 and till the year 1980 about 77.71 ha. of forest land was worked up and the violation was done for 47.78 ha. Only. The Forest Department/Govt. of Maharashtra disputes this as the User Agency could not produce any documentary evidence to prove that mining on 77.71 ha. was done before 1980. Hence, mining in 77.71 ha. of forest land claimed to have been broken prior to 1980 is treated by State Govt. as violation of provisions of Forest (Conservation) Act, 1980 and total mining done in 125.49 ha. has been considered as violation.
- X. **Whether proposal involves rehabilitation of displaced persons:** No.
- XI. **Reclamation plan:** Since it is a case of underground mining by Board & Pillar method and depillaring operation in conjunction with sand stowing, no reclamation plan is prepared.
- XII. **Details of catchment and command area under the project:** NA.
- XIII. **Cost benefit ratio:** The Cost-Benefit ratio is calculated as 1:8.39
- XIV. **Recommendation of the PCCF/State Government:** The PCCF, Maharashtra has recommended the proposal for approval subject to usual conditions including Penal CA over four times the forest area worked in violation and Environmental Clearance.
- XV. Regional Additional Principal Chief Conservator of Forests shall give detailed comments on whether there is any alternatives routes/alignment for locating the project on the non-forest land: Coal mining being site specific activity question of alternative does not arise.
- XVI. **Utility of the project:** The underground coal mining project will supply coal to Thermal Power house and will generate employment.
- XVII. **Whether land being diverted has any socio-cultural/ religious value:** No.
- XVIII. **Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion:** No.



- XIX. Whether the land under diversion forms part of any unique ecosystem:**No.
- XX. Situation in respect of any Protected Area:**Tadoba-Andhari Tiger Reserve is 15-16 kms away.
- XXI. Any other information relating to the project:**Compartment histories and pictures taken by the CCF who carried out site inspection are enclosed.

Recommendation of Regional Additional Principal Chief Conservator of Forests along with details reasons: The proposal is recommended for approval subject to the following:

- (i) Penal compensatory afforestation may be carried out over twice the degraded area involved in violation.
 - (ii) Since the issue of area involved in violation is not agreed upon by the UA and State Government. This has to be settled during FAC meeting in presence of representatives of State Government and Coal India Ltd.
 - (iii) All unauthorized encroachments must be removed.
8. The State Government of Maharashtra vide their letter dated **03.03.2016** informed that the discrepancy observed in the total area worked by the project proponent in violation of the Forest (Conservation) Act-1980 and the details of subsidence predication for assessing long terms damage on surface due to underground mining. The information is submitted as under.
- i.) The details of 193.19 ha forest land proposal for diversion are as under:-
 - a) Forest area mined out before 25.10.1980 – 77.71 ha.
 - b) Forest area mined out after 25.10.1980 – 47.07 ha
 - c) Forest area not yet mined 25.10.1980 – 68.41 ha.

It is clear from the above details that 47.07 ha forest area was worked by the project proponent in violation of Forest (Conservation) Act-1980.

- ii.) Subsidence prediction was conducted through CENTRAL Mining Research Institute Dhanbad which recommended that “The maximum predicted tensile strain due to extraction in all the four panels lying below the forest land is only 0.64 mm/m. This value of tensile strain is less than the value of 20 mm/m as per guidelines of MoEF&CC, GOI.
- 9. Recommendation by FAC on 16.03.2016:** The committee after deliberations recommended that
- i.State government may be asked to provide documents/orders by the state government regarding rehabilitation of 141 families on zudpi forest land.
 - ii.State government may be asked to submit compliance of FRA as per the guidelines issued by MOEF and CC



iii. The FAC decided that a subcommittee of FAC shall inspect the area and look into following points and submit report.

- a) Violation of FCA 1980 committed by the project proponent and the state government.
- b) Present status of forest land in the proposed area.

As per above recommendation of FAC , the state govt. was requested vide this Ministry's letter dated 12.04.2016 to provide documents/orders by the state government regarding rehabilitation of 141 families on zudpi forest land submit compliance on FRA as per the guidelines issued by MOEF and CC. In addition, as per recommendation of FAC, a sub-committee of FAC was constituted for inspection of the area and look into the issues relating to Violation of Forest (Conservation) Act 1980 committed by the project proponent/State Government and the present status of forest land in the proposed area.

10. The sub-committee of FAC submitted their report inspection Report Findings of the Sub-Committee:

- i. Most of the areas of Compartment No 572 and 573 of PF (Survey Number 421, 441/1-4 and 461 and 463/1) at village ChandaRayatwari were noticed under encroachment and covered with buildings, roads, railway line, transmission line and other structures.
- ii. In addition to the area of 2.65 ha used for rehabilitation of 143 families by the District Administration in survey No. 469/1, 469/2, 469/3 and 469/4, many other settlements and structures exist on this patch of Zudpi Jungle.
- iii. No encroachment was noticed in Compartment no. 483 and 484 of Reserved Forest.
- iv. From the observation in the field visit and on the basis of records/mining data produced by the User Agency, it can be concluded that the area of 77.71 ha was worked prior to 1980 and no mining work seems to be in progress in this area at present.
- v. An area of 47.07, beneath Compartment No. 484 of RF, has been worked after 1980 and at present the galleries of the area (47.07 ha) are filled with water and no mining work is possible.

11. **The reply, on the recommendation of FAC on 16.03.2016, was awaited from state govt.** However, the inspection report of sub-committee of FAC was placed before FAC at its meeting held on 12.07.2017. **FAC noted that action on reported encroachment has to be taken by state authorities.** The FAC on 12.07.2017 further recommended that the proposal shall be placed before FAC as and when following report from state government is received:

- a) Documents/orders by the state government regarding rehabilitation of 141 families on zudpi forest land.
- b) Compliance of FRA as per the guidelines issued by MOEF and CC

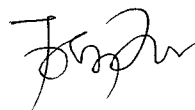
12. The State Govt. was requested vide the Ministry's letter dated 03.08.2016 to furnish the information as sought on the recommendation of FAC in its meeting held on 12.07.2016 The State Government vide their letter no. Desk-17/Nodal cell/17-

1.ID.11403.2400/2017-18 dated 08.01.2018 has submitted their compliance. The point-wise information sought by the Ministry and reply thereof given by the State Govt. are as follows.

S. No.	Points	Compliance
a)	Documents/orders by the state government regarding rehabilitation of 141 families on zudpi forest land.	<p>In this regard , the State Govt. Stated that the details of encroachment has been shown on the map and documents regarding rehabilitation of 141 families issued by District Collector, Chandrapur vide letter No. 4/Desk-5/Nazul/1988/904, dt. 28.06.1988 is submitted.</p> <p>With regard rehabilitation of 141 families, the State Govt. has given a copy of letter dated 28.06.1988 issued by District collector A translated copy is also given and placed in file In translated copy, it is mentioned that the Sub-Divisional Officer was directed to issue order to Western Coalfields Limited to take possession land at Babupeth area vide order dated 16.05.1988, for rehabilitation of the residents of Siddarth Nagar as alternate land. This order was issued erroneously, and hence this order is cancelled.</p> <p>As proposed by Sub Divisional Officer, Chandrapur, as per approved layout of land at MouzaChandaRayatwari bearing Survey No. 469/1,2,3 and 4, 2.65 Ha (Shown on map in Green Color) is handed over (possession) to Western Coalfields Limited, Chandrapur Area for rehabilitation of residents of Siddarth Nagar on the following conditions:</p> <p>(i) The land use should be the same as the purpose for which the land possession has been allotted; the land should not be used for any other purpose.</p>



		<p>(ii) The price (Valuation) as decided by the Town Planner for this land shall be deposited by Western Coalfields Limited to Government Treasury immediately.</p> <p>(iii) All terms and conditions of Maharashtra Land Revenue code 1966, The Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971 shall be binding on Western Coalfields Limited.</p> <p>Verified translated copy of DC's order is not given and moreover in given translated copy it is indicated that <i>this translation is correct to the best of my knowledge. For any clarifications, the original Marathi content can be referred.</i> In addition, It is not clear whether the above conditions imposed by the Collector vide his order dated 28.06.1988 have been compiled by the State Govt.</p>
b)	Compliance of FRA as per the guidelines issued by MOEF and CC.	<p>The original copy of certificate issued by the District Collector, Chandrapur under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 issued vide letter No. Karya-4/RB-II/2017/119, dt. 14.11.2017 alongwith resolution of Gram Sabha and records of consultations and meeting of the Sub-Divisional Committee(s) in prescribed format Form-II as per Gol guidelines are submitted</p> <p>The FRA certificate with documentary evidence in local/ Marathi language is given. However, verified translated copy is not given in the unverified</p>



	translated copy it is mentioned that <i>this translation is correct to the best of my knowledge. For any clarifications, the original Marathi content can be referred.</i>
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13. Recommendation of FAC:

FAC after thorough deliberation and discussion with user agency and Nodal officer Maharashtra observed that state government had submitted the action taken report on the encroachment over the surface area over the mine lease today in the FAC meeting. It is reported by the state nodal officer that as the entire area was under the possession of WCL and it was responsibility of WCL that no encroachment was done and no activity above ground has taken place.

As per the subcommittee report it is observed that the user agency had carried out mining over 47.07 ha after 1980 up to 2005 without approval of central government under the provision of FCA 1980. As the area is mined underground, the state forest authorities do not have access to inspect the area beneath surface without permission of WCL authorities. In this background it was the sole responsibility of the WCL authorities to abide the provisions of law and should have approached forest department for necessary permission as WCL is well aware of the Forest (Conservation) Act 1980. It is a fit case of violation of Forest (Conservation) Act 1980 as the land was under lease and WCL being a government undertaking was solely responsible for maintaining the sanctity of forest land and provisions of FCA 1980.

FAC after thorough deliberation and discussion with user agency and Nodal officer Maharashtra Recommended the proposal with Standard, General and following Specific Conditions.

1. Action shall be initiated against the official under section 3A and 3B of FCA 1980. State government shall provide the name of the official of WCL who allowed the mining under their jurisdiction in the forest area without prior permission of Government of India under FCA 1980. State government shall provide the name prior to stage II approval to regional office and regional office shall initiate the legal proceedings.
2. User agency shall pay for penal CA over double the area in violation of FCA 1980. CA shall be carried over degraded forest area. A detail CA scheme and cost estimate shall be submitted. The amount shall be deposited in Ad hoc CAMPA.
3. State government shall submit FCA proposal for regularization judpi land, allotted for rehabilitation of the residents of Siddarth Nagar in 1988 as per simplified procedure for diversion of Judpi land conveyed to Govt of Maharashtra
4. State government shall take action for the violation as per the guidelines F. No. 11-42/2007 FC dated 29.01.2018 issued by MoEF&CC



Agenda No. 5

F. No. 8-16/2018-FC

Sub: Preliminary exploration (G-3) of iron ore resource in 116.52 ha forest land in Blocks 6B/CI 16 MMM 2003 of Ramanamalai Block, Ballari District by Geological Survey of India, State Unit Karnataka & Goa, Bengaluru-reg

The above stated agenda was considered by FAC on 17.5.18. FAC observed as below

1. The State Government of Karnataka vide their letter no. FEE 03 FFM 2018 dated 07.03.2018 submitted the above-mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. for preliminary exploration (G-3) of iron ore resources.
2. On preliminary scrutiny of the proposal some shortcomings were noticed and same were conveyed to the state government.
3. State Government vide their letter no. FEE 5FFM 2018 dated 23.04.2018 **had addressed the shortcomings and** furnished the Part-II, Part-III and Part-IV of form-C and uploaded the Shape file/KML file on the web-portal.
4. It is reported that the area is vulnerable to erosion. The soil erosion may happen along the slope. **Therefore, the user agency is required to take-necessary precaution measures to avoid the soil erosion.**
5. The proposed forest area falls under Eco-Class-III (Dense forest)
6. With respect to presence of wild life it is reported that wild animals like Wild bore, Panthers, peacocks and others. Are found in the area.
7. The area do not forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc.
8. No Rare, Endangered and Threatened species of flora and fauna are reported to be found in the area.
9. It is reported that no protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.
10. It is reported that No work of in violation of the Forest (Conservation) Act, 1980 has been carried out in the area.
11. **Total period for which the forest land is proposed to be utilized for prospecting is for one year**

12. Particulars of forest land requirements:

SL No.	Component	Temporary Change (Ha.)	Permanent Change (Ha.)	Legal status of forestland
1.	Surface sampling	0.00125	-	Section 4 notified
2.	Pitting/Trenching	-	-	
3.	Drilling of boreholes	0.005	-	
4.	Road/Path	0.06	-	



5.	Other activity	-	-	
	Total	0.06625	-	

13. The Deputy Conservator of Forests, Ballari Division, has inspected the site on 01-12-2017 and furnished the details in Form-C Pan-II as under:

- a) The requirement of forestland proposed by the User Agency is unavoidable and barest minimum for the project.
- b) The proposed Forest area falls under Eco-Class-III (Dense Forest).
- c) There are no rare / endangered / unique species of -flora and fauna found in the proposed area
- d) There are no trees to be felled on the proposed forestland for preliminary exploration.
- e) There are no protected/archaeological/heritage sites, defence establishments, or important monuments in the area.
- f) The proposed forest area does not form part of any Wildlife Sanctuary, National Park, Biosphere Reserve, Tiger Reserve or Elephant Corridor etc.
- g) The soil erosion may happen on the slopes; the User Agency is required to take necessary precaution measures to avoid the soil erosion.**
- h) There is no violation reported under Forest (Conservation) Act 1980.

14. It is indicated that the project involves only exploration works and no drilling of boreholes for preliminary exploration for iron ore resources in Ramanamalai Block.

15. The PCCF vide their letter No. A5(1). Misc. CR.13/2017-18 dt. 05.01.2018 reported that as per Para (ii) of the GOI FC Guidelines F. No. 11-96/ 2009-FC dated 04.07.2014, the area, which is likely to experience temporary change in land use, is exempted from the requirement of compensatory afforestation and payment of NPV. Forest land which experience permanent change in the land use due to prospecting activity is considered for the purpose of the CA and NPV. As the present proposal involves no permanent damage due to prospecting, the **NPV is not to be charged and no CA need to be raised.**

16. The Principal Chief Conservator of Forest, Bengaluru has recommended the proposal **subject to the following conditions:**

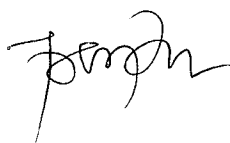
- i. No civil structures (temporary or permanent) shall be erected in the proposed area.
- ii. Exploration inside forestland shall be limited to the period from sunrise to sunset only.
- iii. User agency shall not sublease the exploration work
- iv. No fire will be kindled inside and in the vicinity of the forest area.
- v. User agency shall follow the forest transit regulations while transporting the forest produce (excavated sample material) from the site



- vi. User agency shall be liable for any violations under Karnataka Forests Act, 1963 and Rules, 1969 in addition to other relevant laws in and around the forest area concerned.
- vii. User agency has to pay the Net Present Value of forest land diverted under this proposal as per orders 28-03-2008 and 09-05-2008 of the Hon'ble Supreme Court.
- viii. Alignment of fresh roads resulting in permanent changes shall be done in consultation with the jurisdictional Deputy Conservator of Forests. Only clearing of bushes and levelling to specified width shall be done for formation of approved new roads. No metalling or asphaltting shall be permitted.
- ix. User agency shall undertake appropriate measures at its own cost to appropriately restore Trenches/Pits dug for prospecting, wherever required, in consultation with the jurisdictional Deputy Conservator of Forests.
- x. Boreholes shall be capped by User Agency at own cost, once the exploration is over.
- xi. User Agency shall provide a list of authorised officials/ workers engaged in exploration to the forest department before commencing the work and also provide the Identity Cards/ Documents to each such official/ worker, to be produced when demanded by the forest department.
- xii. User Agency shall pay the cost of extraction of trees, if required to be felled, as estimated by the Forest Department and User Agency shall be liable to pay the compensatory planting charges in accordance with Para 3.2(viii) (b) of Government of India FC Guidelines and PCCF (HoFF) letter No. A5 (3)/GFL/CR-28/2009-10 Dated 04-11-2017.
- xiii. User Agency shall be solely responsible for any injury/death/ disability, damage etc. caused or occurred during the exploration work under the relevant laws.
- xiv. User Agency shall make available a copy of its exploration findings, as soon as finalized, to the forest department.
- xv. User Agency shall abide by all the conditions imposed upon by the Government of India, the Government of Karnataka and the Principal Chief Conservator of Forests (HOFF).

17. Further, Ministry vide its letter no. 5-3/2007-FC dated 09.05.2018 issued a guideline for stipulating the norms for Survey and Investigation (Prospecting of ores) on forest land with direction that exempting large scale non-forest activities, such as drilling of 15 – 20 bore-holes / sq. km. for prospecting of minerals in forest areas, from the requirement of obtaining prior approval under the Forest (Conservation) Act, 1980 is not acceptable. The guideline dated 09.05.2018 further conveyed that:

- i. The prospecting of minerals by drilling bore holes for collecting seismic waves and collecting mineral samples constitutes non forestry activities for the purpose of Forest Conservation Act.
- ii. The user agency shall apply online for diversion of forest area as per the procedure laid down by MoEF&CC from time to time.
- iii. General approval may be accorded to the state government by the MoEF&CC



- for prospecting of minerals in forest land having average weighted crown density up to 40 % as per the latest FSI report.
- iv. In case of coal, lignite and metallic ores - test drilling up to 20 boreholes of maximum 8" dia per 1.0 sq km and in case of non-metallic ores excluding coal & lignite - test drilling up to 16 boreholes of maximum 6.6" dia per 1.0 sq km for prospecting exploration or reconnaissance operations, without felling of trees, may be allowed by state government. In all other cases involving more number of drilling of bore holes, prior permission of Central Government under the Act would be required.
 - v. In case of seismic survey for exploration of hydro carbon the user agency shall pay NPV @ of 2.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.
 - vi. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density upto 40%,the prospecting agency shall pay NPV @ of 5.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.
 - vii. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density between 40 to 70 percent, the State Government shall forward the application to the Regional Office of the Ministry for consideration. The proposal will be considered in the REC and if recommended then the approval will be granted with mandatory condition *inter alia* that user agency will pay NPV @ of 10.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed.
 - viii. The NPV deposited for prospecting will not be adjusted against the diversion proposal of forest land under section 2 of FCA 1980.The amount will be non-refundable as well non-adjustable.
 - ix. User agency shall submit complete plan of operation for prospecting in the entire forest area in the mining block prior to start of work to the Nodal officer of the state.
 - x. User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area and degraded forest land as per prescription of working plan in a contiguous patch.
 - xi. The user agency shall engage ICFRE to conduct study on the impact numbers of bore holes for prospecting over forest and wild life of the area and suggest mitigation measures. The design of study shall be approved by MoEF&CC.
 - xii. Prospecting in protected areas such as national parks, wildlife sanctuaries, biosphere reserve, Tiger reserves, corridors, pristine forests identified by State and Central Government etc. shall not be allowed.
 - xiii. The delegation of power to grant permission for prospecting by the state government shall be valid for 5 years only and will be reviewed after expiry of

five years.

Recommendation of FAC

FAC after thorough deliberation and discussion with the Nodal officer Karnataka and representative of APCCF regional office Bangalore observed that:

1. On analysis through DSS it is found that the forest area in which prospecting is proposed comes under *in violate* category. FAC do not recommend the proposal.

Agenda No. 6

F. No. 8-17/2018-FC

Sub: Preliminary exploration (G-3) of iron ore resource in 123.09 ha forest land in Blocks 13/1 (North) of Ramanamalai Block, Ballari District by Geological Survey of India, State Unit Karnataka & Goa, Bengaluru-reg

The above stated agenda was considered by FAC on 17.5.18. FAC observed as below:

1. The State Government of Karnataka vide their letter no. FEE 04 FFM 2018 dated 07.03.2018 submitted the above mentioned proposal seeking prior approval of the Central Government under Sectin-2 of the Forest (Conservation) Act, 1980
2. **On preliminary scrutiny of the proposal some shortcomings were noticed and same were conveyed to the state government.**
3. State Government vide their letter no. FEE 5FFM 2018 dated 23.04.2018 furnished the Part-II, Part-III and Part-IV of form-C and uploaded the Shape file/KML file on the web-portal.
4. **Total period for which the forest land is proposed to be utilized for prospecting is for one year.**
5. The details of the proposal as given in the PCCF letter no. A5(1). MISC.CR.12/2017-18 dated 5.01.2018 are as under:

Particulars of forest land requirements:

SL No.	Component	Temporary Change (Ha.)	Permanent Change (Ha.)	Legal status of forestland
c)	Surface sampling	0.00425	-	Section 4 notified
d)	Pitting/Trenching	0.054	-	
e)	Drilling of boreholes	0.02	-	
f)	Road/Path	0.6000	0.2592**	
g)	Other activity	-	-	
Total		0.67825	0.2592**	

** Wrongly shown as 0.432 ha in Item C of Form-C on web portal because technical issues.*

*** Wrongly shown as 0.432 ha in Item C of Form-C on web portal because technical issues.*

6. The Deputy Conservator of Forests, Ballari Division, has inspected the site on 01-12-2017 and furnished the details in Form-C Pan-II as under:
 1. The requirement of forestland proposed by the User Agency is unavoidable and barest minimum for the project.
 2. The proposed Forest area falls under Eco-Class-III (Dense Forest).
 3. There are no rare / endangered / unique species of -flora and fauna found in the proposed area
 4. There are no trees to be felled on the proposed forestland for preliminary exploration.
 5. There are no protected/archaeological/heritage sites, defence establishments, or important monuments in the area.
 6. The proposed forest area does not form part of any Wildlife Sanctuary, National Park, Biosphere Reserve, Tiger Reserve or Elephant Corridor etc.
 7. **The soil erosion may happen on the slopes; the User Agency is required to take necessary precaution measures to avoid the soil erosion.**
 8. There is no violation reported under Forest (Conservation) Act 1980.

7. It is indicated that the project involves only exploration works and no drilling of boreholes for preliminary exploration for iron ore resources in Ramanamalai Block.

8. The PCCF vide their letter No. A5(1). Misc. CR.11/2017-18 dt. 05.04.2018 has reported that as per Para (ii) of the GOI FC Guidelines F. No. 11-96/ 2009-FC dated 04.07.2014, the area, which is likely to experience temporary change in land use, is exempted from the requirement of compensatory afforestation and payment of NPV. Forest land which experience permanent change in the land use due to prospecting activity is considered for the purpose of the CA and NPV. **As the present proposal involves 0.2592 ha permanent damage due to prospecting, the NPV for 0.2592 ha needs to be charged upon the user agency.**

9. The Principal Chief Conservator of Forest, Bengaluru has recommended the proposal **subject to the following conditions:**
 - I. No civil structures (temporary or permanent) shall be erected in the proposed area.
 - II. Exploration inside forestland shall be limited to the period from sunrise to sunset only.



- III. User agency shall not sublease the exploration work
 - IV. No fire will be kindled inside and in the vicinity of the forest area.
 - V. User agency shall follow the forest transit regulations while transporting the forest produce (excavated sample material) from the site
 - VI. User agency shall be liable for any violations under Karnataka Forests Act, 1963 and Rules, 1969 in addition to other relevant laws in and around the forest area concerned.
 - VII. User agency has to pay the Net Present Value of forest land diverted under this proposal as per orders 28-03-2008 and 09-05-2008 of the Hon'ble Supreme Court.
 - VIII. Alignment of fresh roads resulting in permanent changes shall be done in consultation with the jurisdictional Deputy Conservator of Forests. Only clearing of bushes and levelling to specified width shall be done for formation of approved new roads. No metalling or asphaltting shall be permitted.
 - IX. User agency shall undertake appropriate measures at its own cost to appropriately restore Trenches/Pits dug for prospecting, wherever required, in consultation with the jurisdictional Deputy Conservator of Forests.
 - X. Boreholes shall be capped by User Agency at own cost, once the exploration is over.
 - XI. User Agency shall provide a list of authorised officials/ workers engaged in exploration to the forest department before commencing the work and also provide the Identity Cards/ Documents to each such official/ worker, to be produced when demanded by the forest department.
 - XII. User Agency shall pay the cost of extraction of trees, if required to be felled, as estimated by the Forest Department and User Agency shall be liable to pay the compensatory planting charges in accordance with Para 3.2(viii) (b) of Government of India FC Guidelines and PCCF (HoFF) letter No. A5 (3)/GFL/CR-28/2009-10 Dated 04-11-2017.
 - XIII. User Agency shall be solely responsible for any injury/death/ disability, damage etc. caused or occurred during the exploration work under the relevant laws.
 - XIV. User Agency shall make available a copy of its exploration findings, as soon as finalized, to the forest department.
 - XV. User Agency shall abide by all the conditions imposed upon by the Government of India, the Government of Karnataka and the Principal Chief Conservator of Forests (HOFF).
10. Further, Ministry vide its letter no. 5-3/2007-FC dated 09.05.2018 issued a guideline for stipulating the norms for Survey and Investigation (Prospecting of ores) on forest land with direction that exempting large scale non-forest activities, such as drilling of 15 – 20 bore-holes / sq. km. for prospecting of minerals in forest areas, from the requirement of obtaining prior approval under the Forest (Conservation) Act, 1980 is not acceptable. The guideline dated 09.05.2018 further conveyed that:
- I. The prospecting of minerals by drilling bore holes for collecting seismic waves and collecting mineral samples constitutes non forestry activities for



the purpose of Forest Conservation Act.

- II. The user agency shall apply online for diversion of forest area as per the procedure laid down by MoEF&CC from time to time.
- III. General approval may be accorded to the state government by the MoEF&CC for prospecting of minerals in forest land having average weighted crown density up to 40 % as per the latest FSI report.
- IV. In case of coal, lignite and metallic ores - test drilling up to 20 boreholes of maximum 8" dia per 1.0 sq km and in case of non-metallic ores excluding coal & lignite - test drilling up to 16 boreholes of maximum 6.6" dia per 1.0 sq km for prospecting exploration or reconnaissance operations, without felling of trees, may be allowed by state government. In all other cases involving more number of drilling of bore holes, prior permission of Central Government under the Act would be required.
- V. In case of seismic survey for exploration of hydro carbon the user agency shall pay NPV @ of 2.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.
- VI. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density upto 40%,the prospecting agency shall pay NPV @ of 5.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.
- VII. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density between 40 to 70 percent, the State Government shall forward the application to the Regional Office of the Ministry for consideration. The proposal will be considered in the REC and if recommended then the approval will be granted with mandatory condition *inter alia* that user agency will pay NPV @ of 10.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed.
- VIII. The NPV deposited for prospecting will not be adjusted against the diversion proposal of forest land under section 2 of FCA 1980. The amount will be non-refundable as well non-adjustable.
- IX. User agency shall submit complete plan of operation for prospecting in the entire forest area in the mining block prior to start of work to the Nodal officer of the state.
- X. User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area and degraded forest land as per prescription of working plan in a contiguous patch.
- XI. The user agency shall engage ICFRE to conduct study on the impact numbers of bore holes for prospecting over forest and wild life of the area

and suggest mitigation measures. The design of study shall be approved by MoEF&CC.

- XII.** Prospecting in protected areas such as national parks, wildlife sanctuaries, biosphere reserve, Tiger reserves, corridors, pristine forests identified by State and Central Government etc. shall not be allowed.
- XIII.** The delegation of power to grant permission for prospecting by the state government shall be valid for 5 years only and will be reviewed after expiry of five years.

11. Recommendation of FAC

FAC after thorough deliberation and discussion with user agency and Nodal officer Maharashtra recommended the proposal with Standard, General and following Specific Conditions.

1. State government shall calculate compensatory levies and NPV for the prospecting proposal as per MoEF&CC guidelines no 5-3/2007-FC dated 09/05/2018. The amount shall be deposited in Adhoc CAMPA account prior to Stage II approval.
2. Permission granted for prospecting under the provisions of FCA 1980, shall not confer any right of user agency to get permission for extraction of mineral and diversion of Forest land under section 2(ii) of FCA 1980.
3. No tree felling, permanent change in land use of forest land and construction of new road shall be allowed. User agency can utilize existing forest roads and paths without felling and damage to trees.
4. User agency shall engage ICFRE to conduct study on the impact of number of bore holes for prospecting over forest and wild life of the area and suggest mitigation measures. The design of study shall be approved by MoEF&CC. All the mitigation measures shall be implemented by the user agency at their own cost under supervision of forest department.
5. User agency shall prepare a plan to plant 20 tall trees per bore hole area. The cost of preparation of the plan and plantation shall be borne by the user agency. State government shall ensure that plants are planted on abandoned bore hole area and degraded forest land as per prescription of working plan in a contiguous patch.
6. No civil structures (temporary or permanent) shall be erected in the proposed area.
7. Exploration inside forestland shall be limited to the period from sunrise to sunset only.
8. User agency shall not sublease the exploration work
9. No fire will be kindled inside and in the vicinity of the forest area.
10. User agency shall follow the forest transit regulations while transporting the forest produce (excavated sample material) from the site.



11. User agency shall be liable for any violations under Karnataka Forests Act, 1963 and Rules, 1969 in addition to other relevant laws in and around the forest area concerned.
12. User agency has to pay the Net Present Value of forest land diverted under this proposal as per orders 28-03-2008 and 09-05-2008 of the Hon'ble Supreme Court.
13. User agency shall undertake appropriate measures at its own cost to appropriately restore Trenches/Pits dug for prospecting, wherever required, in consultation with the jurisdictional Deputy Conservator of Forests.
14. Boreholes shall be capped by User Agency at own cost, once the exploration is over.
15. User Agency shall provide a list of authorised officials/ workers engaged in exploration to the forest department before commencing the work and also provide the Identity Cards/ Documents to each such official/ worker, to be produced when demanded by the forest department.
16. User Agency shall be solely responsible for any injury/death/ disability, damage etc. caused or occurred during the exploration work under the relevant laws.
17. User Agency shall make available a copy of its exploration findings, as soon as finalized, to the forest department.

Agenda No. 7

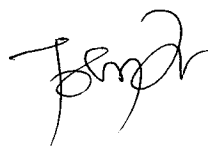
F. No. 8-18/2018-FC

Sub: Preliminary exploration (G-3) of iron ore resource in 131.08 ha forest land in Blocks 6A/CI 16 MMM 2003 of Ramanamalai Block, Ballari District by Geological Survey of India, State Unit Karnataka & Goa, Bengaluru - reg.

The above stated agenda was considered by FAC on 17.5.18. FAC observed as below:

1. The State Government of Karnataka vide their letter no. FEE 07 FFM 2018 dated 07.03.2018 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. **On preliminary scrutiny of the proposal some shortcomings were noticed and same were conveyed to the state government.**
3. State Government vide their letter no. FEE 7 FFM 2018 dated 23.04.2018 furnished the Part-II, Part-III and Part-IV of form-C **and uploaded the Shape file/KML file on the web-portal.**
4. The PCCF vide their letter no. A5(1). MISC.CR.10/2017-18 dated 5.01.2018 has submitted their report and the same is reproduced below.

The Deputy Director General, Geological Survey of India, Karnataka & Goa Unit, Vasudha Bhavan, Kumaraswamy Layout, Bengaluru vide letter under Reference (1) above has submitted the online proposal in Form-C seeking permission under Section 2 of the Forest (Conservation) Act, 1980 to conduct



preliminary exploration of iron ore resource over an extent of 131.08 hectare forestland in Ramanamalai Block (Block 6A/CI 16 MMM 2003). Accordingly, online communication was made to the Deputy Conservator of Forests, Ballari Division and the Chief Conservator of Forests, Ballari Circle to process the proposal. The details of the proposal are given below.

Particulars of forest land requirements:

SL No.	Component	Temporary Change (Ha.)	Permanent Change (Ha.)	Legal status of forestland
1.	Surface sampling	0.00125	-	
2.	Pitting/Trenching	0.015	-	
3.	Drilling of boreholes	-	-	
4.	Road/Path	1.82196*	0.11664**	
5.	Other activity	-	-	
Total		1.83821***	0.11664	

* Wrongly shown as 0.91098 ha in Item C of Form-C on web portal because technical issues.

**Wrongly shown as 0.065 ha in Item C of Form-C on web portal because technical issues.

*** Wrongly shown as 0.91238 ha in Item C of Form-C on web portal because technical issues.

**** Wrongly shown as 0.065 ha in Item C of Form-C on web portal because technical issues.

- I. The Deputy Conservator of Forests, Ballari Division, has inspected the site on 01-12-2017 and furnished the details in Form-C Pan-II as under:
1. The requirement of forestland proposed by the User Agency is unavoidable and barest minimum for the project.
 2. The proposed Forest area falls under Eco-Class-III (Dense Forest).
 3. There are no rare / endangered / unique species of -flora and fauna found in the proposed area
 4. There are no trees to be felled on the proposed forestland for preliminary exploration.
 5. There are no protected/archaeological/heritage sites, defence establishments, or important monuments in the area.
 6. The proposed forest area does not form part of any Wildlife Sanctuary, National Park, Biosphere Reserve, Tiger Reserve or Elephant Corridor etc.
 7. The soil erosion may happen on the slopes; the User Agency is required to take necessary precaution measures to avoid the soil erosion.
 8. There is no violation reported under Forest (Conservation) Act 1980.

- II. Agreeing with the recommendations of the Deputy Conservator of Forest, Ballari Division, the Chief Conservator of Forests, Ballari Circle has forwarded the proposal for further action.
- III. As per Para (ii) of the GOI FC Guidelines F. No. 11-96/ 2009-FC dated 04.07.2014, the area, which is likely to experience temporary change in land use, is exempted from the requirement of compensatory afforestation and payment of NPV. Forest land which experience permanent change in the land use due to prospecting activity is considered for the purpose of the CA and NPV. As the present proposal involves 0.11664 ha permanent damage due to prospecting, the NPV for 0.11664 ha needs to be charged upon the user agency. Further, as per para 3.2(viii)(b) of the FC Guidelines, no Compensatory Afforestation land is insisted in cases involving diversion of forest land up to one hectare. Further, as reported by the Deputy Conservator of Forests, Ballari Division felling of trees is not required to implement the present proposal.
5. Recommended by PCCF for preliminary exploration (G-3 Stage) of iron ore resource in 131.08 ha of forest land in Block 6A/CI 16 MMM 2003 of Ramanamalai Block in Ballari District by Geological Survey of India, State Unit. Karnataka & Goa, Bengaluru subject to the conditions are below.
- a. No civil structures (temporary or permanent) shall be erected in the proposed area.
 - b. Exploration inside forestland shall be limited to the period from sunrise to sunset only.
 - c. User agency shall not sublease the exploration work
 - d. No fire will be kindled inside and in the vicinity of the forest area.
 - e. User agency shall follow the forest transit regulations while transporting the forest produce (excavated sample material) from the site
 - f. **User agency shall be liable for any violations under Karnataka Forests Act, 1963 and Rules, 1969 in addition to other relevant laws in and around the forest area concerned.**
 - g. **User agency has to pay the Net Present Value of forest land diverted under this proposal as per orders 28-03-2008 and 09-05-2008 of the Hon'ble Supreme Court.**
 - h. Alignment of fresh roads resulting in permanent changes shall be done in consultation with the jurisdictional Deputy Conservator of Forests. Only clearing of bushes and levelling to specified width shall be done for formation of approved new roads. No metalling or asphaltting shall be permitted.
 - i. User agency shall undertake appropriate measures at its own cost to appropriately restore Trenches/Pits dug for prospecting, wherever required, in consultation with the jurisdictional Deputy Conservator of Forests.
 - j. Boreholes shall be capped by User Agency at own cost, once the exploration is over.
 - k. User Agency shall provide a list of authorised officials/ workers engaged in exploration to the forest department before commencing the work and also

- provide the Identity Cards/ Documents to each such official/ worker, to be produced when demanded by the forest department.
- l. **User Agency shall pay the cost of extraction of trees, if required to be felled, as estimated by the Forest Department and User Agency shall be liable to pay the compensatory planting charges in accordance with Para 3.2(viii) (b) and PCCF (HoFF) letter No. A5 (3)/GFL/CR-28/2009-10 Dated 04-11-2017.**
 - m. User Agency shall be solely responsible for any injury/death/ disability, damage etc. caused or occurred during the exploration work under the relevant laws.
 - n. User Agency shall make available a copy of its exploration findings, as soon as finalized, to the forest department.
 - o. User Agency shall abide by all the conditions imposed upon by the Government of India, the Government of Karnataka and the Principal Chief Conservator of Forests (HOFF).
6. Further, Ministry vide its letter no. 5-3/2007-FC dated 09.05.2018 issued a guideline for stipulating the norms for Survey and Investigation (Prospecting of ores) on forest land with direction that exempting large scale non-forest activities, such as drilling of 15 – 20 bore-holes / sq. km. for prospecting of minerals in forest areas, from the requirement of obtaining prior approval under the Forest (Conservation) Act, 1980 is not acceptable. The guideline dated 09.05.2018 further conveyed that:
- i. The prospecting of minerals by drilling bore holes for collecting seismic waves and collecting mineral samples constitutes non forestry activities for the purpose of Forest Conservation Act.
 - ii. The user agency shall apply online for diversion of forest area as per the procedure laid down by MoEF&CC from time to time.
 - iii. General approval may be accorded to the state government by the MoEF&CC for prospecting of minerals in forest land having average weighted crown density up to 40 % as per the latest FSI report.
 - iv. In case of coal, lignite and metallic ores - test drilling up to 20 boreholes of maximum 8" dia per 1.0 sq km and in case of non-metallic ores excluding coal & lignite - test drilling up to 16 boreholes of maximum 6.6" dia per 1.0 sq km for prospecting exploration or reconnaissance operations, without felling of trees, may be allowed by state government. In all other cases involving more number of drilling of bore holes, prior permission of Central Government under the Act would be required.
 - v. In case of seismic survey for exploration of hydro carbon the user agency shall pay NPV @ of 2.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.
 - vi. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density upto 40%,the prospecting agency shall pay NPV @ of 5.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount



- shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.
- vii. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density between 40 to 70 percent, the State Government shall forward the application to the Regional Office of the Ministry for consideration. The proposal will be considered in the REC and if recommended then the approval will be granted with mandatory condition *inter alia* that user agency will pay NPV @ of 10.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed.
 - viii. The NPV deposited for prospecting will not be adjusted against the diversion proposal of forest land under section 2 of FCA 1980. The amount will be non-refundable as well non-adjustable.
 - ix. User agency shall submit complete plan of operation for prospecting in the entire forest area in the mining block prior to start of work to the Nodal officer of the state.
 - x. User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area and degraded forest land as per prescription of working plan in a contiguous patch.
 - xi. The user agency shall engage ICFRE to conduct study on the impact numbers of bore holes for prospecting over forest and wild life of the area and suggest mitigation measures. The design of study shall be approved by MoEF&CC.
 - xii. Prospecting in protected areas such as national parks, wildlife sanctuaries, biosphere reserve, Tiger reserves, corridors, pristine forests identified by State and Central Government etc. shall not be allowed.
 - xiii. The delegation of power to grant permission for prospecting by the state government shall be valid for 5 years only and will be reviewed after expiry of five years.

Recommendation of FAC

FAC after thorough deliberation and discussion with Nodal officer Karnataka and representatives of Regional office Bangalore recommended the proposal with Standard, General and following Specific Conditions.

1. State government shall calculate compensatory levies and NPV for the prospecting proposal as per MoEF&CC guidelines no 5-3/2007-FC dated 09/05/2018. The amount shall be deposited in Adhoc CAMPA account. Prior to stage II approval.
2. Permission granted for prospecting under the provisions of FCA 1980 shall not confer any right of user agency to get permission for extraction of mineral and diversion of Forest land under section 2(ii) of FCA 1980.
3. No tree felling, permanent change in land use of forest land and construction of new road shall be allowed. User agency can utilize existing forest roads and paths without felling and damage to trees.
4. User agency shall engage ICFRE to conduct study on the impact of



- number of bore holes for prospecting over forest and wild life of the area and suggest mitigation measures. The design of study shall be approved by MoEF&CC. All the mitigation measures shall be implemented by the user agency at their own cost under supervision of forest department.
5. User agency shall prepare a plan to plant 20 tall trees per bore hole area. The cost of preparation of the plan and plantation shall be borne by the user agency. State government shall ensure that plants are planted on abandoned bore hole area and degraded forest land as per prescription of working plan in a contiguous patch.
 6. No civil structures (temporary or permanent) shall be erected in the proposed area.
 7. Exploration inside forestland shall be limited to the period from sunrise to sunset only.
 8. User agency shall not sublease the exploration work
 9. No fire will be kindled inside and in the vicinity of the forest area.
 10. User agency shall follow the forest transit regulations while transporting the forest produce (excavated sample material) from the site
 11. User agency shall be liable for any violations under Karnataka Forests Act, 1963 and Rules, 1969 in addition to other relevant laws in and around the forest area concerned.
 12. User agency has to pay the Net Present Value of forest land diverted under this proposal as per orders 28-03-2008 and 09-05-2008 of the Hon'ble Supreme Court.
 13. User agency shall undertake appropriate measures at its own cost to appropriately restore Trenches/Pits dug for prospecting, wherever required, in consultation with the jurisdictional Deputy Conservator of Forests.
 14. Boreholes shall be capped by User Agency at own cost, once the exploration is over.
 15. User Agency shall provide a list of authorised officials/ workers engaged in exploration to the forest department before commencing the work and also provide the Identity Cards/ Documents to each such official/ worker, to be produced when demanded by the forest department.
 16. User Agency shall be solely responsible for any injury/death/ disability, damage etc. caused or occurred during the exploration work under the relevant laws.
 17. User Agency shall make available a copy of its exploration findings, as soon as finalized, to the forest department.

Agenda No. 8

F. No. 8-19/2018-FC



Sub: Preliminary exploration (G-3) of iron ore resource in 66.91 ha forest land in Blocks 13/1 (South) of Ramanamalai Block, Ballari District by Geological Survey of India, State Unit Karnataka & Goa, Bengaluru-reg

The above stated agenda was considered by FAC on 17.5.18. FAC observed as below:

1. The State Government of Karnataka vide their letter no. FEE 05 FFM 2018 dated 07.03.2018 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. **On preliminary scrutiny of the proposal some shortcomings were noticed and same were conveyed to the state government.**
3. State Government vide their letter no. FEE 5 FFM 2018 dated 23.04.2018 furnished the Part-II, Part-III and Part-IV of form-C and uploaded the Shape file/KML file on the web-portal.
4. **Period for which the forest land is proposed to be utilized for prospecting is one year.**
5. The details of the proposal as given in the PCCF letter No. A5(1). Misc. CR.11/2017-18 dt. 05.04.2018 are as under:

Particulars of forest land requirements:

SL No.	Component	Temporary Change (Ha.)	Permanent Change (Ha.)	Legal status of forestland
1.	Surface sampling	0.00325	-	Section 4 notified
2.	Pitting/Trenching	0.03	-	
3.	Drilling of boreholes	0.064*	-	
4.	Road/Path	1.9008	0.28548***	
5.	Other activity	-	-	
Total		1.99805**	0.28548****	

* Wrongly shown as 0.04 ha in Item C of Form-C on web portal because technical issues.

**Wrongly shown as 1.94435 ha in Item C of Form-C on web portal because technical issues.

*** Wrongly shown as 0.4758 ha in Item C of Form-C on web portal because technical issues.

**** Wrongly shown as 04758 ha in Item C of Form-C on web portal because technical issues.

6. The Deputy Conservator of Forests, Ballari Division, has inspected the site on 01-12-2017 and furnished the details in Form-C Pan-II as under:

1. The requirement of forestland proposed by the User Agency is unavoidable and barest minimum for the project.
 2. The proposed Forest area falls under Eco-Class-III (Dense Forest).
 3. There are no rare / endangered / unique species of -flora and fauna found in the proposed area
 4. There are no trees to be felled on the proposed forestland for preliminary exploration.
 5. There are no protected/archaeological/heritage sites, defence establishments, or important monuments in the area.
 6. The proposed forest area does not form part of any Wildlife Sanctuary, National Park, Biosphere Reserve, Tiger Reserve or Elephant Corridor etc.
 7. **The soil erosion may happen on the slopes; the User Agency is required to take necessary precaution measures to avoid the soil erosion.**
 8. There is no violation reported under Forest (Conservation) Act 1980.
7. The PCCF vide their letter No. A5(1). Misc. CR.11/2017-18 dt. 05.04.2018 (Pg-04-06/c) reported that as per Para (ii) of the GOI FC Guidelines F. No. 11-96/2009-FC dated 04.07.2014, the area, which is likely to experience temporary change in land use, is exempted from the requirement of compensatory afforestation and payment of NPV. Forest land which experience permanent change in the land use due to prospecting activity is considered for the purpose of the CA and NPV. **As the present proposal involves 0.28548 ha permanent damage due to prospecting, the NPV for 0.28548 ha needs to be charged upon the user agency.**
8. The Principal Chief Conservator of Forest, Bengaluru has recommended the proposal **subject to the following conditions:**
- i. No civil structures (temporary or permanent) shall be erected in the proposed area.
 - ii. Exploration inside forestland shall be limited to the period from sunrise to sunset only.
 - iii. User agency shall not sublease the exploration work
 - iv. No fire will be kindled inside and in the vicinity of the forest area.
 - v. User agency shall follow the forest transit regulations while transporting the forest produce (excavated sample material) from the site
 - vi. User agency shall be liable for any violations under Karnataka Forests Act, 1963 and Rules, 1969 in addition to other relevant laws in and around the forest area concerned.
 - vii. User agency has to pay the Net Present Value of forest land diverted under this proposal as per orders 28-03-2008 and 09-05-2008 of the Hon'ble Supreme Court.
 - viii. Alignment of fresh roads resulting in permanent changes shall be done in consultation with the jurisdictional Deputy Conservator of Forests. Only



- clearing of bushes and levelling to specified width shall be done for formation of approved new roads. No metalling or asphaltting shall be permitted.
- ix. User agency shall undertake appropriate measures at its own cost to appropriately restore Trenches/Pits dug for prospecting, wherever required, in consultation with the jurisdictional Deputy Conservator of Forests.
 - x. Boreholes shall be capped by User Agency at own cost, once the exploration is over.
 - xi. User Agency shall provide a list of authorised officials/ workers engaged in exploration to the forest department before commencing the work and also provide the Identity Cards/ Documents to each such official/ worker, to be produced when demanded by the forest department.
 - xii. User Agency shall pay the cost of extraction of trees, if required to be felled, as estimated by the Forest Department and User Agency shall be liable to pay the compensatory planting charges in accordance with Para 3.2(viii) (b) of Government of India FC Guidelines and PCCF (HoFF) letter No. A5 (3)/GFL/CR-28/2009-10 Dated 04-11-2017.
 - xiii. User Agency shall be solely responsible for any injury/death/ disability, damage etc. caused or occurred during the exploration work under the relevant laws.
 - xiv. User Agency shall make available a copy of its exploration findings, as soon as finalized, to the forest department.
 - xv. User Agency shall abide by all the conditions imposed upon by the Government of India, the Government of Karnataka and the Principal Chief Conservator of Forests (HOFF).
9. Further, Ministry vide its letter no. 5-3/2007-FC dated 09.05.2018 issued a guideline for stipulating the norms for Survey and Investigation (Prospecting of ores) on forest land with direction that exempting large scale non-forest activities, such as drilling of 15 – 20 bore-holes / sq. km. for prospecting of minerals in forest areas, from the requirement of obtaining prior approval under the Forest (Conservation) Act, 1980 is not acceptable. The guideline dated 09.05.2018 further conveyed that:
- i. The prospecting of minerals by drilling bore holes for collecting seismic waves and collecting mineral samples constitutes non forestry activities for the purpose of Forest Conservation Act.
 - ii. The user agency shall apply online for diversion of forest area as per the procedure laid down by MoEF&CC from time to time.
 - iii. General approval may be accorded to the state government by the MoEF&CC for prospecting of minerals in forest land having average weighted crown density up to 40 % as per the latest FSI report.
 - iv. In case of coal, lignite and metallic ores - test drilling up to 20 boreholes of maximum 8" dia per 1.0 sq km and in case of non-metallic ores excluding coal & lignite - test drilling up to 16 boreholes of maximum 6.6" dia per 1.0 sq km for prospecting exploration or reconnaissance operations, without felling of trees, may be allowed by state government. In all other cases involving more number of drilling of bore holes, prior permission of Central Government under



- the Act would be required.
- v. In case of seismic survey for exploration of hydro carbon the user agency shall pay NPV @ of 2.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.
 - vi. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density upto 40%, the prospecting agency shall pay NPV @ of 5.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.
 - vii. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density between 40 to 70 percent, the State Government shall forward the application to the Regional Office of the Ministry for consideration. The proposal will be considered in the REC and if recommended then the approval will be granted with mandatory condition *inter alia* that user agency will pay NPV @ of 10.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed.
 - viii. The NPV deposited for prospecting will not be adjusted against the diversion proposal of forest land under section 2 of FCA 1980. The amount will be non-refundable as well non-adjustable.
 - ix. User agency shall submit complete plan of operation for prospecting in the entire forest area in the mining block prior to start of work to the Nodal officer of the state.
 - x. User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area and degraded forest land as per prescription of working plan in a contiguous patch.
 - xi. The user agency shall engage ICFRE to conduct study on the impact numbers of bore holes for prospecting over forest and wild life of the area and suggest mitigation measures. The design of study shall be approved by MoEF&CC.
 - xii. Prospecting in protected areas such as national parks, wildlife sanctuaries, biosphere reserve, Tiger reserves, corridors, pristine forests identified by State and Central Government etc. shall not be allowed.
- The delegation of power to grant permission for prospecting by the state government shall be valid for 5 years only and will be reviewed after expiry of five years.

10. Recommendation of FAC

FAC after thorough deliberation and discussion with Nodal officer Karnataka and representatives of Regional office Bangalore recommended the proposal with Standard, General and following Specific Conditions.

1. State government shall calculate compensatory levies and NPV for the



- prospecting proposal as per MoEF&CC guidelines no 5-3/2007-FC dated 09/05/2018. The amount shall be deposited in Adhoc CAMPA account. Prior to stage II approval.
2. Permission granted for prospecting under the provisions of FCA 1980 shall not confer any right of user agency to get permission for extraction of mineral and diversion of Forest land under section 2(ii) of FCA 1980.
 3. No tree felling, permanent change in land use of forest land and construction of new road shall be allowed. User agency can utilize existing forest roads and paths without felling and damage to trees.
 4. User agency shall engage ICFRE to conduct study on the impact of number of bore holes for prospecting over forest and wild life of the area and suggest mitigation measures. The design of study shall be approved by MoEF&CC. All the mitigation measures shall be implemented by the user agency at their own cost under supervision of forest department.
 5. User agency shall prepare a plan to plant 20 tall trees per bore hole area. The cost of preparation of the plan and plantation shall be borne by the user agency. State government shall ensure that plants are planted on abandoned bore hole area and degraded forest land as per prescription of working plan in a contiguous patch.
 6. No civil structures (temporary or permanent) shall be erected in the proposed area.
 7. Exploration inside forestland shall be limited to the period from sunrise to sunset only.
 8. User agency shall not sublease the exploration work
 9. No fire will be kindled inside and in the vicinity of the forest area.
 10. User agency shall follow the forest transit regulations while transporting the forest produce (excavated sample material) from the site
 11. User agency shall be liable for any violations under Karnataka Forests Act, 1963 and Rules, 1969 in addition to other relevant laws in and around the forest area concerned.
 12. User agency has to pay the Net Present Value of forest land diverted under this proposal as per orders 28-03-2008 and 09-05-2008 of the Hon'ble Supreme Court.
 13. User agency shall undertake appropriate measures at its own cost to appropriately restore Trenches/Pits dug for prospecting, wherever required, in consultation with the jurisdictional Deputy Conservator of Forests.
 14. Boreholes shall be capped by User Agency at own cost, once the exploration is over.
 15. User Agency shall provide a list of authorised officials/ workers engaged in exploration to the forest department before commencing the work and also provide the Identity Cards/ Documents to each such official/ worker, to be produced when demanded by the forest department.
 16. User Agency shall be solely responsible for any injury/death/ disability, damage etc. caused or occurred during the exploration work under the



- relevant laws.
17. User Agency shall make available a copy of its exploration findings, as soon as finalized, to the forest department

Agenda No. 9

F. No. 8-37/2018-FC

Sub: Prospecting of Minerals (exploration) over an extent of 325.74 ha of forest land in erstwhile 'C' category mining lease (ML No. 2010) of RMML, NEB Range, Sandur Taluk in Ballari District by Minerals Exploration Corporation Limited (MECL, Nagpur-reg.

FAC considered the above stated agenda item in its meeting on 17.5.18 and observed that

1. The State Government of Karnataka vide their letter no. FEE 21 FFM 2018 dated 21.04.2018 submitted a proposal for prospecting of Minerals (exploration) over an extent of 325.74 ha of forest land in erstwhile 'C' category mining lease (ML No. 2010) of RMML, NEB Range, Sandur Taluk in Ballari District by Minerals Exploration Corporation Limited (MECL, Nagpur.
2. PCCF vide his letter no. A5(1). MISC.CR.12/2017-18 dated 5.01.2018 has submitted his report and the same is reproduced below:

I. Particulars of forest land requirement:

The project involves prospecting of minerals exploration and drilling of 33 boreholes for exploration for; iron ore resources in erstwhile 'C' category mining lease of RMML (ML No.2010) NEB Range, Sandur Taluk, Ballari District. Further, the details of forestland requirements are given below:

SL No.	Component	Temporary Change (Ha.)	Permanent Change (Ha.)	Legal status of forestland
1.	Surface sampling	0.0001	-	Section 4 Notified area
2.	Pitting/Trenching	0.01*	-	
3.	Drilling of 33 no. of boreholes (4.96-inch dia.)	0.165	-	
4.	Road/Path	0.72	-	
5.	Other activity	-	-	
Total		0.895**	-	

- *Wrongly shown as 0.001 ha in Item C of Form – C web portal because of technical issues.*
- *Wrongly shown as 0.886 ha in Item C of Form-C on web portal because of technical issues.*

3. DCF, Ballari Division report:

The Deputy Conservator of Forests, Ballari Division has inspected the site on 18-02-2018 and has furnished the details in PART-II as under:

1. The requirement of forestland proposed by the User Agency is unavoidable and barest minimum for the project.
 2. The proposed Forest area falls under Eco-Class-ID (Southern Dry Deciduous Forest
 3. There are no rare / endangered / unique species of -flora and fauna found in the proposed area
 4. There are no trees to be fallen on the proposed forestland for preliminary exploration.
 5. There are no protected/archaeological/heritage sites, defence establishments, or important monuments in the area.
 6. The proposed forest area does not form part of any Wildlife Sanctuary, National Park, Biosphere Reserve, Tiger Reserve or Elephant Corridor etc.
 7. The soil erosion may happen on the slopes; the User Agency is required to take necessary precaution measures to avoid the soil erosion.
 8. There is no violation reported under Forest (Conservation) Act 1980.
4. **CCF, Ballari Circle report:** Agreeing with the recommendations of the Deputy Conservator of Forest, Ballari Division, the Chief Conservator of Forests, Ballari Circle has forwarded the proposal for further action.
5. **It is reported that CA & NPV:** As per Para (ii) of the GOI FC Guidelines F. No. 11-96/ 2009-FC dated 04.07.2014, the area, which is likely to experience temporary change in land use, is exempted from the requirement of compensatory afforestation and payment of NPV. Further, as per para 3.2(viii)(b) of the FC Guidelines, no Compensatory Afforestation land is insisted in cases involving diversion of forest land up to one hectare. Further, as reported by the Deputy Conservator of Forests, Ballari Division felling of trees is not required to implement the present proposal.
6. Recommended by PCCF for prospecting of mineral exploration in an extent of 325.74 ha of forest land in erstwhile 'C; category mining lease (ML No. 2010) of RMML < NEB Range Sandur Taluk in Ballari District by M/s MECL Nagpur subject to the conditions are below:
- i. No civil structures (temporary or permanent) shall be erected in the proposed area.
 - ii. Exploration inside forestland shall be limited to the period from sunrise to sunset only.
 - iii. User agency shall not sublease the exploration work
 - iv. No fire will be kindled inside and in the vicinity of the forest area.



- v. User agency shall follow the forest transit regulations while transporting the forest produce (excavated sample material) from the site
 - vi. User agency shall be liable for any violations under Karnataka Forests Act, 1963 and Rules, 1969 in addition to other relevant laws in and around the forest area concerned.
 - vii. Alignment of fresh roads resulting in permanent changes shall be done in consultation with the jurisdictional Deputy Conservator of Forests. Only clearing of bushes and levelling to specified width shall be done for formation of approved new roads. No metalling or asphaltting shall be permitted.
 - viii. Boreholes shall be capped by User Agency at own cost, once the exploration is over.
 - ix. User Agency shall provide a list of authorised officials/ workers engaged in exploration to the forest department before commencing the work and also provide the Identity Cards/ Documents to each such official/ worker, to be produced when demanded by the forest department.
 - x. User Agency shall pay the cost of extraction of trees, if required to be felled, as estimated by the Forest Department and User Agency shall be liable to pay the compensatory planting charges in accordance with Para 3.2(viii) (b) and PCCF(HoFF) letter No. A5 (3)/GFL/CR-28/2009-10 Dated 04-11-2017.
 - xi. User Agency shall be solely responsible for any injury/death/ disability, damage etc. caused or occurred during the exploration work under the relevant laws.
 - xii. User Agency shall make available a copy of its exploration findings, as soon as finalized, to the forest department.
 - xiii. User Agency shall abide by all the conditions imposed upon by the Government of India, the Government of Karnataka and the Principal Chief Conservator of Forests (HOFF).
7. Further, Ministry vide its letter no. 5-3/2007-FC dated 09.05.2018 issued a guideline for stipulating the norms for Survey and Investigation (Prospecting of ores) on forest land with direction that exempting large scale non-forest activities, such as drilling of 15 – 20 bore-holes / sq. km. for prospecting of minerals in forest areas, from the requirement of obtaining prior approval under the Forest (Conservation) Act, 1980 is not acceptable. The guideline dated 09.05.2018 further conveyed that:
- i. The prospecting of minerals by drilling bore holes for collecting seismic waves and collecting mineral samples constitutes non forestry activities for the purpose of Forest Conservation Act.
 - ii. The user agency shall apply online for diversion of forest area as per the procedure laid down by MoEF&CC from time to time.
 - iii. General approval may be accorded to the state government by the MoEF&CC for prospecting of minerals in forest land having average weighted crown density up to 40 % as per the latest FSI report.



- iv. In case of coal, lignite and metallic ores - test drilling up to 20 boreholes of maximum 8" dia per 1.0 sq km and in case of non-metallic ores excluding coal & lignite - test drilling up to 16 boreholes of maximum 6.6" dia per 1.0 sq km for prospecting exploration or reconnaissance operations, without felling of trees, may be allowed by state government. In all other cases involving more number of drilling of bore holes, prior permission of Central Government under the Act would be required.
- v. In case of seismic survey for exploration of hydro carbon the user agency shall pay NPV @ of 2.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.
- vi. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density upto 40%,the prospecting agency shall pay NPV @ of 5.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.
- vii. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density between 40 to 70 percent, the State Government shall forward the application to the Regional Office of the Ministry for consideration. The proposal will be considered in the REC and if recommended then the approval will be granted with mandatory condition *inter alia* that user agency will pay NPV @ of 10.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed.
- viii. The NPV deposited for prospecting will not be adjusted against the diversion proposal of forest land under section 2 of FCA 1980.The amount will be non-refundable as well non-adjustable.
- ix. User agency shall submit complete plan of operation for prospecting in the entire forest area in the mining block prior to start of work to the Nodal officer of the state.
- x. User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area and degraded forest land as per prescription of working plan in a contiguous patch.
- xi. The user agency shall engage ICFRE to conduct study on the impact numbers of bore holes for prospecting over forest and wild life of the area and suggest mitigation measures. The design of study shall be approved by MoEF&CC.
- xii. Prospecting in protected areas such as national parks, wildlife sanctuaries, biosphere reserve, Tiger reserves, corridors, pristine forests identified by State and Central Government etc. shall not be allowed.
- xiii. The delegation of power to grant permission for prospecting by the state government shall be valid for 5 years only and will be reviewed after expiry of five years.

8. Recommendation of FAC



FAC after thorough deliberation and discussion with Nodal officer Karnataka and representatives of Regional office Bangalore recommended the proposal with Standard, General and following Specific Conditions.

1. State government shall calculate compensatory levies and NPV for the prospecting proposal as per MoEF&CC guidelines no 5-3/2007-FC dated 09/05/2018. The amount shall be deposited in Adhoc CAMPA account. Prior to stage II approval.
2. Permission granted for prospecting under the provisions of FCA 1980 shall not confer any right of user agency to get permission for extraction of mineral and diversion of Forest land under section 2(ii) of FCA 1980.
3. No tree felling, permanent change in land use of forest land and construction of new road shall be allowed. User agency can utilize existing forest roads and paths without felling and damage to trees.
4. User agency shall engage ICFRE to conduct study on the impact of number of bore holes for prospecting over forest and wild life of the area and suggest mitigation measures. The design of study shall be approved by MoEF&CC. All the mitigation measures shall be implemented by the user agency at their own cost under supervision of forest department.
5. User agency shall prepare a plan to plant 20 tall trees per bore hole area. The cost of preparation of the plan and plantation shall be borne by the user agency. State government shall ensure that plants are planted on abandoned bore hole area and degraded forest land as per prescription of working plan in a contiguous patch.
6. No civil structures (temporary or permanent) shall be erected in the proposed area.
7. Exploration inside forestland shall be limited to the period from sunrise to sunset only.
8. User agency shall not sublease the exploration work
9. No fire will be kindled inside and in the vicinity of the forest area.
10. User agency shall follow the forest transit regulations while transporting the forest produce (excavated sample material) from the site.
11. User agency shall be liable for any violations under Karnataka Forests Act, 1963 and Rules, 1969 in addition to other relevant laws in and around the forest area concerned.
12. User agency has to pay the Net Present Value of forest land diverted under this proposal as per orders 28-03-2008 and 09-05-2008 of the Hon'ble Supreme Court.
13. User agency shall undertake appropriate measures at its own cost to appropriately restore Trenches/Pits dug for prospecting, wherever required, in consultation with the jurisdictional Deputy Conservator of Forests.
14. Boreholes shall be capped by User Agency at own cost, once the exploration is over.
15. User Agency shall provide a list of authorised officials/ workers engaged in exploration to the forest department before commencing the work and also provide the Identity Cards/ Documents to each such official/ worker, to be produced when demanded by the forest department.



16. User Agency shall be solely responsible for any injury/death/ disability, damage etc. caused or occurred during the exploration work under the relevant laws.
17. User Agency shall make available a copy of its exploration findings, as soon as

Agenda No. 10

F. No. 8-22/2018-FC

Sub: Proposal for diversion of 150.00 ha of Forest Land in favour of Madhya Pradesh Tourist Development Board, Bhopal for establishment of Chidiyatol Zoo and Rescue Centre in Raisen District Madhya Pradesh State.– regarding.

The Committee discussed the above mentioned proposal, heard the views of the user agency and observed as follows:-

1. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, State Government of Madhya Pradesh vide their letter No. F-5/820/2018/10-11/1027 Bhopal dated 07.04.2018 submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 150.00 ha of Forest Land in favour of Madhya Pradesh Eco-Tourism Development Board, Bhopal for establishment of Chidiyatol Zoo and Rescue Centre in Raisen District Madhya Pradesh State.
2. Proposed forest area does not form part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc.
3. The forest land proposed for diversion is NOT located within eco-sensitive zone (ESZ) of the Protected Area notified under Wild (Protection) Act, 1972.
4. The Compensatory Afforestation scheme is proposed at 7.350 ha. of non-forest land at Comp. No. 1, village – Amjhira Tehsil – Hujoor District Bhopal, vide collector Raisen order dated 15.05.2017. The CA Scheme approved by the PCCF, Bhopal vide his letter No. 37 dated 22.01.2018 for maintenance of 10 years.
5. The CA Scheme has been approved by the PCCF, Bhopal vide his letter No. 37 dated 22.01.2018 for maintenance of 10 years.
6. The forest land proposed to be diverted has been inspected by Shri B. AbhayBhaskar, Dy. Chief Conservator of Forests (Central), Regional office (Western Zone), Bhopal. Additional information furnished in the inspection report submitted by the Regional Office (Western Zone), Bhopal vide their letter dated 08.05.2018 is as follows-
7. Legal Status of Forest land proposed for diversion.
 - a. Reserved forest land : 150.00 ha



- b. Protected forest land : 00.00 ha
 c. Revenue forest land : 00.00 ha
 d. Non-forest land : 00.00 ha

Component-wise breakup			
S.	Component	Forest Land (ha.)	Non-Forest Land (ha.)
1	Interpretation Centre	0.03	0
2	Staff Quarter	0.05	0
3	Entry Gate Booking Office	0.06	0
4	Administration Building	0.09	0
5	Bus Parking/Store	2.32	0
6	Road	4.8	0
7	Enclosures of Herbivores / Forestry Works	142.65	0

8. Total cost of Project: **Rs. 185.650 lakhs.**
9. **Specific observation and suggestion for project based on Site Inspection by Regional Office:-**
- i. Similar proposal for establishment of zoo & rescue center from State Govt. of Gujarat was recommended by FAC in its meeting dt. 22nd March 2018 at Agenda No. 4 with certain specific terms and condition. Those conditions stand applicable in this case also.
 - ii. Looking into the present / proposed activities and future expansion / detailed proposals, **it is proposed to obtain CA on non-forest land on 15 % (i.e. 22.50 ha) of the total project area**, because activities like interpretation centre, staff quarter, booking office, admin block etc are accounted for calculation of CA but land requirement for the CC / RCC construction for enclosures including animal housing buildings, boundary wall, foot path, view-decks etc are not accounted.

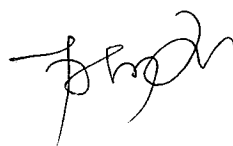


- iii. The revised SOI, Geo-ref map of CA area map, KML file along with the CA scheme of **22.50 ha (15% of total project area)** may be submitted.
- iv. Sum total of all non-forestry activities in any given time shall not exceed to **15 % (i.e. 22.50 ha)** of total area required for the project.
- v. The copy of approval of CZA for the said zoo & rescue centre shall be submitted.
- vi. As the project is located along with the highway and nearby to an alcohol / liquor facility. So, it is proposed to have a tree barrier of at least 5 to 7 rows of tall trees along with entire boundary of the zoo & rescue centre, which will act as barrier.
- vii. It is quite impossible to have a construction activity without felling of trees or without disturbing forest. So, it is proposed to seek tree enumeration list as per the project layout where ever the CC / RCC work is proposed.
- viii. As the project is commercial / revenue generating activity. So, the Cost: Benefit in accordance to MoEF&CC guideline dated 01/08/2017 may be submitted.

RECOMMENDATION OF FAC

After careful consideration of the facts placed before it and placed on website, FAC recommended the project proposal for grant of in-principle approval with general conditions and standard conditions for such diversion proposals with following specific conditions:

1. The detailed land use plan has to be prepared and approved by the Central Zoo Authority (CZA). The proposal is general in nature and lists various possible land use for developing zoo and rescue centre. Construction of building for animal houses / enclosures, roads etc. referred in proposal are non-forestry activities because the same is being developed for the purposes of rescue and display of animals. The construction activities should be restricted to minimum. At least 50% of the project area should be maintained as green area. State Government shall take massive plantation work inside the area proposed to be kept as forest.
2. 15% of the project area may be permitted for construction activities for development of zoo and rescue center. However, the exact area required for construction activities need to be calculated based on the land-use plan as approved by CZA and submitted.
3. 15% NPV will be levied.
4. CA shall be raised over double the degraded forest land preferably around the proposed zoo and rescue centre.



5. The basic facilities for regulation of tourists such as ticketing facility, parking, washrooms, etc. may be developed at the entry gate of the forest provide the forest land does not exceed 2.55 hectare.
6. As the project is located along with the highway and nearby to an alcohol / liquor facility, it is recommended to have a tree barrier of at least 5 to 7 rows of tall trees along with entire boundary of the zoo & rescue centre at project cost, which will act as aesthetically appropriate Green barrier.
7. Tree enumeration list as per project lay out be submitted to arrive at minimum tree felling figure.
8. Cost-benefit analysis in accordance with the MOEF &CC guidelines dated 1.8.2017.

Agenda No. 11

F. No. 8-35/2018-FC

Sub: Proposal for diversion of 54.60 ha. for construction of Aulliya Medium Irrigation Project, in favour of Water Resources Department, Khandwa District Madhya Pradesh State.-regarding.

The Committee discussed the above mentioned proposal, heard the views of the user agency and observed as follows:-

1. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, State Government of Madhya Pradesh vide their letter No. F-3/104/2017/10-11/10/1140 Bhopal dated 23.04.2018 submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 54.60 ha. for construction of Aulliya Medium Irrigation Project, in favour of Water Resources Department, Khandwa District Madhya Pradesh State.
2. The legal status of the forest land is- reserved forest 54.6 ha.
3. Vegetation density-0.5, eco class=3, no. of trees to be felled 416.
4. The proposed forest land is not a part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.
5. The Compensatory Afforestation proposed is non – forest land i.e. 54.6 ha. of non-forest land for plantation in Khandwa district village surgeon nipani. The CA scheme with the provisions of the maintenance for 10 years has been submitted.
6. The District Collector, Khandwa, Government of Madhya Pradesh has issued a FRA certificate vide his letter No. 10081 dated 10.10.2017 certifying the information in respect of all clauses of the MoEF's advisory dated 05.07.2013 i.e. diversion of 54.60 ha. forest land for facilities managed by the Government and safeguarding the rights of Primitive Tribal Group and Pre-Agricultural Communities as required under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of



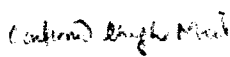
Forest Rights) Act, 2006, discussion on the proposal in meeting of concerned Gram Sabha (s) maintaining the prescribed quorum, etc. The concerned Gram Sabha (s) of Aulliya (Roshani) Village Khalwa Tehsil.

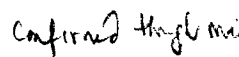
7. EC has not been obtained by the State Government / user agency under the Environment (Protection) Act, 1986.
8. The State Government has also reported that the fecal material of Jackal & Spotted Deer is seen in adjoining forest areas.
9. The approved CAT plan has not been submitted with estimate cost by State Government / user agency.
10. There are 30 families in the sub-mergence area which are required to be relocated/ rehabilitated.
11. While observing the site of the project and CA land through Decision Support system it was observed that there were some encroachments which needs to be removed before considering clearance of this project.
12. Site of CA is almost barren which requires special soil and moisture conservation majors.

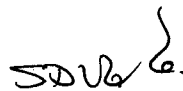
RECOMMENDATION OF FAC


After careful consideration of the facts placed before it and placed on website. FAC recommended the project proposal for grant of in-principle approval with general conditions and standard conditions for such diversion proposals with following specific conditions:

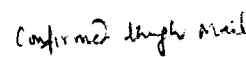
1. Encroachments in the area of sub-mergences and on the non-forest land proposed for Compensatory Afforestation shall be removed and both the sites would be inspected by the Regional Office Bhopal and report thereof would be furnished this Ministry.
2. The 30 families which are residing in the area of sub-mergence would be relocated in accordance with the National Rehabilitation Policy.
3. The site of the Compensatory Afforestation will also have special site specific soil and moisture conservation plan to an extent of 15% of cost of Compensatory Afforestation.


(Dr. Sanjay V. Deshmukh)
Member


Dr. Rajesh Kaushal)
Member


(S.D. Vora)
Member


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


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


(Siddhanta Das)

Director General of Forests & Special Secretary