

Recommendation of Forest Advisory Committee in its meeting held on 13th June, 2022

Agenda No-1

F. No-8-15/2021-FC

Sub: Proposal for non-forestry use of 240.867 ha, comprising of 185.017 ha PF/Revenue Forest Land and 55.850 ha identified as forest land in terms of dictionary meaning under the Forest (Conservation) Act, 1980 for Chhal Opencast Coal Mining Project in favour of M/s South Eastern Coalfields Limited (SECL) in Raigarh District of Chhattisgarh - reg.

1. The above subject agenda item was considered by FAC in its meeting held on 13.06.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Chhattisgarh also attended the meeting through video conference
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. FAC after through deliberation and discussion observed that:
 - i. The legal status of the forest land proposed for diversion is Protected Forest (176.71 ha), Revenue Forests (8.307 ha) and Deemed Forest land (55.850 ha).
 - ii. Density of vegetation has been reported to 0.6 and 0.4 in PF/Rev Forest and deemed forest land respectively with total 90284 project affected trees.
 - iii. Compensatory afforestation has been proposed over orange forest land of 482.75 ha, double in extent to the forest land being diverted in Kawardha and Dharamjaigarh Forest Divisions. Attributes relates to CA viz. CA scheme, site suitability certificate, KML fiels, etc have been submitted. DSS analysis of the CA area revealed the same suitable for afforestation. Nodal Officer, Chhattisgarh further informed the Committee that CA area is located in the Achanakmar –Kanha Tiger Corridor which will add to the efforts for the conservation of wildlife in the area.
 - iv. Proposal does not form part of any Protected Area, Eco-sensitive Zone, Biosphere Reserve, Elephant Corridor, etc. Wildlife species reported in the area includes Hare, Langur, Sloth bear, Jackal and Stripped Hyena. However, movement of Elephants have been reported in the area. Nodal Officer, Chhattisgarh informed the Committee that a Wildlife Management has been prepared and submitted along with the proposal.
 - v. Total area of lease has been reported to be 1342.86 ha including 185.15 ha of forest land. Mining in the area is continuing since 1940. In the past two underground mines namely, Dharma incline (0.135 Mty) and Chhal Underground (0.135 Mty) were continuing. Both of these projects have been completed. Chhal Underground Mine has

been closed and Dharam Incline is on the verge of closure. In addition to this Chhal Opencast Mining was also continuing in the area with the production capacity of 3 Mty.

- vi. Approval under the Forest (Conservation) Act, 1980 for Dharam Underground Mine over an area of 124.54 ha of forest land was granted vide Ministry's letter no. 8-84/1997-FC dated 22.08.2002.
 - vii. The user agency has proposed to enhance the capacity of mine to 6 Mty for which they need to extract the coal seams left unmined during underground mining. Mining Plan, has been approved by the Board of Directors of the CIL for a capacity of 6 Mty in their meeting held on 16.12.2013.
 - viii. As per details furnished in Mining Plan, coal is proposed to be evacuated by construction a railway line from Chhal OCP project Roberstion Railway Station over a length of 18 KM. Transportation by road has also been proposed to meet the demand of local consumers. Nodal Officer, Chhattisgarh informed the Committee that no non-forest land is involved in the construction of said railway line.
 - ix. Proposal involves displacement of 658 families, including scheduled caste, scheduled tribe and other families. Nodal Officer, informed the Committee that R&R of the project affected people shall be undertaken as per the CIL R&R policy.
 - x. DIGF, IRO, Raipur informed the Committee that area was inspected by the Integrated Regional Office, Raipur and no violation of Forest (Conservation) Act, 1980 were observed. Committee was also apprised that during the inspection presence of Elephants and Sloth bears in the area was reported by the forest officials and to mitigate the impact of project on wildlife, a site specific Wildlife Management Plan, duly approved the PCCF, Wildlife needs to be prepared and implemented. IRO also recommended that to maintain the hydrological regimes, a natural solid barrier of not less than 120 m shall be left un-extracted against the Mand river and embankment shall be constructed for protection against inundation and protection to the river from mining activities. Nodal officer, Chhattisgarh informed the Committee that user agency is in agreement to take the mitigating measures as recommended by the IRO.
4. **Decision of FAC:** The Committee had detailed discussion and deliberation with the Nodal Officer Chhattisgarh and DIGF, IRO, Raipur. After going through the facts of the proposal, the Committee **recommended** the proposal for grant of Stage-I approval under the Forest (Conservation) Act, 1980 subject to fulfilment of general, standard applicable to coal mining projects and following specific conditions:
- i. A Soil and Moisture Conservation (SMC) work plan to mitigate the impact of the proposed mining activity on the local river shall be prepared by the user agency in consultation with the State Forest Department and the same shall be submitted along with Stage-I compliance. Cost of implementation of the provisions of the said Plan will be deposited into the CAMPA and the same shall be intimated to the Ministry before Stage-II approval.
 - ii. The user agency shall keep minimum of 120 meters distance from the bank of Mand River as intact and no mining should be carried out in this area. Embankment should be constructed to ensue protection of river and its hydrology from the mining.
 - iii. Elephant/Wildlife Management Plans should be prepared keeping in view the locality

factors, occurrence of wildlife, management interventions required for areas. State Government may also get the Plan verified by the Project Elephant Division of the Ministry. Cost of implementation of the Plan so finalized shall be deposited into State CAMPA and detail of the same along with approved Plan shall be submitted to the Ministry before Stage-II approval.

- iv. Proposal involves displacement from non-forest land. A copy of approved R&R plan, prepared in consonance with the R&R policy of the State, shall be submitted along with the compliance of Stage-I approval.
- v. The user agency shall prepare and submit a consolidated Reclamation Plan of the areas mined out completely which are not required for future mining and areas to be reclaimed in future in consonance with the Progressive Mine Closure Plan and detail of the same shall be submitted along with compliance of Stage-I approval.

Agenda No. 2

F. No. 8-62/2018-FC

Sub: Proposal for non-forestry use of 126.72 ha (84.35 ha PF and 42.37 ha Jungle Jhari) of forest land for KDH Open Cast Mine in favour of M/s Central Coalfields Limited (CCL) in Ranchi District, Jharkhand.

1. The above subject agenda item was considered by FAC in its meeting held on 13.06.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Jharkhand also attended the meeting through video conference.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. FAC after through deliberation and discussion observed that:
 - i. Proposal was earlier considered by the FAC in its meeting held on 31.07.2019 wherein, FAC desired additional information from the State viz. revisiting the suitability of CA area, no religious or archaeological importance of CA area, status of safety zone, revision of cost benefit analysis, details of approval obtained under FC Act, 1980, detail of NPV, comprehensive proposal for the entire forest area etc. It was also desired clarification from the M/o Mines as well as from the State Government on the provisions of Coal Bearing Act (Acquisition and Development) Act, 1957 vis-à-vis applicability of Forest (Conservation) Act, 1990 specially with respect of period of lease and legal procedure to restore back the reclaimed forest land.
 - ii. FAC in its meeting dated 31.07.2019 also desired that area may also be inspected by the IRO to ascertain the factual position on the ground specially with regards apparent violation of Forest (Conservation) Act, 1980 emerged during the deliberations.
 - iii. The State Government vide letter dated 22.04.2022 submitted replies to the

observation of FAC. Nodal Officer, Jharkhand informed the Committee that all observations of the Committee have been replied by the State and CA area has been changed and new sites have been identified which are suitable for afforestation and free from encumbrances. However, encroachment is there over an area of 6.03 acres which will be vacated.

- iv. The Committee was also apprised that State Government in its reply has mentioned that as per the provisions of the CBA Act 1957, the area acquired under the Act are vested with the Central Government i.e. Central Government becomes lessee to the State and lease in such areas is perpetual i.e. there is no requirement of renewal of lease like conventional coal mining leases granted in the MMDR Act, 1957.
 - v. IRO, Ranchi apprised the Committee that unauthorized non-forestry activity over an area of 10.51 ha of forest land within the area of 126.72 ha applied for diversion under the extant proposal was observed during the inspection. IRO further informed that permission for working in the portion of forest land of 8.45 ha has also granted by DFO, Ranchi citing the justification to control the ragging fire in the mine. It is also mentioned by the IRO that user agency has also applied for permission of additional area of 4 ha in the office of the DFO to extinguish the ragging fire in the lease.
 - vi. Committee opined that allowing non-forestry use of forest without prior approval of Central Government amounts to violation of Forest (Conservation) Act, 1980. However, in view of justification cited by the State, the matter needs in-depth examination by the concerned authorities in the State in consultation with the IRO, Ranchi.
5. **Decision of FAC:** The Committee had detailed discussion and deliberation with the Nodal Officer, Jharkhand and IRO, Ranchi. After going through the facts of the proposal, the Committee decided to **defer** the proposal to obtain the following information:
- i. The State Government, after scrutiny of the relevant provisions of laws, will ascertain and inform the applicability of Forest (Conservation) Act, 1980 on the forestland acquired under CBA Act 1957, which has already been broken and still under the possession of the user agency i.e. still constituting the part of the project of the user agency.
 - ii. The IRO, Ranchi will carry out an in-depth examination of the issues related to unauthorized use of forestland allowed by the DFO concerned citing the justification of controlling the raging fires in the mining lease of user agency and a report on the same supported with documentary evidences shall be submitted to the Ministry. IRO will coordinate with the concerned authorities in the State for carrying out an in-depth examination of the matter.
 - iii. The State Government will re-visit the suitability of CA land specially in view of encroachment reported over an area of 6.03 acres.

Agenda No. 3

F. No. 8-29/2021-FC

Sub: Proposal for diversion of 160.4 ha. of forest land in Sy. No.138 and 146 of Karlakatti Village, Sy. No.128,129 and 130 of Chakrageri Village and Sy. No.3 and 4 of Kagihal Village, Savadatti (Saundatti) Taluk, Belagavi District (Ghataprabha Division Gokak) for construction of Standalone Pumped Storage Component of Saundatti Integrated Renewable Energy Project (IREP) in favour of the M/s. Greenko Solar Energy Private Limited, Bengaluru, Karnataka State (Online Proposal No.FP/KA/HYD/37723/2018).

1. The above stated agenda item was considered by FAC in its meeting held on 13.06.2022. The details of the proposal may be seen at www.parivesh.nic.in.

2. During the meeting, all the facts and background of the proposal, along with analysis of the proposal in the DSS were presented and explained before the FAC for their examination and deliberation.

3. The above stated agenda item was considered in the FAC meetings held on 27.01.2022 and 31.03.2022.

4. In the FAC held on 27.01.2022 this proposal was deferred seeking the below mentioned information: -

- i. User Agency to submit R&R plan for displaced people from the site.
- ii. User Agency to take NOC from Renuka Sagar Dam Authority and other related departments.
- iii. State Government to identify DFL for Compensatory Afforestation.

The MoM of FAC held on 27.01.2022 may be seen at www.parivesh.nic.in.

5. The above mentioned informations were sought from the State Govt. vide this Ministry's letter dt 24.02.2022. The State govt. vide letter dt 10.03.2022 submitted the information in response to this Ministry's letter dt 24.02.2022.

6. Accordingly the proposal was once again discussed in the FAC meeting held on 31.03.2022. The FAC again deferred the proposal seeking following details.

- i. User Agency to submit NOC from Renuka Sagar Dam Authority and other related departments.
- ii. State Government to submit regarding the reclamation measures to be taken with respect to an area of 0.44 sq kms of catchment of waterfall overlapping with the area proposed for upper reservoir of the project.
- iii. State Government to get a study done for reservoir about the impact on Aquatic faunal species of the reservoir due to the project.

- iv. IRO, Bangalore to visit all sites selected for CA and give clear-cut recommendations about the suitability of the area for plantation.

The MoM of the FAC held on 31.03.2022 may be seen at www.parivesh.nic.in.

7. The above observations were communicated to the State Govt. vide this Ministry's letter dated 08.04.2022 as well as the IRO, Bangalore was requested to carry out the Site inspection of identified CA land and submit its report.

8. After receiving reply from State government and the Site inspection report from IRO, Bangalore the proposal was again deliberated in front of FAC and after through deliberation and discussion observed that:

i. A fresh proposal was submitted by the Government of Karnataka, on 17-11-2021 to obtain prior approval of the Central Government, under Section-2 of the Forest (Conservation) Act, 1980.

ii. DFO, CCF, PCCF/Nodal officer, State Government and IRO has recommended the project with certain conditions.

iii. The user agency has submitted NOC from Renuka Sagar Dam Authority and other related departments.

iv. With respect to reclamation measures to be taken with respect to an area of 0.44 sq. kms of catchment of waterfall overlapping with the area proposed for upper reservoir of the project., the user agency has prepared Catchment area treatment plan. The Deputy Conservator of Forests, Ghataprabha Division, Gokak has recommended for acceptance of the reclamation measures plan as prepared by the User Agency.

v. The State Government vide their letter dated 05.05.2022 has requested the Director General, Environmental Management and Policy Research Institute (EMPRI) to get a study done for reservoir about the impact on Aquatic faunal species of the reservoir due to the project. In response, EMPRI vide letter dated 07.05.2022 has agreed to take up the study regarding the impact on aquatic faunal species of the reservoir. Further it was submitted that the report will be submitted to Government of India before according (Stage-II) approval.

vi. Meanwhile the user agency has got a study done by Environmental Health and safety Consultants Pvt Ltd Bangalore on impact of the projects on Aquatic faunal species of Renuka Sagar reservoir and submitted the report to PCCF & Nodal (FCA), Govt. of Karnataka.

vii. The Regional officer, IRO Bangalore has carried out the site inspection of identified CA land on 18.04.2022 and has recommended that the CA can be carried out in these proposed 3 blocks only when the following conditions are met with by the State Government: -

- a) A joint survey of all the proposed 5 survey numbers for CA plantation be carried out with the help of Revenue & Forest Department in presence of the legal stakeholders to finalize the net area of the plantation free from all encumbrances. Illegal encroachments, if any, identified after the joint demarcation should be evicted as per the laws in force.

b) The proposed CA land, as identified by the State Forest Department should be notified as either PF or RF by the State Government.

c) Planting of tall plants, watering and fencing to the plantation shall be carried out to protect the plantation in future from various biotic pressure including possible illegal encroachments. The maintenance of the plantation should be done accordingly as per the model approved by the State Government.

d) Existing natural regeneration of local species should be encouraged by way of singling and promoting the growth of promising shoots.

9. Decision of FAC:- After thorough deliberations and discussions with the Nodal Officer (FCA), Government of Karnataka and IRO Bangalore the FAC **recommended** the Proposal for diversion of 160.4 ha. of forest land in Sy. No.138 and 146 of Karlakatti Village, Sy. No.128,129 and 130 of Chakrageri Village and Sy. No.3 and 4 of Kagihal Village, Savadatti (Saundatti) Taluk, Belagavi District (Ghataprabha Division Gokak) for construction of Standalone Pumped Storage Component of Saundatti Integrated Renewable Energy Project (IREP) in favour of the M/s. Greenko Solar Energy Private Limited, Bengaluru, Karnatakawith General, Standard with following specific conditions:

- i. The State Government is requested to submit the Study report about the impact on Aquatic faunal species of the reservoir due to the project before the grant of Stage-II approval.
- ii. A joint survey of all the proposed 5 survey numbers for CA plantation be carried out with the help of Revenue & Forest Department in presence of the legal stakeholders to finalize the net area of the plantation free from all encumbrances. Illegal encroachments, if any, identified after the joint demarcation should be evicted as per the laws in force.
- iii. The proposed CA land (both NFL and DFL), as identified by the State Forest Department should be notified as either PF or RF by the State Government prior to Stage-II approval.
- iv. Planting of tall plants, watering and fencing to the plantation shall be carried out to protect the plantation in future from various biotic pressure including possible illegal encroachments. The maintenance of the plantation should be done accordingly as per the model approved by the State Government.
- v. Existing natural regeneration of local species should be encouraged by way of singling and promoting the growth of promising shoots.

Agenda No. 4

File No: 8-33/2021-FC

Subject: Diversion of 150.098 ha Forest land including 61.656 ha forest land in Forest Compartment No. RF-710, PF-730 A & PF-730 B of Parasiya Range of West Chhindwara Forest Division and 88.442 ha Revenue forest land under various Khasra's for Brahampuri Open Cast & underground Coal Mining Project in favour of M/s Birla Corporation Limited under Chhindwara District of Madhya Pradesh State (Online No. FP/MP/MIN/51637/2020) - regarding.

1. The above stated agenda item was considered by FAC in its meeting on 13.06.2022. The corresponding details of the agenda may be seen at www.parivesh.nic.in.
2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC which after thorough deliberation and discussion observed that:
 - i. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer under Forest (Conservation) Act, 1980, Government of Madhya Pradesh, vide their letter No. F-1/830/2021/10-11/4241 dated 20.12.2021 forwarded a fresh proposal on the above cited subject to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980.
 - ii. The Integrated Regional Office, Bhopal vide their letter dated 04.05.2022 had submitted the Site Inspection Report of the instant proposal along with the recommendation of DDG, IRO, Bhopal.
 - iii. Out of the total proposed area of 150.098 ha, an area of 146.407 ha is proposed for underground mining and the remaining 3.691 ha is proposed for surface rights.
 - iv. In the proposed diversion for Brahampuri Coal Mining Project, the Compensatory Afforestation has been proposed on 4.00 ha of non-forest land because out of total forest area of 150.098 ha, only 3.691 ha forest land will be used for surface rights.
 - v. As per DSS analysis, Out of total 151 ha (as per DSS) forest area of instant project, 16 ha of land is characterized with Moderately Dense Forest, 65 ha. of land as Open forest and 70 ha. of land as Non Forest or Non-wooded (land devoid of tree cover) in terms of forest classes (as per the ISFR 2019) based on the interpretation of satellite data period 2017- 2018.
 - vi. Site Inspecting Officer from IRO, Bhopal in its site inspection report has mentioned that during the visit, houses and road have been observed in the mining lease area. As per the representatives of forest department, houses are not within forest boundary. A copy of undertaking by the User Agency that the houses present will not be impacted due to underground mining activities has also been submitted.
 - vii. Site Inspecting Officer from IRO, Bhopal in his site inspection report has mentioned that Cost Benefit Ratio as per online proposal is 1:371 whereas in the hard copy of proposal the same is 1:728.
 - viii. The detail of Muck to be generated and the plan for disposal has not been given.
 - ix. The mining plan has been prepared in the year 2008 and Subsidence Prediction Report in the year 2013 for M/s Pushp Steels & Mining (P) Ltd., therefore the relevance and

the validity of the Mining plan after a gap of 14 years and now in favour of present user agency is required to be ascertained. Moreover, the extent of forest land involved as per the mining plan is also not clear.

- x. The present proposal is for underground mining, however it is not clear whether the user agency intends to use the same for open cast mining in the future or not.

3. Decision of FAC:

After detailed discussion with the Nodal Officer (FCA), Government of Madhya Pradesh the FAC **deferred** the proposal with following observations:

- i. The User Agency shall submit an undertaking that in future the proposed forest land shall not be sought for open cast mining purpose.
- ii. The detail of Muck to be generated during the mining and the plan for its disposal shall be submitted.
- iii. The mining plan has been prepared in the year 2008 and Subsidence Prediction Report in the year 2013 for M/s Pushp Steels & Mining (P) Ltd., therefore the relevance and the validity of the Mining plan and Subsidence Prediction Report after such a long gap and now in favour of present user agency is required to be ascertained by the State Government.
- iv. The extent of forest land involved as per the mining plan shall also be ascertained by the State Govt.
- v. The variation in the Cost Benefit Ratio as submitted in the online proposal and that in the hard copy of the proposal as pointed out in the Site Inspection report of IRO Bhopal needs clarification and correct Cost Benefit Analysis Ratio shall be submitted.

Agenda No. 5

File No. 8-08/2021-FC

Subject: Diversion of 631.39 ha (instead of 622.783 ha) forest land of Survey No. RF-276, 281 & PF -277, 278, 279, Village- Muhair and Padri, Range Baidhan in Singrouli Forest Division for Block-B Expansion Opencast Coal Mining in favour of M/s Northern Coalfield Limited in Singrauli District of Madhya Pradesh (Online No. FP/MP/MIN/44294/2020) - reg.

1. The above stated agenda item was considered by FAC in its meeting on 13.06.2022. The corresponding details of the agenda may be seen at www.parivesh.nic.in.

2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by Member Secretary before the FAC for their examination and analysis.

3. The Nodal Officer (FCA), Government of Madhya Pradesh attended the meeting in person and DDG (Central), IRO, Bhopal attended the meeting through video conference. They had participated in the deliberation.

4. While deliberating on the proposal, FAC observed that:

- i. The above-mentioned proposal was discussed by the Forest Advisory Committee in its meeting held on 21.02.2022 wherein the FAC deferred the proposal and decided that:
 - a. The State Government shall explore more options on non-forest land/existing voids created by mining activities for dumping.
 - b. The State Govt. shall verify and intimate, whether the voids created in Old Gorbi Mine are in forest land or otherwise. In case the same are in forest land, the status of permission for dumping fly ash under the provisions of FCA, 1980 shall be intimated. The status of Environmental Clearance under Environment Protection Act, 1986 shall also be intimated.
 - c. The capacity of the voids created by the Old Gorbi Mine and the capacity still to be utilised shall be verified. The State govt. shall also explore the possibility of using the said void together with NTPC. In this regard the use of modern technology like conveyor belts can also be made for reducing the transportation through Trucks/dumpers.
 - d. In case the rehabilitation process from non-forest land in adjoining area is not cost effective, then the State Government shall explore other nearby Non-forest areas in this regard. The possibility of transportation through the conveyor belts may also be explored.
- ii. The Ministry vide letter no. 8-08/2021-FC dated 08.03.2022 requested the State Government to take appropriate action as per recommendation of FAC.
- iii. In this reference, the Government of Madhya Pradesh vide their letter F1/823/2021/10-11/1408 dated 21.04.2022 submitted the information.
- iv. The State Govt. has informed that NCL's old Gorbi Mine has created three (03) pits with an area of 28 ha, 8 ha and 40 ha respectively. Out of these three pits, the 40 ha pit is being used by NTPC to dump fly ash produced from their thermal power station as per the orders of Hon'ble NGT. The other two (02) pits of 28 ha and 8 ha can accommodate about 17 million cubic meters of overburden which will approximately be just 3% of the total overburden from the B-block.
- v. Further, non-forest land is available for the overburden dump in the vicinity, however acquisition of the NFL is not financially viable as the human population of the area is more than 12000 which will involve R&R measures.
- vi. Now the user agency has proposed to reduce the overburden dump area from 559.416 ha to 253.993 ha. It has been further mentioned that the number of trees will also be reduced to one lakh approximately.
- vii. The Nodal Officer (FCA), Government of Madhya Pradesh informed that if this option is considered, then along with the compensatory afforestation on double degraded forest area, the user agency can transfer the 429.10 hectare non-forest area which is presently being used for external dumping to the forest department and the same can be notified as a forest.
- viii. During the discussion FAC observed that still a huge chunk of forest land i.e. 253.993 ha is proposed for diversion for overburden dump and the number of trees required to be felled is very high. Further, financial viability cannot be the criterion for

using forest land when non-forest land is available for dumping in the vicinity of the mining lease.

5. Decision of FAC: The FAC after thorough deliberation and discussion observed that the proposal in its present form is not site specific as more than 78% of the reserve forest area which involves about 210164 trees is proposed for dumping the overburden, which can be done over non-forest land. Keeping this in view the FAC **rejected** the proposal.

Agenda No. 6

F. No. 8-02/2022-FC

Subject: Proposal for diversion of 63.441 ha Reserved forest land for construction of National Institute of Technology under the Aizawl District of Mizoram State (Online Proposal No FP/MZ/SCH/148602/2021).

1. The above stated agenda item was deliberated by FAC in its meeting held on 13.06.2022. The details of the proposal may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with analysis of the proposal in the DSS were presented and explained before the FAC for their examination and deliberation.
3. FAC after through deliberation and discussion observed that:
 - i. Govt. of Mizoram uploaded the above subject proposal on PARIVESH portal on 03.02.2022 for seeking prior approval under section 2(ii) of Forest(Conservation) Act, 1980.
 - ii. On scrutiny of the proposal, certain shortcomings were noticed and the same was communicated to Govt. of Mizoram vide Ministry's letter dated 17.02.2022. The reply uploaded by State Govt. was without enclosures. Therefore, Govt. of Mizoram was reminded on 12.04.2022 to furnish the complete reply of EDS raised on 17.02.2022 for further action.
 - iii. The Government of Mizoram vide their letter No.G.20015/61/2018-FST dated 29.04.2022 submitted the complete information's /documents to this Ministry.
 - iv. The forest area proposed for diversion is highly prone to erosion and has density of 0.2 and a total of 14222 trees has to be felled.
 - v. The area does not form part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc.
 - vi. It was observed that the violation has been done since last 2 years within 63.441 ha of Tlawng Riverine Reserve forest. Felling of 3070 trees and encroachment inside the proposed forest land for diversion without obtaining prior approval from the Competent Authority is already noticed.
 - vii. EF&CC department, Govt. of Mizoram intervened and all works were immediately stopped and the User Agency was further informed to obtain Forest Clearance from the Competent Authority under the Forest (Conservation) Act, 1980.

viii. The State Govt. has furnished the copies of the letters dated 10.04.2013, 31.07.2014, 27.10.2016 and 29.08.2017 written to user agency in connection with encroachment, violation of FC Act, 1980.

ix. Further DFO vide Memo dated 31.08.2017 issued a Stay Order Notice to stop all forms of encroachment on forest land and directed to refrain from further felling of trees and executing of other illicit activities within the said forest land.

x. Since the proposed activity is a non-site specific therefore the State govt. was request for the justification of the proposal. In this regard it was informed that: -

- a. Three sites were identified by the Govt. of Mizoram at Lengpui, Thenzawl and Sialsuk. The Technical Evaluation of the 3 sites was submitted by the Prof. S.S. Gokhale, Mentor Director, NIT Mizoram vide letter dated 03.09.2011. The Technical evaluation report identified that Lengpui was acceptable, Thenzawl was far away from Airport, city and proposed railway station and Sialsuk was unacceptable.
- b. Later, the department of Higher Education, Ministry of Human Resource Govt. of India constituted a Site Selection Committee vide Order dated 25.11.2011. The Committee found the land at Tenzawl was far away from the capital city Aizawl (108 kms) and the Airport (142 kms), national highways and proposed railway station. Attracting good faculty is Mizoram is a major issue which is critical for the functioning and growth of an institute.
- c. The Site Selection Committee found Lengpui to satisfy the essential criteria for setting up an Institute of National Importance as NIT Mizoram.

xi. Regarding to CA sites it was observed that Compensatory afforestation has earlier been proposed over 127.357 ha. in three patches of Forest land located under Aizawal district of Mizoram State. On the query of Ministry that the user agency is State Govt. who is not entitled for CA in forest land, the State Govt. has revised CA area from forest land to revenue land stating that 64.25 ha revenue land has been mutated out of the land bank at Village Pa Ngena Mual for raising CA. Out of 64.25 ha Revenue land for CA , 53 ha of land is characterized with Moderately Dense Forest and 11 ha of land is Open Forest in terms of forest classes (as per the ISFR 2019) based on the interpretation of satellite data period 2017 - 2018. High resolution satellite imagery also shows very dense vegetation cover within the proposed CA land and scope of further plantation is not subsist. Moreover, the State Govt. has not provided the KML files of degraded forest land identified for the purpose of accommodating the balance number of seedlings/ plantations.

4.Decision of FAC: The FAC after detailed deliberation and discussions **deferred** the proposal seeking the following information:

- i. The IRO, Shillong along with Nodal Officer (FC) shall carry out site inspection of the area and submit the detailed site suitability report for selection of the current site and its site specificity.
- ii. The State government may submit the detailed Land-use plan of the total area

proposed for diversion i.e. **63.441 ha.**

- iii. State Forest department to submit the action taken report regarding action against responsible person for the violations done under FCA 1980.

Agenda No. 7

F. No. 8-280/1989-FC-(Vol)

Sub: Proposal for non-forestry use of 417.073 ha & Re-diversion (Change of Land use) of 171.774 ha forest land in respect of Integrated Lakhanpur-Belpahar-Lilari Opencast Project of Lakhanpur area in district Jharsuguda in Odisha, Mahanadi Coalfields Limited.

1. The above subject agenda item was considered by FAC in its meeting held on 13.06.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting through video conference
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. FAC after through deliberation and discussion observed that:
 - i. Legal status of forest land is Revenue Forest and Reserve forest land. Vegetation density of 0.4 (Eco-class) has been reported with 1,27,071 project affected trees.
 - ii. Compensatory afforestation has been proposed over equivalent non-forest land. A plantation scheme for plantation of 600 trees per ha over non-forest land has been submitted while the balance trees have been proposed to be planted over degraded forest land. A scheme for planation of 166830 trees @ 400 trees per ha over degraded forestland has been submitted while plantation scheme for plantation of 250244 trees @ 600 trees/ha with requisite maintenance cost has been submitted along with proposal. DSS analysis of the areas proposed for CA, both non-forest land as well Degraded Forest Land revealed them fit for afforestation. However, committee opined that area for CA has been selected far away from the area proposed for diversion. Its manageability by the Forest Department and contiguity with the forest land needs to be ascertained to further firm up its suitability.
 - iii. Proposal does not form part of any Protected Area Wildlife Sanctuary, Tiger Corridor, wildlife corridor, biosphere reserve, eco-sensitive zone. Schedule-I and II faunal species have been reported in the area.
 - iv. The Committee was apprised that three operating opencast mines of Lakhanpur area viz. Lakhanpur, Belpahar and Lilari have been proposed to be integrated into one mine and planned up to the lower most workable coal seam for better conservation, safety and enhancing the capacity of the mine.
 - v. Total lease area of the proposed integrated project has been reported to be 4399.246

ha, including 958.695 ha of forest land. Out of total forest land, approval under the Forest (Conservation) Act, 1980 has been obtained for an area of 541.622 ha of forest land.

- vi. Total area of the project has been indicated as 4742.877 ha, including 996.388 ha of forest land. It is mentioned that an area of 343.631 ha, including 37.693 ha of forest land, falls outside the lease area and has accordingly been dropped from the integrated project and net area demanded for integrated project is 4399.426 ha. The committee opined that end use of 343.631 ha of area proposed to be falling outside the lease (integrated project area) needs to be informed by the State. In case the said area is no longer required for the project, the same may be reclaimed and handed over back to the concerned Department including Forest Department.
 - vii. Proposal involves displacement of 2554 families, comprising of 461 SC, 1781 ST and 312 OBC families, out of which 1363 nos. of family already resettled during the mining operation of Lakhanpur OCP, Belpahar OCP & Lilari OCP. Committee opined that detail need to be provided by the State on the R&R already undertaken status of land used for resettlement of 1363 families along with the families proposed to be rehabilitated and resettles in proposed integration of mining leases.
 - viii. Extant proposal also involves re-diversion of 171.77 ha of forest land from the already diverted forest area of 541.622 ha. To avoid double counting of 171.77 ha of forest land in the 541.622 ha and under extant proposal, the State Government should seek amendment in the areas of approvals granted in the past.
 - ix. Nodal officer, Odisha informed the Committee that Mining Plan, for Integrated Lakhanpur-Belpahar-Lilari Opencast Project of 40 MTPA has been approved by MCL in the year 2018
 - x. No violation of Forest (Conservation) Act, 1980 have been reported by the authorities in the State.
 - xi. Authorities in the State Government and State Forest Department have recommended the proposal for approval under the Forest (Conservation) Act, 1980.
- 6. Decision of FAC:** The Committee had detailed discussion and deliberation with the Nodal Officer, Odisha and IRO, Ranchi. After going through the facts of the proposal, the Committee desired that IRO, Bhubaneswar along with Nodal Officer (FCA), Govt. of Odisha and an officer from the MoEF&CC, New Delhi may visit the area to ascertain the following:
- i. Unambiguous detail of forest area involved in the project/lease area of the user agency covering all aspects related to area required for expansion project, approval granted in the past, area available outside lease/project area, etc.
 - ii. Detail of approval granted under the FC Act, 1980 in the past and updated status of compliance of conditions stipulated therein.
 - iii. Suitability of CA (NFL) area in terms of its manageability by the State Forest Department, contiguity with the existing forest land and prospective cost involved in the management of the selected CA land in future.
 - iv. Detail of reclamation measures undertaken by the user agency in the project area and biologically reclaimed areas, if any, available to be surrendered back to the Forest Department.

- v. Examination of the project components vis-à-vis component provided in Mining Plan approved for the integrated project.

POLICY ISSUES

Policy Issue No-1

Sub: Refund of interest accrued on compensatory levies realized from the user agency in lieu of diversion of forest land where prior approval was subsequently, rejected/revoked by Government or returned by the User agency.

1. The above stated agenda item was considered by FAC in its meeting on 13.06.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. FAC after through deliberation and discussion observed that:
 - i. Ministry have been received various representations recently on refund of compensatory levies which have been deposited by the user agencies in respect of certain forest land and subsequently, refund of the same has been requested by the user agency owing to various situations such as:
 - a. Rejection of prior approval by the Central Government or State Government
 - b. Withdrawal of the proposal by the User agency due to its non-viability of project or other similar reasons
 - c. Deposition of excess amount of compensatory levies
 - d. Cancellation, termination or de-allocation of mines
 - ii. As per existing practice, on the request of the State Government, the Ministry, after conducting necessary inquiries, allows refunds of compensatory levies. However, while considering such refunds only principal amount of compensatory levies is refunded without refund interest accrued on the compensatory levies.
 - iii. Cases where prior approval under the Act is revoked by the Central Government on various ecological consideration are very rare and in most of cases approval is rejected either in pursuance of direction of Hon'ble Courts, on the request of the State Government or withdrawal of proposal by the user agency. In all such cases the Central Government per se does not reject approval at its own.
 - iv. It was also observed by the Committee in many such cases, under the apprehension that the user agency is not at fault, it is advocated that interest accrued should also be refunded to the user. Such an argument does not seem to be tenable in view of the fact proposal received by the Central Government are considered to be evaluated by the State as well as user agency on the anvil of various contemporary ecological, social and economical issues and after having satisfied with the feasibility of proposal, the same is forwarded to the Central Government. Therefore, seeking rejection of the approval at later stage citing the issues which should have been addressed initially by the user agency cannot be a valid ground for seeking refund of interest amount accrued on compensatory levies.
2. **Decision of FAC:** The Committee had detailed discussion and deliberation with the officials of MoEF&CC, State and Integrated Regional Offices of the MoEF&CC. After going through the various aspects of the case and past developments, the

Committee recommended that preposition of refund of interest accrued on the compensatory levies cannot be accepted, in light of the following:

- i. The CAMPA has entirely different mandate than that of a commercial bank.
- ii. After the approval under the Act, the proposed project in the forest area prevents any other potential forestry and non-forest use i.e. no measures pertaining to core forestry management can be implemented in the area.
- iii. Moreover in the process of considering the request of user agency to divert forest land for non-forest purpose, lots of time and money in the form of work hours and services is consumed by government machinery.
- iv. In majority of cases, rejection of approval owes to negligence on the part of user agency for which user agency needs not to be compensated.

Policy Issue No-2

Sub: Suitability of land identified for raising compensatory afforestation – reg.

1. The above stated agenda item was considered by FAC in its meeting on 13.06.2022. FAC after through deliberation and discussion observed that:
 - i. The Committee observed that proposal being received from the State./UTs are invariably accompanied with the detail of land proposed for compensatory afforestation that includes non-forest land or degraded forest land, depending on the eligibility of the user agency to avail the dispensations provided by the Central Government for raising CA to ease their management by the Forest Department and ensure their protection from likely encroachment in future.
 - ii. The Committee, from the appraisal of proposals referred to it by the Central Government observed that generally selection of CA land is done without giving due consideration of instruction/guidelines issued by the Ministry from time to time which provided that as far as possible, the CA land should be selected in the close vicinity of the forest area proposed for diversion and only in cases where such CA land is not available in the close vicinity, alternative land in nearby district should be selected.
 - iii. The Committee also opined that given the flow of tangible and intangible benefits foregone by allowing non-forestry use of forest land, the lands offered for CA is invariably inferior to the forestland i.e. in lieu of good quality forestland allowed for non-forest purpose, inferior quality of CA land is generally offered that's too t distant isolated/fragmented locations making its management by the Forest Department a difficult task and ultimately leading to slow restoration of Ecosystem Goods and Services (EG&S) foregone by allowing non-forestry use of forest land.
 - iv. Committee also emphasized that land offered for compensatory afforestation is an important component of the proposal and good quality land for the purpose of raising CA should be selected in the close proximity of forestland to compensate the maximum loss of EG&S being foregone from the forest land.
2. **Decision of FAC:** The Committee had detailed discussion and deliberation with the officials of MoEF&CC, State and Integrated Regional Offices of the MoEF&CC. After going through the various aspects of the case and past developments, the Committee recommended the following:

- i. The authorities in the State should ensure that land proposed for raising CA in lieu of proposed diversion of forestland is of good quality which is able to generate and compensate the EG&S lost from non-forestry use and as far as permissible such lands should be selected in the close proximity of area being diverted or existing forest areas to ease their management by the Forest Department and ensure their protection from likely encroachment in future.
- ii. Potential areas which can generate and compensate the EG&S foregone from the non-forestry use of forest land, to the maximum extent possible, should be identified and offered for raising CA.
- iii. Concerned Integrated Regional Office of the Ministry will certify the suitability of land offered for CA in lieu of forest land proposed for diversion in terms of its vicinity to the area proposed for diversion and/or contiguity with the existing forest area and will ensure that manageability of such CA land has been taken care of for future.

Policy Issue No-3

Sub: Clarification on the validity of approval granted under the Forest (Conservation) Act, 1980 to Government companies for mining to make approval granted under the FC Act, 1980 co-terminus with the validity of leases granted under the MMDR Act, 1957 – reg.

The above stated agenda item was considered by FAC in its meeting on 13.06.2022. the FAC after through deliberation in the matter desired that issue needs holistic examination and accordingly, the Committee desired that relevant documents pertaining to the extant issue may be shared with members of the FAC to enable detailed understanding of the matter by the members.

Matter may again be placed before the FAC in its next meeting.

Policy Issue No-4

Sub: Clarification regarding guidelines for use of forest land for laying of Under Ground Optical Fiber Cables (OFCs), telephone lines, drinking water supply pipelines, electricity cables, CNG/PNG and Slurry pipelines along the existing Right of Way (RoW) (File No. (FC-11/43/2022-FC)

This Policy issue will be deliberated/discussed in the next FAC meeting as per the decision taken in policy issue no. 3 above.

Policy Issue No-5

Subject: Report of the Committee on Extended Reach Drilling (ERD) vis-à-vis its impact on the above ground biodiversity of forest areas – reg File No. 11/46/2021-FC

This Policy issue will be deliberated/discussed in the next FAC meeting as per the decision taken in policy issue no. 3 above.

Policy Issue No. 6

Subject: Request for extending the guidelines for allowing commencement of mining operations in non-forest land before obtaining Stage-II FC for non-coal mining leases involving both forest and non-forestland similar to coal mines - reg.

This Policy issue will be deliberated/discussed in the next FAC meeting as per the decision taken in policy issue no. 3 above.

(Confirmed through email)

(Sh S. D. Vora)

FAC Member

(Confirmed through email)

(Dr Sanjay Deshmukh)

FAC Member

(Confirmed through email)

(Sh Anmol Kumar)

FAC Member

(Confirmed through email)

(Sh Om Prakash Sharma)

FAC Member

(Not Present)

(Sh SP Yadav)

Additional Director General of Forests

(Confirmed)

(Sh Ramesh Kumar Pandey)

Member Secretary (FAC)

(Approved)

(Sh. C.P. Goyal)

Director General of Forests & Special Secretary