

**Government of India**  
**Ministry of Environment & Forests**  
**(Forest Conservation Division)**  
**Proceedings of the Forest Advisory Committee Meeting Held on**  
**12<sup>th</sup> July, 2016**

No. of Pages: 02

No. of Proposals: 01

Director (HCC)

**Agenda No. 1: Change of User Agency from Border Roads Organization (BRO) to National Highways & Infrastructure Development Corporation (NHIDCL) in the State of Arunachal Pradesh. (File No. 11-186/2016-FC)**

1. After careful examination of the matter the Committee observed as below:
  - (i). Chief Conservator of Forests (Cons.) and the Nodal Officer, the Forest (Conservation) Act, 1980, Government of Arunachal Pradesh vide letter dated 28<sup>th</sup> April, 2016 informed the Ministry of Environment, Forest and Climate Change (MoEF&CC) as below:
    - (a) The Ministry of Road Transport and Highways (MoRTH) vide its letter dated 12.10.2015 has entrusted some of the stretches/road projects to National Highways & Infrastructure Development Corporation Ltd. (NHIDCL) in the State of Arunachal Pradesh. The NHIDCL is a fully owned company of the Ministry of Road Transport & Highways, Govt. of India. The company was incorporated in July 2014 with the aim to fast-track highway projects that have been pending with the BRO for several years. It promotes surveys, establishes, designs, builds, operates, maintains and upgrades National Highways and Strategic roads including interconnecting road in parts of the Country which share international boundaries with neighboring countries.
    - (b) The 9 stretches / roads projects, out of projects allotted the NHIDCL, have already been accorded In-Principal Approvals (AIP) in favour of various Border Road Task Forces (BRTFs). Some of these proposals have been accorded in-principle approval either by the Forest Conservation Division in the Ministry of Environment, Forest and Climate Change (MoEF&CC), New Delhi or Regional Office (North Eastern Zone), Shillong or the State Govt. of Arunachal Pradesh (Under delegated power vide MoEF&CC's letter dated 04.07.2014. In order to allow NHIDCL to undertake construction activities, change of user agency from BRTF to NHIDCL is required as per letter no. F. No. 11-9/1998-FC dated 03.05.2010. Accordingly, the proposals for change of user agency from different BRTFs to NHIDCL were forwarded to Inspector General of Forests (FC), New



Delhi and Addl. Principal Chief Conservator of Forests (Central), Regional Office, Shillong.). These stretches/road projects are important from the defence point of view and the User agency is pressing hard for change of User agency from BRTFs to NHIDCL.

- (ii) The Chief Conservator of Forests (Cons.) and the Nodal Officer, the Forest (Conservation) Act, 1980, Government of Arunachal Pradesh in his letter dated 28<sup>th</sup> April, 2016 requested this Ministry to communicate its decision on the matter to them at the earliest.
- (iii) Para 2.8 of guidelines issued under the Forest (Conservation) Act, 1980 *inter-alia* provides as below:
 

“Where transfer of lease on forest land, from one user agency to another for the same purpose for which the forest land was diverted, becomes necessary, prior permission of the Central Government would be required. For this purpose, the State Government and the original user agency is required to submit no-objection certificate for such transfer and; the new user agency has to submit an undertaking that they shall abide by all the conditions on which the forest land was leased to the original user agency and any other condition which may be stipulated by the Central Government/State Government in future”.
- (iv) Transfer of lease from one user agency to another user agency is also subject to the payment of transfer fee amounting to 10 % of the NPV or Rs.1,00,000/- whichever is less by the new user agency.
- (v) As a special dispensation, Forest Clearance to Border Roads Organisation (BRO) are accorded subject to a condition that the user agency shall provide funds for creation and maintenance of compensatory afforestation over degraded forest land equal in extent to the area of forest land proposed to be diverted. In case of forest land proposed to be diverted in favour of other Central Government Departments/Undertakings such as NHIDCL, the user agency is required to provide funds for creation and maintenance of compensatory afforestation over degraded forest land twice in extent to the area of forest land proposed to be diverted. Proposal seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for diversion of forest land in favour of BRO are exempted from the requirement of providing certificate on completion of process for recognition and vesting of ‘forest rights’ in accordance with the provisions of the Forest Rights Act, 2006 on the forest land proposed to be diverted.
- (vi) Similarly, the MoEF&CC vide letter dated 4<sup>th</sup> July, 2014 has accorded general approval under Section-2 of the Forest (Conservation) Act, 1980 for construction



and widening of two lane roads by the Border Roads Organisations (BRO) and other road construction agencies entrusted with the job by the Ministry of Defence, in the area falling within 100 kilometers aerial distance from the line of actual control (LAC) and widening of roads (by the BRO and other road construction agencies) which are identified by the Ministry of Defence as link roads, between Border Roads in the area within 100 kilometer aerial distance from the LAC and National Highways/State Highways/Other State Roads irrespective of area of forest land involved.

- (vii) The said general approval is subject to, among others, a condition that State Government shall realise from the user agency funds for creation of compensatory afforestation over degraded forest land equal in extent to the area of forest land utilised for construction/widening of the roads. The said general approval does not stipulate submission of the certificate on completion of process for recognition and vesting of 'forest rights' in accordance with the provisions of the Forest Rights Act, 2006 on the forest land proposed to be diverted, as a condition for grant of approval for diversion of the forest land.

The FAC after detailed deliberation recommended that permission for transfer of user agency from BRO to NHIDCL may be accorded in accordance with the extant rules.

*Confirmed through E-mail*

(Dr. Mohammad Firoz Ahmed)  
Member

*Confirmed through E-mail*

(Ramesh K. Dave)  
Member

*(not present in the meeting)*

(Chaitram Deochand Pawar)  
Member

*(not present in the meeting)*

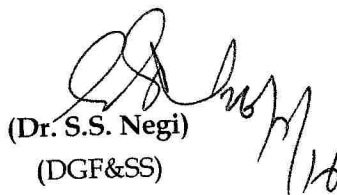
(C. M. Pandey)  
Addl. Commissioner, MoA,  
Member



(D.K. Sinha)  
IGF (FC)  
Member-Secretary



(Dr. Anil Kumar)  
ADG (FC)  
Member



(Dr. S.S. Negi)  
(DGF&SS)  
Chairman

**Government of India**  
**Ministry of Environment, Forests & Climate Change**  
**(Forest Conservation Division)**

**MINUTES OF THE FOREST ADVISORY COMMITTEE (FAC) MEETING HELD ON**  
**12<sup>th</sup> JULY, 2016**

**Sandeep Sharma, AIGF (FC)**

**F. No. 8-11/2015-FC**

**AGENDA No. 1-**      **Diversion of 88.899 hectares of forest land including 1.665 ha of safety zone area (Total lease area 653.828 ha) for Open Cast Coal Mining Project in favour of M/s Mahanadi Coalfields Limited in Garjanbahal in Sundargarh District of Odisha.**

The above mentioned proposal was considered by the FAC in its meeting held on 12.7.16 and the FAC, after examination of the proposal and discussion with user agency, observed as below

1. Mahanadi Coal fields Limited (MCL), a Central Government Undertaking, has been entrusted with the responsibility of mining of coal resources from the allotted coal mines in Odisha spread over Talcher and Ib valley coal fields in Angul, Jharsuguda and Sundargarh districts respectively.
2. Garjanbahal Open Cast Project is located in Garjanbahal geological block of Gopalpur tract in the North – western part of IB Valley Coalfields.
3. Government of India, Ministry of Coal vide their letter dt. 30.03.1993 vested forest land of Gopalpur Extension Block of IB Valley Coalfields Ltd in Sundargarh district, Odisha in favour of South Eastern Coalfields Ltd, Bilaspur. Subsequently, the Ministry of Coal vide their letter dt. 15.1.1998 sanctioned for advance action for Garjanbahal OCP of Mahanadi Coalfields Ltd (carved out of South Eastern Coalfields Ltd) at an/ estimated capital cost of Rs. 8.2840 crores



4. Garjanbahal OCP project is spread over an area of 653.828 ha including 88.899 ha of forest land, 166.281 ha of Government non-forest land and 398.648 ha of tenanted land. The project area spreads over villagers like Balinga, Tumulia, Garjanbahal, Karlikachar, Bangurkela and Bankibahal under Hemgir (ghasil) of Sundargarh district. The forest land of 88.899 ha includes 59.498 ha of DPF in two villages of Balinga and Karlikachar and 29.401 ha of Revenue forest land in five villages of Balinga, Tumulia, Garjanbahal, Karlikachar and Bangurkela. Forest land proposed for diversion is inclusive of 1.665 ha coming within the safety zone. The actual excavation area as reported by user agency in part-I is 419.643 ha.
5. The State Government of Odisha vide their letter No. 10F (Cons) 240/2014/5582/ F & E, Bhubaneswar dated 31<sup>st</sup> March 2015 submitted above mentioned proposal seeking prior approval of Central Government in accordance with section-2 of the Forest (Conservation) Act, 1980.
6. The area proposed to be diverted is part of Sundargarh Forest Division consisting (i) DPF – 59.498 Ha. (ii) Revenue Forest – 29.401 Ha. **Total Forest Area – 88.899 ha.**
7. Average density of the forest area proposed for diversion is reported as 4. As per Decision Support System (DSS) 41 ha of forest land area falls in non-forest, 45 ha in open forest and around 4 ha in scrub forest category.
8. Project under application does not form a part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. It is reported that area proposed for diversion does not have rare/ endangered/ unique species. Major wildlife species present in the area are *Vulpes bengalensis*, *Lepus nigricollis*, *Hyaena hyaena*, *Canis aureus*, *Sus scrofa cristatus*, *Herpestes edwardsii*, *Melursus ursinus*, *Naja naja naja*, *Python molurus*, *Bungarus caeruleus*, *Ptyas mucosus*.
9. Degraded Reserve Forest land have been identified for compensatory Afforestation against the said project as per the details given below:  
 Tildega R. F. Range – 72.468 ha. Singaribahal R. F. Range – 102 Ha. Compensatory Afforestation Scheme has been submitted with a maintenance of 10 years. Financial Outlay CA Scheme:  
 a) Compensatory Afforestation Scheme – **Rs. 1, 52, 51, 800.00/-**

h) Afforestation over 1.5 time safety zone area involved in the Project in degraded forest –  
**Rs. 1, 51, 250.00/-**

c) Regeneration and Protection of Safety Zone area- **Rs. 1, 64, 71, 920.00/-**

DFO, Sundargarh Forest Division has certified that area identified for raising CA is suitable for plantation.

10. The State Government has informed that compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted in accordance with the MoF&CC's Guidelines dated 3.08.2009. Examination of the same revealed that District Collector, Sundargarh has certified compliance regarding 88.899 ha of forest land as per FRA circular dated 3.8.2009. The resolution has been submitted in the form of Panchayat Sabha wherein clear NOC to the project has not been recorded. It is recorded that certain claims are yet to be enquired which are presently under consideration at various levels.
11. The proposal was considered by the FAC in its meeting held on 30<sup>th</sup> April 2015, after examination of the said proposal the FAC recommended that following information may be obtained from the State Government:
  - i. Complete compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the MoF&CC's Guidelines.
  - ii. The degraded forest land identified for CA in lieu of 1.665 ha of forest land for safety zone (one and a half times) along with the CA Scheme.
  - iii. Copy of the approved R & R Plan from the State Government has not been submitted.
  - iv. DGPS map/shape files of the area being diverted and identified for CA.
  - v. Mine wise status of mined out forest land reclaimed by the Mahanadi Coal fields Ltd in all the coal mines operated by them in Odisha clearly indicating the total forest area mined out and the forest area reclaimed.
12. The above recommendations of the FAC were communicated to the State Government vide this Ministry's letter of even number dated 4.06.2015.
13. The Government of Odisha vide its letter no. 10F (cons) 240/2014/5923/E&F dated 7.09.2015 submitted the requisite information. Summary of the same is given as under:

- i. With regards to compliance of FRA, 2006, the State Government has submitted following:

In this context, it is stated that while submitting forest diversion proposal, compliance on account FRA guidelines including certificate issued by Collector, Sundargarh on five items along with Gram Sabha resolutions dated 28.03.2011 of Garjanbahal village were also submitted. As regards observation of the Ministry, the Collector, Sundargarh has issued a fresh certificate as per format prescribed by the Ministry with regard to forest land proposed for diversion and FRA compliance made thereon. Further, the Sarpanch of Balinga GP has certified to the following effect.

*"At present there are no claimant who are in possession of forest land. All claims raised by villagers have been paid by the MCL. The villagers have no objection for diversion of 88.90 ha of forest land for non-forest use by MCL."*

The above certificate has also been authenticated by the BDO, Hemgiri, ADM, Sundargarh and Collector, Sundargarh.

A copy of freshly issued certificate by the Collector, Sundargarh appended with copy of certificate issued earlier, resolution of Gram Sabha of Garjanbahal, 28.03.2011 in vernacular as well as its English version, certificate of Sarpanch as indicated above have been submitted by the State Government.

Examination of the compliance of FRA, 2006 revealed that District Collector, Sundargarh has issued a certificate dated 21.07.2015 certifying information in respect of all clauses contained in the MoEF&CC's advisory dated 5.07.2013. Copy of resolution of Panch Sabha of Bajardand recording its observation that *in this village 40 no. of applications of the claimants who are in possession of the forest land, have been received by the Forest Rights Committee and the claims are under consideration at different levels. Today in this Panch Sabha it was proposed that after proper enquiry of the claims, if the possessors will be given rights, the villagers have no objection for diversion of 88.90 ha of forest land for non-forestry use by the MCL.*

- ii. The Differential GPS map of forest land being diverted duly verified by ORSAC and authenticated by DFO, Sundargarh along with its soft copy in CD has been submitted.



iii. With regards to the mined out forest land reclaimed by the Mahanadi Coal fields Ltd, the State Government has submitted that mine-wise status of diverted forest land, mined out forest land and forest land reclaimed by MCL in all the coal mines operated by them in the State of Odisha as provided user agency is furnished . However DGPS co-ordinates of the reclaimed forest land are not provided.

14. FAC on dated 30<sup>th</sup> Sept 2015 after examination of the proposal recommended proposed diversion of forest land subject to the general conditions, standard conditions applicable to such category of the projects and following additional condition

- i. The State Government shall submit land surrender Schedule for mined out and biologically reclaimed forest land as per existing progressive mine closure plan and submit an undertaking that mined out and biologically reclaimed forest land will be surrendered as per this schedule.
- ii. No residential buildings will be permitted.

The FAC also recommended that the above recommendations will be placed before competent authority for approval only after receipt of following information from the state government and its examination by the MoEFCC.

- a. Complete compliance compliance to Scheduled Tribe and Other Traditional Forest Dwellers(Recognition of Forest Rights) Act 2006 in accordance with advisories of the MoEFCC, especially related to Palli Sabha oh Bajardanda
- b. DGPs geo references in shape files for identified CA areas
- c. Detailed break up of forest and non forest land proposed under infrastructure category of purpose wise break up
- d. DGPS co-ordinates of the mined out and biologically reclaimed forest lands of all the mines of Mahanadi Coal Limited for which reclamation status was submitted by the State Government vide their letter dated 07/09/2015.

15. The above recommendation of the FAC was communicated to the State Government vide this Ministry's letter dated 2.11.2015.

16. The stated govt. requested vide their letter no. dated 30.12.2015 to grant stage-I clearance pending information/ documents as sought in para (2) above by the FAC on 30.09.2015 and this request of State Govt. was considered in the Ministry but not agreed to. Accordingly, the state govt. was again requested to submit the complete information as communicated vide this Ministry's letter dated 02.11.2015

17. In response to this Ministry's letter dated 02.11.2015, the State Govt. forwarded the report as received from the PCCF Odisha, vide its letter no. 7320 dated 19.04.2016. The point-wise information sought by this Ministry and reply thereof is as given below.

S. No.	Observation	Compliance
(i)	The State Government shall submit land surrender Schedule for mined out and biologically reclaimed forest land as per existing progressive mine closure plan and submit an undertaking that mined out and biologically reclaimed forest land will be surrendered as per this schedule.	As reported by the user agency, Garjanbahi OCP is a new project having life span of an estimated 28 years. As reported earlier while recommending the forest diversion proposal, Govt. of India, Ministry of Coal vide their letter No. 43012/(1)/2008-CPAM dt. 16.05.2008 had approved the revised Mining Plan for this project. In this context, <b>the user agency has furnished an undertaking to surrender the mined out and biologically reclaimed forest land as per the schedule of the approved Mines closure Plan.</b>
(ii)	No residential buildings will be permitted	Based on the information provided by the user agency, it has been reported that the area proposed for diversion does not have any plan to construct residential building. In the land use pattern <b>provided by the user agency, it has been proposed to have bare minimum temporary structures</b>



		<u>required for carrying out the opencast mine.</u> The user agency has also furnished an undertaking that no residential buildings have been planned in the forest land proposed for the diversion for the project (pg. 311/c)
(iii)	Complete compliance to Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 in accordance with advisories of the MoEFCC, especially related to Palli Sabha of Bajardanda	While forwarding the forest diversion proposal, the details for compliance required to the guidelines prescribed by the MoEF&CC under Forest Rights Act pertaining to forest land proposed for diversion were furnished for consideration of the Ministry. The documents include the certificate on five items issued by the collector, Sundargarh and resolution passed by the Grama Sabha of Garjanbahal village dt. 28.03.2011 along with its English version. Further on the query of the Ministry dt. 04.06.2015, the fresh certificate issued by the Collector, Sundargarh as per format prescribed by the Ministry pertaining to forest land proposed for diversion for this project was also furnished vide F&E Deptt. Letter No. 15923 dt. 07.09.2015. As regards the pallisabha of Bajardanda, it has been submitted by the user agency that Bajardand, as mentioned in the resolution dt. 8.03.2011 is not a separate village; rather it is the name of a specific place in the village Garjanbahal, where the people had congregated for the meeting of the palli Sabha for this project.
(iv)	DGPS geo references in shape files for identified	Geo-reference DGPS maps of degraded forest land identified in two patches in Singaribahal RF and

	CA areas	Tildega RF for the purpose of raising compensatory afforestation along with its shape files have been furnished. The maps verified by ORSAC and authenticated by the DFO, Sundargarh.
(v)	Detailed break up of forest and non- forest land proposed under infrastructure category of purpose wise break up	Detailed purpose wise break up of land required for this project was furnished while recommending the forest diversion proposal under Para-3 of the forwarding letter. It is further stated that detailed purpose wise break up of land required, is given in the chapter-9 of the approved Mining Plan. The table 9.1 deals specifically with this item where it has been mentioned that infrastructures like CHP, Washery, silo Point, Project Office, Laying up railway Line for Despatch point etc. requires total land of 49.66 ha including 13.35 ha of forest and 36.31 ha of non-forest land.
(vi)	DGPS co-ordinates of the mined out and biologically reclaimed forest lands of all the mines of Mahaaadi Coal Limited for which reclamation status was submitted by the State Government vide their letter dated 07/09/2015	<p>On the request of the user agency, the <b>State Forest Department</b> vide their letter No. 23569 dt. 30.12.2015 had requested the Ministry for exempting compliance on this count as carrying out DGPs survey of mined out area and biologically reclaimed area of the coal mines of the MCL spread over three separate regions of the State, would take considerable amount of time which would ultimately delay the development of this project.</p> <p>It has been reported by the user agency that they have requested the Regional Director, Central Mine Planning and Design Institute Ltd. (CMPDI), a Govt.</p>



		of India enterprise, to undertake DGPS survey of mine out and biologically reclaimed forest and non-forest land of all the 29 coal Mines of MCL in the State. On completion of the DGPs survey, the relevant maps will be verified by ORSAC and authenticated by the Divisional Forest officers concerned, which is time consuming, shall be submitted to the Ministry for reference.
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18. The user agency has forwarded incomplete complete compliance as sought by the FAC in its meeting held on 30<sup>th</sup> September 2015 .
19. With regard to above pending condition, the State Govt. vide their letter No. 23569 dt. 30.12.2015 requested for exempting compliance of condition (d) of Para (2) justifying that carrying out DGPs survey of mined out area and biologically reclaimed area of the coal mines of the MCL spread over three separate regions of the State, would take considerable amount of time which would ultimately delay the development of this project.
20. In FAC meeting, the project proponent has submitted that they have completed the compliance of stipulation as mentioned at (d) of Para (2) of FAC recommendation on 30<sup>th</sup> Sept 2015 and same will be submitted to MOEF and CC.

#### **Recommendation of FAC**

The FAC examined the issue and recommended that the case is related to compliance of the conditions of stage I. Any decision on the matter related to compliance of the stipulations of stage I shall be examined at appropriate level in the ministry

FAC further observed that CA scheme shall be revised.

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**AGENDA No. 2 -Diversion of 250.0635 ha of forest land in favour of General Manager (Airport) CIDCO Ltd., Navi Mumbai for establishment of Navi Mumbai International Airport in Alibag Forest Division in District Raigad of Maharashtra.**

The above mentioned proposal was considered by the FAC in its meeting held on 12.7.16 and the FAC, after examination of the proposal and discussion with user agency, observed as below

1. The present proposal envisages Green Field Airport at Navi Mumbai to decongest present International Airport in Mumbai. The project has been approved by the Government of India, and the Government of Maharashtra. This is being established by CIDCO Ltd., Navi Mumbai as public-private partnership project.
2. Government of Maharashtra submitted the proposal for above stated project on 8.11.2012
3. This proposal was considered in Various FAC's meetings in the ministry on 3rd and 4<sup>th</sup> April 2013 and on 11<sup>th</sup> and 12<sup>th</sup> July 2013
4. The user agency has evaluated all possibilities for alternative locations and minimum diversion of forest land has been sought.
5. It involves 250.0635 ha of forest land including 108.607 ha of deemed forest land and 141.4565 ha of deemed reserve forests.
6. Project area does not form part of any protected area. No rare or endangered species of flora and fauna has been reported to be found in the area. It was also noted that the area is not vulnerable to erosion. However, Kamala Wild Life Sanctuary is at minimum distance of 9.5 Km.
7. The proposal has been accorded environmental clearance (i.e. CRZ clearance) in 2010 only.
8. No work in violation of the Forest (Conservation) Act, 1980 has been reported.
9. The proposal was discussed in the FAC meeting on 03<sup>rd</sup> & 4<sup>th</sup> April, 2013 and the Committee had sought the present status of Writ Petition No. WP 87 of 2006 pending in Hon'ble High Court at Mumbai, IA No. 2352-2553 in W.P. No. 202/1995 pending in Hon'ble Supreme Court and its implications on the proposal from the State Government.



The documents / information regarding CA Plan, Approved R and R Plan, status of clearance from the Standing Committee of National Board for Wildlife, undertaking regarding payment of NPV over entire 250.0635 ha, non-availability of DGPS maps, status of ownership of the project etc. were also sought.

10. The information/ documents have been provided by the State Government/ Project proponent. On scrutiny of documents/information, following was observed:-

- a. The Writ Petition No. WP-87/2006 is pending in Hon'ble High Court of Mumbai. In accordance with their Interim Order dated 6<sup>th</sup> October, 2005 and 27<sup>th</sup> January, 2010, the legal status of mangrove area has to be treated as forests. The present proposal in question considers mangrove area in the project area as deemed forest and accordingly the diversion of the same is proposed in the proposal.
- b. The cases mentioned in IA Nu. 2352-2353 in WP No. 202/1995 is pertaining to the question of status of land as forest or non-forest land. However, the project proponent has already considered the proposed area of 141.456 ha as forest land. The said area is already included in the proposal.
- c. The CA area for afforestation is in Alibag Taluka and Sudhagad Taluka of Distt. Raigad. Whereas, the area earmarked for Mangrove replantation and re-generation is in Panvel Taluka abutting airport in Raigad Dist. A map showing the location of Compensatory Afforestation area and the area earmarked for Mangrove re-plantation and re-generation has also been enclosed.
- d. The R & R Plan prepared for Navi Mumbai International Airport and approved by the Board of Directors of CIDCO is under consideration with the Govt. of Maharashtra for approval.
- e. The proposal of Wildlife clearance was discussed in the meeting of Standing Committee of NBWL held on 20.03.2013, wherein, it was decided that Members from Satpuda Foundation, Amravati and BNHS, Mumbai would visit the airport site and submit their observations.

The Standing Committee of the National Board for Wildlife in its meeting held on 06.06.2013 has approved subject to certain conditions. The minutes are awaited.



11. Though the User Agency has stated that no felling of trees will be done, it is presumed that present mangroves will be removed for construction of the project. Accordingly, specific measures to compensate this loss have to be taken up by the User Agency.
12. The rehabilitation and resettlement plan for displaced persons from the project area has been planned at three places namely; Dapoli, Wahal and Wadkar on non-forest land.
13. Two air strips proposed in the project are East-West oriented and will have lesser impact on Karnala Bird Sanctuary. However, in view of the impact on the Karnala Birds Sanctuary, no proposal for extension of project will be entertained towards Karnala Birds Sanctuary.
14. Required certificate/ documents under FRA as per Circular dated 03.08.2009 have been submitted.
15. After discussion, in the FAC on 11<sup>th</sup> and 12<sup>th</sup> July 2013 the FAC recommended the proposal with the general, standard and following additional conditions:
  - i. Afforestation of mangrove species over an area equivalent in extent to mangrove forest area being diverted has to be raised and maintained by the user agency at their own cost in consultation with the State Forest Department. It will be in addition to the mangrove area to be raised under CRZ approval.
  - ii. All conditions imposed by the Standing Committee of the National Board for Wildlife will be complied with.
  - iii. A specific plan shall be prepared by the user agency through a reputed organization like WII, SACON, BNHS, etc. and its recommendations shall be implemented by the User Agency to mitigate the impact of the project on avifauna under the supervision of the State Forest Department at the cost of project.
  - iv. A Monitoring Committee will monitor the implementation of different measures stipulated herein and will submit six monthly report to the Ministry in this regard. The Committee will be comprised of Principal Chief Conservation of Forests as Chairman, representative of the Regional Office, Bhopal, representative of Bombay Natural History Society and representative of CIDCO and Conservator of Forests (territorial), who will be the Member Secretary of the Monitoring Committee.



- v. The R&R Plan approved by the State Government shall be submitted before Stage-II approval.
- vi. State Government shall ensure that settlement of displaced people does not take place in the forest land.
- vii. In future, user agency shall not submit any proposal for extension of the project or any other project ancillary/related to this project in the forest land between the present project site and Karnala Bird Sanctuary.

16. Stage I approval for the project was conveyed to the state government with general, standard and additional conditions as specified by FAC, on **17.12.2013**.

17. The State Govt. of Maharashtra vide their letter no. Desk-17/NC/II/I.D.12060/(49)/2373/15-16 dated 18.03.2016 has furnished the compliance report on the conditions stipulated in stage-I clearance order dated 17.12.2013.

18. After examination of the compliance report as submitted by the State Government, the various shortcomings were noticed.

19. Accordingly, the State Govt. was requested vide this Ministry's letter dated 03.06.2016 to furnish the complete compliance.

20. The Addl. PCCF & Nodal Officer, Govt. of Maharashtra vide his letter no. Desk-17/NC/II/I.D.12060/(49)/611/16-17 dated 27.06.2016 has submitted their response.

21. In addition to the compliance, the project proponent and state government was asked to furnish the convincing justification for demanding diversion of 22.5490 ha of Reserved Protected and Restored (Private Forest) land for rehabilitation of Project affected persons (PAP's) on Navi Mumbai International Airport at Pushpak Nagar of Village Dapoli, Tehsil Parvel, District Raigad.

22. In response to it, the state government and user agency had informed that the entire planning for Rehabilitation of PAPs of NMIA has been done on the land in Pushpak Nagar, Village Dapoli, Village Vadghar and Village Vahal, Tal. Parvel Dist Raigad. Majority of the land is non-forest land i.e 198.749 ha. of 222.296 ha. which is 89% of the total area. In the later stage it was realized that 22.549 Ha. of the earlier identified and acquired area required forest clearance from MoEF under Forest (conservation) Act, 1980. The User Agency has informed that under such unavoidable circumstances

and at this advance stage of planning, it is highly impossible to rehabilitate in any other non-forest area instead of Pushpak Nagar (Dapoli)

23. The User Agency vide letter dated 19/06/2015 and Government of Maharashtra vide letter dated 09/09/2015 has requested GOI for amendment of condition (xvi) & (xix) of in-principle approval, so that Project Affected Persons (PAPs) of Navi Mumbai International Airport could be rehabilitated at Pushpak Nagar of village Dapoli, Tal. Panvel, Dist Raigad. Area 22.5490 ha
24. The issue related to the conditions stipulated in stage I approval was taken up in the FAC on 12.7.2016

#### **Recommendation of FAC**

After thorough deliberation FAC recommended that

- a) Condition no XVI, as imposed in stage I approval, shall remain in its Present form.
- b) Condition No XIX as imposed in stage I approval, is recommended to be modified as *'In future, user agency shall not submit any proposal for extension of project or any other project ancillary/related to this project in forest land falling in eco sensitive zone of Karnala bird sanctuary'*
- c) Condition no XX, as imposed in stage I approval, is recommended to be deleted
- d) CA scheme shall be revised. Extra land shall be identified as some of the CA patches are having very high vegetation density and some of the CA areas seem to be unsuitable for plantation as they falls in rocky terrain devoid of soil.

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F. No. FC – II/MH-16/2015-NGP

**AGENDA 3: Diversion of 22.5490 ha of Reserved Protected and Restored (Private Forest) land in favor of General Manger (Environment & Forests), CIDCO, Belapur for rehabilitation of Project affected persons(PAP's) on Navi Mumbai International**





**Airport at Pushpaknagar of Village Dapoli, Tehsil Parvel, District Raigad in the State of Maharashtra.**

1. The above mentioned proposal was considered by the FAC in its meeting held on 12.7.16 and the FAC, after examination of the proposal and discussion with user agency, observed as below:
2. The Government of Maharashtra vide its letter FLD-1315/CR-281/F-10 dated 09/09/2015, submitted the above mentioned proposal seeking prior approval of the Central Government under the Forest (Conservation) Act 1980 to Regional Office, Nagpur.
3. The project is related to **rehabilitation of Project affected persons(PAP's) on Navi Mumbai International Airport at Pushpaknagar of Village Dapoli, Tehsil Parvel, District Raigad in the State of Maharashtra**
4. The area in question is 22.5490 ha Reserved Forest, Private Forest of Alihag Forest Division
5. The major part of proposed forest area falls in improvement working circle of sanctioned draft working plan. Since the area is covered with bushy vegetation and rocks, the area has gentle slope and no steep hill hence sensitivity to runoff is low.
6. Forest type is Tropical Moist Deciduous Forest (Open Forest) and density is below 0.4. The area is devoid of trees
7. The project area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc.
8. No rare species of flora and fauna are found in the area.
9. It is reported that the area falls within 10 km of distance from the boundary of Karnala Bird sanctuary
10. No protected archaeological heritage site/defence establishment or any other important monument is located in the area
11. No violation of the Forest (Conservation) Act 1980 has been carried out in the project area





12. Compensatory Afforestation has been proposed over equivalent non- forest land. The project authority had proposed an area of 11.9848 ha in of S. No. 9/1 (pt.) , 10 (pt.) and village Owe,Taluka Panwel and area of 10.614 ha RF area at S.No. 457 of Kharghar which is in possession of CIDCO.
13. The Divisional Forest Officer, Alibag informed in his certificate dated 02.08.2015 that the non-forest area admeasuring 11.9848 ha of S. No. 9/1 (pt.) , 10 (pt.) village Owe Taluka Panwel dist. Raigad for CA under this project and it is suitable for afforestation for management purpose
14. CA scheme maintenance of 7 years has been prepared with total financial outlay of Rs. 71,80,527/-
15. Land suitability certificate has been submitted in respect of 11.9848 ha of non-forest land only by the DFO. DFO in Part-II indicated that Reserved forest land of 10.614 cannot be considered for CA as the same under the possession of CIDCO the project authority has to give another forest land admeasuring 10.614 ha against this land.
16. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has given been. The documentary evidences like Gram Shabha resolution etc. are not attach with the FRA
17. From the documents, submitted it is observed that no alternatives were examined by the State Government. The CIDCO has prepared layout plan for the rehabilitation of PAP covering three locations at Vadghar, Vahal and Pushkar. Out of the three sites, at later stage it was noticed that rehabilitation site at Pushkar, covering an area of 221.296 ha of area includes forest land also. Out of the total forest reported to be in patches, certain lands have legal status as Private Forest land while certain other land earlier under the possession of CIDCO has been utilized for CA in lieu of diversion of Helavne Dam and Pipe line Project.
18. Total cost of the project is 56000 lakhs
19. The proposal is recommended by DFO,CCF,PCCF and state government
20. The facts of the proposal as mentioned above was placed before the Regional Empowered Committee (REC) in its meeting held 30.03.2016 at Regional Office (WCZ), Nagpur.



21. After detailed examination and discussion on the proposal and also interaction with the user agency, the REC observed as under,

- i. The proposal involves rehabilitation of project affected persons (PAPs) due to construction of Navi Mumbai International Airport.
- ii. The density of the area proposed for diversion is below 0.4. The State Government in its forwarding letter has mentioned that area is devoid of tree growth.
- iii. With regards to the impact of the project on the Wildlife, the Committee noted that the State Government has reported that area does not fall within the distance of 10 km from the boundaries of any PAs. A certificate to this effect has been provided in the proposal by the DFO, Alibagh.
- iv. The State Government has reported no violation of the Forest (Conservation) Act, 1980 by the user agency.
- v. Compensatory afforestation has been proposed over equivalent non-forest land. It is indicated by the State Forest Department that the Divisional Forest Officer, Alibagh that CA has been proposed over a total area of 22,549 ha of forest land in Survey No. 9/1 (Pt.), 10 (Pt) of village Owe in non-forest land of 11,9848 ha and in Survey no. 457 (10.614 ha) of Kharghar in RF land, reported to be under the possession of the CIDCO. The Committee noted that CIDCO has unauthorized possession of the Reserved Forests land of 10.614 ha, which now has been proposed for raising CA which amounts to violation of the Forest (Conservation) Act, 1980 and guidelines issued thereunder. Land suitability certificate has been submitted in respect of 11.9848 ha of non-forest land only by the DFO. DFO in Part-II indicated that Reserved forest land of 10.614 ha cannot be considered for CA as the same is under the possession of CIDCO without making any comments on unauthorized possession of CIDCO without making any comments on unauthorized possession of the same by the CIDCO or otherwise. However, subsequently, the DFO, Alibagh has inspected alternate area in Survey No. 358 (Pt.) and has reported that area is suitable for

CA plantation, though some encroachment were seen to which the user agency has undertaken to evict and transfer the forest land free from encumbrances.

- vi. The CIDCO has prepared a layout plan for the rehabilitation of PAP covering three locations at Vadghar, Vahal and Pushkar. Out of the three sites, at later stage it is noticed that rehabilitation site at Pushkar, covering an area of 221.296 ha of area includes forest land also. Out of the total forest reported to be in patches, certain lands have legal status as Private Forests, while certain other land earlier under the possession of CIDCO has been utilized for CA in lieu of diversion of Hctavane Dam and Pipe line project.
- vii. The user agency made an elaborative presentation on the proposal and informed the Committee that a large chunk of land under the possession of the CIDCO was selected for the rehabilitation of the PAPs, however, after finalizing all the plans, at later stage, it was observed that part of the land proposed for rehabilitation is forest land and accordingly, the proposal was moved for seeking approval of the Central Government under the Forest (Conservation) Act, 1980. The user agency has also informed the Committee, the project is already at an advance Stage and most of the clearances have already been obtained and the project construction work cannot be initiated till the completion of the R&R plan.
- viii. The committee further noted that the :
  - a. The forest Conservation Division of the MoEF&CC, New Delhi had earlier accorded approval vide its letter number 8-95/2012 -FC dated 17.12.2013 for diversion of 250.0635 ha of forest land in favour of General Manager (Airport) CIDCO Ltd., navi Mumbai for establishment of Navi Mumbai international Airport in Alibag Forest Division in District Raigad of Maharashtra inter-also stipulating following condition:

*"The State Government shall ensure that settlement of displaced people does not take place in the forest land.*

*In future, user agency shall not submit any proposal for extension of the project or any other project ancillary/related to this project in the forest land between the present project site and Karnala Bird Sanctuary".*

- ix. The committee after taking into consideration above facts related to the proposal and relevant guidelines issued by the MoEF&CC, New Delhi decided that instant proposal is linked to the proposal of Navi Mumbai International Airport for which approval under the Forest (Conservation) Act, 1980 was accorded by the MoEF&CC, New Delhi vide letter number 8-95/2012-FC dated 17.12.2013 for diversion of 250.0635 ha of forest land in favour of General Manger (Airport) CIDCO Ltd., Navi Mumbai for Establishment of Navi Mumbai international Airport in Alibag Forest Division in District Raigad of Maharashtra. Therefore, the current proposal, which is an offshoot of the earlier proposal, be sent to the MoEF&CC, New Delhi for taking further necessary action as the area of the project clubbed with the earlier approval is more than 40 ha.
22. It is also imperative to mention here that the stage-II clearance for diversion of 250.0635 ha of forest land in favour of General Manger (Airport) CIDCO Ltd., Navi Mumbai for establishment of Navi Mumbai international Airport in Alibag Forest Division in District Raigad of Maharashtra is pending for want of compliance of stipulations of stage I.
23. This proposal was discussed in light of the previous proposal and existing rules and guidelines related to rehabilitation on forest land

#### **Recommendation of FAC**

FAC after thorough deliberation recommended that the proposal is not agreed to, in the present form

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F. No. 8-09/2016-FC

**AGENDA 4: Application for approval of MoEF&CC under section 2(iii) of FC Act, 1980 concerning diversion of 193.67 ha of forest land for limestone mining included in the total 840.83 ha. area of Shindola mining lease (ACC Ltd.) Tal.Wani, Distt.Yavatmal , Maharashtra. – regarding.**

1. The State Government of Maharashtra vide their letter No.FLD-3216/CR-90/T-10 dated 25.04.2016 informed that the ACC Limited, Chanda Cement Works, Chandrapur, Maharashtra has submitted the proposal for general approval under Section 2 (iii) of forest (Conservation) Act 1980 for 193.67 ha forest land for Limestone mining included in the total 840.83 ha area of Shindola mining lease (ACC Ltd) TAL. Wani, Dist. Yavatmal, Maharashtra in accordance with the guidelines as issued vide letter no. 11-599/2014-FC dated 01.04.2015 and 19.10.2015.

2. The statement for area is as given below:-

Item of work	Village	Taluka	Sr. No	Area (Ha.)	Legal status
General approval under Section 2 (iii) of Forest (Conservation) Act 1980 for limestone mining	Yenak	Wani	87 Part	25.66	Reserve Forest
	Chanakha		43 Part	53.02	
	Pardi		2 Part	70.60	
	Kurli		78/1	2.71	
			79/1	5.10	
			80/1	5.97	
			85	10.02	
			86	11.36	
		87	9.23		
Total AREA (ha):				193.67	

3. It is further reported by the State Govt. that the Directorate of Geology and Mining, Government of Maharashtra as per provision of Sec. 8A(5)/(6) of Mines and Minerals (Development and Regulation) (Amendment) Act, 2015, has granted extension for the

mining lease of Limestone over an area of 840.83 ha of Village ParamdohYenak, Pardi, Kurli, Sindola, Chank, Velabai and Gopalpur TAL. Wani Dist. Yavatmal in favor of M/s Associated Cement Co. Ltd, Chanda Cement Works, Chandrapur vide letter No. MLV-Y 192/2015/2894 DT 9/10/2015.

4. The mining lease details as reported by the State Govt. are as follow:-

1.	Name & Location of Mining Lease	Sindola Limestone Mines, Village-Sindola Taluka Wani, DistYavatmal (Maharashtra)
2.	M.L.No	MMN.1066/12828/MNG
3.	Execution of mining lease	on 7/11/1966
4.	Lease renewal validity	up to 6/11/1996 (extended up to 31/3/2030)
5.	Total Lease area-840.83 ha	Forest land within lease area 193.67 ha Non forest land within lease area 647.16 ha.

5. The State Govt. has also forwarded a copy of Site Inspection Report carried out by DCF, Pandhar Kawada on 24.01.2016 as prescribed by PCCF vide its No. Desk -17-4/1445 dated 05.11.2015 .The detailed given in the SIR is as follows:

(a) The Reserved Forest Land is 193.67 Ha.

(b) The area belong to Eco-Value class-III (Tropical Dry Deciduous Forest) having density more than 0.4 and category.

(c) The proposed land is important from the point of view of wildlife as the area is one of the critical habitats for tigers and it acts as corridor of tiger movement from Chandrapur to Kawal Sanctuary via Pandharkawada.



(d) The Mining lease period for the proposed land has been extended up to 2030.

(e) The NPV is worked out to be Rs.155517010/- as per direction of Hon'ble Supreme Court.

6. The Principal Chief Conservator of Forest (HofF), Maharashtra State, Nagpur has recommended the proposal for approval under Section -2(iii) of the Forest (Conservation) Act 1980 subject to the following conditions:

(i) The legal status of the land required will remain unchanged.

(ii) The applicant will defray the cost of Net Present Value of 193.67 ha of forest land as per the latest Guideline of Government of India.

(iii) The user Agency will defray the additional/revised cost of Net Present value of Forest land as per the latest Guideline of Government of India.

(iv) After obtaining general approval under Section 2 (iii) of Forest (Conservation) Act, 1980 from Government of India, the user agency shall obtain approval under section 2 (ii) of Forest (Conservation) Act 1980 for carrying out mining operation in forest area. The State Government shall be free to prescribe additional conditions while processing the cases under Section 2(ii).

(v) The User agency shall submit the proposal for diversion of 193.67 ha forest land under Section 2(ii) of Forest (Conservation) Act 1980 for prior approval of Government of India in hard copy as well as on MoEF portal.

(vi) The User Agency shall bear the cost of preparation and implementation of wildlife mitigation plan in the wildlife corridor.

(vii) All other conditions as may be mandatory under relevant acts, Rules and guideline shall be complied with by the user Agency.

7. The State Government has submitted this proposal in view of provision of MoEF&CC guidelines bearing F. No. 11-599/2014-FC dated 01.04.2015, 19.10.2015 and 10.11.2015 , with comments that Government of India, MoEF&CC may take note of present position of forest diversion, as noted above, and examine the representation of the lessee seeking permission under Section 2(iii) of FC Act for





193.67 ha of forest land for limestone mining included in the total 840.83 ha. area of Shindola mining lease (ACC Ltd.) Tal, Wani, Distt. Yavatmal, Maharashtra.

#### **Recommendation of FAC**

FAC after thorough deliberation recommended that the report will have to be sought from the NTCA regarding the area being a critical habitats for tigers and acting as a corridor of tiger movement, as mentioned in the site inspection report of the DCF, Pandhar Kawada. The proposal will be considered after receipt of the report from NTCA.

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File No. 8-28/2015-FC

**AGENDA 5: Proposal for diversion of balance forest land of 746.3325 ha including 11.8305 ha for safety zone (excluding 95.60 ha of pre-1980 broken up forest land already diverted and 4.467 ha of forest land being proposed for diversion in separate proposal for mining infrastructure of Daitari ML ) within total forest land of 846.3995 ha located within approved Mining lease area of 1018.3085 ha for Iron Ore Mining in Daitari Mining lease in Cuttack Forest Division of Jajpur District and Keonjhar (WL) Division of Keonjhar District, Odisha ) M/s OMC Ltd. during Mining lease period as extended under the amended provision MMDR Act .**

1. The above mentioned proposal was considered by the FAC in its meeting held on 12.7.16 and the FAC, after examination of the proposal and discussion with user agency, observed as below:
2. The State Government of Odisha, Department of Environment, Forests & Climate Change, vide his letter No. 10F (Cons) 210/2015, 16637/F/E, Bhubaneswar, dated 19.09.15, submitted a fresh proposal to obtain prior approval of the Central Government, for above stated project.
3. Total lease area is 1018.3085 ha. Out of it forest area is 846.3995 ha
4. Out of 846.3995 ha forest land, diversion is sought for 746.3325 ha, And 95.60 ha had already been diverted in 2005 .Remaining 4 ha is included in another proposal which is in the process of submission for diversion.

5. The mining lease was originally granted over an area of 7 Sq. Miles in Talpada (Daitari) for iron ore mining in favour of Orissa Mining Corporation by the erstwhile Mining and Geology Department of State Government vide Proceedings No. III (G) M - 1/ 65-2272 MG dated 16.03.1965 and the Mining lease was executed on 27. 01.1966 for a period of 30 years. Thus, the original lease period expired on 26.1.1996. The surface rights were granted to OMC Ltd. by the Collector, Cuttack vide his letter dt. 17.11.1966. First renewal was done on 27.1.96 up to 26.1.2016, which was extended up to 21.3.2020 under the amended provision MMDR Act.
6. The lease area is located in two forest divisions i.e. in Keonjhar WL Division (533.659 ha) and Cuttack Forest Division (193.2666ha)
7. Legal status of forest land is Reserve Forest & Gramya Jungle in Keonjhar WLD and Daitri DPF in Cuttack FD
8. Density of vegetation as reported by state is 0.8-1.0 (Eco-class-I in Keonjhar WLD) and 0.6 (Eco-class-I in Cuttack FD)
9. A total no. of trees of 1,65,869 in Keonjhar WLD and 70,697 & 35,838 No. of poles in Cuttack FD are assessed to be used under this mining project
10. **Keonjhar WL:** The area applied for diversion does not involve any notified Eco-sensitive Zone/ National Park / sanctuary. However, this area was supporting Royal Bengal Tigers. **Recently, National Tiger Conservation Authority (NTCA) has proposed a tiger corridor interlinking Similipal Tiger & Satkosia Tiger Reserve in Odisha which is essential for long term Tiger/Wildlife conservation in our country.** Field verification of the proposed corridor is going on. **The area proposed for forest diversion comes within the proposed tiger corridor.**
11. **Cuttack FD:** Do not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve etc.
12. No protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area such type of monument is noticed while conducted SIR by the respective DFO. However, the user agency advised to obtain NOC from concerned authority in this regard
13. It is reported that the requirement of forest land as proposed by the user agency in both



the site is unavoidable and barest minimum for the project.

14. **Keonjhar WL division:** Upon scrutiny of the high resolution satellite image provided by the user agency, it was noticed that a big patch of Gramya Jungle was found without vegetative cover, which was abnormal considering the dense canopy of the adjacent forest. Moreover, the area was adjacent to village Talapada. So, during field inspection the area was verified in detail and approximately 28.67 ha. of Gramya Jungle coming within the lease hold area was found to be Podu/Jhoom/shifting cultivation ravaged. GPS readings of that area were taken and it was cross verified in Google Earth imagery using timeline feature. The Google Earth image dated 16.04.2010 corroborated the above findings. So, this is a violation of Forest (Conservation) Act, 1980 as Podu/Jhoom /shifting cultivation within the lease hold area is a non-forestry activity. **The matter is under further investigation.**
15. **Cuttack forest division:** No violation noticed.
16. Total Area proposed for diversion is 746.3325 Ha. which includes 11.8305 Ha. Of forest land earmarked as safety zone. Due to non-availability of non-forestland of large extent in Keonjhar / Jajpur Dist., the required area of 734.502 Ha. of non-forest land has been identified for compensatory afforestation in two patches i.e. 717.853 Ha.in Village Tebhakalam and 16.649 Ha. in Village Barkaudi under Thuamul Rampur Tehsil of Kalahandi South Division in Odisha
17. Total financial outlay for compensatory Afforestation scheme is Rs. 7,24,66,200 ( Rs.5,56, 66, 000 for an area of 717.853 ha.+1,68, 00, 200 for an area of 16.649 ha
18. Cost Benefit Analysis for **Keonjhar WL** is 1:7.72 and **Cuttack FD** is 1:622
19. The DFO, Kalahandi (South) Division has certified that the land identified for C.A. is found suitable for plantation
20. The DFO, Kalahandi (South) Division has certified that the land identified for C.A. is found suitable for plantation
21. Environment clearance has already been obtained by the user agency vide Ministry's letter No. J11015/1003/2007-IA.II (M) dated 22.09.2010 of MoEF, Govt. of India.
22. Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been given separately



23. DFO Keonjhar WL and RCCF Rourkela in their recommendation had mentioned that the project may be considered on merits and DFO Cuttack had recommended the project. RCCF Angul Circle recommended the project subject of implementation of a site Specific Wildlife Conservation Plan, in view of the area to the potential Tiger and Elephant migration route

24. Nodal officer/PCCF and state government had recommended the project.

## 25. Site inspection Report by Regional Office, Bhubaneswar:

The Site inspection report of this project has been carried out by Conservator of Forests (Central), Regional Office, Bhubaneswar during 05-06 November, 2015 along with Sri Sangram Behera, Divisional Forest Officer, Keonjhar Wildlife Division, Anandapur, Sri Sudarshan Behera, Divisional Forest Officer, Cuttack Forest Division and Shri D.K. Pattanaik, Sr. Manager (Geology, F&E), & Representatives from M/S OMC Ltd. M/s OMC. The details of SIR are as under:

### 1. Legal status of the forest land proposed for diversion:

Keonjhar WL Division : Reserve Forest & Gramya Jungle.

Cuttack Forest Division : Daitari DPF.

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

The purpose-wise break-up of the total land of 746.3325 ha is furnished below:

(A) Area coming within Keonjhar Wildlife Division in Keonjhar district:

Item wise break up of Forest land proposed	Item	Forest area in (ha)			Total
		Rebana	Daitari	Gramya	
	Mining	383.1188	Nil	18.5965	401.7153
	Dumping	16.0229	Nil	34.5754	50.5983
	Magazine & its	91.9608	Nil	Nil	91.9608

for diversion.	Safety zone	8.2554	Nil	0.5361	8.7915
	Total	499.3579	Nil	53.7080	553.0659

(B) Area-coming within Cuttack Forest Division in Jaipur district.

Item -wise break up  of Forest land proposed for diversion.	Item	Forest area in (ha)			
		Rebana	Daitari	Gramya	Total
	Mining	Nil	190.2276	Nil	190.2276
	Safety zone	Nil	3.0390	Nil	3.0390
	Total	Nil	193.2666	Nil	193.2666

(C) Table-C

(Area in Ha)

Sl. No.	Purpos	Keonjhar (Wildlife) Division				Cuttack Division						
		Divert	Now		Remar	Total	Diver	Now	Total	Total	Non	Gr
		ed	Proposed for									
		(Rebe	Reben	V.F	ks		Daitar	sed			st	tot
		na	a RF				i	(Dair				al
1	Mining	27.06 4	383.1 188	18.596 5	4.467 0 ha out of the ML area	4281 793	34.56 6	190.227 6	224.7 936	653.57 29	171.90 (includ ing 0.272 ha	653. 572 9
2	Dumpi	4.22	16.02	34.575		54.81	1.28		1.28	56.098		56.1
3	Ore	13.50				13.50	0.50		0.50	14.00		1
4	Camp office, work	5.50	-			5.50			-	5.50		4 5
5	Constr	8.97				8.97			-	8.97		8. 9

*(Signature)*

6	Magazine & its	91.9608	91.9608	-	91.9608	91.9608
	Total	59.2540259	53371	603.52846	190.2276736	830.102
7	Safety zone	8.2554	0.5361	8.7915	3.0390	3.0390
	Grand Total	499.35790	53.708	4.462	612.36	193.2662296
	Total	59.25	5790	616.78694	6	6126
						841.171909841.171.909

3. **Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:** As reported in Point No.2 above.

4. **Total cost of the project at present rates:** The total cost of this project is Rs. 198.78 Crores.

5. **Wildlife:** Forest area proposed for diversion is a known habitat of various wild animals including Schedule 1 species like Indian Elephant (*Elephas maximus*), Indian wolf (*Canis lupus pallipes*) etc. Other wildlife animals found in the area are Mouse deer (*Tragulid meminna*), Ratel (*Mellivora capensis*), Sloth Bear (*Melursus ursinus*), Jackal (*Canis aureus linnaeus*), Barking deer (*Muntiacus muntjak*), Sambar (*Cervus unicolor*), Peafowl (*Pavo cristatus*), King Cobra (*Ophiophagus hannah*), Russel's viper (*Vipera russelli*), Hill Myna (*Gracula religiosa*), Indian soft-shelled turtle (*Hissemys punctata punctata*), Large Bengal monitor lizard (*Varanus bengalensis*) etc. As reported by the DFO, Keonjhar(WI.) division and RCCF, Rourkela. the area was supporting Royal



**Bengal Tigers in the past.** The last confirmed presence of Tigers in this area was in the year 1997.

It has been further reported that National Tiger Conservation Authority has proposed a Tiger corridor interlinking Similipal Tiger Reserve and Satkosia Tiger Reserve in Odisha for long term Tiger/ Wildlife conservation in the country. Field verification of the proposed corridor is going on. The area proposed for forest diversion for this infrastructure project comes within the proposed Tiger corridor.

Similarly, a part of Daitari PF coming within Cuttack Forest Division is included in this mining lease. The area is having dry deciduous forest land dominated by Sal species. Density of vegetation is reported to be 0.6. Wildlife species such as Migratory Elephant, spotted deer, wild boar, fox, Barking Deer, Common Langur, Jackal, Sloth Bear, Hyena, Squirrel, Mongoose, Ratel, Hare, Pangolin, Peacock, Red Jungle fowl, Porcupine, Ringed dove, parrot, Koel, Indian wild lizard, King cobra, Python etc. are found in the area.

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

The State Government has suggested the following two plans:

- (a) **Regional Wildlife Management Plan:** Though the area does not form a part of any National Park/Wildlife Sanctuary/Elephant Corridor, due care is to be taken for conservation of wildlife. For this purpose, user agency is required to proportionately contribute towards implementation Regional Wildlife Management Plan @ revised rate of Rs.43,000/- per hectare over the mining lease of 1018.3085 ha. The user agency has furnished an undertaking to bear the cost of Regional Wildlife Management Plan.
  
- (a) **Site Specific Wildlife Conservation Plan:** Due care has to be taken for conservation and protection of Wildlife. PCCF (WL) & Chief Wildlife Warden, Odisha has approved the Combined Site Specific Wildlife Conservation Plan prepared by M/s OMC Ltd. for Daitari Mining project and Daitari Extension area at a financial out lay of





Rs 1798.70 lakhs. Out of this amount, an amount of Rs 1518.35 lakh is to be spent by DFOs of Keonjhar (WL) Division and Cuttack Forest Division for implementation of approved components of Plan in Project impact area and Rs. 280.35 lakh is to be spent by M/s OMC Ltd in project area coming within the jurisdiction of Cuttack and Keonjhar (WL) Division as per approved components of the Plan. The financial break-up of the amount is given as under:

**For activities to be implemented in Project area:**

a.	By M/s OMC Ltd in Keonjhar WL Division	Rs. 211.26 lakh
b.	By M/s OMC Ltd in Cuttack Division	Rs.69.09 Lakh
	<b>Sub-Total</b>	<b>Rs. 280.35 Lakhs</b>

**For activities to be implemented at project impact area:**

a.	By DFO, Keonjhar WL Division	Rs. 1092.83 Lakh
b.	By DFO, Cuttack Division	Rs. 425.52 Lakh
	<b>Sub-Total</b>	<b>Rs. 1518.35 Lakh</b>

**GRAND TOTAL: Rs. 1798.70 Lakh**

The user agency has already deposited an amount of Rs 15, 18, 35,000/- in the account of Ad-hoc CAMPA in Corporation Bank, Lodhi Road, New Delhi through RTGS mode on 24.03.2014.

**6. Vegetation:** Average density of vegetation appears to be about 0.8 in Keonjhar WL Division and 0.6 in Cuttack Forest division.

**(a) Total number of trees to be felled:** It is reported by the State Government, in the area proposed for diversion under this project in Keonjhar (WL) Division, sample enumeration has been taken up over 38 plots of 2 ha each, where 22793 no. of trees has been reported to be existing. By extrapolating this figure over 553.0659 ha of forest land of this lease coming within Keonjhar (WL) Division, **1,65,869 no. of trees are assessed to be existing over the forest land proposed to be used in this mining project.** Similarly in the area proposed for diversion under this project in Cuttack Forest Division, sample enumeration has been taken up over 22 plots of 2 ha, each, where 16095 no. of trees has been reported to be existing. By extrapolating this figure over 193.2666 of forest land of this lease coming within Cuttack Division, **70,697 no. of trees are**

assessed to be existing over the forest land proposed to be used in this mining project.

The impact of felling of such large number of trees can be minimized by taking up tree felling in phased manner strictly as and when required.

**Effect of removal of trees on the general ecosystem in the area:** As there are a large number of trees to be felled, it will naturally adversely affect the general eco-system in the area.

**(b) Important species:**

The type of forest found in the area is 3 C/C2e Moist. Peninsular Valley Sal, 5B/C2 Northern Dry Mixed Deciduous Forests, E4 Lateritic Semi Evergreen Forest and 5B/Clo Dry Peninsular Sal Forests. As reported by RCCF, Rourkela in his site inspection report, tree Species which are commonly noticed in this area are Sal (*Shorea robusta*), Piasal (*Pterocarpus marsupium*), Gambhar (*Gmelina arborea*), Kangara (*Xylia xylocarpa*) Asan (*Terminalia tomentosa*), Jamun (*Syzygium cumini*), Ku rum (*Adina cordifolia*), Dhaura (*Anogeissus latifolia*), Mango (*Mangifera indica*), Pansa (*Artocarpus heterophyllus*), Siris (*Albizia lebbek*), Kasi (*Bridelia retusa*), Neem (*Azadirachta indica*), Kendu (*Diospyros melanoxylon*) etc., Sal (*Shorea robusta*) being the predominant species.

**Number of trees of girth below 60 cm:** The No. of trees of girth below 60 cm in Cuttack division is 41189 and in Keonjhar WL division are 99013.

**Number of trees of girth above 60 cm. :** The No. of trees of girth above 60 cm in Cuttack division is 29508 and in Keonjhar WL division is 66856.

7. **Background note on the proposal:** Originally the mining lease was granted over an area of 7 Sq. Miles in Talpada (Deitari) for iron ore mining in favour of Orissa Mining Corporation by the erstwhile Mining and Geology Department of State Government vide Proceedings No. III (G) M - 1/ 65-2272 MG dated 16.03.1965. Accordingly the Mining lease was executed on 27.01.1966 for a period of 30 years. Thus the original lease period expired on 26.1.1996. Surface rights were granted in favour of OMC Ltd, by the Collector, Cuttack vide his



letter dt. 17.11.1966. The 1st renewal application was filed by the user agency on 21.01.1995 over an area of 1812.99 ha of Daitari iron ore Mining lease for a period of 20 years more than one year prior to expiry of original lease period. While the application for 1st RML was under consideration, the user agency decided to surrender part of the Mining lease retaining only 190.20 ha of forest land and accordingly they submitted revised RML application on 22.5.1997, over 190.20 ha for a period of 20 years. During this period, the user agency had also filed a forest diversion proposal for 95.60 ha of pre-1980 broken-up forest land only thereby excluding 94.60 ha of forest land which is prohibited and protected for safety zone. Government of India, MoEF vide their letter P.No. 8-164/ 1997-FC dt. 27.1.2005 accorded final forest clearance to this diversion of 95.60 ha which was consisting of 59.254 ha in Rebana RF in Keonjhar (WL) Division of Keonjhar district and 36.346 ha of Daitari PF of Cuttack division of Jajpur district. While the application for 1st RML was yet to be disposed by the State Government, the user agency, considering the market demand and requirement of more area for exploitation, requested the State Government in Steel 86 Mines Department vide their representation dt. 9.2.2006 to consider their case for 1st RML over entire leasehold area of 1812.99 ha. Accordingly, the scheme of Mining along with Progressive Mine Closure Plan in respect of Daitari iron ore mines was approved by IBM vide their letter No.314(3)2012-MCCM(CZ)/MS-52/223 dt. 12.7.2013. Subsequently based on the report of Geological Survey of India, the user agency decided to surrender 794.6815 ha of land in this lease citing it to be non-ore bearing area and accordingly represented before the Steel 86 Mines Department vide their letter dt. 9.1.2012 to retain 1018.3085 ha land only. The State Government vide their order No. 6450 dt. 15.7.2015 have extended the validity period of this mining lease over 1018.3085 ha up to 31.3.2020. The surrendered area of 794.6815 ha of land is entirely within Daitari PF of Cuttack Forest division of Jajpur district.

Similarly the retained area of 1018.3085 ha in this lease, which is valid till 31.3.2020, consists of 846.3995 ha of forest land (i.e. 616.7869 ha of forest land in Keonjhar (WL) division of Keonjhar district (53.708 ha of village forest in Talapada village and 563.0789 ha of Rebana RF) and 229.6126 ha of Daitari PF of Cuttack Forest division of Jajpur district), 171.637 ha of Government non-forest land and 0.272 ha of Tenanted land in Talapada village of Keonjhar

district. Out of 846.3995 ha of forest land in Daitari Iron ore Mining lease, 95.60 ha of pre-1980 broken up forest land has already been diverted by MoEF, Govt vide their letter F.No. 8-164/1997-FC dt. 27.1.2005 in course of 1st RML, the validity of which has got extended up to 31.3.2020 as per MoEF&CC guidelines bearing F.No. 11-51/2015-FC dt. 1.4.2015. Besides, an area of 4.467 ha of forest land in Rebana RF of Daitari Mining lease has been proposed for diversion separately within a total area of 106.016 ha for the proposed mechanized facilities to be set up for facilitation of mining in Daitari Iron ore Mines. Hence the instant forest diversion proposal has been filed/processed for the reduced forest area of 746.3325 ha for Daitari mines out of total forest land of 846.3995 ha as per provision of MoEF & CC guidelines bearing F.No. 11- 51/2015-FC dt. 1.5.2015.

8. **Compensatory afforestation:** Out of 746.3325 ha of forest land proposed for diversion under this project, Mining allied activity is proposed to be taken up over 734.502 ha. 11.8305 ha of forest land has been earmarked as safety zone. As such, compensatory afforestation is required to be raised over 734.502 ha of non-forest land against this proposed diversion. As non-forest land of large extent is not available in Keonjhar/Jaipur district, an extent of 734.502ha of non-forest land has been identified in two patches i.e. 717.853 ha in village Tebhakalam and 16.649 ha in Barkaudi village, both under Thuamul Rampur Tehsil of Kalahandi District in lieu of the virgin forest land of 734.502 ha excluding the safety zone area of 11.8305 ha proposed for diversion in the instant proposal.

The identified non-forest land is reported to be suitable for plantation in ANR mode. The Tahasildar has also furnished non-encroachment and non-encumbrance certificate for the identified non-forest land.

Similarly, 16.649 ha of non-forest land has also been identified in Barkaudi village under Thuamul Rampur Tahasil of Kalahandi district for compensatory afforestation purpose. The identified non-forest land is also reported to be suitable for plantation in ANR mode. The Tahasildar has also furnished non-encroachment and non-encumbrance certificate for the identified non-forest land.



The DFO, Kalahandi (South) has prepared two separate schemes for compensatory afforestation in ANR mode details of which are given below. (i) The scheme of Compensatory Afforestation over 717.853 ha of non-forest land in village Tebhakalam has been prepared by the Divisional Forest Officer, Kalahandi (South) Division with provision of ANR plantation @ 200 Plants per ha. according to suitability of the site as per current wage rate of Rs. 200/- per manday, which has been technically approved by Addl. PCCF(Forest Diversion)& Nodal Officer, FC Act with a financial forecast of Rs. 5,61,53,500/-including maintenance cost of 10 years. The approved CA scheme has also provisions for Barbed wire fencing and Soil Conservation measures etc. Trees to be planted under the scheme are Teak (*Tectona grandis*), Karanja (*Pongamia pinnata*), Neem (*Azadirachta indica*), Amla (*Emblica officinalis*) Bahada (*Terminalia bellerica*), Mahul (*Madhuca indica*), Sissoo (*Dalbergia Sissoo*) etc. The user agency has furnished an undertaking to bear the cost of the CA scheme.

- (ii) Similarly another scheme of Compensatory Afforestation over 16.649 ha of non-forest land in village Barkaudi has also been prepared by the Divisional Forest Officer, Kalahandi (South) Division with provision of ANR plantation @ 200 Plants per ha. according to suitability of the site as per current wage rate of Rs. 200/- per manday, which has been technically approved by Addl. PCCF (Forest Diversion) Nodal Officer, FC Act with a financial forecast of Rs.1,70,59,500/- including maintenance cost of 10 years.

The approved C.A. scheme has also provisions for Barbed wire fencing and Soil Conservation measures etc. Tree species to be planted under the scheme are Teak (*Tectona grandis*), Karanja (*Pongamia pinnata*), Neem (*Azadirachta indica*), Amla (*Emblica officinalis*), Bahada (*Terminalia bellerica*), Mahul (*Madhuca indica*), Sissoo (*Dalbergia Sissoo*) etc. The user agency has furnished an undertaking to bear the cost of the CA scheme.

C.A. sites could not be visited as they are quite far from the lease area. However, survival rate, status etc. can be monitored when C.A. is raised in the sites.



- (a) **Whether land for compensatory afforestation is suitable from plantation and management point of view or not:** The Divisional Forest Officer, Kalahandi (South) Division has certified that the land identified for C.A is found suitable for plantation.
- (b) **Whether land for compensatory afforestation is free from encroachment/other encumbrances:** The Tehsildar, Thuamulrampur has certified that the land identified for C.A. is free from encroachment and encumbrances.
- (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:** 02 (two) patches
- (e) **Map with details:** Enclosed as Annexure-III (Pg.1173/c)
- (f) **Total financial outlay:** As reported at Point No.8 above.
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:** The State Government has reported that a big patch of Gramya Jungle was found to be without vegetative cover, which was abnormal considering the dense canopy of the adjacent forest. The area was adjacent to village Talapada. During field inspection by the DFO, Keonjhar (WL) Division, the area was verified in detail and approximately 28.67 ha of Gramya Jungle coming within the lease hold area was found to be under Podu/Jhum/ Shifting cultivation.

During the site inspection by the RCCF, Rourkela Circle on 24.04.2015, the said patch of Gramya Jungle was also inspected and through local enquiry it was ascertained that the area was used for Podu cultivation by the adjoining villagers.

The said patch was also inspected by the CF, RO, Bhubaneswar and found that it is near Talapada village and also verified that the area was used for podu cultivation. Since the area comes within the mining lease, a suitable PCA may be imposed by the Ministry.



10. **Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not:** As reported by user agency, DFO, Cuttack, DFO, Keonjhar (WL), RCCP, Rourkela and RCCP, Angul, this project does not involve displacement of any human habitation. The User agency informed during inspection that no mining activity will be carried out in the inhabited area as it is not ore bearing area.

11. **Reclamation plan:** The user agency has furnished a Phased Reclamation Plan with afforestation scheme. The user agency has furnished an undertaking for reclamation of the mined out area as per plan approved by IBM. As of now, no reclamation has been started.

**Details and financial allocation:** Not submitted.

12. **Details on catchment and command area under the project:** Not applicable.

**Catchment area treatment plan to prevent siltation of reservoir:** Not applicable.

13. **Cost benefit ratio:**

The cost benefit analysis has been computed for both the Divisions i.e. Keonjhar (WL) Division and Cuttack Forest Division. The details of the Cost Benefit Analysis of the project duly reported by the DFOs concerned are given below:

**Keonjhar (Wildlife) Division:**

(i) Total loss of this project = Rs. 242,83,76,919/-

(ii) Total benefit of this project = Rs. 1875.3900 Crore

(iii) Cost Benefit Ratio =  $\text{Rs. } 1875.3900 / 242.8376 = 1:7.72$

**Cuttack Forest Division:**

(i) Total loss of this project = Rs. 27.76 Crore

(ii) Total benefit of this project = Rs. 17287.20 Crore

(iii) Cost Benefit Ratio =  $\text{Rs. } 27.76 / 17287.20 = 1:622$

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



Recommended by PCCF, Odisha / State Government.

15. **Recommendations of Additional Principal Chief Conservator of Forests (Central)**  
along with detailed reasons: Appended separately.

16. **Conservator of Forests (Central) shall give detailed comments on whether there are any alternative routes/alignment for locating the project on the non-forest land:** The mining project is site specific; hence alternative alignment is not possible.

17. **Utility of the project:** As reported, this project will help in generating employment opportunity for 1064 persons. Besides, this being a large mining project should provide indirect livelihood opportunities to thousands of tribal population in this Maoist infested region.

**Numbers of Scheduled Caste/Scheduled Tribes to be benefited by the project:** Not reported separately.

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 ecosystem:** Not reported.

19. **Situation with respect to any Protected Area:** The nearest Protected Area is Hadgarh WL sanctuary which is at a distance of about 45 km from the project site.

20. **Any other information relating to the project in SIR:**

- i. Demarcation of boundary pillars was not proper and complete though DGPS survey has been conducted and DGPS map has been submitted. The User agency was asked to complete the job within 10 days of inspection. The State Government was also asked to



comply vide this office letter dated 12th November, 2015 (enclosed as Annexure-V-Pg.1181-1182). In response to the above letter, the State Government vide their letter dated 15.02.16 has informed that this condition has been complied (enclosed as Annexure-VI-Pg.1183-1186/c).

- ii. Felling of trees at one go of the entire area proposed for diversion is not required as the mineral reserve in the broken area has not been exhausted and therefore only after complete extraction of iron ore from the broken area, user agency may be allowed to mine out in the mineral bearing area of the virgin forest and felling of trees may be permitted accordingly.
- iii. The User agency has been asked to produce joint verification certificate of surrendered area of 794.6815 ha within 10 days of inspection. State Government was also asked to comply vide this office letter dated 12th November, 2015 . In response to the above letter, the State Government vide their letter dated 15.02.16 has informed that this condition has been complied
- iv. Like other Greenfield projects in Keonjhar district, a study of environmental impact of mining may be conducted by NEERI or other reputed institute.
- v. Since the proposed tiger corridor passes through the mining lease, a suitable ameliorative/ mitigative measures may be advised by Ministry regarding this.
- vi. The copies of DGPS and Topo-sheets are given in Annexure-I and Annexure-II respectively.
- vii. The Collector Jajpur and Keonjhar have submitted the FRA certificates.

21. **Recommendations of APCCF (Central), Regional Office, Bhubaneswar) :** It is reported by the Addl.PCCF, Regional Office , Bhubaneswar that he endorsed the SIR of CF(Central) for the instant proposal and accordingly recommended for consideration.

#### **Recommendation of FAC**

FAC after thorough deliberation recommended as under:

1. **It has been reported by the DFO, Keonjhar(WL) division and RCCF, Rourkela, that the area was supporting Royal Bengal Tigers in the past. The last confirmed presence of Tigers in this area was in the year 1997. National Tiger Conservation**



Authority has proposed a Tiger corridor interlinking Similipal Tiger Reserve and Satkosia Tiger Reserve in Odisha for long term Tiger/ Wildlife conservation in the country. Field verification of the proposed corridor is going on. The area proposed for forest diversion for this infrastructure project comes within the proposed Tiger corridor. The same shall be examined by National Tiger Conservation Authority in view of section 38(G) of Wild life protection Act 1972 and their views will be provided to FAC for consideration.

2. Upon examination of the proposal under Decision support System of the MOEF and CC, it is evident that the area falls in the proposed *inviolate* category as per the draft criteria of MOEF and CC for classifying forest area as *inviolate*. The shape files of the proposed area shall be provided to FSI Dehradun so that the status of the forest land can be reconfirmed in accordance with the draft criteria for classifying forest area as *inviolate*.
3. Comments of IA Division of MOEF and CC may be sought regarding applicability of NEERI report.

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F. No. 8-05/2011-FC

**AGENDA 6: Diversion of 315.813 ha (original proposal was for 413.745 ha) of forest land for Bailadila iron ore mining project in favour of M/s NMDC Limited in Dantewada Forest Division in Dantewada district of Chhattisgarh.**

- I. The above mentioned proposal is considered by the FAC in its meeting held on 12.7.16 and the FAC, after examination of the proposal, observed as below;
  - (i) The State Government of Chhattisgarh vide its letter dated 19.11.2010 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
  - (ii) The proposal had already been considered in FAC dated 26.08.2011, 29-30 April 2014 and 22<sup>nd</sup> -23<sup>rd</sup> Sept 2014, and 16.2.16



2. The proposal pertains to Bailadila-Kirandul Iron Ore complex in Dantewada District of Chhattisgarh.
3. The Iron ore to be produced from this mining lease area proposed to be used in the Vizag Steel Plant, Essar Steel and other pig iron plants likely to come up in the area. The additional quantities of iron ore would be exported to Japan, South Korea and China etc.
4. The proposed area is located entirely in the Bailadila Reserve Forests of Dantewada Forest Division.
  - i. The proposal was considered by the Forest Advisory Committee (FAC) in its Meeting held on 26.08.2011
  - ii. The FAC, on the ground that area is located deep in undisturbed forest area, high biodiversity value, hilly terrain (involving 122 ha), no reclamation in any of the earlier mined areas by the NMDC, adequacy of the existing reserve of NMDC to meet their need, recommended the proposal for **rejection**.
  - iii. The above recommendations of the FAC were accepted by the Ministry and accordingly, the State Government was informed about the rejection of the proposal vide this Ministry's letter dated 9<sup>th</sup> January, 2012.
3. The State Government of Chhattisgarh vide its letter dated 5.06.2013 forwarded the justification furnished by the user agency to the observation of the FAC along with Approved progressive Mine Closure Plan, Biodiversity Survey and Conservation Plan.
4. The State Government has also submitted that proposed iron ore project will be implemented by the Joint Venture Company (51:49) set up by the Chhattisgarh Mineral Development Corporation (CMDC) and National Mineral Development Corporation (NMDC) with an objective of the project is to provide iron ore to the iron based industries in the State of Chhattisgarh.
5. The project proponent, regarding reclamation of earlier mines, has indicated that all mining leases are active and presently no mined out area is available for reclamation. As such excavation is continuing till date within the broken land. It is also mentioned that proposed reclamation strategy is covered in the progressive mine closure Plan. Mined out area of



591.125 ha has been proposed to be covered under the reclamation as per the Mining scheme.

6. With regards to adequacy to existing mining reserve of NDMC to meet their iron ore needs, it has been mentioned that NMDC has been working in the Bailadila Iron complex since 1968. The State Government of Chhattisgarh has more than 85 sponge iron ore plants and given the external commitments of supplying iron ores, NMDC is able to meet only a part of iron ore requirements of the plants located in the State of Chhattisgarh. Beside this a new 3 MTPA Integrated Steel Plant at Nagarnar, Bastar, Chhattisgarh is also coming up shortly. The current production capacity of iron ore from Bailadila Sector is 36 MTPA against the projected demand of 50 MTPA leaving a shortfall of 14 MTPA. Existing production of iron from existing mines of NMDC cannot meet the total requirement of ore. Thus there is need of opening new iron ore mines in the Bailadila.
7. Further, with regards to biodiversity value of the area, NDMC has suggested a Habitat Development Programme over 412 ha to be divided into 20 annual working areas. A plan of worth Rs. 8.05 crores for a period of 20 years has been submitted by the NMDC for covering soil and water conservation, improvement of fodder and grass lands, improvement of tree cover, conservation awareness and ecological monitoring etc.
8. In view of the above justification, the State Government has further requested this Ministry for re-consideration of the project.
9. The request of the State Government was examined by the MoEF and the competent authority of the MoEF has approved the request of the user agency to re-consider the proposal.
10. The proposal along with the justification furnished by the State Government for re-consideration of the project was placed before the Forest Advisory Committee FAC in its meeting held on **29<sup>th</sup> to 30<sup>th</sup> April, 2014** and the Committee recommended as under
  - i) In view of the contradiction in observation of the user agency and the Nodal Officer of the State Government and the Regional Office of the MoEF about the physical status of the forest land Regional Office may be asked to re- inspect the site along with some senior officer of the State Government and submit a detailed Site Inspection Report along with Clear and unambiguous recommendations.





ii) The State Government may submit their comments on the observation of the Site Inspection Officer in Site inspection Report of 2011 about the requirement of the forest land for some of the item of works.

iii) The User Agency should also furnish the status of reclamation of mined areas in the deposit 14 of Bailadila complex which is being mined since 1963 and now exhausted of the minerals.

The State Government may also require to submit following information

- a. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with MoEF's guidelines dated 3/8/2009 and 5th July 2013
- b. Duly authenticated Differential GPS maps of the land proposed for diversion and land identified for CA, 10 Km radius map indicating the position of the Protected Areas and other mines and forest cover map of the proposed area.
- c. Revised CA scheme after identifying non forest land for CA, along with site suitability certificate.

11 The above recommendations of the FAC were communicated to the Regional Office of this Ministry and State Government of Chhattisgarh by the Ministry vide its letter dated 26.05.2014. The Regional Office, Bhopal vide its letter dated 24.06.2014 has submitted the site inspection report of the area.

12 As per the site inspection report the user agency has revised the area required for mining project to the tune of 315.813 ha (413.745 ha proposed originally). Out of the 315.813 ha proposed for diversion, 99.553 ha is meant for environment conservation work, shall not be disturbed by the project proponent and tree felling will be limited to 216.26 ha only and that also if unavoidable. The number of trees to be removed shall be limited to 17,142 trees in 194.80 ha during the period of lease i.e 30 years. The remaining trees over 21.46 ha shall be removed if and when the lease is renewed

13 The Principal Chief Conservator of Forests, State Government of Chhattisgarh, Raipur vide their letter No. *Bhu-Prahand/Khanij/331-42/1634* dated 23.07.2014 has also



furnished the compliance in respect of Ministry's letter dated 26.05.2014. Summary of the same is given as under:

- (a) Regarding contradiction in the area as observed by the FAC (Para 8 (i) ) above, the State Government has informed that the Regional Office, Bhopal has in its Site Inspection Report (SIR) dated 24.06.2014 informed that the proposed diversion area of 413.745 ha was reduced after site inspection to 315.813 ha.
- (b) The State Government has submitted their comments on the SIR of the Regional Office. In fact the proposal has been revised .Item-wise break-up of the forest land proposed for diversion after exclusion of 99.533ha of thickly wooded area, is as below

**Table 1 (Revised Land use)**

S. no	Particulars	Area in ha
1	Area under mining	122.00
2	Approach road	7.930
3	Infrastructure	36.330
4	Waste dumps	45.450
5	Toe wall for waste dumps	4.550
6	Area for environmental conservation works	99.553
7	<b>Revised area</b>	<b>315.813</b>

**Table 2 (Break-up of infrastructure area (36.33Ha))**

S. no	Particulars	Area in ha
1	Mineral storage	6.00
2	Dumper repair shop	4.00

3	Road, Conveyor, Site office, water pipeline	12.00
4	Electric sub-station	2.00
5	Central stores	3.00
6	Mining office, First Aid room, Training & Safety office, Time office and Industrial Canteen	3.53
7	Security barrack and watch towers	3.00
8	Dumper and HEM washing platform	1.50
9	Dumper platform	1.05
10	Effluent Treatment Plant	0.25
	<b>Total</b>	<b>36.33</b>

**Table 3 ( Break up of area for Environmental Conservation works (99.553 ha)**

S. no	Particulars	Area in ha
1	Buttress wall, contour drain, etc at toe of waste dumps	13.020
2	Area under check dams & soil erosion control measures	20.000
3	Area in patches retained between waste dumps and mining area for soil conservation works.	60.233
5	Safety zone area	6.300
	<b>Total</b>	<b>99.553</b>

(c) Area requirement for active mining and OB dumping is not 29.31 ha in first 20 years as was observed by the Regional Office in its earlier site inspection reports but would be 92.03 ha (69.05ha for mining & 23.03 ha for OB dumping). However,

Government of India, Ministry of Mines, New Delhi vide letter no: 5/166/2006-M-IV dated 13/02/2007 addressed to the Secretary to the Govt. of Chhattisgarh, MRD, Raipur has conveyed the approval of Government of India to the grant of Mining lease for iron ore over an area of 315.813 ha of Bailadila Deposit no: 13 in favour of NMDC Limited for a period of 30 years. The period of Forest clearance will be co-terminus with period of Mining Lease. Hence, the area requirement upto 30 year shall be considered for diversion of forest land for mining, OB dumping and the area required for various infrastructure facilities which shall come up in 5 years period. However, the area required for mining and OB dumping beyond 30<sup>th</sup> year till life of mine i.e. up to 40<sup>th</sup> years can't be excluded as the area is within ultimate pit boundary. It is to further clarify that user agency shall undertake tree felling in a phased manner over a period of time with prior approval of Forest Department as per the requirement of area for mining, OB dumping and for other facilities. Further, trees felling will be done only in case of necessity.

- (d) As regard status of reclamation of the mined out area of the Deposit 14 it is stated by the state government that in 1965 the proved mineral reserve was only 101 million tonnes and production capacity was 2 million tonnes per annum. However with advancement in prospecting technique the proven mineral reserve has gone up to 483.78 million tonne. Till date the ore excavated is 142.54 million tones and balance iron ore reserve available are 341.24 million tonnes. The production capacity of Deposit-14 mine is 5 million tonnes per annum. Based on current iron ore reserves and production capacity of mine, the life of mine is 68 years and therefore the mining in deposit 14 is continuing. Since Excavation for iron ore continues till date within the broken land, reclamation could not be done in the position during different periods.
- (e) However, NMDC has proposed reclamation programme over 199.195Ha of Bailadila Deposit-14 based on progressive Mine Closure Plan of Mining Scheme of Bailadila Deposit-14 which is duly approved by IBM.
- (f) Regarding revised CA scheme, as per the recommendation of the FAC, the State Government has informed that as per shareholders' agreement and joint venture

agreement between NMDC and CMDC, the ratio of equity holding of NMDC and CMDC in the company is 51% and 49% respectively. Thus, NMDC is a major shareholder in the Joint venture Company and being a central Public Sector Undertaking is eligible for carrying out the compensatory afforestation over degraded forest land twice to the extent forest area proposed for diversion. The revised forest area proposed for diversion is 315.813 ha. The cost of CA works out to Rs. 29 Cr at the prevailing rates of Government of Chhattisgarh, Forest Department @ Rs. 4,51,000 per ha.

(g) A copy of Survey of India toposheet depicting the area identified for CA along with the geo-graphical coordinates and CA scheme of 10 years has also been submitted by the State Government.

(h) Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted in accordance with the MoEF&CC's letter dated 3.08.2009 read with Guidelines dated 5.02.2013 and 5.07.2013.

14 With regard to adequacy to existing mining reserve of NMDC to meet their iron ore needs, it has been mentioned that NMDC has been working in the Bailadila Iron complex since 1968. The State Government of Chhattisgarh has more than 85 sponge iron ore plants and given the external commitments of supplying iron ores, NMDC is able to meet only a part of iron ore requirements of the plants located in the State of Chhattisgarh. Beside this, a new 3 MTPA Integrated Steel Plant at Nagarnar, Bastar, Chhattisgarh is also coming up shortly. The current production capacity of iron ore from Bailadila Sector is 36 MTPA against the projected demand of 50 MTPA leaving a shortfall of 14 MTPA. Existing production of iron from existing mines of NMDC cannot meet the total requirement of ore. Thus there is need of opening new iron ore mines in the Bailadila.

15 Mining Plan along with Progressive Mine closure plan has been duly approved by IBM, Nagpur. Mined out areas will be taken up for afforestation as soon as they become passive. Afforestation will be started in the 3<sup>rd</sup> phase i.e. from 11<sup>th</sup> year onwards on the exhausted mine benches.



- 16 The Regional Office, Bhopal in its revised Site Inspection Report has pointed out that an aerial view of the deposits 11 and 14, which are being worked by NMDC clearly shows that OB dumps were not being managed properly and that soil and silt are seen flowing into the adjoining forest land. Preventive measures have to be taken by the user agency immediately. It was also observed that for afforestation purpose exotic species have been used in deposit 14. This has to be discouraged. Only local indigenous species have to be used for afforestation purposes and formation of green belt etc.
- 17 A detailed conservation plan for Bailadila Deposit-13 mining lease prepared by M/s. Indian Institute of Bio-Social Research and Development, Kolkata has been approved by the Chief Wildlife Warden, Forest Department, Govt. of C.G, Raipur vide letter S.No-113/2014/973 dated 01/04/2014. User agency has committed to undertake the conservation at a total cost of Rs.839.445 lakh over a period of 10 years.
- 18 The Addl. PCCF (Central ), Regional Office Bhopal has recommended the proposal for Diversion.
- 19 **After detailed deliberations in FAC meeting held on 22<sup>nd</sup> and 23<sup>rd</sup> September, 2014 the FAC had recommended the project for stage 1 approval subject to General conditions, standard conditions applicable to mining project and following additional conditions.**
- a) The State Government shall raise the penal compensatory afforestation over the degraded forest land equal in extent to the broken up area in deposit-14 and deposit 11 which was not reclaimed in violation of Mine closure plan, at the project cost.
  - b) Reclamation programme for Deposit 11 should also be prepared
  - c) The user agency shall give Bank guarantee of the amount, as may be decided by the State Government, to ensure reclamation and biological restoration of the mined out area of Deposit 14 as per proposed reclamation plan over 199.195 ha of Bailadila Deposit-14 and broken up area of Deposit -1 .
  - d) The user agency shall submit the progress report of the reclamation of the Deposit-14 and 11 to the State Government on annual basis. Continuance of





mining operations in the Deposit 13 will be subject to satisfactory progress in reclamation of the Deposit 14 as per the proposed reclamation plan and deposit 11

- e) The user agency should also submit the land surrender schedule of mined out and reclaimed/biologically restored forest land as per the reclamation programme for 199.195 ha in Deposit-14 and submit an undertaking to the effect that reclaimed/ biologically restored forest land will be surrendered as per this schedule.
- f) The user agency should also submit the land surrender schedule of mined out and reclaimed/biologically restored forest land as per the Mining Plan and Progressive Mine Closure Plan for Deposit-13 and submit an undertaking to the effect that reclaimed/ biologically restored forest land will be surrendered as per this schedule.
- g) 99.553 ha area proposed for environmental conservation work shall be under joint management of the user agency and the State Forest Department and soil conservation works to be taken by the user agency in the area under strict supervision of State Forest Department
- h) The user agency shall also give the details of the safety zone.

20. **In view of the above recommendation of the FAC, the proposal was considered for Stage-I subject to general, standard and additional conditions.** Accordingly, 'in-principle' approval by this Ministry was granted vide its letter dated **12.11.2014**

21. The State Government of Chhattisgarh vide their letter No. Bhu- Prabhand/Vidhut/331-42/918 dated 08.04.2015, has furnished the compliance report in respect of conditions stipulated in the Stage-I approval dated **12.11.2014**.

22. From the examination of the compliance submitted by the State Government, following is observed:

- i. The user agency has submitted necessary undertakings to comply with the conditions stipulated in the Stage-I approval.

- ii. The OSD, Ad-hoc CAMPA vide his noted dated 15.06.2015 has confirmed the remittance of funds realized from the project proponent in lieu of diversion of forest land in the account of Ad-hoc CAMPA (Pg 258/c).
  - iii. **The user agency has not deposited penal compensatory Afforestation as stipulated in condition no. (iii) in Stage –I Clearance order dated 12.11.2014.**
23. Since the user agency has not complied the condition (iii) stage –I Clearance, accordingly, the State Govt. was requested vide this Ministry's letter dated 04.6.2015 for depositing the Penal Compensatory Afforestation by the user agency. **This additional condition was imposed as recommended by FAC**
  24. The user agency has given a representation/clarification for non-submission penal CA and the representation was also forwarded by state govt. on 25.08.2015
  25. In response to this Ministry's letter dated 04.06.2015, the State Government of Chhattisgarh vide their letter No. LM/Min/331-42/3053 dated 28.11.2015 has submitted the clarification regarding submission of penal compensatory Afforestation charges with the degraded forest land equal to extent to the broken up area in Dep-14 (199.195) and Dep-11 ha (80.250 ha) which was not reclaimed in violation of Mine Closure Plan. It is reported by State Govt. that NDMC Ltd. vide its letter No.DGM(p)/Geo/99 dated 6.5.1999 has submitted Penal Compensatory Afforestation charges for Bailadila Iron Ore Deposit 14 MI. for an amount of Rs.2.14 crore in DD No. 772862 for which is for amount Rs. 5.62 crore (Rs. 2.14 cr for PCA + 2.50 for SZ + Rs. 0.98 Cr for CA) as per the directions of MoEF& CC New Delhi (circular dated 3.2.1999) and demand note letter No. M.C/370 dated 3.04.1999 received from DFO Dantewada. ( Pg. 324-334/c). Also Penal Compensatory Afforestation charges for Bailadila Iron Ore Deposit 14 NMZ for an amount of Rs.3.35 crore in DD No. 772861 which is for amount Rs.8.91 crore (Rs. 3.35 cr for PCA + 3.75 for SZ + Rs. 1.81 Cr for CA) as per the directions of MoEF& CC New Delhi (circular dated 3.2.1999) and demand note letter No. M.C/372 dated 3.04.1999 received from DFO Dantewada(Pg. 335-3417/c) and Rs.4.43 crore in DD No. 772863 which is for amount Rs.10.80 crore (Rs. 4.43 cr for PCA + 6.37 Cr for SZ) as per the directions of MoEF& CC New Delhi (circular dated 3.2.1999) and demand note letter No. M.C/366 dated 3.04.1999 received from DFO Dantewada. ( Pg. 342-349/c). It is also mentioned by the Addl.PCCF(LM/FCA) that in terms of MoEF circular dated



03.02.1999 (F/X) the PCA charges are to be imposed over the area worked /used in violation of FC Act 1980. However DFO Sukma/Dantewada has taken entire mining lease area for calculating the Penal Compensatory Afforestation Charges while sending the demand notes to NDMC Ltd.

26. NDMC Ltd has voluntarily started "Mine closure obligation scheme" in the year 2009-10 which is unique scheme undertaken by any public sector company. Presently NDMC is contributing Rs.10.25 per tonne of ore excavation and depositing the fund with LIC which shall be utilized for implementing the work related to mine closure plan such as reclamation of broken up areas, stabilization of waste dumps, dismantling and afforestation of built up areas etc
27. State government has mentioned that considering above facts Penal Compensatory Afforestation against condition no 3 was not raised, further NDMC has given under taking for reclamation program which shall be undertaken as per reclamation schedule duly approved by IBM mining plan
28. The matter was considered in FAC on 16.2.16 and it was recommended that the regional office Bhopal should carry out site inspection to ascertain nature and extent of any violation which may have been committed .
29. As per recommendation of FAC, the Regional Office, Nagpur was requested vide this Ministry's letter dated 09.03.2016 to carry out site inspection of the area involved in the deposit 14 and deposit 11 Mining leases.
30. The Regional Office, Nagpur vide on dated 08.07.2016 has submitted the SIR
31. Major finding and observation as revealed during the inspection and interactions with the official/staff of the State Forest Department and representatives of the User Agency are given as under

**i. Background note on the Mining leases of the Company.**

M/s National Mineral Development Company (NMDC) has two major mining projects in the Dantewada District namely Kirandool Mining Project and Bacheli Mining Project. There are total five mining leases being operated by the NMDC under these two major mining projects as per details given below:

S. No.	Name of the mining lease	Name of the mining project	Area (ha)	Date of grant of forest clearance	Area approved under the FC (ha)
1.	Deposit 11 C (Part)	Kirandool	874.924	22.12.1999	874.924
2.	Deposit 14NMZ	Kirandool	506.742	18.06.1999	506.742
3.	Deposit 14 ML	Kirandool	322.368	18.06.1999	322.368
4.	Deposit 5	Bacheli	540.050	-	540.050
5.	Deposit 10	Bacheli	309.340	-	309.340
6.	Deposit 10 (Float Ore)		142.800	-	142.800

In additions to above, two new mining leases have also been proposed for iron ore production, whose proposals are at various stages of processing in the State and Central Government as per detail given below:

S. No.	Name of the mining lease	Name of the mining project	Area (ha)	Date of grant of Stage-I approval	Area approved under the FC (ha)
1.	Deposit 13	Kirandool	413.745	12.11.2014	315.813 ha (Stage-I)
2.	Deposit 4	Bacheli	570.10	Proposal has	-

				been submitted recently to the MoEF&CC, New Delhi	
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In pursuance to the direction of the MoEF&CC, the mining leases in the Kirandool Mining project (Deposit 11 and 14) were inspected to have a holistic view of the compliance of conditions of the FC approvals and also the extent of violations of the Forest (Conservation) Act, 1980. The observations in this regard are as under:

ii. **Over Burden Management:**

a. **OB Management on 14 ML**

**Deposit 14 comprised of two mining leases 14 ML and 14 NMZ.** The Addl. PCCF (Central), Regional Office, Bhopal in his inspection report submitted to the MoEF&CC, New Delhi vide letter dated 24.06.2014 had reported flowing of over burden into the forest areas from the mining leases of 14 ML and 11 C. During the current inspection, the representative of the user agency have informed that two sites have been earmarked for OB dump in 14 ML. Out of the two sites dumping is being carried out in one site only while the other site has been stabilized and no further dumping is being done there. However, examination of the stabilization measures by the User Agency revealed that stabilization measures have not been taken appropriately. Top of the OB was observed devoid of any plantation, except grass which might have grown up at its own during the natural course. The soil conservation measures have not been implemented appropriately as the formation of gullies/nallas were seen bifurcating the OB in the dump stated to be stabilized by the user agency. Plantation of trees species on the side of OB facing the forest area was observed while no other measures could be seen indicating the efforts of the UA towards the stabilization of the OB.

Similarly, the active dump site of 14 ML revealed that dumping is being done by the user agency without complying with the prescriptions as contained on the EC letter regarding maintaining a height of 20 meters and slope of 28 degree. On being asked the UA informed that in case of OB dumping in hilly areas, the same does not hold good and is not possible scientifically also. The UA have also informed that this fact has been reported to the MoEF&CC also. However, they could not produce any evidence supporting their claim.

The efforts being made by the UA to construction a Buttress wall, using the available stone and boulders from the OB, is seen in the active site. On being asked, the UA informed that a 9 meter wide buttress wall is being constructed to arrest the flow of OB into the forest area. No other measure for stabilization of OB and arresting the flow into the forest area was seen in this. OB from the active site was not seen flowing into the forest area as the forest boundary is far away from the active dumping site. *However, in view of the fact that OB dump has already attained adequate height and slope, the user agency should resort to bench formation practice to check flow of OB into the forest area.*

**b. OB Management of 11 ML**

The effort of UA to arrest the flowing of OB into the forest areas were seen in the form of Buttress wall only. The representative from the Forest Department have informed that in the year 2006, incessant rains during monsoon coupled with inadequate measures for stabilization of OB, caused the sliding of large mass of OB into the forest area destroying the plantation and regeneration in the forest area. Subsequently, the State Forest Department attempted to rejuvenate the area by planting trees species at the cost of UA.

It was also observed that area earmarked for OB dump of 11 ML mining lease is also being used for OB dumping of 14 NMZ lease which is not permissible. OB Dump of 11 ML has attained a height of more than 30 meters with slope of approximately of between 50 to 60 degree. There are likely chances, in case of incessant rains occurs, the same may again flows into the forest as the buttress wall is insufficient arrest the large mass which may detach/slide from the OB dump. *In view of the fact that OB dump has*



*already attained adequate height and slope, the user agency should resort to bench formation practice to check flow of OB into the forest area.*

Scientific management of OB is an important activity which the UA should implement in consultation with the institute of repute and in accordance with the relevant conditions invariably stipulated in the environment and forest clearances accorded by the Ministry.

It is also observed that so far, neither the State Forest Department nor the user agency have carried out any survey to assess the actual extent of forest area damaged by the sliding of large mass of OB into the forest area from the mining leases of 14 ML and 11 ML. The representatives from the State Forest Department have informed that they have carried out an exercise using google imagery and has worked out that a total forest area of 21.86 ha, comprising of 12.50 ha of forest of compartment no. 1855 adjoining to the lease area of 14 ML and 9.36 ha of Compartment No. 1864 adjoining to lease area of 11 ML.

Exact forest area, damaged by the out flowing of the OB from the mining leases of the 14 ML and 11 ML needs to be worked out and accordingly, appropriate penalties may be levied in lieu of forest area damaged by the user agency.

iii. **Lease wise details of area earmarked for OB Dump and Status of approval under Forest (Conservation) Act, 1980**

The details of areas earmarked for dumping of over burden and status of grant of forest clearance is given below in the Table:

S. No.	Name of the lease	Particulars of Waste Dump	Area (Ha)	Capacity (Lakh Tonne)	Availability of approval under FC Act	Remark
1.	Deposit 14	14 (1)	35.0	170	Yes	OB is being dumped in 14

	Mini ng Leas e					(1) area
		14 (2)	6.00	20	Yes	-
		14 (3)	5.00	15	Yes	-
		<b>Sub Total</b>	<b>46.0</b>	<b>205</b>	-	-
2.	Depo sit 14 NMZ.	Nil	-	-	-	Dumping of OB is being done in the area of 11 ML Mining lease.
		Proposed	12.3 87	70	Proposal to be submitted	-
3.	Depo sit 11 ML (11A )	11 A (Southern Waste Dump)	10.5 6	34.0	Yes	
		11 A (Northern Waste Dump)	8.93	24.0	Yes	
		11 A (in the excavated portion of Southern ore body)	-	21.2	-	
		<b>Sub Total</b>	<b>19.4 9</b>	<b>79.2</b>	-	-
	Depo sit 11 ML.	11 B (Waste Dump 1)	11.2 48	37	No	Under active use and has quantity of 8.5

	(11B )					LT
		11 B (Waste Dump 2)	4.67 8	11	No	-
		Sub – total	15.9 26	48	-	-
	Depo sit 11 ML. (11C )	11 C	18.2 02	135	No	Under active use and has quantity of 100 LT
		Sub – total	18.2 02	135	-	-
		Grand Total	99.6 18	467.2	-	-

From the above, it can be ascertained that the user agency has been using area for dumping in unauthorizedly in mining lease of 11 ML. Further, the user agency has not earmarked any area for OB dumping in 14 NMZ lease and the OB generated from the lease are being dumped into the mining lease of 11 ML. The representative of the user agency, leases where approval for dumping is not available under the Forest (Conservation) Act, 1980, the same will be obtained and a proposal in this regard will be submitted to the State Government.

#### iv. Demarcation of lease boundary

Demarcation of lease boundary has been done by the user agency by erecting the pillars with reinforced cement concrete pillars, each inscribed with its serial number. However, inscription on pillars have been observed only on one side instead of forward and backward bearing as required to be done by the UA. It is also observed, during interaction with the UA and officials from the State Forest Department that work related to the demarcation of

lease boundary has been completed recently thereby contemplating the conditions of FC accorded in the year 1999 wherein it was stipulated that demarcation of the mining lease will be done by the UA.

**v. Internal demarcation of mining lease.**

No internal demarcation of any mining lease was seen. The representatives of the User agency have informed that instructions regarding internal demarcation have been recently received from the State Forest Department and the same will be completed soon. However, given the land use plan as was submitted to the MoEF&CC at the time of seeking approval under the Forest (Conservation) Act, 1980, the internal demarcation of the lease area should have been done by the UA to ascertain the use of a forest land for the purpose specified in the proposal. For want of internal demarcation, it could not be ascertained that whether the various mining activities being carried out by the User Agency are as per the specified purpose or otherwise.

**vi. Management of Safety Zone**

Management of Safety Zone is one of the important conditions stipulated by the MoEF&CC in approvals accorded under the Forest (Conservation) Act, 1980. The UA did not comply this condition in any of their lease. Work related to the demarcation of safety zone has been recently initiated by the UA. None of the lease, inspected during monitoring revealed safety zone management practices by the UA. The representative of UA have informed that they have paid the compensatory levies to the State Forest Department for raising plantation in lieu of 1.5 time the area falling in safety zone. However, regarding plantation in the safety zone to create a green belt and its management by proper demarcation, the representative of UA could not explain anything justifying their stand for not taking up any activity towards the management of safety zone.

It is also observed that a joint inspection of the mining leases of the NMDC was carried out by the officials of the Dantewada Forest Division to ascertain the compliance of conditions stipulated in the approvals accorded by the Central Government wherein, inter-alia it is indicated that during inspection it was found that user agency at their cost has carried out the fencing and regeneration work in the safety zone area. However, no sign of such work

as reported in the joint inspection report could be observed any of the mining lease inspected during the visit.

**vii. Management of Top Soil**

No stacking/dumping of top soil and its management were seen in the lease area during the inspection. On being asked, the representative of the user agency have informed that area falls in Bailadilla Mountain Range of old mountains having rocky substratum and almost no top soil in the area earmarked for mining and accordingly, management of top soil, for want of top soil, could not be undertaken.

**viii. Soil Conservation Measures**

It is observed that user agency has undertaken construction of check dams, stone wall, gully pugging measures, plantation of soil binding species in the non-mineralized area of the mining lease which has been planted in consultation with the State Forest Department.

Major species planted in the blank lease area include Eucalyptus spp. Bamboo, Cashew, Neem, Shisham, Mango, Lemon, Babool, Teak, Gulmohar, Tamarind, Karanj, Arjun, Gooseberry, Blackberry, Siris, etc.

The representatives from the user agency have informed that they have incurred an expenditure of almost 1.41 crores on the soil conservation measures, through the State Forest Department. Altogether, the user agency has approx 1083.48 ha of forest land to be kept intact for raising plantation and soil conservation measures. The forest areas within the lease also serve as water sources for perennial supply of water which is used locally for drinking purposes. However, no measures to ensure its protection and conservation of such water sources in the lease were observed to be taken by the user agency. Given the total area of 1083.48 ha available for soil conservation measures, the implementation of the SMC measures appears to be meagre. It seems that financial provisions kept for soil conservation measures have not been utilized judiciously.

Moreover, keeping in view the large tract of area available for soil and water conservation, no documents or concrete plan establishing efficacy of the soil conservation measures, could be made available by the by the User Agency. The representative of the User Agency have informed that all soil conservation measures have been taken in consultation with the local

Forest Department and no institute/organization of the field have been employed for undertaking soil conservation measures. In order to ensure proper implementation of soil and water conservation in the lease area, the user agency should develop a plan in consultation with institute of repute such as Central Soil and Water Conservation Research Institute or Indian Council of Forestry Research and Education, Dehardun. Based on facts noticed during inspection following is concluded:

- a. Given the large tract of forest area, available in the mining lease, an appropriate plan for the implementation of soil conservation measures needs to be formulated in consultation with reputed institutes of the field and the same should be implemented by the user agency.
- b. Local nallah, available in the lease areas should be treated with appropriate soil conservation measures by undertaking construction of structures such check dams and stone bunds, vegetative barriers, etc. at appropriate locations to arrest the silt flowing into the drainage system of the area.
- c. Special protection and conservation measures need to be formulated for the water sources originating from the forest areas located in the mining leases as the same are used for meeting the drinking water requirement.
- d. An annual review and assessment of the efficacy of the soil conservation measures undertaken in the area should be undertaken by the user agency through an independent agency.

**ix. Encroachment in the mining leases**

During the inspection it was observed that a substantial area in the mining lease of 11 ML is under encroachment. It is observed that a small town on the encroached area of the mining lease has come up over the period and from the inspection of the area it appears that encroachment is still going on as construction of new houses in the lease area was observed during the inspection. On being asked the representatives of the User Agency have informed that encroachment in the lease area has been taking place under the political influence. However, no efforts from the user agency were seen to remove the encroachment from their lease area.



**x. Reclamation of the mined out area**

It was observed that mining in deposit no. 11 and 14 is continuing and the representative of the user agency have informed that so far, even the mining activities in areas for which lease was granted in the year 1965 is still continuing and these areas have not been mined out completely. The User agency, in view of proven and probable reserves, estimated during subsequent drilling has advocated that since the no mined out areas were available the reclamation process could not be undertaken by them. The details of estimated and reserved based on the exploratory drilling undertaken by the User Agency are given as under:

**MINING LEASE WISE DETAILS OF ESTIMATED (PROVEN + PROBABLE) RESERVES**

S. N o.	Name of the mining lease	Name of Mining Project	Details of Proven reserves (Figure in I.T)				
			1999 (Original ly at the time of obtainin g FC)	2005 (During subseque nt explorato ry drilling)	2007 (During subseque nt explorato ry drilling)	2012 (During subseque nt explorato ry drilling)	2016 (Duri ng subse quen t explo rator y drilli ng)
1.	Deposit 11 C Part	Kirando ol	134.42	122.08	128.43	285.1	233.3

2.	Deposit 11 B Part	Kirando ol	1031	1149.65	1149.65	1986.8	1986.8
3.	Deposit 14NMZ	Kirando ol	797.38	591.37	517.98	1740.4	1369.9
4.	Deposit 14 ML	Kirando ol	273.85	1708.28	1048.3	3728.43	3697.5
5.	Deposit 5	Bacheli	-	-	-	-	-
6.	Deposit 5	Bacheli	-	-	-	-	-

(Detail of estimated reserves, as indicated above has been obtained from the User Agency)

From the above, it can be ascertained that subsequent exploratory drillings by the user agency in the already approved area have indicated the trend of estimated reserve as increasing with advancement of mining operation. Given the increasing trend of estimated reserve, as indicated by the exploratory drilling, the area will not be available for reclamation in near future. It is further evident from the report submitted by the User Agency, wherein no provisions have been provided even in the mining plan for reclamation for next 20 years. A copy of the report indicating the status of reclamation obtained from the user agency is enclosed as Annexure -I.

**xi. Status of compliance of conditions stipulated in the approval accorded under the Forest (Conservation) Act, 1980.**

Certain condition viz. fencing of blank area of the lease to be kept intact under afforestation, constitution of Monitoring Committee to assess the progress of plantation, safety zone management, removal of encroachment from the lease area, etc. of approvals accorded by the MoEF&CC accorded in the year 1998 and 1999, have not been complied with fully by the



User Agency. A detailed account of lease wise status of compliance of conditions stipulated in the Stage-I approval is enclosed as Annexure-II

**xii. Status of compensatory afforestation in lieu of diversion of forest land and afforestation within the lease area.**

Detail of afforestation viz. Compensatory afforestation, Penal Compensatory Afforestation and afforestation within the lease areas, stipulated in the approvals granted by the Ministry of Environment, Forests and Climate Change, New Delhi:

S. No.	Particulars of stipulations regarding afforestation	Name of the mining lease (area in Ha)			Total (Ha)
		Deposit 11 ML	Deposit 14NMZ	Deposit 14 ML	
1.	Area approved under the FC (Ha)	874.924	506.742	322.368	1704.03 4
2.	Date of approval	22.12.199 9	18.06.199 9	18.06.199 9	
3.	Total CA stipulated (Ha)	1389.208	546.87	295.516	2231.59 4
4.	Total Penal CA stipulated (Ha)	0	1013.484	644.736	1658.22
5.	Total CA and Penal CA stipulated (Ha)	1389.208	1560.354	940.252	3889.81 4
6.	Blank area to be kept intact and afforested (Ha)	662.287	273.435	147.758	1083.48
7.	Area already afforested before approval under FC Act (Ha)	0	105	68.71	173.71

8.	Blank fresh area to be afforested within the lease (Ha)	662.287	168.435	79.048	909.77
	<b>Total Area to be afforested (CA + Penal CA + afforestation within lease area)</b>	<b>2051.495</b>	<b>1833.789</b>	<b>1088.01</b>	<b>4973.294</b>

**Details of compensatory afforestation and Penal Compensatory Afforestation undertaken by the State Forest Department**

S. No.	Particulars of CA Scheme	Name of the circle	Area (ha)	Range of Survival Percentage
1.	Irrigated CA Scheme	Jagdalpur Circle	640	70-98
		Kanker Circle	345	27-95
2.	Un-irrigated CA Scheme	Jagdalpur Circle	2964	34-80
		Kanker Circle	487	58-95
	<b>Total</b>		<b>4436</b>	

In addition to compensatory afforestation and Penal Compensatory Afforestation, the user Agency has also undertaken afforestation, through the Chhattisgarh State Forest Development Corporation in the blank areas of 1213.76 ha within the lease in pursuance to the relevant condition stipulated in the approvals accorded under the Forest (Conservation) Act, 1980. Details of afforestation carried out by the State Forest Department as CA and PCA and the Chhattisgarh Forest Development Corporation within the lease area

is given at Annexure-III. However, lease wise details of compensatory afforestation undertaken by the State Forest Department against the respective approvals accorded by the Central Government under the Forest (Conservation) Act, 1980 has not been made available rather only consolidated detail has been provided.

**xiii. Details of compensatory levies realized from the User Agency in lieu of Penal Compensatory Afforestation**

The Stage-I approval accorded by the Central Government for diversion of 315.0 ha of forest land inter-alia contained following condition regarding penalties levied on the User Agency:

*"The State Government shall raise the penal compensatory afforestation over the degraded forest land equal in extent to the broken up area in deposit-14 and deposit 11 which was not reclaimed in violation of Mine closure plan. at the project cost".*

Observation regarding status of reclamation may kindly be perused in the preceding para (x) of this report. The User Agency has approached the MoEF&CC for deletion of the said condition on the pretext that penalties in term of Penal Compensatory afforestation have already been paid by them in pursuance to the conditions stipulated in the approvals granted by the MoEF&CC in the year 1999. The FAC, in view of the fact that user agency has not reclaimed any area in Deposit 11 and Deposit 14, recommended penal CA to be complied with by the User Agency. However, given the Proven Reserve base in the mining leases of the User Agency, there is no scope of reclamation of the area in near future. Even the user agency, as evident from the proforma annexed as Annexure-I, has not kept any provision of reclamation in their mining plan. The penalties paid by the user agency were pertained to the violations committed by them earlier. Provisions to of penalties under the Forest (Conservation) Act, 1980 has been provided to check unauthorized use of forest land by the User Agency and also to restrict the use of forest land as per approval accorded by the Central Government. Payment of penalties by the user agency does not confer any rights to commit further violations of the conditions of the Forest (Conservation) Act, 1980.

Further, with regards to the reclamation of the area in Deposit 11 and Deposit 14, it is worth mentioning here that approval under the Forest (Conservation) Act, 1980 in the year 1998 and 1999 to the three mining leases of the User Agency was accorded to excavate the proven reserve base reported at that time. Undoubtedly, the subsequent drilling, with greater

intensity of bore hole per sq km, in the mining lease area further provides more precise and accurate estimation of the Reserve. However, at no point of time, the State Government/User Agency has informed the Central Government about the non-compliance of condition regarding reclamation rather the User Agency continued mining assuming there complete rights over the minerals and paying any heed to the compliance of condition regarding reclamation of the lease area. Therefore, appropriate penalties for violating the conditions of approvals accorded by the MoEF&CC to the leases of 11 ML, 14 NMZ and 14 ML should be levied and the action on the same may be dealt with in the relevant file of the EC Division.

Further, as per the site inspection report submitted by the Regional Office in respect of 315.813 ha of forest land (originally applied 413.745 ha), no violations of the Forest (Conservation) Act, 1980 have been reported. The current mining lease has been proposed to be operated in a joint venture with the CMDC. Being a new proposal, pertaining to a separate joint mining lease of NMDC and CMDC, the decision on grant of Stage-II approval to the current proposal of the Deposit - F3 may be decided by the Central Government on its merit.

32. On the basis of inspection of the various mining leases of the User Agency in the Kirandool mining project, following is observed:

- i. Over Burden Management is poor and the same is required to be improved considerably by the User Agency. Works on the stabilization of OB Dump should be undertaken in consultation with the institutes of repute such as ICFRE, Dehradun.
- ii. Measures for the stabilization of the over burden are not to the mark. It was observed that user agency has taken very scanty measures for the stabilization of over burden that too without consultation with the State Forest Department or institute of repute.
- iii. Given the situation of random dumping in inter-lease area and also the fact that reserve base in the lease area (proven + probable) has increased considerably, therefore area earmarked for dumping at the time of grant of original lease may not adequate and may result into the situations of damaging the forest area. Therefore, the User Agency should re-assess its requirement for the area earmarked for OB Dump Management to ensure dumping within the lease area rather than taking dumping arbitrarily as found suitable by the User Agency without adhering to the conditions stipulated in the approvals accorded under the Forest (Conservation) Act, 1980.



- iv. It is also observed that so far, neither State Forest Department nor the user agency have carried out any survey to assess the extent of actual forest area damaged by the sliding of large mass of OB into the forest area from the mining leases of 14 ML and 11 ML. Exact forest area, damaged by the out flowing of the OB from the mining leases of the 14 ML and 11 ML needs to be worked out and accordingly, appropriate penalties may be levied in lieu of forest area damaged by the user agency.
- v. Dumping in 11 ML area of the OB generated from the 14 NMZ and 14 ML is unauthorized as the proposal of the user agency pertaining to 11 ML does not have any area earmarked for OB Dump, yet the user agency is carrying out dumping in the 11 ML.
- vi. Condition regarding management of safety zone has not been complied with by the User Agency. The user agency has initiated the safety zone management measures recently.
- vii. Certain condition viz. fencing of blank area of the lease to be kept intact under afforestation, constitution of Monitoring Committee to assess the progress of plantation, safety zone management, reclamation of the mined out area, etc. of approvals accorded by the MoEF&CC accorded in the year 1998 and 1999 have not been complied with fully by the User Agency. A view on the violation of these conditions may be undertaken by the Ministry.
- viii. Soil conservation measures needs to be strengthened by the user agency in consultation with the institutes of repute such as ICFRE, Dehradun and Central Soil and Water Conservation Research Institute as indicated under para 2 (viii) above.
- ix. Issues related to encroachment in the lease area of the user Agency should be resolved in consultation with the State Government. State Government/User Agency should prepare a strategy to check encroachment in the lease area and also to evict the existing encroachment to ensure compliance of condition stipulated in the Stage-I approval.
- x. Water sources in the lease area needs special protection and conservation measures. The user agency should identify all perennial and seasonal water sources in their lease area and appropriate measure for their protection, conservation and development should be taken in consultation with the institutes of repute.



- xi. As per the site inspection report submitted by the Regional Office in respect of 315.813 ha of forest land (originally applied 413.745 ha), no violations of the Forest (Conservation) Act, 1980 have been reported. The current mining lease has been proposed to be operated in a joint venture with the CMDC. Being a new proposal, pertaining to a separate joint mining lease of NMDC and CMDC, the decision on grant of Stage-II approval to the current proposal of the Deposit -13 may be decided by the Central Government on its merit.
- xii. Violations committed by the User Agency in the mining leases of 11 ML, 14 ML and 14 NMZ, should be dealt in the respective files of the FC Divisions and appropriate penalties may be levied on the user agency for violations.

**33. THE COMMENTS AND RECOMMENDATIONS OF THE ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS (CENTRAL), REGIONAL OFFICE, NAGPUR ARE AS FOLLOWS:**

The Ministry of Environment, Forests and Climate Change, Government of India in the past has accorded approval for 6 mining leases of NMDC for Kirandool and Bachel Mining projects. Currently, two new proposals pertaining to Deposit 13, involving an area of 315.813 ha (originally proposed 413.745 ha) and Deposit 4, involving an area of 570.10 ha, are under consideration in the Ministry. The detailed observations on the proposal have already been made in the inspection report. Keeping in view the observations as mentioned in the site inspection report following is recommended:

- i. The NMDC has already 6 mining leases for which approval under the Forest (Conservation) Act, 1980 has already been accorded by the Central Government and the mineral reserve base (proven + probable) has not been exhausted completely rather, as evident from the subsequent exploratory drillings, the mineral reserve base to be excavated by the User Agency has increased substantially from the initial levels at the time of grant of approval under the Forest (Conservation) Act, 1980. It is evident that mineral reserve base (proven + probable) can sustain the iron ore requirement in near future, therefore, a



judicious view may be taken on grant of further approval under the Forest (Conservation) Act, 1980 for allowing excavation in new areas when the existing mineral base has not been exhausted completely by the User Agency.

- ii. A judicious view in terms of actual demand and supply of iron ore of the User Agency as well as the CMDC of the State Government may also be taken to assess whether opening of new areas is necessary or reserve base already available in mining leases which have been already approved by the Central Government will meet the demand of iron ore.
- iii. Based on the status report of the Regional Office, Nagpur on the monitoring of compliance of conditions of Stage-II approval in respect of 11 ML, 14 NMZ and 14 ML leases, violations of the Forest (Conservation) Act, 1980 for taking up unauthorized dumping (11ML) in lease areas of the User Agency and non-compliance of conditions of Stage-II approvals may be dealt in the respective files of the FC Division of the MoEF&CC, New Delhi and appropriate penalties as per the provision of the Forest (Conservation) Act, 1980 may be levied on the User Agency.
- iv. Exact forest area damaged by the User Agency may be worked out by the State Forest Department and accordingly appropriate penalties may be levied on the User Agency in respect of their mining leases of 14 ML and 11 ML.
- v. The user agency has undertaken unauthorized dumping in the 11 ML area of the OB generated from the 14 NMZ and 14 ML is unauthorized as the proposal of the user agency pertaining to 11 ML does not have any area earmarked for OB Dump, yet the user agency is carrying out dumping in the 11 ML. On contrary to this areas earmarked for dumping in the 14 ML have not been used for dumping rather the user Agency has started dumping in 11 ML area for which no approval has been obtained from the MoEF&CC.
- vi. Perennial and seasonal water sources, located in the lease area of the User Agency should be protected and conserved by way of undertaking appropriate soil conservation measures to arrest flow of silt and maximum in-filtrations of run-off water.
- vii. Soil Conservation Measures in the lease area of the mining lease may be undertaken by the User Agency as proposed under para 2 (viii) of the inspection report.

viii. As per the site inspection report submitted by the Regional Office in respect of 315.813 ha of forest land (originally applied 413.745 ha), no violations of the Forest (Conservation) Act, 1980 have been reported. The current mining lease has been proposed to be operated in a joint venture with the CMDC. Being a new proposal, pertaining to a separate joint mining lease of NMDC and CMDC, the decision on grant of Stage-II approval to the current proposal of the Deposit -13 may be decided by the Central Government on its merit.

29 The site inspection report of regional office was discussed in detail. FAC noted that action on reported encroachment has to be taken by state authorities.

#### **Recommendation of FAC**

FAC after thorough deliberation did not recommend any change in the conditions stipulated in stage I

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File No. 8-02/2016-FC

**AGENDA 7: Diversion of 845.34 ha in favour of Chief Construction Engineer, DRDO for establishment of technical facility for DRDO in Mahasamund Forest division in Mahasamund district in the state of Chhattisgarh.**

The above mentioned proposal was considered by the FAC in its meeting held on 12.7.16 and the FAC, after examination of the proposal and discussion with user agency, observed as below

1. Government of Chhattisgarh vide letter no F-5-50/2015/10-2 dated 08.01.2016 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 845.34 ha in favour of Chief Construction Engineer, DRDO for establishment of technical facility for DRDO in Mahasamund Forest division in Mahasamund district in the state of Chhattisgarh.**
2. The forest area falls in general Forest division **Mahasamund**. Legal status of the land is protected forest with vegetation density of 0.4-0.5
3. The Forest area is hilly & rocky therefore it is not vulnerable to erosion.



4. It is reported that The area do not form a part of National Park, Wildlife Sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc and no rare/ endangered/ unique species of flora and fauna found in the area.
5. It is reported that no protected archaeological/ heritage site/defence establishment or any other important monument is located in the area.
6. State government had reported that the requirement of forest land as proposed by the user agency is unavoidable and barest minimum for the project.
7. No work in violation of the Act has been carried out
8. Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been provided by the state government
9. Compensatory afforestation is proposed over twice the degraded forest land (1691 ha) And DFO had certified the suitability. There are list of 89 different patches over which CA is proposed. Total financial outlay for compensatory afforestation scheme Rs.83,88,23,932/-
10. The proposal is recommended by DFO, CCF, PCCF and state government.
11. **The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been given by the District Collector, Mahasamund vide his certificate dated 27.11.2014, along with gramsabha resolution .On perusal of CCF Raipur circle recommendation issued on dated 17.09.2015 it is pointed that the Forest rights have not been recognised yet under FRA 2006. Moreover the FRA has been submitted on the old format of 2009.**
12. **Site Inspection Report has been carried out by Regional Office, Nagpur on dated 10.05.2016 The detailed SIR is as below**
  - i. **Legal status of the forest land proposed for diversion.**  
Legal status of the land proposed for diversion is Protected Forests. The forest land proposed for diversion is located in Girna Beat of Mahasamund Forest Division. Nearly 47 % of the area proposed for diversion falls in the Moderately Dense category, 29% in the Open Forest category while 27 % area is devoid of vegetation (As revealed by the DSS).

ii. **Item-wise break-up details of the forest land proposed for diversion.**

The proposal has been envisaged by the DRDO with following components:

- a. Technical Facilities
- b. Administrative Facilities.
- c. Security & other Support Facilities.
- d. Technical and buffer Areas

iii. Details of forest area required for the above facilities viz. technical, administrative, road network, and high tension electric lines is given below:

S. No.	Particulars of project components	Area required (Ha)
1.	<b><u>Technical Facilities:</u></b> Technical Complex consisting of Technical Buildings & Hard standing.	4.29 ha (approx)
2.	<b><u>Administrative Facilities:</u></b> Administrative complex.	22.75 ha (approx)
3.	<b><u>Security &amp; Other support Facilities:</u></b> Complex	1.10 ha (approx)
4.	<b><u>Roads:</u></b> i) Internal Road: approx 6.00 Kms to be constructed in the proposed area. ii) Approach Road 2.00 Kms. to be constructed from existing road to site.	4.80 Ha (approx)  1.6 Ha (approx)
5.	High Tension Electric Line : 33 KV HIT	0.9 Ha (approx)



6.	<b>Total forest area proposed for construction activities</b>	<b>35.44 Ha (approx)</b>
7.	Area required as buffer area for security cover all around	818.9 ha
	<b>Total</b>	<b>854.34 ha</b>

iv. During the inspection, interaction with the officials of the State Forest Department and representative of the User Agency, it is revealed the User Agency has initially submitted a proposal for diversion of 728.75 ha of forest land. However, subsequently, after carrying out the DGPS survey in consultation with the officials of the Mahasamund Forest Division, the area sought to be diverted re-worked to the tune of 854.34 ha i.e. area increased by 125.59 ha. On being asked, the representatives of user agency have informed that initial area was worked out on the basis of reconnaissance survey carried out by them independently without any consultation with the Forest Department. However, subsequently, when survey was undertaken with the Forest Department, the area sought to be diverted has increased to 854.34 ha. Justification provided by the representative appears to be incongruous in view of the fact that there is an abrupt increase of 125.59 ha and given the state-of-the-art technology used by the DRDO, the level of precision followed in estimating the requirement of forest area seems to be non-permissible.

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

Yes. The user agency has proposed construction, as indicated above over an area of 28.14 ha apart from 7.03 ha required for construction of roads and electric lines. The map provided in the proposal depicted area earmarked for construction as married accommodation. The representatives of the User Agency, on this issue have justified that area was inadvertently depicted as 'Married accommodation', actually the area is required for technical, administrative, security and other support facility. It was also informed by the User Agency, that they are pursuing the issue with the Government of Chhattisgarh to provide land for married accommodation in Raipur. It is also informed by the user agency that provision for

bachelor accommodation will be there in the area proposed for diversion. Exact area required for the same has not been worked out by the User Agency.

On the issue of location of administrative buildings in the surrounding revenue areas, the user agency has informed that initially this facility was proposed to be constructed on northern side of NH-6, however, due to likely difficulties in various technical operations, technical and administrative buildings were decided to be developed near the technical area only i.e. in the forest area. Representative of Forest Department have also consented to the submission of the User Agency, however, they could not produce any documents establishing attempts made by user agency on exploration of alternatives for housing buildings in non-forest areas.

With regards to the selection of site, the representatives from the User Agency has made available a report on the reconnaissance survey undertaken for the selection of present site. The detail is as under:

- i. Site Matringa, Satti Munda Forest Division, District Surguja- The site was not approved due to non-approachability and lack of suitable class as there were 70 roads in the vicinity
- ii. Site Ambikapur (Pilka Pahar) – The site was not approachable and non-perennial rivers were coming up in the approach to the site.
- iii. Site Parpatiya – The site could not be approached from two sides, over burden was less and one approach road was crossing the railway line.
- iv. Site Bandana – The site was not approachable and overburden was less.
- v. Site Parewapat- Not approachable
- vi. Site Jhalariya – Not approachable
- vii. Site Bundeli- The site is selected due to approach road from two sides, high burden and camouflage and concealment

**vi. Total cost of the project at present rates.**

Total cost of project is Rs. 500 crores.

**vii. Wildlife**



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

No detail of wildlife species found in the area has been provided in the proposal. However, during the inspection, interaction with the representative of the Forest Department revealed that wild species like sloth bear, common Indian hare, jackal, mongoose, etc. are found in the area. In Part-II DFO has mentioned that no schedule-I species are found in the area while as per the discussion held with the officials during the inspection, it is observed that Schedule-I wildlife species are found in the area. In addition to this as per details of flora and fauna available in the working Plan of the Division following wildlife species are found in the area:

Sloth bear, panther, common jungle cat, striped hyena, common mongoose, Indian rat or badger, Jackal, Indian fox, wild dog, common striped squirrel, rat, porcupine, hare, wild boar, bison, gazelle, blue bull, antelope, sambhar, spotted deer, etc.

It is also revealed during the inspections that spill over population from the Barnapara Wildlife Sanctuary does visit the area. Sloth bear is commonly seen in the area. Besides this, the representatives of the Forest Department has also informed that elephant corridor is located at a far distance from the area proposed for diversion and elephant using corridor located towards eastern side of the area, visit the Barnapara Wildlife Sanctuary and stay there for some time during the course of their general movements.

As per the detail provided in the proposal, the DFO, Forest Division, Mahasumund has certified that area proposed for diversion does not form part of National Park, Wildlife Sanctuary, Elephant Corridors and no PAs are located within a distance of 10 km from the boundary of area proposed for diversion.

**viii. Vegetation:-**

- i. **Total number of trees to be felled.** Reported as not applicable by the concerned DFO
- ii. **Effect of removal of trees on the general ecosystem in the area.** Not mentioned

**Important species:-** Important species found in the area, as observed during the inspection include *Shorea robusta*, *Bowellia serrata*, *Lagerstroemia parviflora*, *Salmalia malabarica*.

*Dalbergia paniculata* *Eucalyptus* spp, *Azadirachta indica*, *Butea monosperma* *Ficus* *tsiela*, *Erythrina suberosa*, *Ficus religiosa*, *F. bengalensis*, *F. glomerata*, *Terminalia bellerica*,

*T. tomentosa*, *T. arjuna*, *Pterocarpus marsupium*, *Aegle marmelos*, *Madhuca indica*, *Schrebera swietenoides*, *Acacia leucophloea*, *Soymida febrifuga*, *Cordia dichotoma*, *Dalbergia latifolia*, *Tectona grandis*, *Kydia calycina*, *Mangifera indica*, *Emblica officinalis*, *Tamarindus indica*, *Dillenia pentagyna*, *Mitrasa tomentosa*, *Albizia lebbek*, *Careya arborea*, *Sterculia urens*, *Schleichera oleosa*, *Garuga pinnata*, *Gmelina arborea*, *Syzygium cumini*, *Lannea coromandelica*, *Diospyros melanoxylon*, *Anogeissus latifolia*, etc.

- iii. **Number of trees to be felled of girth below 60 cm.** Reported as not applicable by the concerned DFO
- iv. **Number of trees to be felled of girth above 60 cm.** Reported as not applicable by the concerned DFO
- v. It may be mentioned that as per information furnished in Part-II and also the results of DSS, the area proposed for diversion has density between 0.4 to 0.5. Given the indicated density, the submission made by the DFO and CCF reporting the enumeration of trees as no applicable is contrary to the provisions of the Rules and Guidelines issued under the Forest (Conservation) Act, 1980. Details of enumeration should have been carried out by the State Forest Department and abstract of trees in the area proposed for diversion, girth wise and species wise should be submitted in the proposal in accordance with the provisions of the para 2.2 (ii) of the Guidelines issued under the Forest (Conservation) Act, 1980 and also the provision of Rule 3 (c) of the Forest (Conservation) Amendment Rules, 2014.
- vi. Moreover, the area of 35.44 ha proposed for construction of building, which is reported to be 5% of the total area proposed for diversion, has also been selected in the foothills having good forest growth and setting up proposed facilities in that area would certainly require felling of trees.

**ix. Background note on the proposal**

It is indicated in the proposal that proposed project of the Ministry of Defence is of national importance which is inescapable requirement in nature and it is meant for the security of

our country. The team of DRDO scientists and senior officers of Defence Forces have carried out reconnaissance survey of various locations and finally selected the proposed site under Girna beat Bundeli forest located in Mahasamund District (C.G.) which is technically and strategically suitable w.r.t. Longitude/ latitude and altitude of the location. The project would require security cover all around. The complex will have technical facilities, security and other support facilities.

The representative of the User Agency have informed that they explored alternate sites in the surrounding area, however, given the strategic requirement for setting up such facility keeping in view all the safety and technical measures, no other site is found suitable and accordingly, the present site has been finalized by the MoD for setting up proposed facility.

**x. Compensatory afforestation:-**

- i. Whether land for compensatory afforestation is suitable from plantation and management point of view or not.**

As per the certificate of the DFO, Mahasamund Division, the land identified for raising CA is suitable for plantation. No details certifying the land free from encroachment and other encumbrances has been certified by the DFO, Mahasamund. Detail could not be verified as the land for CA has been identified in approx 96 sites. However, examination of the CA sites over DSS revealed that many patches of CA have been identified in moderately dense forests, which may not be fit for taking up compensatory afforestation and accordingly need to re-identified.

- ii. Whether land for compensatory afforestation is free from encroachments/ other encumbrances.**

As per the certificate of the DFO, Mahasamund Division, the land identified for raising CA is suitable for plantation. No details certifying the land free from encroachment and other encumbrances has been certified by the DFO, Mahasamund. Detail could not be verified as the land for CA has been identified in approx 96 sites.

- iii. Whether land for compensatory afforestation is important from Religious/ Archaeological point of view.**





No information has been provided in the proposal. However, representative from the Forest Department has informed that Ca land is not important from the religious/archaeological view point.

- iv. **Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not.**

Land for compensatory afforestation has been identified over an area of 1691.0 ha in 96 patches in Mahasamund Forest Division. Representative from the State Forest Department has informed that forest areas of the Division, being managed under the Joint Forest Schemes have been selected for raising CA. However, rationale for selecting the CA over 96 sites has not been provided in the proposal. With a view to ensure effective implementation of CA scheme, and subsequent monitoring of the progress of CA by the State Forest Department and by the Central Government, the State Forest Department should explore compact sites of substantial area to reduce the number of sites. 96 sites are scattered over the entire Forest Division.

Examination of the sites on the DSS revealed that nearly 46 sites are located in the moderately dense forest area having forest cover of 40 % to 70%.

- v. **Map with details**

Not submitted. It is informed that as the number of CA sites are high and accordingly only abstract details of CA has been submitted.

- vi. **Total financial outlay**

Rs. 48,47,96,811/-

- xi. **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 violations of the Forest (Conservation) Act, 1980 have been reported by the various authorities in the State Forest Department and State Government. However, the boundary of the area proposed for diversion has already been demarcated by raising cement concrete pillars of almost 4 feet height. The work of demarcation of the area proposed for diversion should have been started after grant of Stage-I approval by the Central Government.



- xii. **Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not. Details be furnished specifically if rehabilitation plan would affect any other forest area by trans-locating outstees in and around the said forest.**

No rehabilitation is involved in the proposal.

- xiii. **Reclamation Plan:** Not applicable

i. **Details and financial allocation.** NA

- xiv. **Details on catchment and command area under the project.**

i. **Catchment area treatment plan to prevent siltation of reservoir.**

It is observed that area proposed for diversion forms the immediate catchment of five water bodies (small to medium sized ponds). The villagers of the surrounding villages use these water bodies for their water based needs. A river named Bagh River also has its course adjacent to the area proposed for diversion on northern side. Therefore, keeping in view the perennial water bodies whose water inflow are linked to the area proposed for diversion, a Catchment Area Treatment Plan should be prepared and implemented in the area at the project cost to prevent siltation of reservoirs and also ensure water availability round the year.

- xv. **Cost benefit ratio.** Not applicable.

- xvi. **Recommendations of the Principal Conservator of Forests/State Government.**

The Principal Chief Conservator of Forest, Government of Chhattisgarh has recommended the proposal without any specific condition.

- xvii. **Recommendations of Regional Chief Conservator of Forests along with detail reasons.**

Recommendations of the Addl. PCCF (Central) have been appended separately.

- xviii. **Addl. Principal Chief Conservator of Forests (Central) shall give detailed comments on whether there are any alternatives routes/alignments for locating the project on the non-forest land.**

Comments of the Addl. PCCF (Central) have been appended separately.



- xix. Utility of the project. Numbers of Scheduled Castes/Scheduled Tribes to be benefited by the project.**

The project is important from the security view point of the country. As the project is of top secret nature further details of the activities have not been furnished.

- xx. Whether land being diverted has any socio-cultural /religious value. Whether any sacred grove or very old grown trees/forests exists in the areas proposed for diversion.**

As per information submitted in Part-II, the area is not important from the socio cultural/religious view point. However, during inspection an old temple is seen in the area proposed for main technical facility. On being asked the representative of the State Forest Department and the representatives from the State Forest Department have informed it is unauthorized and it will be removed from the forest area.

- xxi. Situation w.r.t. any P.A.**

It is indicated in the proposal, that land proposed for diversion is located beyond a distance of 10 km from the boundary of any PAs. The nearest PA is Barnapara Wildlife Sanctuary which is beyond 10 km distance.

- xxii. Any other information relating to the project.**

- I.** Compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted along with the proposal. However, during the inspection it is informed that area proposed for diversion is being managed under the Joint Forest Management Scheme and that after the intervention of the JFM programme, the vegetation growth in the area has come up substantially. Exact number of JFM Committee working in that area could not be known as the details was not readily available. Compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 submitted by the State Government pertains to the Bundeli village only. It is needed to re-confirm the that area proposed for diversion has only one JFM Committee or otherwise and accordingly, compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 may be ensured.

- II. As the area is proposed for diversion is managed under JFM Programme, therefore, a view needs to be taken about the fate of JFM Committee once the area is diverted.
- III. The CCF in his inspection report has mentioned that area proposed for diversion is free from any kind of encroachment. However, during the inspection, encroachment in the form of agriculture, being practiced by the villagers in the area proposed for diversion is seen. It is evident from the photographs of the area annexed to this report.
- IV. CA sites selected in moderately dense forests should be discarded as the same may not be fit for taking up CA plantation. Further, with a view to ensure effective implementation of CA scheme, and subsequent monitoring of the progress of CA by the State Forest Department and by the Central Government, the State Forest Department should explore compact sites of substantial area to reduce the number of sites. 96 sites are scattered over the entire Forest Division.
- V. From the examination of the proposal, it is observed that proposal has not been scrutinized properly by the authorities in the State Forest Department as certain information which is crucial for the taking a decision on the proposal, has not been submitted in the proposal.
- VI. Construction activities proposed over an area of 35.44 ha also includes bachelor accommodation, as informed by the User Agency. Possibilities should be explored to locate such construction activities in the surrounding revenue areas. Only, technical and administrative buildings required for various operations for maintenance of the proposed technical facility should be considered in the forest area.
- VII. As the spill over population of the Barnapara Wildlife Sanctuary do visit the proposed area as well as surrounding area, area proposed for diversion should not be fenced to allow the free movements of wild animals.
- VIII. Tree enumeration of the area proposed for diversion should be taken up by the State Forest Department in accordance with the relevant provisions of the Guidelines and Rules issued under the Forest (Conservation) Act, 1980.
- IX. Perennial water bodies, located in the foothills and whose catchment area is proposed for diversion, should be developed and there catchment area should be enriched by way of



preparing a Catchment Area Treatment Plan with appropriate soil conservation measures to arrest flow of silt in the reservoir and improve water regime at the project cost.

#### **Recommendation of FAC**

FAC after thorough deliberation recommended that

- 1) CA scheme shall be revised.
- 2) State government shall carry out enumeration of trees as per the guidelines
- 3) State government shall clarify if any residential buildings are proposed within the forest area being sought for diversion
- 4) Proposal is to be resubmitted with fresh recommendations of Nodal officer
- 5) FRA certificate is to be submitted on revised format.

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**File No. 8-28/2015-FC**

**AGENDA 5: 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 mentioned proposal was considered by the FAC in its meeting held on 12.7.16 and the FAC, after examination of the proposal and discussion with user agency, observed as below:

- 1 The State Government of Maharashtra vide their letter no. FLD-3606/CR 208/T-10 dated 20.07.2007 has submitted a proposal for 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.
- 2 The proposal was already discussed in FAC held on 16.3.16
- 3 The forest area involved include 93.64 ha Reserve Forest land ,85.84 ha Protected Forest land and 13.71 ha Zudpi Forest land of chandrapur forest division of Maharashtra.
- 4 Legal status of the land is reserved forests ,protected forests and zudpi forests

- 5 Forest type is Southern tropical Dry Mixed Deciduous forest with important  
species are Ain, Tendu, Dhawla Bhera, Geradi, Mahua, Bamboo etc. the  
topography is generally undulating with general slope towards west.
- 6 Crop density is between 0.0 to 0.4
- 7 The area does not form a part of any National Park, WL Sanctuary or Biosphere.
- 8 No rare / endangered unique species of flora and fauna found in the area
- 9 State has reported violation of FCA 1980 in 47.07 ha
- 10 User agency had given undertaking that in case of disturbance to forest growth  
compensatory afforestation will be taken up.
- 11 Benefit cost ratio has been given as 8.39:1
- 12 No rehabilitation plan is submitted by the state government.
- 13 DFO has recommended the proposal for approval with penalty for violation
- 14 CF has not recommended the proposal for approval however he had mentioned  
that if competent authority feel that proposal is to be sanctioned then it has to be  
done with specific conditions mentioned such as CA, Penal CA, CAT Plan,  
Habitat development programme, certain protection infrastructure as mentioned in  
his site inspection report.
- 15 PCCF has also given conditional recommendation with conditions like penal CA  
on 501.96 ha. Cost for demarcation of area & CA area, NPV and plating over  
surface area, SMC works and Plantations on 10 Km radius area over degraded  
forest etc.
- 16 Government of Maharashtra has endorsed their recommendation
- 17 The State Government has submitted that the demarcation of mining lease area  
will be done on the ground at project cost using four feet high reinforced cement  
concrete pillars with serial numbers, forward & back bearing and distance from  
pillar to pillar
- 18 It is proposed that Penal Compensatory afforestation shall be raised over double  
the degraded forest land at the project cost
- 19 Site was inspected by regional office on 11.08.2007 with following remarks

Site inspection Report:-

- a) Site inspection has been done by the Regional Office, Bhopal.



b) The forest land proposed for diversion is as follows-

Reserve forest land	—	93.64 ha
Protected Forest land	—	85.84 ha
Zudpi Forest land	—	13.71 ha
Total forest land	—	193.19

c) Item-wise break up details of the forest land proposed for diversion is as follow:-

Mining done prior to 1980	-	77.91 ha,
Mining done after 1980	—	47.07 ha
Mining to be done	—	68.41 ha.

d) Vegetation : No tree felling, however bushy type of vegetation

e) Whether proposal involves any construction of building, or not - though not proposed in the proposal, but 141 families have been rehabilitated some year back by the State Government. As a colony called Sidharatha Nagar .No proposal for the surface right of this forest area is sought.

f) Total cost of the project is Rs. 9.96 Crore

g) Not important from wildlife point of view.

h) Violation of the FC Act—Mining in 77.71 ha + 47.78 = 125.49 ha, is in violation of the Act.

i) Many encroachment and rehabilitation of 141 families.

j) Non reclamation plan but tensile strength will check subsidence as per study.

k) Recommendation: Recommended with penal CA on 250.98 ha and removal of encroachment along with regularization of rehabilitated persons.

l) The Regional Office of the MoEF vide their letter dated 29.08.2007 submitted the site inspection report inter-alia reporting violation of the Forest (Conservation) Act, 1980 as given under:

*"Although the authorities of M/s WCL maintain 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. The*



*Forest Department/Government of Maharashtra disputes the fact as the user agency could not produce the documentary proof such as Mining Lease Deed with map since 1922 for each 30 years lease period. As a result even mining in this 77.71 ha of forest land claimed to have been broken prior to 1980 has been treated by the State Government as violation of the Forest (Conservation) Act, 1980. As such mining has been done over a total of (77.71 + 47.8) 125.49 ha of forest land in violation of the Forest (Conservation) Act, 1980. Although Temporary Working Permission was granted by the Ministry of Environment and Forests vide letter dated 8-82/2605-FC dated 23.11.2005 for one year, mining is reported to be stopped in the forest land by the user agency on 31.03.20005".*

20 The proposal, along with the site inspection report submitted by the Regional Office, Bhopal, was considered by the Forest Advisory Committee (FAC) in its meeting held on 9<sup>th</sup> July, 2008 and the Committee noted as under:

I. "The Committee discussed the proposal in detail and in view of nearness of Tadoba Tiger Reserve suggested the examination of the proposal by the National Tiger Conservation Authority (NTCA). It also desired that view of the State Government may be sought on the site inspection report of the Regional Office, Bhopal on the violation of the Forest (Conservation) Act, 1980.

II. It was also suggested that a report may be sought from the State Government on rehabilitation of 146 persons of the theses lands".

21 The recommendation of the FAC were communicated to the State Government vide this Ministry's letter of dated 4.08.2008 .

22 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".

23 The PCCF/State Government of Maharashtra, vide their letter no. FLD-3606/CR 208/F-10 dated 17.02.2014 submitted the information as desired by the FAC as given below:

- i. With regards to the nearness of the project to the Tadoba Tiger Reserve, the State Forest Department has informed that as per the remarks of PCCF (Wildlife) and Chief Wildlife Warden, Nagpur, in his letter dated 22/02/2013, the distance of project site from 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 M.S. 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 underground coal mine and the surface forest area has not been disturbed and hence rehabilitation of 146 persons from these lands is not required.
24. 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.
25. 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.

- 26 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, IIQ, Shri. R.S. Gupta, Area Planning Officer, Shri J. Charde, Colliery Manager, Mahakali Mines and others. The details of STR are 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.
<b>Total</b>	<b>- 193.19 ha.</b>

- 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.
<b>Total</b>	<b>193.19ha.</b>

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, Govt 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 eco-system:**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.

27. In response to this Ministry's letter dated 12.09.2014, the State Government of Maharashtra vide their letter dated 03.03.2016 has informed 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, GOI.

28 FAC on 16.3.16 had deliberated upon and recommended that:

- 1) State government may be asked to provide documents/orders by the state government regarding rehabilitation of 141 families on zudpi forest land.
- 2) State government may be asked to submit compliance of FRA as per the guidelines issued by MOEF and CC
- 3) 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

30 Accordingly, 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.

31 In addition, as per recommendation of FAC, a sub-committee of FAC with following composition was constituted for inspection of the area.

i.	Shri Ramesh K. Dave,	Member of FAC	Chairman
ii.	Addl. PCCF (C),	Regional Office	Member
		Nagpur	
iii.	Shri Chaitram Deuchand Pawar,	Member of FAC	Member
iv.	Shri D.K. Sinha,	IGF (FC)	Member
v.	Shri Sandeep Sharma,	AIGF (FC)	Member

32 The sub-committee of FAC has visited the area and submitted their Inspection Report.

### 33 Findings of the Sub-Committee:

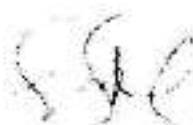
- i. Most of the areas of Compartment No 572 and 573 of PF (Survey Number 421, 441/1-4 and 461 and 463/1) at village Chanda Rayatwari were noticed under encroachment and covered with buildings, roads, railway line, transmission line and other structures.
  - ii. In addition to the area of 2.65 ha used 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 Zudupiu 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.
- 34 The inspection report was deliberated upon in the meeting. FAC noted that action on reported encroachment has to be taken by state authorities.

### 35 Recommendation of FAC

FAC after thorough deliberation 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.

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**Government of India**  
**Ministry of Environment, Forests & Climate Change**  
**(Forest Conservation Division)**  
**MINUTES OF THE FOREST ADVISORY COMMITTEE (FAC) MEETING**  
**HELD ON 12<sup>th</sup> July 2016**

[Rajagopal Prashant AIG(FC)]

**AGENDA NO. 1**

**F. No 08-24/2015-FC**

**Proposal for diversion of 13267.12 ha. Forest lands in various forest blocks in Krishna and Guntur Divisions & Districts of Andhra Pradesh for Capital City Infrastructure Development Projects in Andhra Pradesh Capital Region.**

1. The State Government of Andhra Pradesh, Environment, Forest, Science and Technology (Section. II) Department vide its letter No. 5446/Section –II/2014 dated 25<sup>th</sup> April, 2016 submitted a revised proposal of various divisions to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 13,267.12 hectares of forest land, in favour of Andhra Pradesh Capital Region Development Authority (AP CRDA) for undertaking Capital City Infrastructure Works.
2. The observations made by the Ministry of Environment, Forests and Climate Change, Government of India, New Delhi on the earlier proposal were stated to have been duly complied with while submitting the revised proposals. The State Government has agreed to pay the Net Present Value (NPV) as prescribed and also provide equal extent of Non-Forest Land for Compensatory Afforestation (CA) and provide for the cost of Compensatory Afforestation (CA). The application was submitted offline in hard copy under the exemption granted by the competent authority vide approval on 13/10/2015 on F No 08-24/2015-FC.
3. The complete facts /submissions in the proposal were placed before the FAC in its meeting held on 03<sup>rd</sup> May, 2016 alongwith the site inspection report of the Regional Office Chennai.
4. Further it is also submitted before the FAC in its meeting on 03<sup>rd</sup> May 2016 as below:



There has been significant interest attached with the proposal including number of meetings at the highest level, Parliament Questions D.O letters and other forms of correspondence. Even now the Govt of Andhra Pradesh is closely following the outcome of the present proposal. however observations with respect to the present proposal are as below

- a. No purpose wise break up of land is given
- b. No Compensatory Afforestation Scheme is prepared and placed.
- c. Large discrepancies in FRA certificates and in most cases Gram Sabha resolutions are either not provided at all or translated copies not provided.
- d. Non-Forest Land required for this Project\* : Mentioned as 0 Ha.

This needs to be relooked into as the forest areas are in several blocks apart from each other and would be interspersed with non forest area. No indication of any attempt to use non forest area is seen in the proposal.

5. It was also presented before the FAC that the moot issue with the proposal still remains i.e No component wise break up of activities proposed over the land proposed for diversion is given. Purpose wise break up is of particular significance in decision making as to whether to permit diversion of entire forest land sought to be diverted, or whether lesser extent can be utilized, or whether no forest land should be permitted for the activity at all. In the proposal activity to be taken up is mentioned as tourism, recreation, cultural activities, industries, institutions etc. The extent of these activities, their actual nature, impact on the surroundings etc is needed to take a learned decision. The only exemption made for the proposal, with the concurrence of the proposal was doing away the need to apply online as per the extant provisions.
6. The FAC in its meeting held on 3rd May, 2016 after considering the above and hearing the User Agency at length including the request for exemption from providing land use plans and examining all correspondences with regard to the present proposal between the Ministry and the State Government observed that no case for exemption of submission of land use plans is available on record in the file. The FAC also recommended that State Government submit the all the requisite information as required including detailed land

use plan for further examination along with the detailed Compensatory Afforestation Scheme and the complete compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as per the procedure stipulated, including Gram Sabha resolution copies in vernacular language and its authenticated English Translation. Further, the complete details of the litigation pending before the Hon'ble National Green Tribunal (Principal Bench) is also to be provided.

7. The State Government of Andhra Pradesh vide letter No Rc. No. 12890/2015/FCA-1 dated 18/06/2016 submitted *inter- alia* a request letter from the Spl. Chief Secretary to the Govt. EFS&T Dept seeking exemption from submission of land use plan. Detailed Compensatory Afforestation Scheme, RoFR certificates along with Gram Sabha resolutions of Krishna and Guntur Districts, DGPS maps of the Compensatory Afforestation lands and some references to the litigation pending before the National Green Tribunal. These submissions were placed before the FAC.
8. The FAC after considering the above and hearing the User Agency at length including the request for exemption from providing land use plans and examining all correspondences recommended the following:
  - a) The FAC observed that the detailed land use plan had not been provided, and the same is to be provided as per the Master Plan prepared by the State so that a decision can be taken.
  - b) The FAC also sought clarification from the State Government as to how much forest land is sought to be diverted for the Amravati City (Capital City) and for the Andhra Pradesh Capital region, separately.
  - c) The FAC also observed that some of the Compensatory Afforestation sites were rocky and unfit for raising Compensatory Afforestation. This had also been raised in the Site Inspection Report of the Regional Office Chennai. Therefore the Compensatory Afforestation sites need to be rechecked by the State and Compensatory Afforestation Scheme be revised as per the fresh Compensatory Afforestation sites identified in lieu of the rocky patches.

- d) It was also noticed by the FAC that area sought for diversion appears to be flood prone/flood plain and there is a litigation to this effect pending before the Hon'ble National Green Tribunal. The FAC required that the State Government may clarify the matter.

**AGENDA NO. 2**

**F. No. 8-25/2012-FC**

**Sub.: Diversion of 55.73 ha. of forest land in Ramagiri (East & West) RF of Ananthapur Division for establishing 40.00 MW Wind Power Projects – in favour of M/s. Sarjan Realities Ltd., Hyderabad.**

1. The State Government of Andhra Pradesh vide their letter dated 16.02.12 had 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 55.73 hectares of forest land in Ramagiri (East & West) RF of Ananthapur Division for establishing 40.00 MW Wind Power Projects – in favour of M/s. Sarjan Realities Ltd., Hyderabad. This proposal was placed before Forest Advisory Committee (FAC) at its meeting held on 20.04.2012 and the recommendations of FAC were as follows.:

*“ FAC after detailed deliberations recommended that an appropriate expert to be drawn from Bombay Natural History Society (BNHS) or Salim Ali Centre for Ornithology and Natural History (SACON) or Nature Conservation Foundation (NCF) may be requested to inspect the area in and around the forest land proposed for diversion to assess the impact of proposed project on wildlife especially birds and raptors, and submit the report containing appropriate recommendations, including mitigative measures to minimize/prevent the mitigable impacts.”.*

2. Accordingly, the recommendation of FAC was communicated by this Ministry on 18.05.2012. Another letter dated 27.08.2012 also sent by this Ministry to BNHS requesting to depute a suitable expert to inspect the area in and around the forest land proposed for diversion to assess the impact of proposed project on wildlife, especially birds and raptors, and submit the report containing appropriate recommendations, including the mitigative measure to minimize/prevent the mitigable impacts. Since then, about 04 years span over



**but no response from Bombay Natural History Society (BNHS) or Salim Ali Centre for Ornithology and Natural History (SACON) or Nature Conservation Foundation (NCF) has so far been received in this regard.**

3. Due to above recommendations by FAC and the non response from the agencies project is on hold since April 2012.
4. Now the State Government of Andhra Pradesh vide their letter no. 3629/2007/PCA-3 dated 10.03.2016 along with annexures intimated that the above subject proposal was examined by the Forest Advisory Committee and on their recommendation the Bombay Natural history Society (BNHS), Mumbai was requested to depute a suitable expert to inspect the area in and around the forest land proposed for diversion to assess the impact of proposed project on wildlife, especially birds and raptors, and submit the report containing appropriate recommendations, including the mitigative measure to minimize/prevent the mitigable impacts for further consideration of the proposal. The State Govt. of Andhra Pradesh further reported that the Govt. of India are requested to consider the representation dated 27.10.2015 of the user agency to review the instant proposal by applying the same pragmatic principles and criteria used by MoEF & CC, GoI, while according approval to similar Wind Power Projects of other user agencies with imposition of a condition that State and user agency shall undertake to implement mitigatory measures.
5. The user agency i.e. M/s Sarjan Realities Limited in their representation raised the following points with respect to above proposal for intervention and remedial action in the matter:
  - a) This project is on hold since April 2012 due to non-compliance of the recommended condition of FAC for submission of a report containing appropriate recommendations, including mitigative measures to minimize/prevent the mitigable impact by Bombay Natural History Society (BNHS) or Salim Ali Centre for Ornithology and Natural History (SACON) or Nature Conservation Foundation (NCF) on which the user agency has no control over such a recommendation of FAC.
  - b) The user agency also referring the Ministry's guidelines as issued vide No.11-306 / 2014-FC dated 07.10.2014, which states that *FAC should not recommend conditions*



which are beyond the control of the user agency and pointed out that in their project exactly this situation exists as the recommendations about of study of birds and report by the committee as stated are beyond the control of user agency. Hence, in view of this guideline, the MoEF, GoI, is requested to review the project afresh.

6. In cases of the proposals of M/s Enercon Wind Farms (Andhra Pradesh) Pvt. Ltd. (File no.8-12/2012-FC) at agenda item no.19 and M/s Shri Maruti Wind Park Developers, Satara (File no.8-73/2012-FC) at agenda item no. 20 , the FAC in its meeting held on 18th September 2012 inter-alia recommended that *"The FAC after examination of the proposal recommended that decision on grant of approval under Forest (Conservation) Act 1980 for diversion of forest land required for establishment of new Wind Power Projects may be deferred till receipt of the report of the (i) the study assigned to the BNHS to assess impacts of Wind Energy Project on avifauna and bats and suggest appropriate mitigative measures and (ii) Committee constituted under Chairmanship of the Chief Conservator of Forests (Central), Southern Regional Office, Bangalore"*. Despite the recommendation of FAC to defer the proposals till the receipt of the report, the proposal of M/s Enercon Wind Farms (Andhra Pradesh) Pvt. Ltd. was accorded Stage-I approval by the Ministry on 04.01.2013 and proposals of M/s Shri Maruti Wind Park Developers were accorded Stage I & II approvals on 19.09.2013 and 15.10.2014 respectively, but the similar instant proposal of Sarjan Realities Limited was kept on hold whereas the proposed sites of wind power projects by M/s Enercon Wind Farms (Andhra Pradesh) Pvt. Ltd. and M/s Sarjan realities are located in close proximity, i.e. in the same range in the same forest division in the same Ananthapur district, in ecologically the same area, with same forest type. Not only this, the recommendations of FAC in both the cases are more or less similar but still proposal by M/s Enercon Wind Farms (Andhra Pradesh) Pvt. Ltd. was cleared by MoEF, GoI, despite the recommendation of FAC to defer it while the proposal by M/s Sarjan realities Limited is kept on hold.
7. It is also pointed out by the user agency that as a matter of Policy and unbiased criteria, both the projects should have been judged on the same principles and criteria by FAC. Unfortunately, this did not happen as both the projects.



8. It is submitted by the user agency that they are ready to undertake to *implement the mitigation measures which may be suggested at the conclusion of the study assigned by this Ministry to the BNHS to assess the impact of windmills on avifauna and bats and the recommendations made to by the committee constituted by the this Ministry under Chairmanship of the Chief Conservator of Forests (Central) Southern Regional office Bangalore to assess and define the impact zone of wind energy projects in forest areas for purpose of assigning NPV in case the project is cleared by MoEF & CC, GoI, by imposing this condition.*
9. In view of the facts as explained above, the user agency requested to look into the matter and review their proposal of diversion of 55.73 Ha. of forest land in Ramgiri (East & West) RF of Ananthpur Forest Division of Ananthpur District by applying the same pragmatic principles and criteria used by MoEF & CC, GoI, while according approval to similar wind power projects of other user agencies with imposition of a condition that State and user agency shall undertake to implement mitigatory measures, and also requested not to recommend the conditions beyond the control of user agency as per the guidelines dated 07.10.2014.
10. The status of the proposals in respect of M/s Enercon Wind Farms (Andhra Pradesh) Pvt. Ltd. (File no.8-12/2012-FC) and M/s Shri Maruti Wind Park Developers, Satara (File no.8-73/2012-FC) as referred by the user agency in their representation are as follows:
  - (a) **Diversion of 49.06 ha. of forest land in Kunukuntla RF of Ananthapur Division, for setting up 29.60 MW Wind Power Project, in favour of M/s Enercon Wind Farms (Andhra Pradesh) Pvt. Ltd.:** This proposal was placed before the Forest Advisory Committee in its meeting held on 18<sup>th</sup> September 2012 and the FAC after examination of the proposal recommended that decision on grant of approval under the Forest (Conservation) Act, 1980 for diversion of forest land required for establishment of new Wind Power Projects may be deferred till receipt of the report of the (i) study assigned to the BNHS to assess impacts of Wind Energy Projects on avifauna and bats and suggest appropriate mitigative measures; and (ii) Committee constituted under Chairmanship of the Chief Conservator of Forests (Central), Southern

constituted under Chairmanship of the Chief Conservator of Forests (Central), Southern Regional Office, Bangalore. However, the Stage-I Clearance with the approval of the then Hon'ble Minister of State (Independent Charge) for Environment and Forests had been granted on 04.01.2013. The extract portion of the note-sheet of concerned file bearing No. 8-12/2012- was placed before the FAC for reference.

- (b) **Diversion of 79.91 ha of forest land for installation of a Wind Power Project in Kolhapur Forest Division, District Kolhapur, Maharashtra in favour of M/S Shri Maruti Wind Park Developers, Satara:** This proposal was also placed before the Forest Advisory Committee in its meeting held on 18<sup>th</sup> September 2012 and the similar recommendation as in case of M/s Enercon Wind Farms was made by the then FAC. However, the Stage-I Clearance with the approval of the then Hon'ble Minister of State (Independent Charge) for Environment and Forests had been granted on 18.12.2012. Subsequently, compliance report was received from the State Government of Maharashtra, and Stage-II/Final approval granted on 19.09.2013. The extract portion of the note-sheet of concerned file bearing No. 8-12/2012- was placed before the FAC for reference.
11. The FAC after considering the above and hearing the User Agency and also considering the fact that the User Agency had written to BNHS and examining all correspondences recommended the following:
1. The FAC after consideration of the matter recommended that the study to assess the impact of the proposed project on wildlife, especially birds and raptors may be done as per the guidelines issued by the Ministry vide F No 8-47/2008-FC dated 16/03/2008 through any expert agency including SACON, NCF etc.
  2. The FAC also recommended that the study report be submitted through the Nodal Officer, FCA of the State and the concerned Regional Office, MoEF&CC.

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**AGENDA NO. 3**

**F.NO.FP/JH/MIN/15997/2013**

**Diversion of 38.29 ha of forest land for Lawa Underground Gold Mining Project in Seraikela Forest Division of Jharkhand.**

1. The Government of Jharkhand vide letter dated 07.04.2016 submitted a proposal to Regional Office, Ranchi for obtaining a permission under Forest (Conservation) Act, 1980 for diversion of 38.29 ha. of forest land Lawa Underground Gold Mining Project in Seraikela Forest Division, Jharkhand
2. The facts of the proposal for diversion of 38.29 ha. of forest land are as follows:
3. The land in question is Protected Forest land in Seraikela Forest Division.
4. The project is an underground mining project, therefore it is unlikely that there will be any damage due to mining on the surface. Due to sloppiness of the proposed area, the soil slightly vulnerable to soil erosion during rainy season.
5. Density of vegetation in the area is 0.1
6. The proposed area is not a part of National Park, Wildlife Sanctuary, Biosphere Reserve, tiger Reserve, Elephant Corridor etc. The applied area is also 7.5 kms outside notified Dalma Eco Sensitive Zone. As per CF's report, the proposed forest area falls within Singhbhum Elephant Reserve. There is no any protected archaeological/ heritage site/ defence establishment or any other important monuments is located in the area.
7. The Environmental Clearance for the project has been obtained by the User Agency.
8. The proposal is for underground mining and no working on surface has been envisaged. Thus there is no requirement of Compensatory afforestation. No work in violation of the Forest Conservation Act, 1980 has been carried out.
9. Regional Office (East Central Zone), Ranchi examined the proposal and observed as below:
  - (i) The instant proposal is for diversion of 38.29 ha of forest land for Lawa Underground Gold Mining Project in Seraikela Forest Division of Jharkhand. It is to be mentioned here that User Agency has applied for mining lease over 54.55 ha of forest land as per details provided in **Part I** It is also mentioned that this proposal is prepared for diversion of forest land in respect of old abandoned mines to be restarted as Lawa Gold Mines Project of Manmohan Mineral Industries Pvt. Ltd. (MMIPL) Jharkhand State. The mine was earlier worked by Lawa Gold mining Company, under a lease from Dewan of Patkum State (1925) & the mine was worked for few years during the pre-independence period.



During the post-independence period, in 1960's, G.S.I. carried out prospecting and had proven reserves (mineralization) in that area.

- (ii) In the first phase, the user agency had applied for the diversion of 16.26 ha. Forest land out of total 54.55 ha. Of mining lease area. The Stage-I Forest Clearance approval has been accorded for 16.26 ha. Forest land by the Regional Office Bhubaneswar, MoEF&CC vide letter No. 5-JHC241/2013-BHU dated 28.02.2014 (File No. 5-JHC241/2013-BHU is linked below) subject to various conditions prescribed therein including the compensatory afforestation shall be raised over 3.67 ha of forest land and the user agency shall have obtain approval of the remaining forest land located within the mining lease within a period of two years i.e. by 3.01.2015 in accordance with letter No.11-362/2012-FC dated 01.02.2013 of Ministry of Environment & Forests. This proposal was discussed in the Regional Empowered Committee (REC) meeting held on 18.05.2016 and the REC has recommended the proposal for consideration of MoEF&CC, New Delhi. However, the Committee observed that the State Government should provide the FRA certificate in the format prescribed by the Ministry before issuance of Stage-II (final). The Regional Office, Ranchi vide their letter No.FP/JH/MTN/15997/2013/593 dated 05.07.2016 has forwarded a copy of the certificate on **Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006** in the prescribed format as received from State Govt. of Jharkhand vide their letter No. 692 dated 05.07.2016.
- (iii) Addl. PCCF (Central), Regional Office (East Central Zone), Ranchi recommended the proposal vide his notings dated 20.05.2016.

10. The proposal was subsequently examined by Director (ROIHQ) and after examining the proposal observed the following:-

- (i) **The Forest (Conservation) Rules, 2003 as amended provides that REC is competent to process the mining proposals involving upto 40 hectares of forest land in each case. The proposals involving more than 40 hectares of forest land for mining are referred to the Forest Advisory Committee for advice.**
- (ii) The Lawa Underground Gold Mining Project involves 54.55 ha of forest land. The Regional Office vide letter dated 28.02.2014 has already accorded in-principle approval





for diversion of 16.26 ha of forest land for underground mining. The present proposal has been submitted to seek in-principle approval for diversion of the balance 38.29 ha of forest land for underground mining.

(iii) The certificate on settlement of forest rights in accordance with the provision of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in the format prescribed by the Ministry have been submitted to this Ministry directly by the user agency.

(iv) **Keeping in view of the above, the decision on the following issues before further processing of the proposal is to be taken:**

- (a) Keeping in view that the project involves more than 40 ha of forest land, whether it will be lawful to seek approval under the FC Act by submitting two proposals, each involving less than 40 hectares of forest land, and get each such proposal processed through the REC?
- (b) Whether it will be desirable to accept the certificate on settlement of 'forest rights' in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in the format prescribed by this Ministry directly from the agency or the same shall be obtained through the State Government.

11. It is imperative to mention that the Para (4) of the Forest (Conservation) Amendment Rules, 2014 as notified vide this Ministry's F. No. 11-43/2013-FC 14.03.2014 states the following:

*5(a): The proposal referred to in clause (1) of sub-rule (3), involving forest land up to forty hectares shall be forwarded by the concerned State Government or the Union Territory Administration, as the case may be, along with its recommendations, to the concerned Regional Office.*

*5(b): The proposal referred to in clause (1) of sub-rule (3), involving forest land of more than forty hectares shall be forwarded by the concerned State Government or the Union territory Administration, as the case may be, along with its recommendations, to the Secretary, Ministry of Environment and Forests, Government of India.*

12. As per the above Rule, the State Govt. of Jharkhand has submitted the proposal for **diversion of 38.29 ha** of forest land for Lawa Underground Gold Mining Project in Seraikela Forest Division of Jharkhand, **which is less than 40 ha**, to Regional Office, Bhubaneswar. This proposal was, accordingly, placed before Regional Empowered Committee (REC) in its meeting held on 18.05.2016 and the REC recommended the proposal for further consideration by the MoEF&CC, New Delhi.
13. Director(ROHQ) also clarified, as mentioned in Para 4(i) in above note, that the Forest (Conservation) Rules, 2003 as amended provides that REC is competent to process the mining proposals involving upto 40 hectares of forest land in each case.
14. With regard to note of Director(ROHQ) at Para 4(ii) above in connection with submission of the earlier proposal for diversion of 16.26 ha of forest land for underground mining of the Lawa Underground Gold Mining Project by the same user agency is concerned, this earlier proposal was accorded in-principle approval by the Regional Office vide their letter dated 28.02.2014 even prior to amendment of Forest Conservation Rule, 2003 as it was notified on 14.03.2014. Moreover, the compliance report on the conditions as stipulated in Stage-I Clearance has been submitted by the State Govt. of Jharkhand vide letter no. 3 / **vanbhumi-02 /2013 -2977/V.P.** dated 17.06.2016 (P.170-358/c) to seek final approval for diversion of 16.26 ha of forest land for underground mining to the Regional Office Ranchi. The summary of the compliances is as under:

S No	Name of Conditions	Compliance
1.	Legal status of the forest land proposed for diversion will remain unchanged.	It is reported by the State Govt. that the legal status of the forest land will remain unchanged.
2 (a.)	The State Govt. shall charge the Net Present Value (NPV) of forest area proposed for diversion under this proposal from the user agency	In this regard, it is reported by the State Govt. of Jharkhand that the NPV demand was for Rs. 62,38,090.00 and the same was paid by the user agency- via RTGS to

	at the rates as per Orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide letter No. 5-3/2007-FC dated 05.02.2009 in this regard.	CAMPA A/c, in Corporation Bank, CGO Complex, Lodhi Road Delhi .  <b>The OSD, Ad-hoc CAMPA vide his note dated 01.07.2016 has confirmed the remittance of funds for compensatory levies realized from the project proponent in the account of Ad-hoc CAMPA (pg. 360/c).</b>
2 (b.)	Additional amount of NPV of the proposed forest land for diversion, if any, becoming due after finalization of the same by Hon'ble Supreme Court of India, shall be changed by the State Govt. from the user agency. An undertaking from the user agency shall be obtained in this regard.	In this regard, it is reported by the State Govt. of Jharkhand that the user agency has given an undertaking for Payment of Additional NPV if becoming Due-and available in file at Pg.204-205/c.
3. (a)	Compensatory Afforestation shall be raised over 3.67 ha of non-forest land identified on Plot No. 732,737,739,740,741,742,744 & 745 in village harina, Thanda No. Ghatshilla-1556 of Block Potka and No. 118,119,120,121,122,123,124,125 ,126,127,128 & 133 (P) in Village Hatnabera, Thana No. - Ghatshila-1573 of Block Dumaria under East Singhbhum district at the cost of user agency. The user	In this regard, it is reported by the State Govt. of Jharkhand that the amount for raising compensatory afforestation (CA) over 3.67 ha of land has been transferred by the user agency RIGS on 10.03.2016 vide RTGS Ref No 52016031075408841 through HDFC Bank .  RTGS Payment is made for total amount Rs. 37,47,110.00 of which Rs. 24,59,365.01 is against CA over 3.67 ha. & remaining of Rs. 12,87,745 is

	<p>agency shall transfer the cost of compensatory afforestation and its maintenance for 10 years (revised as on the date to incorporate the existing wage structure to the State Forest department.)</p>	<p>against cost of raising CA over 1.5 times the land for safety zone fencing i.e. 7.5 meters strip all along the outer bounder of forest land within mining lease area)</p> <p>The land identified in Harina village was substituted by land identified in Chabish Village, as the same could not be transferred to the forest department because Honble Ranchi High Court order. The details has been mentioned in point 3.b.'</p> <p><b>The OSD, Ad-hoc CAMPA vide his note dated 01.07.2016 has confirmed the remittance of funds for compensatory levies realized from the project proponent in the account of Ad-hoc CAMPA</b></p>
3. (b)	<p>The Non- Forest land of 3.67 ha identified for compensatory afforestation shall be transferred and mutated in favour of the State Forest Department for raising compensatory afforestation before issue of the Stage - II approval.</p>	<p>In this regard, it is reported by the State Govt. of Jharkhand that out of 3.67 ha of non- forest land which was initially identified for the purpose transferring to forest department land falling in Harina village could not be transferred due to Orders of Hon'ble Ranchi High Court.</p> <p>The land in Harina village was substituted by the following land in Chabisha village, and Hatnabera Village - after obtaining suitability. certificate from the concerned</p>

		<p>DFO</p> <p>The user agency has already transferred the following non forest land (3.67 ha) to the Department of Forest i.e in Chhabisa Village, Thana-Ghatshila Plot No. 652(P), 650, 651,680,681(P), 669, 670 in village Chhabisa, Thana Nc Ghatshila-168 of Block Dhalbhum.Registry No.-305, dated -25.01.2016 Mutation No.-110/15-16, dated -14.02.2016.</p> <p>In Hatnabera Village, Thana-Ghatshila: Plot No.s 118 , 119, 120 ,121 ,122 ,123 ,124 ,125 ,126 ,127 ,128 &amp; 133(P) &amp; 114(P) in Village Hatnabera, Thana No.-Ghatshila1573 of Block Dumaria under East Singhbhum district at the cost of user agency.</p> <p>Registry No.-4686, dated 01.10.2015, Mutation No.-217/15-16, dated 21.10.2015.</p>
4.	<p>The State Government shall deposit Net Present Value and all other funds with the Ad Hoc Body of Compensatory Afforestation Fund Management and Planning Authority (CAMPA), in SB AccountNo.-SB01025212 of Corporation Bank, CGO Complex Phase-I</p>	<p>In this regard, it is reported by the State Govt. of Jharkhand that the User Agency has directly transferred the Amount of NPV and CA in Ad Hoc body of CAMPA.</p> <p><b>The OSD, Ad-hoc CAMPA vide his note dated 01.07.2016 has confirmed the remittance of funds for compensatory levies realized from the project</b></p>

	Lodhi Road, New Delhi-110003 (RTGS/IFSC No. CORP0000371) or in SB Account No.- 344902010105420 of Union Bank of India, Sunder Nagar, New Delhi-110003 (RTGS/IFSC No.- UBIN0534498) through the RTGS/NEFT mode, as per the instruction communicated vide letter No.-122/2010-CAMPA dated 13.05.2011 and dated 24.06.2011	<b>proponent in the account of Ad-hoc CAMPA</b>
5.	The boundary of the forest land proposed for diversion, shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoining pillars etc. the distance between any two pillars shall be kept at 50 mtr and each pillar should be clearly visible from pillars on both sides	In this regard, it is reported by the State Govt. of Jharkhand that the user agency has demarcated the ML boundary / and forest land by erecting 4 feet high RCC pillars at a distance of 50 meters. The pillar have been serially numbered and inscribed with DGPS Coordinates / Forward and Backward Bearing.
6.	The State Forest Department /UA shall submit the surveyed sketch of 3.67 ha of non-forest land identified for C.A. and demarcate the area giving the	In this regard, it is reported by the State Govt. of Jharkhand that the User Agency has demarcated non-forest land transferred to Forest Department for CA by erecting pillars. The pillars have been





	forward and backward bearing and DGPS_reading of each demarcation pillars/station, and distance between them before Stage-II approval. The latitude and longitude of those pillars/stations shall also be marked.	serially numbered and has been inscribed with DGPS Coordinates / Forward and Backward Bearing and shows distance between them. details of pillars of CA Land has been given.
7.	In accordance with letter No. 11-362/2012-FC dated 01.02.2013 of Ministry of Environment & Forest; the user agency shall have to obtain approval of the remaining Forest land located within the mining lease within a period of two years i.e.by 31.01.2015.	In this regard, it is reported by the State Govt. of Jharkhand that the letter No. 11-362/2012-FC dat 01.02.2013 of Ministry of Environment Forest, has been suppressed by a new letter of MOEF-Letter- F. NO. 11-599/2014-dated 1/04/2015. Accordingly there is no time limit for FC Clearance u/s 2(ii) for the balance/ remaining forest land. The user agency has filed forest diversion proposal for remaining forest land over 38.29 hectares and it has been forwarded by the Department of Forest, Jharkhand to the MOEF&CC, which is under process in the Ministry.
8.	The IIT, Kharagpur shall monitor the project annually with regard to subsidence prediction and suggest required measures, if any, to be carried out at the cost of user agency in order to safeguard the safety of workers and submit a report	In this regard, it is reported by the State Govt. of Jharkhand that the IIT Kharagpur, had carried out subsidence study for the project in Nov 2013. As per the study carried out by IIT - the maxim tensile strain is only in the range of 1.81 2.96 mm per square meter as against standard of 20 mm / sq. meter as per guidelines. Thus

	annually to the State Government and the Regional Office, Bhubaneswar.	there is no risk of surface cracks and subsidence. However, as required regular monitoring of subsidence prediction will be done by IIT, Kharagpur, and will be reported annually to the State Govt and MOEF. An Undertaking to this effect is given.
9.	Area on surface of the forest land proposed to be utilized for underground mining shall be fenced and afforested.	In this regard, it is reported by the State Govt. of Jharkhand that the area on surface of forest land will be fenced and afforested by the user agency. However, the area on surface of the forest land proposed to be utilized for underground mining coincides with the area to be fenced for safety zone ( as required in point 10 mentioned below) and MOEF has issued latest guidelines with respect to safety zone fencing i.e Circular no. F No. 11-125/2014 FC dated 04/07/2014. This circular requires that instead of fencing 4-feet high RCC pillars at the boundary of the forest land sought for diversion should be erected. Erection of 4 feet high pillars has already been done by the user agency. However, the user agency also undertakes do fencing of the area if the same is required as per the provisions of the applicable guidelines of MOEF and an undertaking to this effect is given.
10.	The State Govt. shall undertake fencing, protection	In this regard, it is reported by the State Govt. of Jharkhand that Fencing, protection

	and afforestation of safety zone area (7.5 meter strip all along the outer boundary of the mining lease) from funds realized from the user agency	and afforestation of safety zone area (7.5 meter strip all along the outer boundary of the mining lease i.e 54.55 hectares) will be done by the user agency as per the guidelines of MOEF no. F No. 11--125/2014-FC dated 04/07/ 2014 . Safety Zone fencing is being proposed for 54.55 ha. Instead of 16.26 hect. as the user agency is now required to take FC Clearance for the remaining forest land before the ML can be granted. An Undertaking to this effect is given.
11.	The State Govt. shall undertake afforestation over degraded forest land one and half times in extent to the area used for safety zone from funds realized from the user agency.	In this regard, it is reported by the State Govt. of Jharkhand that an amount of 12,87,745.00 has been deposited by RTGS by the user agency for undertaking afforestation over degraded forest land over 1.5 times of safety zone area i.e 1.5 x 2.47 hectares = 3.705 hectares. The DFO Saraikela has identified 5.960 hectares of degraded forest land in Sahibganj Village, Saraikela Forest Division, Jharkhand. Safety Zone fencing area has been calculated for the entire ML area i.e 54.55 hect. Instead of 16.26 ha , the user agency is now required to take FC Clearance for the remaining forest land before the ML can be granted.
12.	The period of permission granted under the Forest (Conservation) Act, 1980 shall	In this regard, it is reported by the State Govt. of Jharkhand that the user agency has submitted that as per section 8 the



<p>be co-terminus with the period of mining lease to be granted under the Mines and Mineral (Development &amp; Regulation) Act, 1957 or 20 years whichever is earlier.</p>	<p>previous MMDR Act 1957 — the minimum period of mining lease to be granted was 20 years [section 8(3)] and maximum period of mining lease that may be granted should not exceed 30 years [section 8(2)]. The user agency has further informed that recently, a new MMDR Amendment Act 2015 was passed by the parliament and was notified in official gazette. As per section 8 A of MMDR AA 2015- all mining leases should be granted for a period of 50 years from the date of commencement of the Act.</p> <p>The user agency has further submitted in compliance that the 1<sup>st</sup> stage FC clearance was granted to this project on 28/02/2014 (i.e. prior to the passing of the New MMDR Amendment, 2015) and mining lease in this case will be granted for period of 50 years as per the new provision. Further as per CIRCULAR OF MOEF Circular No. - F.NO. 11-51/2015-FC date 1/05/2015) , the period of FC clearance shall be deemed to extended upto a period co terminus with the period of Mining lease as per section Bi Thus for period of FC clearance to coterminous with mining lease period the permission under FC Act should be 50 for years. MOEF should take a final view in this regard.</p>
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13.	The user agency shall obtain the Environment Clearance as per the provision of the Environment (Protection) Act, 1986, if required.	In this regard, it is reported by the State Govt. of Jharkhand that the Environment Clearance has been granted to this project vide Letter no. J-11015/71/201 IA.II(M) dated 8/01/2015.
14.	The user agency shall undertake mining in a phased manner after taking the due care for reclamation of the mined over area. The reclamation plan shall be executed by the user agency as per the approved mining plan and annual report on implementation shall be submitted to the Nodal officer (FCA) Government of Jharkhand and to Eastern Regional Officer, if it is found from the annual report that the activities indicated in the reclamation plan are not being executed by the user agency, the Nodal Officer (FCA) or the Eastern Regional Office may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactory executed.	In this regard, it is reported by the State Govt. of Jharkhand this project is for underground mining and major reclamation work in such underground mines is limited to the filling of slope blocks excavated mineral zones. The mining plan submitted by the user agency proposed Horizontal Cut and Fill (HCF) method Stoping- subject to the permission Directorate General of Mines Safety (DGMS) is the nodal agency which is responsible for safe working of mining activity in the country. In Cut and Fill method- simultaneous rehabilitation/filling of the (underground) working is done and there is almost no risk of subsidence, an undertaking to this effect has been submitted by the user Agency.
15.	The user agency shall take	In this regard, it is reported by the State

	appropriate User Agency will take effective measures to stabilize the overburden dumps by appropriate grading/benching so as to ensure that the angle of repose at any given place is less than 28°.	Govt. of Jharkhand that the User Agency will take effective measures to stabilize the overburden dump by appropriate grading/benching so as to ensure that the angle of repose at any given place is less than 28°. An undertaking to this effect has been submitted by the user agency.
16.	The user agency either himself or through the State Forest department shall undertake gap planting and soil moisture 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.	In this regard, it is reported by the State Govt. of Jharkhand that the user agency will undertake gap planting and soil conservation measures to rejuvenate degraded open forest in the vicinity of mining lease area – i.e. 100 meters perimeter of IML area. An undertaking to this effect has been submitted by the user Agency
17.	The user agency will take up integrated development measures in the surrounding villages to improve the basic amenities of health, education, drinking water, roads, sanitation etc.	In this regard, it is reported by the State Govt. of Jharkhand that an undertaking to this effect has been submitted by the user Agency
18.	The layout plan of the proposal shall not be changed without prior approval of Ministry of Environment & Forests.	In this regard, it is reported by the State Govt. of Jharkhand that the User Agency undertakes not to make any alteration, addition, deletion or modification to the layout plan approved by Ministry of Environment & Forests. An



		undertaking to this effect has been submitted by the user Agency
19.	The Forest Land proposed for diversion shall under no circumstances be transferred to any other agency, department or person without prior approval of Ministry of Environment & Forests.	In this regard, it is reported by the State Govt. of Jharkhand that an undertaking to this effect has been submitted by the user Agency
20.	The Forest land shall not be used for any purpose other than that specified in the proposal.	An undertaking to this effect has been submitted by the User Agency
21.	Trees standing in the proposed area for  Diversion shall be felled strictly as per requirement. Prior permission of the Divisional Forest Officer shall be obtained for felling trees.	An undertaking to this effect has been submitted by the User Agency
22.	No earth or any material shall be brought from nor any debris resulting during project work shall be disposed of in the adjoining forest area.	An undertaking to this effect has been submitted by the User Agency
23.	No fresh road will be allowed inside forest area for carrying out any activity related to the project work.	An undertaking to this effect has been submitted by the User Agency
24.	No labour camps shall be established on the forest land.	An undertaking to this effect has been submitted by the User Agency

25.	The user agency shall provide wood preferably alternate fuel, to the laborers working at the site to avoid damage to trees in the adjoining forest area.	An undertaking to this effect has been submitted by the User Agency
26.	The User agency shall ensure that there shall be no damage to the available forests wildlife, if any by the user agency or by the Labourers Contractors engaged by them	An undertaking to this effect has been submitted by the User Agency
27.	The user agency and State Govt. shall ensure compliance to provision of the all Acts, Rules Regulations and Guidelines for the time being in force, as applicable to the project.	An undertaking to this effect has been submitted by the User Agency
28.	The user agency will obtain clearance under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act. 2006 before final approval of the project and will submit certificates towards the settlement of all claims & rights over the proposed forest land as per the guidelines of the Ministry communicated vide letter No.11-9/1998-FC(Pl.) dated 30.07.2009, 03.08.2009.	In this regard, it is reported by the State Govt. of Jharkhand that No Objection Certificate (after duly conducting gram sabha ) has already been obtained from Deputy Commissioner , Serikela District , Jharkhand as per the format of stipulated by MOEF vide letter no 913 dated 28.12.2011. No claims for rights under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act. 2006 have been made by local inhabitants in respect of the area being sought for mining lease.

	read with guidelines dated 05.02.2013, 05.07.2013 and 20.12.2013.	
29.	Any other conditions that the Ministry of Environment & Forests may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, which shall be complied by the user agency.	An undertaking to this effect has been submitted by the User Agency

15. The user agency has intimated that that the Forest Diversion proposal for 38.29 ha. of forest land being a **remaining part/ balance area of their total mining lease (applied) area over 54.55 ha.** (which is entirely PF Land) in accordance with the Ministry's guidelines dated 1/04/2015 which was in supersession of earlier guidelines issued vide this Ministry's letter No. 11-362/2012-FC dated 01.02.2013.

16. The user agency also requested to consider the request for grant of FC clearance u/s 2(iii) of Forest (Conservation) Act, 1980 since the **Application Form / procedure for the processing the application is same for section 2(ii) and section 2(iii).** The need for taking FC Clearance u/s 2 (iii) of FCA, 1980 was first mentioned in the MOEF Circular dated 1/04/2015 and the only stipulation in case of section 2(iii) is that it would be subject to the payment of NPV. Moreover, no NPV is payable in the case of diversion of 38.29 ha as per the latest circular dated 16/03/2016 *which states that in case surface strain predicted by 3D modelling is less than 5mm/met – then NIL NPV is to be paid. In our case the study has been carried out by IIT, Kharagpur and the same is in the range of 1.81 mm/met to 2.96mm/met* Further, in the said proposal is for under ground rights and no surface right is involved.

17. It is also mentioned by the user agency that as per Section 10 A (2) (c) MMDR Amendment Act 2015 – in cases where Prior approval of Central Govt. has been granted / or Letter of Intent

has been issued by the State Govt. before the commencement of the Act -ML shall be granted within a period of 2 years i.e. in the case of the user agency the same is to be done before 11<sup>th</sup> January 2017 only. Thus there is hardly any time left for the project to be granted ML.- especially considering the time involved in getting 2nd stage clearance and cabinet decision of the State Govt. for ML execution.

In addition to above, the user agency also requested to consider the following facts:

- The entire forest land is scrub ( less than 10%) Forest Land with almost no tree cover.
- In the present diversion proposal of 38.29 ha. -No Surface Rights is involved and it is only u/g mining rights which we are requesting.
- Not a single tree is to be cut for this project.
- The project will have immense positive social impact by providing direct employment to around 150 people of a village who are displaced by land acquired by a Govt. Project.
- It has been over 10 years since the time mining application was filed and the project is still awaiting Forest Clearance. This is despite the fact that almost all the clearance like mining plan approval / environment clearance/ 1<sup>st</sup> stage FC clearance for 16.26 ha. has been accorded to the project.

18. The para 3 (v) of Ministry's guidelines dated 01.04.2015 states that in case of existing mining lease having forest land in part or in full, where approval under Section 2 of the FC Act for a part of the forest land has only been obtained Central Government hereby accords general approval under Section 2 (iii) of the FC Act for the remaining area of the forest land falling within such mining leases, subject to certain conditions. In continuation of this guidelines, the MoEF&CC's guidelines dated 19.10.2015 further states that "the decision on the said matter is taken by this Ministry after the receipt of the information from all the states and union territories, the states and union territories if so desires, may seek general approval under section 2 (iii) of the Forest (Conservation) Act, 1980 for the forest land falling in such mining lease, on case to case basis, by giving details (viz. date of execution of mining deed and area of forest land and non-forest land falling in such mining leases) of one or more of such mining leases to this ministry in letter form."

19. Government of Jharkhand vide their letter no. Van Bhoomi (vividh)- 10/2015-2710 date 06.06.2016 referring the Guidelines as issued vide their Ministry's Letter No. 11-362/2012-FC dated 01.02.2012 & Letter No. 11-599/2014-FC dated 01.04.2015 requesting for clarification on various points including the manner i.e. Offline & Online application and the form in which application under Section 2(iii) is to be filed and processed. **In this regard the circular No. 11-599/2014-FC dated 19.10.2015 deals with the cases of only existing mining lease not for the leases which are yet to be executed.**
20. In view of above, the decisions in the following issues were to be taken:
- (i) **In-principle/Stage-I Clearance** for diversion of **38.29 ha of forest land** for Lawa Underground Gold Mining Project in Seraikela Forest Division of Jharkhand
  - (ii) **Final/Stage-II Clearance** for diversion of **16.26 ha of forest land** for underground mining of the Lawa Underground Gold Mining Project.
  - (iii) Procedure for granting permission for executing lease for which LETTER OF INTENT (LOI) has been issued by the state and Stage-I has been granted by MoEF&CC. Whether Stage-I has clearance may be treated as permission to execute Mining Lease provided N.P.V. is deposited.
21. The FAC after considering the above and hearing the User Agency recommended the following:
- 1. The FAC after detailed deliberations recommended that the issue of Stage -II for 16.26 Ha of forest land may be decided upon by the Regional Office Ranchi as per the compliances submitted.
  - 2. The FAC also recommended grant of Stage -I for 38.29 Ha of forest land subject to the general and standard conditions applicable for such type of projects.
  - 3. The FAC further recommended that with respect to the request for clearance under section 2(iii) of the Forest (Conservation) Act, 1980 the present guidelines of the Ministry in this respect shall be applicable.



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**AGENDA NO. 4**

**F. No. 8-11/2016-FC (8-63/2009-FC)**

**Proposal for seeking permission for prospecting license and drilling of 64-Bore holes for diamond explorations covering over an extent of 153.11 hectares in favour of M/s. National Mineral Development Corporation Limited, (NMDC), Hyderabad.**

1. The State Government of Andhra Pradesh, Forest Department, submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 vide his letter No. 12218/2007/FCA – 2 dated 13.04.2016 for seeking permission for prospecting license and drilling of 64-Bore holes for diamond explorations covering over an extent of 153.11 hectares in favour of M/s. National Mineral Development Corporation Limited, (NMDC), Hyderabad, and requested to accord permission for carrying out the prospecting operations in different Reserve Forest areas of Ananthapuramu for processing the proposal under Forest (Conservation) Act, 1980. The D.F.O Ananthapuramu had inspected the area proposed for prospecting license on 09.11.2013 and submitted recommending the proposal along with recommendation of the C.F., Ananthapuramu during the month of March, 2014. After receipt of the said proposal, the same was submitted to the Government of India through State Government letter dated 15.07.2015.
2. Details given in the said proposal submitted by the Government of Andhra Pradesh and placed before the FAC is as below:

1.	<b>Name of the Proposal</b>	Proposal for seeking permission for prospecting license and drilling of 64-Bore holes for diamond explorations covering over an extent of 153.11 hectares in favour of M/s. National Mineral Development Corporation Limited, (NMDC), Hyderabad.
2	<b>Location:</b>	
	State	Andhra Pradesh.
	District	Ananthapuramu.





3.	Particular of Forests																							
i	Name of Forest Division	Ananthapuramu Forest Division.																						
ii	Forest Range	Kalyandurg																						
iii	Forest Block	Budikonda RF, Kalyandurg North RF, Pillalapalli RF and Kalyandurg South RF.																						
iv	Compartment No.	749 & 750 (Budikonda RF); 751 (Kalyandurg North RF); 747 & 748 (Pillalapalli RF) & 759 (Kalyandurg South RF).																						
v	Area of Forest land proposed for diversion (in ha)	<p>No Forest Land is proposed for diversion. But the user agency has requested the permission to enter into forest for undertaking mineral exploration activities in an area of 153.11 hectares (48.29 ha – Budikonda RF; 6.89 ha – Kalyandurg North; 93.46 Ha. – Pillalapalli RF; 4.47 ha – Kalyandurg South RF). The Compartment Wise drilling of bore holes are furnished hereunder.</p> <table><tr><th>Name of the beat</th><th>Name of the RF</th><th>Com pt. No.</th><th colspan="2">Block area (in Ha)</th><th>No. of Bore s</th></tr><tr><td>Pillalapalli</td><td>Budikonda RF</td><td>750</td><td>A</td><td>12.31</td><td rowspan="3">38</td></tr><tr><td></td><td>Kalyandurg (N)</td><td>751</td><td>B</td><td>6.89</td></tr><tr><td></td><td>Budikonda RF</td><td>749</td><td>C</td><td>24.87</td></tr></table>	Name of the beat	Name of the RF	Com pt. No.	Block area (in Ha)		No. of Bore s	Pillalapalli	Budikonda RF	750	A	12.31	38		Kalyandurg (N)	751	B	6.89		Budikonda RF	749	C	24.87
Name of the beat	Name of the RF	Com pt. No.	Block area (in Ha)		No. of Bore s																			
Pillalapalli	Budikonda RF	750	A	12.31	38																			
	Kalyandurg (N)	751	B	6.89																				
	Budikonda RF	749	C	24.87																				

			Budikond a RF	749	D	11.1 1	
				Sub Total		55.1 8	
	Pillalapal li	Pillalapal li RF	747	A		12.5 9	19
		Pillalapal li RF	747	B		32.2 5	
		Pillalapal li RF	748	C		48.6 2	
				Sub Total		93.4 6	
	Kalyandu rg	Kalyandu rg (S)	759	A		4.47 7	
				Sub Total		4.47	
				Grand Total		153. 11	64
vi	Details of Forest land and Non-forest land included in the prospecting lease	Forest Land: 153.11 hectares Non Forest Land: NIL Total ML Area: 153.11 hectares					
vii	Area of Forest land proposed to be utilised for prospecting	153.11 hectares					
viii	Legal Status of	(1) Budikonda RF of Kalyandurg Range notified					

	Forest land identified for prospecting	<p>under section 16 of Madras Forest Act – V of 1882 vide Notification No. 429, dated 21.09.1891 &amp; 338, dated 01.09.1891.</p> <p>(2) Kalyandurg North RF of Kalyandurg Range notified under section 16 of Madras Forest Act – V of 1882 Act vide notification No. 3031, dated 16.16.1892.</p> <p>(3) Pillalapalli RF of Kalyandurg Range notified under section 16 of Madras Forest Act – V of 1882, vide notification No. 572, dated 12.12.1898.</p> <p>(4) Kalyandurg South RF of Kalyandurg Range notified under section 16 of Madras Forest Act – V of 1882 vide notification No. 294, dated 15.06.1892.</p>
4.	Details of vegetation available in the forest land proposed for diversion:	-
i.	Forest Type	-
ii.	Average crown density of vegetation	0.4
iii.	Species – wise local or scientific names and girth – wise enumeration of trees required to be felled.	<p>Up to 30 cms – 259 nos</p> <p>31 to 60 cms – 25 nos</p> <p>61 to 90 cms – 0</p> <p>91 to 120 cms – 0</p> <p>Total trees of 284 nos</p>



iv.	Working plan prescription for the forest land proposed to be utilised for prospecting	No.
5.	Brief note on topography and vulnerability of the forest land proposed to be utilised for prospecting to erosion	Does not arise. It is only PL application.
6.	Approximate distance of the forest land proposed to be utilised for prospecting from boundary of the forest land	The proposal for PL applied is in the reserved forest.
7.	Significance of the forest land proposed to be utilised for prospecting from wildlife point of view:-	
i.	Details of wildlife present in and around the forest land proposed to be	No.

	utilised for prospecting	
ii.	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, wildlife migration corridor etc., (if so, the details of the area the comments of the Chief Wildlife Warden to be annexed)	No.
iii.	Whether any national park, Wildlife Sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within ten kilometers from boundary of the forest land proposed to be utilised for prospecting (if so, the details of the	No.



	area and comments of the Chief Wildlife Warden to be annexed)	
iv.	Whether any national park, Wildlife Sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within one kilometer from boundary of the forest land proposed to be utilised for prospecting (if so, the details of the area and comments of the Chief Wildlife Warden to be annexed)	No.
v.	Whether any rare or endangered or unique species of flora and fauna found in the area if so details thereof	No.



8.	Whether any protected archaeological or heritage site or defence establishment or any other important monument is located in the area (if so, details thereof with no-objection certificate (NoC) from competent authority to be annexed.	No.
9.	Comment as to the reasonability of the extent of the forest land proposed to be utilised for prospecting:	
i.	Whether the requirement of forest land as proposed by the user agency in col.2 of part I is unavoidable and bare minimum for the project.	Yes.

10.	Details of violation committed:	
i.	Whether any work in violation of the Act or guidelines issued under the Act has been carried out (Yes/No)	No.
ii.	If yes, details of the violation including period of work done, area of forest land involved in violation, name, address and designation of the person (s) responsible for violation and action taken against the person (s) responsible for violation	No.
iii.	Whether work in violation is still in progress (Yes/ No)	No.
11.	Details of Compensatory Afforestation	Not required.

	scheme:	
i.	Legal status of the land identified to raise compensatory Afforestation	No required.
ii.	Details such as location, Survey or Compartment or Khasra number, area and distance from adjoining forest of each plot of non-forest area or degraded forest land identified for compensatory Afforestation	Not applicable. As no forest land is proposed for diversion.
iii.	Map showing non-forest / degraded forest area identified for compensatory Afforestation and adjoining boundaries.	Not applicable.
iv.	Detailed Compensatory Afforestation scheme including species to be	Not required.

	planted, implementing agency, time schedule, cost structure, etc., enclosed (Yes/ No)	
v.	Certificate from the concerned Deputy Conservator of Forests regarding suitability of area identified for compensatory Afforestation and from management point of view enclosed (Yes/ No)	No.
<b>12.</b>	<b>Recommendation</b>	
	DFO	Recommended.
	CCF	Recommended.
	Nodal Officer & Addl. PCCF	Recommended.
	State Govt.	Recommended.
<b>13.</b>	<b>Division / District Profile.</b>	
(i)	Geographical area of the District	1913491.00 Ha.

(ii)	Forest area of the District	198986.906 Ha.
(iii)	Total Forest area diverted since 1980 with number of cases	1053.653 ha. of forest land has been diverted in 40 nos. of cases in Anantapur Division.
(iv)	Total compensatory Afforestation stipulated in the District / Division since 1980 as on 15.03.2015	2421.883 ha.
(a)	Forest land including Penal Compensatory Afforestation (PCA)	121.431 ha.
(b)	Non-Forest land	2391.783 ha.
(v)	Progress of compensatory as on (date 15.03.2015)	
(a)	Forest land	---
(b)	Non – Forest	---

3. **Environment Clearance:** - Mineral prospecting is exempted from having environmental clearance.
4. **Cost Benefit Analysis:** - Since this is not a proposal for diversion of forest land, Cost: Benefit Analysis for this exploration project is not required.



5. **Cost of the project:** -NMDC is in possession of required core drilling machines & required technical man power for undertaking mineral exploration. Hence no separate cost is involved except recurring expenditure for POL etc.
6. **Employment likely to be generated:** -Temporary employment for 20 people.
7. **Rehabilitation and Resettlement:** - As per the guidelines issued by the MoEF& CC, Govt vide letter dated 04.07.2014, the proposal related to prospecting of minerals in Forest areas are exempted from the requirement of submission of documents / evidence in support of settlement of rights under the provisions of RoFR Act, 2006.
8. The Divisional Forest Officer, Cuttack Division has furnished his Site Inspection Report (at page no. 499/e) the Net Present Value is not applicable to his Project as per provision of Govt, MoEF& CC guidelines bearing no. 11-96/2009 FC dated 04.07.2014.
9. As per provision of Ministry's guidelines dated 04.07.2014 prospecting is exempted from the requirement of submission of documentary evidence in support of Settlement of rights in accordance with provision of ST& OTFD (Recognition of Forest Rights) Act, 2006 as stipulated in MoEF& CC circular dated 03.08.2009.
10. The said letter dated 4th July 2014 of this Ministry pertains to proposals involving prospecting of minerals in forest areas.

The FAC after considering the above and hearing the User Agency recommended the following:

1. The FAC recommended the proposal subject to the existing general and standard conditions applicable to such proposals.

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#### **ADDITIONAL AGENDA 1.**

**F. No 8-10/2016 (FC)**

**Proposal for diversion of 1859.77 ha of forest land in (5) forest Blocks "Eliminedu Guttalakanchu, Kongarkhurd, Konger Kalan and Salonidubha" in Hyderabad Division for Development of Integrated Eco – Tourism Project at Ranga Reddy Dist. in favour of Telangana State Tourism Development Corporation Limited, Hyderabad-reg.**



The State Government of Telangana, Environment, Forest, Science and Technology (For.I), Department was forwarded a proposal under Section-2 of Forest (Conservation) Act, 1980 vide their letter no. 2434/For, I (1)/2016-I dated 31.05.2016 for diversion of **1859.77 ha of forest land** in (5) forest Blocks "Eliminedu Guttalakanchu, Kongarkhurd, Konger Kalan and Salonidubba" in Hyderabad Division for Development of Integrated Eco – Tourism Project at Ranga Reddy Distt. in favour of Telangana State Tourism Development Corporation Limited, Hyderabad. Since, the area proposed forest land is above to 100 ha. The Regional Office, Chennai had been requested vide this Ministry's letter dated 13.06.2016 to inspect the area proposed and submit a report this Ministry. **The following facts were placed before the FAC**

2. The activities proposed are construction of entry gate complex, visitor arrival center, parking area, includes Reception lobby cum information counters, Waiting lounge, Exhibition space (to display facilities and characteristics at site) , Cafeteria, Dormitory, Parking, Vehicle repair facilities, Charging stations and parking for battery operated vehicles, Toilets, Medical facilities ticketing counters, Children recreation spaces, Construction the nature interpretation Centre cum Museum, Amphitheatre, Flower Dome, etc. Construction of recreational and tourism facilities for Lake based activities, Cottages and associated facilities, Adventure activities, Arts and crafts village, Luxury tents – Forest Desert Safari style.

3. As per Forest Conservation Act, 1980 , the forest land cannot be diverted for non-site specific non-forestry projects consisting of construction of buildings and other non-forestry activities as defined within the meaning of Forest Conservation, Act, 1980. Forest Clearance is being given for developmental projects undertaken by the Govt./Other agencies. Site specific projects, for example power projects, mining projects, HEP projects etc., which are in developmental category, are permitted as per the Forest (Conservation) Act, 1980 and guidelines thereof.

4. Further, the rules and guidelines issued under the FC Act prohibit diversion of forest land for non-site specific construction and other industrial/ commercial activities, including those related to recreation and tourism projects. As per the guidelines, approval for diversion of forest land for unavoidable site specific activities such as roads, railways/metro lines and such other public utility infrastructure, which even after best efforts cannot be undertaken in any other area, can only be given by the Central Government. Earmarking of areas, which are forest for the



purpose of FC Act and protected areas for non-site specific non-forest activities, even those related to Recreation and Tourism Projects, in the draft Plan is against the letter and spirit of the FC Act, 1980.

5. As per the guidelines F. No. 5-3/2007-FC dated 14.05.2010 issued by MoEF states that taking up of any non-forest activity including permanent structures amounts to violation of the provisions of the Forest (Conservation) Act, 1980.

6. The provisions of the guidelines as stipulated under para 2.1(vii) 3 of the Handbook of Forest (Conservation) Act, 1980 regarding **"Diversion for non-site specific projects"** states that:- A large number of proposals for diversion of forest land for non-site specific projects like industries, construction of residential colonies, institutes, disposal of fly ash, rehabilitation of displaced persons, etc. are received by the Central Government. Attention is drawn to items 1 (iv) and 8 of the Form "A" in which the proposal is to be submitted by the State Government. In these columns, justification for locating the project in the forest area giving details of the alternatives examined and reasons for their rejection has to be furnished. **Normally, there should not be any justification for locating non-site-specific projects on forest land.** Therefore, the State Government should scrutinize the alternatives in more details and must give complete justification establishing its in-escapability for locating the project in forest area.

7. It is pointed out during discussion that a spiritual city named OM CITY is proposed to be built over the forest land to be diverted for Development of Integrated Eco – Tourism Project at Ranga Reddy Dist. in favour of Telangana State tourism Development Corporation Limited, Hyderabad. When it came to the notice, a power project presentation was made on 23.6.2016 on spiritual city named as **OM CITY**, which consists of cluster of temples of various God and Goddesses at one place. It also includes the following activities;

**Media center, warehouse complex, VIP enclave, residential units, parking complex, transport network, stadium for spiritual events, hotels, wedding halls, hospitals/health centre, Multiplex, Auditorium, Theme Park, SamskarBhawan, Prasadalya Complex, Pravachan complex, Homeshala, and Pavillion etc.**

In the presentation made on 23.6.2016 it was pointed out that out of 4650 acres of RF in Rangareddy district submitted under Tourism Project about 2500 ha land will be allocated to proposed OM CITY. This fact was never brought to the notice of this Ministry by the Project Proponent (Telangana State Forest Development Corporation) that OM CITY will be part of the Eco-tourism Project Proponent as submitted by them.

8. It is important to note that as per the Forest Conservation Act, 1980, and Forest Conservation Rule 2003 made thereof (para 4.5) the forest land cannot be diverted for non-forestry projects consisting of construction of residential and commercial complexes, tourist complexes, religious complexes, temples etc, as defined within the meaning of Forest Conservation, Act, 1980. However it is clarified that the absolutely minimum forest lands can be diverted for non forestry purposes for use strictly for development projects such as mining, construction of roads, railway tracts, transmission lines, irrigation projects, Hydro electric projects, drinking water and gas pipelines and activities related to security of the country as demanded by Ministry of Defence and other community development projects etc. The diversion of forest land these developments related activities are however permitted when no alternative land is available for these development activities and the project is site specific such as mining and irrigation projects etc.

9. The Regional Office Chennai have vide letter No 4. TSA018/2016-CHN/1392 dated 11/7/2016 submitted the site inspection report.

10. The same is placed is placed below.

**1. Introduction**

A Proposal for diversion of 1859.77 ha. of forest land in 5 blocks of Eliminedu, Guttalakancha, Kongarkhord, Kongar Kalan and Salonidubba in Hyderabad Division for Development of Integrated Eco-Tourism Project at Ranga Reddy Dist. in favour of Telangana State Tourism Development Corporation Ltd., Hyderabad is submitted by the Government of Telangana to the Ministry of Environment, Forests & Climate Change, New Delhi.

**2. Location of the Project**



These forest lands are located in the Hyderabad Forest Division in the Ranga Reddy District in the periphery of the Hyderabad city. The site can be accessed from the service lane of the Outer Ring Road east of the Tukkuguda interchange, adjacent to a petrol station at Kongara Khurd village.

### 3. Salient Features of the Project

(i) The Telangana State Tourism Development Corporation has proposed to develop the “Integrated Eco-Tourism Project in Rangareddy District”, an Eco-Tourism Project that offers a nature-based retreat to Hyderabad’s residents and tourists.

The proposed Integrated Eco-Tourism Project focuses on two major themes: -

- **Education and Awareness:** Gaining knowledge and appreciation for nature and the environment through museums, community awareness centres, etc.
- **Adventure and Recreation Tourism:** Exploring nature-themed tourism activities for recreation and adventure, such as lake based activities, arts and crafts centres, camping, biking trails, walking trails, bird watching, stargazing, etc.

The following zones and related activities are proposed, as part of the Eco-Tourism project: -

- **Entry Zone:** Includes the Entry Gate Complex, Visitors Arrival Centre, Parking Area, etc.
- **Recreational Zone**
  - o **Educational Sub-zone:** Includes the Nature Interpretation Centre cum Museum, Amphitheatre, Flower Dome, etc.
  - o **Tourism Sub-zone:** Includes recreational and tourism activities, such as –
    - Lake based activities
    - Cottages and associated facilities



- Adventure activities
  - Arts and crafts village
  - Luxury tents – Forest / Desert Safari Style.
- **Conservation Zone:** The project proponent says that the areas within the project site with thick forest cover have been identified, as part of the Conservation zone, which shall be used only for activities, such as, biking trails, walking trails, camping, etc. and shall not feature any development. Conservation activities shall include soil moisture conservation, protection, fire tracing, assisted natural regeneration, gap planting, afforestation and management.

(ii) **Purpose-wise break-up of the total land proposed for various activities.**

S. No.	Block	Component	Description	Area in ha
1	Kongarkhurd	Entry Zone	Built-up Area	0.13
			Paved area	0.81
2	Kongarkhurd	Education Zone	Built-up Area	2.23
			Paved plaza	0.07
3	Kongarkhurd, Eliminedu, Salondubba	Lake Zone	Built-up Area	0.07
			Site development area	41.12
4	Salondubba	Cottages Zone	Built-up Area	0.18
			Site development area	20.86
5	Kongar Kalan	Adventure Zone	Built-up Area	0.05

			Paved plaza	6.47
6	Kongarkhurd	Arts and Crafts Zone	Built-up Area	0.43
			Site development area	1.23
7	Salonidubba	Luxury Tents zone	Built-up Area	0.17
8	Eliminedu, Salonidubba, Kongar Kalan	Nature Trails	Spread across entire area 10 km long	2.4
9	Eliminedu, Guttalakancha, Kongarkhurd, Kongar Kalan Salonidubba	Pathways for battery operated vehicles	Only till activity zone for 5.5 km long	3.85
10	Eliminedu, Guttalakancha, Kongarkhurd, Kongar Kalan Salonidubba	Cycling track and pedestrian path	Spread across entire area 20 km long	5.00
11	Eliminedu, Guttalakancha, Kongarkhurd, Kongar Kalan Salonidubba	Toy train track	Spread across entire area 20 km long	7.00
12	Eliminedu	Landscaping	Around lake in Eliminedu zone	6.00
13	Eliminedu, Guttalakancha, Kongarkhurd,	Development of conservation zone	Spread across entire area	1761.70



	Kongar Kulan Salonidubba		
		<b>Total</b>	<b>1859.77</b>

Major civil works to be taken up in the projects site are as follows:

Component	Description	Area in ha
Flower dome	Site development area	2.00
Pathways along the lake	Site development area	1.50
Cottages and tents	Built-up area	0.30
Administrative office space, cafeterias, etc.	Built-up area	0.02
Lake development	Site development area	41.12

- The cost of the project is estimated as **Rs.1,010.00 Crores.**

(iii) Justification for locating the project in forest area as stated by UA:

The user agency has stated that alternative sites have been examined in the Government owned non-forest lands in Ranga Reddy District in lieu of Eliminedu and Kongarakalan Villages of Ibrahimpatnam Mandal, Kappapahad Village of Kanchakur Mandal of Lemur and Kongarakurud Villages of Maheshwaram Mandal and Anajpur Village of Hayathanagar Mandal. However, these lands are non-contiguous, small land parcels distributed across various villages. As the project is conceptualized over 1800 ha, Government owned non-forest lands to such an extent are not suitable for development of the project. Similarly, alternate private lands examined were also not found suitable for development of the project as the land parcels were of small size. Further, due to the rapid ongoing industrialization in the adjoining area, the owners are not willing to sell the lands, as the market value is very high. The user agency further stated that the G.O. Ms. No. 111, MA&UD (II) Dept., Dt. 08.03.1996 restricts development in the catchment of lakes of Himayathsagar and Osmansagar up to 10 km radius from their full-tank level. Most other available sites fall in this catchment area. Finally, the user agency has

submitted that the proposed diversion of 1859.77 ha in five (5) forest Blocks is suitable for development of Eco-tourism project as per the project requirement. The project concept requires large contiguous areas showcasing natural features, while being easily accessible to tourists across the entire Hyderabad region as well as connectivity with the airport.

- **The cost-benefit analysis :** The user agency has stated that the cost benefits ratio is as follows:

During development period of first 5 years	<b>6.3 : 1</b>
After 5 <sup>th</sup> year	<b>0.57 : 1</b>

- The user agency has stated that after 5<sup>th</sup> year the cost-benefit ratio reduces progressively at 15% p.a. due to annual growth in revenues as per detailed analysis enclosed in the project proposals.
- The user agency has stated that the proposed project envisages, employment opportunity for approximately 12,60,000 man days during implementation of this project.
- The Project does not involve displacement of people.
- The user agency has stated that clearance under **Environment Protection Act, 1986** is required.

(iv) **Budget Estimates**

Cost Category	Particulars	Estimated Cost Break-up (INR Crore)
<b>Zone Development</b>	Entry Zone	11.00
	Recreational Zone: Educational Sub-zone	164.00
	Recreational Zone: Tourism Sub-zone	209.00
	Miscellaneous Facilities	58.00
<b>Project</b>	Safety Measures	39.00

<b>Infrastructure</b>	Landscaping & Street Furniture	38.00
	Common Site Level Infrastructure (including water supply, waste management, power and telecommunications, etc.)	57.00
	Cost of Interiors & Furnishings	27.00
<b>Project Development Costs</b>	Vegetation at site to density existing green cover (Afforestation)	137.00
	Cost of NPV	125.00
	Cost of Compensatory Afforestation	75.00
	Surveying Consultant Fees	0.30
	Capacity & Skill Development	10.00
	IEC (Online presence)	10.00
	Consultancy Fees	19.00
	Contingency Fees	28.00
<b>TOTAL</b>		<b>1010.00</b>

#### 4. The floristic composition & fauna

The dominant forest flora found in the region, originally was -

- (a) **Over Wood:** *Tectona grandis* (Teak), *Madhuca indica* (IPPa), *Anogeissus latifolia* (Tirman), *Pterocarpus marsupium* (Bi jasal), *Terminalia tomentosa* (Nallamaddi); (b) **Under Wood:** *Diospyros melanoxylon* (Tuniki), *Chloroxylon swietenia* (Billadu), *Buchanania lanzan* (Chironji), *Lannea coromandelica* (Gumpena), *Albizia amara* (Narlinga); and (c) **Undergrowth:** *Caesalpinia lacerans* (Pariki).

The fauna found originally in the Hyderabad Forest Division comprising of both Hyderabad and Ranga Reddy Districts is as follows: -

- Mammals: (a) **Carnivora:** Leopard, Sloth-bear, Hyena, Jackal, Palm Civet;  
 (b) **Herbivores:** Blackbuck, Spotted deer, Sambar, Wild boar, Chowsingha, Nilgai, Langur; and (c) **Rodents:** Pangolin, Porcupine, Mongoose, Common ant-eater.

5. **CA areas identified**

Division-wise CA scheme details are as follows: -

Name of Division/Circle	CA lands identified in the District	Extent of CA lands identified (ha)	Extent of lands suitable for CA	Financial outlay of CA Scheme (Rs. in lakh)
Nalgonda (T) Division, Hyderabad Circle	Nalgonda District	991.50	991.50	13737.19
WLM Division, Nagarjunasagar, Amrabad Tiger Reserve Circle, Hyderabad	Nalgonda District	646.77	646.77	4568.88
Mahabubnagar (T) Division, Hyderabad Circle	Mahabubnagar District	338.17	264.00	4319.26
	<b>TOTAL</b>	<b>1976.44</b>	<b>1902.27</b>	<b>22625.33</b>

6. **Remarks and Recommendations of Additional PCCF (Central)**

- (i) (a) DGPS survey completed;  
 (b) Non-forest land for compensatory afforestation of equivalent extent is identified along with DGPS survey completed;  
 (c) Gram Sabha resolution and District Collector certificate under RoFR Act 2006;  
 (d) Tree growth enumeration in sample plots;  
 (e) NPV and CA levies committed;

(f) The justification for diversion of such large forest area is furnished by the user agency during the interactive meetings held with the Managing Director, Telangana State Tourism Department Corporation on 24.06.2016, as below: -

The proposed Integrated Eco-Tourism Project shall focus on two major themes: -

- **Education and Awareness:** Gaining knowledge and appreciation for nature and the environment through museums, community awareness centres, etc.
- **Adventure and Recreation Tourism:** Exploring nature-themed tourism activities for recreation and adventure, such as lake based activities, arts and crafts centres, camping, biking trails, walking trails, bird watching, stargazing, etc.

The project is proposed to be developed within reserve forest lands in the southern part of Hyderabad in the villages of Kongarkalan, Kongarkhurd, Eliminedu, Guttalakancha and Salanidubba. The following zones are proposed: -

- **Entry Zone**
- **Recreational Zone**
- **Conservation Zone**

The estimated project investment of INR 1010 crore, spread over the five year investment period, is expected to yield the following benefits: -

- **Revenue generation:** It is stated that the potential sources of revenue generation for the project are: -
  - (a) Entry and parking fees
  - (b) Cafeterias
  - (c) User fee for facilities, such as, green vehicles, toy train, etc.



(d) User fees and rental fees for Adventure Activities

(e) Rental fee for log huts and camping facilities

(f) Sales and training in Art & Craft Village.

- **Employment generation:** It is stated that as per World Travel and Tourism Council, the travel and tourism sector is estimated to create 125 direct and indirect jobs per million rupees of investment in India. Thus, the Integrated Eco-Tourism Project is estimated to generate 12.8 lakh jobs across the five year development period.
- **Socio-cultural Development:** Tourism projects are beneficial for triggering socio-cultural development by providing social growth opportunities, promoting cross-cultural understanding and creating a unique identity of a location. She also stated that the Integrated Eco-Tourism Project would assist in social development and improved standard of living in the surrounding regions of the project.
- **Environmental awareness:** Owing to its nature, as an Eco-Tourism Project with components integral to environmental awareness, the project would create beneficial effects on the environment by contributing to environmental protection and conservation. It would serve to raise awareness of environmental values and act as a prominent example to teach the importance of natural areas.
- **Key Influence Factors for Project Location:**

The key influence factors for the Eco-Tourism project location are: -

- (a) **Availability of large, contiguous areas with pristine green spaces:** The project is intended to serve as nature-based retreat / getaway for population of an urban hub like the Hyderabad region by focusing on two major themes, as stated above.
- (b) **Proximity to a sizeable urban population:** The target demographic for the proposed Integrated Eco-Tourism Project is an urban population, which seeks to unwind and re-connect with nature, as per of their work-life balance. The project is envisioned to serve as a quick-access retreat for an urban hub, such as, Hyderabad. Locating the Integrated Eco-Tourism Project along the periphery of Hyderabad (as opposed to far-off locations in other forested regions in the State) would enable the project to tap into the sizeable population of Hyderabad as well as local tourists, who are looking for a quick getaway outside Hyderabad and yet within accessible reach from the city.



- (c) **High ease of travel connectivity to and within the State:** As mentioned above, the Integrated Eco-Tourism Project is intended to serve as a destination tourism project, which offers a nature-oriented getaway while also offering the benefit of proximity to potential visitors. To achieve this result, it is essential to develop the project in a location, which meets the following conditions: -

The location should be easily accessible to arriving visitors, especially last-lap connectivity from major roadways to the project site itself.

The green spaces and other natural habitat features within the project location should be easily traversable by foot, bicycle and light motor vehicles in comfortable and hazard-free conditions. Hazards in the case of a project of this nature would include dangerous wildlife, sensitive law and order situation, risk of getting lost, etc. For this purpose, it is essential to develop the Integrated Eco-Tourism Project in a large forested region with vast stretches of green spaces and with natural features, such as, rocky terrain, lake / pond formations, etc. Therefore, by its very nature, the Integrated Eco-Tourism Project would require to be situated within forested lands, such as, those under the Reserve Forest category. Therefore, she has advocated that proposed site of 1859.77 hectares area in Kongarkhurd, Kongarakalan, Guttalakancha, Eliminedu and Salonidubba of Rengareddy District is very appropriate to the objective of Eco-Tourism projects and is the barest minimum required.

- (ii) The following four blocks were inspected by the undersigned along with the Additional PCCF (FC) & Nodal Officer, Forest Department, Govt. of Telanagana on 24.06.2016: -

Village	Total Area (Hectares)
Kongarkhurd	223.555
Kongarakalan	310.401
Guttalakancha	105.110

Eliminedu	758.102
<b>Total</b>	<b>1397.168</b>

(a) These forest blocks contain mainly dry deciduous forest. The topography comprises of low hills and well drained slopes. The top soil is shallow. It is seen that old trees are absent and there was irregular stocking of thorny species. *Anogeissus latifolia*, *Diospyros chloroxylon*, *Lagerstroemia parviflora*, *Chloroxylon swietenia*, *Acacia sundra*, *Terminalia tomentosa*, *Albizia amara*, *Zizyphus labrata*, *Butea monosperma* are the species seen occurring in the area. The density varies from 0.1 to 0.3.

(b) But, because of the over exploitation earlier before Independence and merger of the State (Nizam State) into the Indian Republic, the coppice crop remained and that too is denuded further. Over the period under different schemes, the forest department has raised plantations that include Eucalyptus, Pongamia and Acacia species. Most of these blocks were included in the Degraded Forest Improvement Working Circle (Ref: Working Plan, Hyderabad Division)

(c) No major wildlife species could be seen. It is said that only certain species belonging to Rodents and Reptiles are seen in these blocks.

(iii) **CA areas inspected.**

**(a) Nalgonda (T) Division, Hyderabad Circle**

Village	Mandal	Sy.No.	Area in Ha.	Remarks
Thirgundlapally	Marriguda	103	64.00	Partly rocky, loose boulders, sandy soil.
Kondur	Marriguda	161 & 23	15.97	-do-
Indurthy (Ramareddypally)	Marriguda	757	31.41	-do-
Indurthy	Marriguda	767	74.74	-do-

*Shel*

(Cherlagudem)				
Indurthy	Marriguda	956	40.47	-do-
(Shivannagudem)				
Kudabaxipally	Marriguda	263	56.25	-do-
Somarajguda	Marriguda	2	25.11	Rocky, not suitable
Vattipally	Marriguda	127	16.51	50% hillock is rocky
Peddapuram	Nannpally	286	72.51	Partly rocky
Shrirampet	Marriguda	382	39.97	50% hillock is rocky

**(b) WLM Division, Nagarjunasagar, Amrabad Tiger Reserve Circle, Hyderabad**

Village	Mandal	Sy.No.	Area in Ha.	Remarks
Naredigumma	Chandanpet	359	53.17	Soil is red soil, gravelly with boulders.
Kathepally	Chandanpet	23	14.53	-do-
Kathepally	Chandanpet	31	16.92	Gravelly with red soil.

**(c) Mahabubnagar (T) Division, Hyderabad Circle**

Village	Mandal	Sy.No.	Area in Ha.	Remarks
Pullagiri	Thimmajipet	145	87.36	Found suitable
Pullagiri	Thimmajipet	247	35.00	-do-
Nagilla	Madgul	100	141.64	-do-

**(iv) Recommendations**

- (a) After going through the project proposal, site inspection of the forest blocks proposed for diversion, site inspection of the CA areas identified and the discussion with the Managing Director, Telangana Tourism Development Corporation, the undersigned is of the opinion that the user agency does not require diversion of entire land but require only 98.07 ha. The area of 1761.70 ha is proposed for conservation zone, which can be treated

separately in consultation with the Forest Department keeping in view the prescriptions of Working Plan, either directly or through forest department or working out certain arrangement on similar lines of "Jungle Resorts" in Karnataka, as decided by the Govt. of Telangana.

- (b) The Jagirs were abolished in 1950 and the forest blocks, which were under the control of Jagirs, came under the control of the forest department since then. On the eve of Jagir abolition, it is said that the former owners had hurriedly cut the forest wealth before passing on the control of forest areas to the forest department. Because of the over-exploitation, the forests are shrunk leaving the forests highly depleted and denuded. The forest department, over the years under the different schemes, raised plantations like Eucalyptus, Pongamia and Acacia species. But, these piecemeal efforts were not that successful. Besides, with the increase in population, the encroachments also increased. About 10% of the area, i.e., 7085.51 ha. out of around 70,000 ha in the Hyderabad Division is under encroachment (Ref. – Working Plan). The eco-tourism project with an investment of around Rs.1000 crore can be a win-win situation for these forest blocks, as this provides for rejuvenation of these forest areas, as at no point of time, this much investment was flowing in this sector. Encroachment problem can also be tackled because of the close monitoring there, if the project materializes.
- (c) Therefore, if the user agency is restricting itself for the diversion of forest area of 98.07 ha., as per the "purpose-wise breakup of the land proposed in the project proposal", it would be useful both in forest point of view and also it minimizes the overall cost of the project itself. It would minimize the cost of NPV, CA cost and also provision of non-forest CA lands to that extent.
- (d) Therefore, it is advisable if the user agency can redesign the project proposal on those lines and resubmit the same, then the Ministry may re-examine the whole issue once again.
11. The FAC was also apprised that the eco-tourism project submitted by the Telangana State Tourism Development Corporation Limited, Hyderabad refers to non-forestry activities which are not permitted under Forest Conservation Act 1980 and therefore may not be allowed. Forest land as proposed to be diverted in the instant proposal is a non-site specific project. It is also proposed to be utilized for construction activities in

the forest land. Approval sought by the State Government is, therefore, contrary to para 4.5 of guidelines issued under the FC Act. Further, the rules and guidelines issued under the FC Act prohibit diversion of forest land for non-site specific construction and other industrial/ commercial activities, including those related to recreation and tourism projects. As per the guidelines, approval for diversion of forest land for unavoidable site specific activities such as roads, railways/metro lines and such other public utility infrastructure, which even after best efforts cannot be undertaken in any other area, can only be given by the Central Government. Earmarking of areas, which are forest for the purpose of FC Act and protected areas for non-site specific non-forest activities, even those related to Recreation and Tourism Projects, in the draft Plan is against the letter and spirit of the FC Act, 1980.

12. As per the guidelines F. No. 5-3/2007-FC dated 14.05.2010 issued by MoEF states that that taking up of any non-forest activity including permanent structures amounts to violation of the provisions of the Forest (Conservation) Act, 1980. In view of above, the proposal for establishment of the Tourism project has not been found in consonance of the provisions of the Forest (Conservation) Act, 1980 and the proposal for development of Integrated Eco – Tourism Project at Ranga Reddy Dist. submitted by Telangana State Tourism Development Corporation Limited, Hyderabad may be rejected in the present form.

The FAC after detailed deliberations concluded that the project in its present form cannot be recommended.

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**Government of India**

**Ministry of Environment, Forests & Climate Change  
(Forest Conservation Division)**

**MINUTES OF THE FOREST ADVISORY COMMITTEE (FAC) MEETING  
HELD ON 12<sup>th</sup> July 2016**

**[Nisheeth Saxena, Sr. AIG(FC)]**

**Agenda 1**

**F. No. 8-22/2015-FC**

**Sub: Proposal for diversion of 971.595 hectares of forest land for Bunder Diamond Mining Project under the Chhatarpur forest Division in favour of M/s Rio Tinto Exploration India Private Limited, in Chhatarpur District in the State of Madhya Pradesh.**

FAC after examination of the proposal and discussion with the user agency observed as under:-

1. The Government of Madhya Pradesh vide their letter No. F-3/738/2015/10-11/1931 Bhopal dated 11.08.2015 had submitted the proposal for diversion of 971.595 ha of protected forest land at Bunder for Diamond Mining Project of Rio Tinto Exploration Pvt. Ltd for seeking prior approval of the Central Government in accordance with Section -2 of the Forest (Conservation) Act, 1980.
2. This proposal was examined by the Forest Advisory Committee in its meeting convened on 24th December, 2015. After examination of the said proposal and recommendation of the Forest Advisory Committee thereon in the Ministry, the State Government of Madhya Pradesh, FSI and NTCA were requested to submit the information/documents as sought by the FAC. ,





3. The above proposal along with report of the committee was again discussed in the Forest Advisory Committee (FAC) in its meeting held 16th March, 2016. After examining the proposal FAC inter-alia made following observations:
  - a. As per its recommendations in the meeting held on 24th November, 2015, NTCA has already constituted a Committee to examine the issues with respect to tiger project. Matter may be considered on receipt of the report from the NTCA.
  - b. Documents submitted along with compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 reveals that resolutions of Triyamar, Jara and Shehpura Gram Sabhas are not in legible form. Moreover the Shehpura Gramsabha has resolved against the proposal and in their resolution it is recorded that Gram Sabha is not willing to provide their land to the company and has accordingly not consented to the proposal. State Government may examine these issues and submit the compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 complete in all respect to this ministry.
  - c. The representative of M/s Rio Tinto Exploration India Private Limited (RTEIPL) informed that they are in the process of submitting a revised proposal. The same will be considered on receipt of complete proposal from the State Government.
4. The recommendations of FAC as contained in Para (3) above were communicated to the State Government vide this Ministry's letter of even number dated 12th April, 2016.

The Nodal Officer (FCA), State Government of Madhya Pradesh vide letter No. P-1/738/2015/10-11/1088 dated 25.05.2016 has now submitted a revised proposal to MoEF&CC for diversion of 76.43 ha of forest land for Bunder Diamond Mining Project under the Chhatarpur forest Division in favour of M/s Rio Tinto Exploration India Private Limited, in Chhatarpur District in the State of Madhya Pradesh with the following details:

Prior approval of the Central Government in accordance with Section-2(iii) of the Forest (Conservation) Act, 1980	954.00 Ha
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	for assignment of forest land (lease area)	
	Prior approval of the Central Government in accordance with Section-2(ii) of the Forest (Conservation) Act, 1980 for diversion of forest land	76.43 Ha
a. From within Mining Lease area – 71.48		
S. No.	Particular	
1.	Area to be excavated pit	13.28
2.	Processing plant	0.9
3.	Mineral storage (stock pile)	1.5
4.	PLSF	5.19
5.	Waste Dump	8.05
6.	Top soil Dump	4.16
7.	Dam and reservoir	4.96
8.	Ore Stuck Pile	6.82
9.	Site Office	0.3
10.	Canteen parking	1.67
11.	Maintaining Workshop	4.8
12.	Fuel Storage	0.81
13.	Internal Road Pipeline	19.04
	Grand Total	71.48
(Balance area (954.00-71.48=882.52) ha to be applied by user agency under		

	section 2(ii) in phase afterwards)	
	For approach road	4.95 ha
	Total of ii (a)+ii (b)	76.43 ha
	Total proposed area	958,950 ha

5. The area incorporated in the revised proposal is part of the area 971.595 ha proposed in the original proposal. The types of forests, species and site quality, density in the proposed area of forest land is the same as given in original proposal. The proposed area contains trees of teak & mixed species and type IV-B Site Quality forest area. The density of the forest land 76.43 ha as proposed for diversion under Section-2(ii) of F.C Act, 1980 is upto 0.5 to 0.6.
6. The State Government of Madhya Pradesh, Forest Department has approved the revised proposal for diversion of 76.43 hectares of forest land for Bunder Diamond Mining Project under the Chhatarpur forest Division in favour of M/s Rio Tinto Exploration India Private Limited, in Chhatarpur District subject to conditions as given below:
  - (i) The counting of trees has been done on the Random Sampling Method in the proposed land of 76.43 ha to be diverted under Section 2(ii) of The Forest (Conservation) Act, 1980. Therefore, recounting of Trees should be done immediately after the in-principle approval is granted and the user agency shall undertake to provide the balance amount of Deforestation calculated accordingly.
  - (ii) The User Agency should adhere to work in accordance to the Modified Wildlife Conservation Plan as approved by Chief Wildlife Warden of the State.
  - (iii) The letter dated 29.04.2016 written by Collector (Tribal Welfare Department) to the User Agency in the revised proposal is accredited in context of fulfillment of the terms/conditions raised by the native villagers vide certificate dated 31.10.2014 issued by Collector (Tribal Welfare Department), Chhatarpur. The user agency should provide and undertaking for the same.



7. The user agency has prepared a Wild Life Conservation Plan for the area 971.595 ha and submitted to the Chief Wildlife Warden of the State of approval. The Chief Wildlife Warden has suggested modification in this plan before granting his approval. The revised plan was submitted to the Chief Wildlife Warden and approved vide his letter dated 11.02.2016.
8. A Committee was constituted by NTCA to examine the issues pertaining to tiger project i.e. proposed area falls in the Tiger Corridor between Panna Tiger Reserve and Nauradehi Wildlife Sanctuary and section 38 (G) of the Wildlife Protection Act, 1972. The report of the committee has now been received. The recommendations of this committee are produced below:
  - a. This project cannot be viewed in isolation but in context with Ken-Betwa Project wherein, the NTCA committee (2013) had recommended trade off options which included
    - (i) Bringing the entire area under one conservation landscape and
    - (ii) Satellite habitats and dispersal route.
  - b. Further, the project seems to have been submitted on a piecemeal basis (76.43 ha. out of 971.595 ha.), and has the potential to disrupt vital connecting links in the landscape which is not in spirit of the recommendation of this Authority as outlined at S.No. (a) above.
  - c. The appraisal team has not found it prudent to assess alternatives as solicited through the ToR as information available currently is restricted and a detailed exercise needs to be carried out independently.
  - d. Most importantly, keeping in view the long term perspective, the team leader considers it critical to establish functional connectivity with other sources populations like Bandhavgarh Tiger Reserve and potential sources like Nauradehi Wildlife Sanctuary.
  - e. In the absence of the above measures, the said project can potentially disrupt the landscape character vis-a-vis tiger dispersal around Panna landscape, as such this may be taken only when Ken Betwa Link Project is finalized as out lined at S. No. (a) above, as well detailed study done as recommended above.



9. Shortcomings in respect of documents submitted along with compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 were communicated to State Govt. vide this Ministry's letter of even number dated 12.04.2016, which revealed that "resolutions of Triyamar, Jara and Shehpura Gram Sabhas are not in legible form. Moreover the Shehpura Gramsabha has resolved against the proposal and in their resolution it is recorded that Gram Sabha is not willing to provide their land to the company and has accordingly not consented to the proposal". The State Government has submitted compliance of Scheduled Tribes and Others Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 and available in file of revised proposal.
10. The Site Inspection of the revised proposed area of 76.43 ha forest land has been carried out by Forest Range Officer and Sub Divisional Officer (Forest), Buxwaha. The abstract of Girth Wise Teak and Misc. Species Trees and average number of Trees enumerated in Compt No. 279,280,284,285 (76.430 Ha.) proposed for diversion. It is reported in SIR that some rare and endangered species of wild animals (Chausinga, Leopard, Cheetal, Chinkara, Peacock, etc.) are found in the area proposed in the revised proposal. Also, it is indicated that area is used by the Tigers as their migratory corridor.
11. The Joint Site inspection of the area proposed for diversion in the revised proposal was carried on 01.05.2016 by Divisional Forest Officer (SZ), Chhatarpur and Chief Conservator of Forests (R.O). The revised proposal for diversion of 76.43 Ha of forest land is being recommended by Divisional Forest Officer (SZ), Chhatarpur and Chief Conservator of Forests (R.O) on the conditions of recommendation of Original proposal for diversion of 971.595 ha of forest land.

FAC after detailed discussion on the proposal observed that –

1. As per NTCA report –project can potentially disrupt the landscape character vis a vis tiger dispersal around Panna landscape as such this may be taken only when Ken Betwalink project is finalized as well as detailed study done to assess other alternatives

2. User agency has submitted the revised proposal which is highly dependent on surface extraction which would entail greater extent of forest land use leading to permanent loss of the high quality forest areas .
3. The project proponent may also explore the possibility of underground mining.

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*Confirmed through mail*  
(Dr. Mohammad Firoz Ahmed)  
Member

*Confirmed through mail*  
(Ramesh K. Dave)  
Member

*absent -*  
(Chaitram Deochand Pawar)  
Member

*- absent -*  
(Dr. Chintamani Pandey)  
Additional Commissioner  
(NRM), Member

*[Signature]*  
(D.K Sinha)  
IGP(FC) & Member  
Secretary

*[Signature]*  
(Dr. Anil Kumar)  
Addl. Director General of Forests  
(FC)

*[Signature]*  
(Dr. S.S. Negi)  
Director General of Forests and Special Secretary & Chairman