

**Minutes of Meeting of Forest Advisory Committee (FAC) held on 27.07.2021**

**Agenda No.1**

**File No. 8-286/1988-FC VOL.**

**Sub: Proposal for diversion of 12.4724 hectare of forest land [6.6978 hectare in Ramanamalai (RM) Block Forest and 5.7746 hectare in Swamimalai (SM) Block Forest] near Dharmapura village, Sandur Taluk, Ballari Disrict for establishing Closed Pipe Conveyor System from Ramanadurga Iron Ore Mine (RIOM ML No. 2141) in favour of M/s Sri Kumaraswamy Mineral Exports Private Limited, Ballari.**

1. The above stated agenda item was considered by the FAC in its meeting on 27.7.2021. The detail of the project proposal is available on parivesh.nic.in.
2. The FAC observed that the Government of Karnataka has submitted the above stated proposal to Regional Office, Bangalore to obtain prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 on 15.07.2020. But, since the extant guidelines provides that, the proposal for approach road/conveyor system and other ancillary activities related to mining shall be treated as part of mining project and to be processed accordingly, the RO, Bangalore has forwarded this proposal to FC Division, MoEF&CC.
3. FAC noted that the user agency has been granted approval to use forest land for mining in the forest land over an extent of 60.56 ha. This approval was granted to the State Government vide two different proposals; the first approval in 1994 was granted by the Head office, MoEF&CC, Government of India for 30.80 ha and later, an additional area of 30 ha of forest land was approved for diversion by the Regional Office, Bangalore in 2006.
4. In the year, 2014 the State Govt. vide its letter dt 13.03.2014 and subsequently vide letter dt 24.07.2014 submitted a proposal to the MoEF&CC, New Delhi for Grant of Temporary Working Permission (TWP) for 60.56 ha. of forest land in already broken up area in ML No.2141 in Sandur Taluka Bellary District, Karnataka State.
5. It is reported by the State Government that the original Mining lease for the mining over the forest land in question was granted by the Department of Commerce and



Industries, Government of Karnataka on 24.01.1992 for a period of 20 years. Thus, the lease of the user agency has expired on 23.01.2012. The Forest clearance, being co-terminus with the mining lease, also stand expired on 23.01.2012.

6. The State government submitted the proposal for first renewal under FCA 1980 to the MoEF&CC, New Delhi and it accorded Stage-I along with one year working permission approval vide the Ministry's letter dated 06.01.2015 subject to certain conditions prescribed therein.
7. In the meantime, the MoEF&CC, Govt. of India New Delhi issued a guidelines 01.04.2015 and 01.05.2015 wherein it was mentioned that in case of existing mining leases in respect of Minerals specified in sub-section (1) of section 8A of the MMDR Act, 1957, as inserted by the Mines and Mineral (Development and Regulation) Amendment Ordinance, 2015, period of validity of approvals accorded under Section-2 of the FC Act shall be extended, and shall be deemed to have been extended upto a period co-terminus with the period of mining lease in accordance with the provisions of the MMDR Act, 1957, as amended, subject to certain conditions.
8. As per the above stated guideline the mining lease and FC approval for the forest area already diverted got extended up to 2042 (i.e. 50 years from the commencement of the mining lease.)
9. Now the user agency, through the State Government has submitted a proposal for approval to use forest land to an extent of 12.4724 ha for installation of conveyer belt, road and railway siding area.
10. The forest area proposed for diversion involves steep slopes.
11. The proposal is recommended by the State Government.

**Decision of FAC:** FAC, after thorough deliberation and discussion with nodal officer Karnataka, Regional Officer, IRO, Bangalore and the representative of user agency, observed as follows:


1. On perusal of the KML files of the area on DSS it is observed that already two approach roads are there to the existing mines. It is learnt that the State



government has not submitted the report on the alternatives explored. State Government shall explore possibility of using the existing road for maintenance of the Conveyer belt instead of proposing new road.

2. From the DSS analysis it is learnt that the existing railway line is distant from the proposed terminal point of the conveyer belt, and a part of the forest area is proposed to be diverted for railway siding at the proposed terminal point. State government may submit the justification of proposing the terminal point, well ahead of the existing railway line along with review if forest area proposed for the railway siding could be avoided/ minimised.
3. Serious note was taken that the State government has not yet notified the CA land provided *in-lieu* of diversion of the forest land approved earlier for mining (60.56 ha) as RF/PF despite considerable number of years have passed-by. It was noted that as per extant guidelines, the CA land has to be notified as RF/PF before Stage-II is granted. The copy of the notification shall be submitted.
4. The area being hilly with steep slopes, a detailed soil and moisture conservation plan for the area shall be required.

The FAC **deferred the proposal** for seeking information on point number 1 and 2 and compliance of point no. 3 above along with steps to be taken for preparation and implementation of the SMC plan as per point no. 4 above.



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## Agenda No. 2

F. No. 8-35/2019-FC

**Sub: Proposal seeking prior approval of the Central Government under Section -2 (ii) of the Forest (Conservation) Act, 1980 for non-forestry use of 238.373 ha of forest land in favour of M/s South Eastern Coalfields Limited for Baroud Expansion Open cast Coal Mining project (3 MT) in Raigarh District of Chhattisgarh.**

1. The above stated agenda item was considered by the FAC in its meeting on 27.7.2021. The detail of the project proposal is available on parivesh.nic.in.
2. The State Government of Chhattisgarh dated 3.12.2019 submitted the abovementioned proposal seeking prior approval of the Central government under the Forest (Conservation) Act, 1980.
3. The proposal involves diversion of 238.373 ha of forest land, comprising of 8.960 ha of Protected Forest land and 229.413 ha of Revenue Forest land.
4. The total project area is reported to be is **1111.40** ha by the State Government, while Revised Cost Estimate submitted along with the proposal mentioned that the total area is as **1159.953** ha.
5. The total additional land requirement for the project has been reported to be 825.753 which include 238.373 ha of forest land also. Area acquired earlier is reported to be 363.580 ha. Therefore, total area of the project comes out to be **1189.33** ha (363.580 +825.753).
6. It is reported that earlier, on 20.04.2004, a forest area to an extent of 123.899 ha was granted approval under the Forest (Conservation) Act, 1980 for the same mine.
7. DFO has recommended for preparation of Elephant management plan for the area
8. State government has recommended the proposal with certain conditions.
9. Land use plan of the proposed area is given as follows



Following component wise breakup of forest land involved in the project has been provided by the State Government:

S. No.	Component	Area (ha)
(i)	Quarry area	183.323
(ii)	Safety Zone area	7.350
(iii)	External dump area	38.70
(iv)	Embankment area	9.0
	Total	238.373

- (i) Site Inspection of the area was carried out by the IRO, Nagpur on 06.01.2021 and the report in this regard has been submitted. In the Site Inspection Report the Regional officer has recommended the proposal with the following observations
- That the movement of Elephant has been reported in area. Also mining lease is proposed contiguous to River Kurket and adverse impact on hydrology of River cannot be ignored. The instant proposal is expansion of already existing mine and to excavate further deep seams of coal instant forest land is proposed. Since proposal has been recommended by State Government and there is already existing mine proposal may be considered.
  - A site specific study to assess any adverse impact on hydrology of River Kurket and ultimately on local flora and fauna should be conducted by an institutes of repute and based on the recommendation made in the study, a further view may be taken if the area is worth considering for mining. A buffer area of at least 100 meters specifically on places where lease boundary is adjacent to River bank should be maintained to safeguard the hydrology of Kurket River.
  - The State Government shall assess the extent of forest land for the purpose of forest connectivity and the use by wildlife and elephants in particular by undertaking scientific study for direct and indirect signs related to occupancy/habitat utilization and based on the outcomes of such study, areas, if any, falling in the elephant corridor should be delineated. Provisions of the Wildlife Management Plan, prepared by the State Government, if required,



should be modified or amended in consonance with the findings of the biodiversity assessment study.

**Decisions of FAC:** FAC after thorough deliberation and discussion with Nodal officer Chhattisgarh, Regional officer IRO Raipur and representative of user agency observed as follows:

1. Details of wildlife (not just large wild animals) in the area, the possible impact of mining on the same and suggested mitigation measures have not been provided in detail, in absence of which it is difficult to take an informed decision. The IRO has reported movement of elephants in the area. In particular, State Government to provide information if any particular area/ animal corridor needs to be excluded from the proposed area for mining.
2. Total project area as per report submitted by the regional office is 1159.943 ha and forest area in it is ascertained and that the forest area within the project area is around 381.273 ha (238.373 ha requested for diversion and 123.899 and 19.001 ha has already been diverted). The Status of NPV deposited by the user agency for the entire forest land within the project area need to be clarified.
3. It has been suggested by IRO that the buffer area of at least 100 meters specifically on places where lease boundary is contiguous with River bank should be kept unextracted to maintain hydrology of Kurket River. On the other hand, State Government / User Agency have proposed to keep a buffer of only 60 meters. Keeping in view, large impact of such a difference in opinion from the angles of viability of mining vs. ecology, it would be prudent to take a decision after having expert opinion in the matter by a reputed institute.
4. From the Google Earth imagery, it appeared that in and around the existing mining area (adjoining the proposed area), no major tree plantation or re-grassing work has been done. The FAC recalled the direction of the Hon'ble Supreme Court on mandatory re-grassing of mined out areas for wildlife. Information to be provided by State





Government as to forest regeneration/ tree planting/ re-grassing measures taken by User Agency in the area.

5. State government shall ensure in due course that CA scheme includes native species and especially such species that are rare or are under IUCN Red List.

The **FAC deferred the proposal** for seeking information on points number 1-4 above.

### **Agenda -3**

**Sub: Proposal for seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 for non-forestry use of Forest land for diversion of 700.347 ha. of forest land in favour of Executive Engineer, WR Division, Kota for Navnera Barrage across River Kalisindh Near Village Abra Tehsil Digod District, Kota (Rajasthan) under Eastern Rajasthan (Online Proposal No. FP/RJ/IRRIG/35905/2018)- regarding.**

1. The above stated agenda was considered in the FAC meeting on 27.07.2021.
2. The Government of Rajasthan vide their letter dated 14.10.2020 submitted the instant proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980.
3. The FAC during deliberations inter-alia observed that:
  - i. Proposal is for diversion of 700.347 ha. of forest land in Kota & Baran districts of Rajasthan state in favour of Executive Engineer, WR Division, Kota for the construction of Navnera Barrage on Kalisindh River.
  - ii. It has been mentioned that the proposal is planned to meet the Drinking and Industrial water needs of the 13 districts of the Southern & South-Eastern Rajasthan and to avail immediate benefits by strengthening surface water availability in the area.
  - iii. 44 ha of non-forest land allotted for Compensatory afforestation in lieu of area diverted for Hathiyadeh dam is coming under submergence area of Navnera dam. Though this area is non-forest land, however the same has been included in the 700.347 ha of forest land proposed for diversion.
  - iv. As per DSS analysis, the proposed area was included in the Inviolable Category due to the existence of the Rare forest type(6B/DS1 Zizyphus Scrub). However, in this regard, the Forest Survey of India (FSI), Dehradun vide letter No. F.No.22-308/2021-FGD 641 dated 01.04.2021 inter-alia clarified that:

The Forest Type Map layer present in DSS portal has been mapped at the scale of 1:50000 and is of the year 2011(satellite period 2003-04). Rare Forest Types are those forest types which have an area less than 50 sqkm at



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the National Level. In the layer on DSS portal, the data pertains to the period 2003-04, according to which the area of (6B/DS1 Zizyphus Scrub) is 8.83 sq km (0.04%) of total forest cover of Rajasthan (Atlas 2011).

The remapping of Forest Type was initiated by Forest Survey of India (FSI) in 2016 and the state-wise results were published in ISFR 2019 (Vol-II). The area for the Rare Forest Types in the instant case (6B/DS1 Zizyphus Scrub) is 0.94% of total Forest Cover of Rajasthan which comes out to be 156.32 sq km. Since as per the current exercise the area is more than 50 sq. km (i.e. 156.32 sq. km) therefore, in the instant case, 6B/DS Zizyphus Scrub may no longer be under Rare Forest Types.

The Joint Director FSI who attended the meeting online, explained in detail about the facts intimated vide letter dated 01.04.2021.

- v. The Compensatory Afforestation is proposed over equivalent Non-forest land. The entire NFL proposed for CA is not suitable for planting, as there is heavy growth of *Prosopis juliflora* over 358.61 ha of NFL. In order to accommodate the remaining plants 358.61 Ha of forest land has been identified.
- vi. The forests provide water among other essential ecosystem services. They not only provide but also improve the quality of water. A large number of organisms like insects, reptiles, birds and other forms of wildlife are dependent upon these forests and they in turn affect the health of the forests as well. Their lost habitat due to creation of reservoir needs to be provided in the remaining forest area. In addition, it must be ensured that the catchment of the whole area is well protected in order to augment the quality and quantity of the water in the water bodies. For this purpose a study regarding monitoring the quality of water in different habitats/landscapes is required and based upon such study an Intensive and Integrated watershed management, depending upon the topography and ecology of the area to be treated is required. During the discussion, the representative of the User Agency (... ) welcomed this, and agreed to the same.
- vii. The water from Kalisindh River is proposed to be lifted and diverted to other areas of the state of Rajasthan to meet the Drinking and Industrial water needs. In order to augment the water in the river the protection and improvement of catchment area is must. People's participation is however *sine-qua-non* for the protection of catchment and benefit of the project. Without the involvement of people it is not possible to achieve the desired objectives. The people must therefore get some incentive in the form of Payment for Eco-system services for protecting the catchment. The PES should therefore be an integral part of the management of the project and the people protecting forest and biodiversity in the catchment must get some token money as a permanent incentive in return from the people who are actually using the water generated in the catchment. During the discussion, the representative of the User Agency welcomes this and agreed to the same.



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### **Decision of FAC:**

The FAC after thorough deliberation and discussion with Nodal Officer Rajasthan, User Agency and DIG IRO Jaipur, recommended the proposal for diversion of 656.347 ha forest land with general, standard and following specific conditions:

- i. The 44 ha. Non forest land included in the proposal is deleted and the State govt. is at liberty to reduce the Compensatory afforestation area accordingly. The revised CA scheme ,detail/kml files of proposed CA areas, along with the revenue papers of the 44 ha NFL shall be submitted. Since this area has *Zizyphus* scrub forest which is not found extensively elsewhere, it shall be ensured that the CA also includes planting of those species that are integral to the *Zizyphus* scrub forest. A monitoring mechanism in this respect shall be established, and monitoring report in this respect is submitted to the IRO of the Ministry on an annual basis.
- ii. Since it was submitted that the reservoir water shall be primarily used for drinking water purpose, a study shall be commissioned, within three months of handing over of forest land to the user agency, by reputed institutes such as jointly by ICFRE and WII, to (a) identify such species to be planted and other requisite measures required to be taken to improve the water quality in the immediate catchment of the proposed reservoir, and (b) making up the lost habitat particularly of scheduled wildlife, especially reptiles, in the remaining forest area. This study and its execution shall be done at the project cost.
- iii. It is important to ensure people's participation to protect and regenerate the forest in the watershed of the reservoir so that the reservoir is protected both from siltation from soil erosion and pollutants (e.g. from dung of grazing cattle) in the watershed. Therefore, in the interest of both the dam reservoir and forests, the User agency shall commission, within three months of handing over of forest land to the user agency, by a reputed institute like IIFM, Bhopal to explore an institutional mechanism for payment of the main forest ecosystem services (in this case, water) to the villagers in upstream side of Kalisindh river around the reservoir, and the User Agency in consultation with State Forest Department will establish the same in a reasonable time.
- iv. To reduce dependence of the villagers on forests in the catchment of the proposed reservoir and prevent further degradation of forest resources, the User Agency under guidance of Forest Department, Rajasthan will, within one year of handing over of forest land to the user agency, will take up a minimum 3-year scheme for agroforestry and bamboo development in the villages around the reservoir, and the resources under the respective schemes of Ministry of Agriculture & Farmers Welfare may be used for this purpose.
- v. User agency shall ensure water discharge in downstream of the project to maintain minimum 'environmental flow'.



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**Agenda No. 4**

**F. No. 8-27/2020-FC**

**Sub: Proposal seeking prior approval under the Forest (Conservation) Act, 1980 for non-forestry use of 113.075 ha of forest land for construction of Karapani Irrigation Project with construction of Dam at village Barghat & Dhanijam in Lahunipada Tahsil under Bonai Forest Division in Sundergarh District in the State of Odisha.**

1. The above stated agenda item was considered by FAC in its meeting on 27.07.2021. The detail about the project proposal may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. FAC after through deliberation and discussion observed that:
  - i. Proposal involves total area of 479.859 ha, comprised of 113.075 ha of forest land and 366.859 ha of non-forest land. Forest land of 113.075 ha, involved in the project comprised of 7.96 ha of RF, 8.474 ha of PRF, 2.481 ha of DLC and 94.16 ha of Revenue Forest land
  - ii. It is reported that the proposal is for medium irrigation project which involves construction of a dam across Karapani Nallah, a tributary of river Brahmani River.
  - iii. Density of vegetation is 0.5 with Eco Value Class=1 and there are 62,826 number of trees required to be felled for the project.
  - iv. It is reported that the applied area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor.
  - v. No violation has been reported under Forest (Conservation) Act, 1980.
  - vi. The project has planned to irrigate 3325 ha of Cultivable Command Area (CCA) during Kharif season and 2100 ha during Rabi season with annual intensity of irrigation of 155%. (CAT Plan).
  - vii. The Division Forest Officer, Rourkela Division has identified 115.014 ha of non-forest govt. land in two villages Karmabahal and Dumangdiri and 143.92 ha of degraded forest land in harapali RF for compensatory

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afforestation with financial outlay of Rs. 3,90,31,400/-. DFO, Rourkela Division has furnished Land Suitability Certificate for the identified Govt. Non-forest & degraded Forest land has been.

- viii. Catchment Area Treatment (CAT) Plan with financial outlay of Rs. 3,45,56,5000/- has given.
- ix. Cost benefit Analysis for this proposal is 1:48.00.
- x. As reported there is 148 numbers of families (i.e. 127 ST families & 21 SC families) affected due to this project. However, user agency has not furnished R&R certificate yet.
- xi. Muck Disposal Plan has not furnished yet.

3. PCCF/Nodal Officer/RCCF/DFO has recommended the proposal. State Government recommended the proposal subject to following stipulation:

- i. The user agency shall pay towards cost of removal of trees enumerated before commencement of work and tree felling should be taken up in phases strictly as per requirement under the supervision of the Divisional Forest officer, Bonai forest Division.
- ii. The approved CAT plan shall be implemented at project cost.
- iii. The user agency shall submit Site Specific Wildlife Conservation Plan for approval of Chief wildlife Warden, Odisha and to be implemented at project cost.
- iv. The project needs to have prior Environmental Clearance.
- v. The user agency shall furnish the Administrative approval for the project from Central Water Commission, government of India.
- vi. The user agency shall furnish the Rehabilitation & Resettlement Plan.
- vii. The user agency shall furnish FRA Certificate under Forest Rights Act, 2006.

#### **Decision of FAC:**

FAC after thorough discussion and deliberation with the Nodal officer, Odisha, Dy DG Regional Office, Bhubaneswar, representative of user agency **recommended the proposal for in-principle approval** with general, standard and following specific conditions.



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- (i) The user agency shall furnish the administrative approval for the project from Central Water Commission, Government of India.
- (ii) A plan should be prepared by the user agency with the help of a reputed organisations (e.g. jointly by ICFRE and WII) to identify the species to be planted and other requisite measures required to improve the catchment in terms of soil conservation, plant species diversity and especially the wildlife habitat including mitigation of potential of human-wildlife conflict in the area due to construction of the reservoir. The Plan shall be approved by PCCF Odisha in consultation with CWLW, Odisha, and its execution in the field shall be done at the project cost.
- (iii) It is important to ensure people's participation to protect and regenerate the forest in the watershed of the reservoir so that the reservoir is protected both from siltation from soil erosion and pollutants (e.g. from dung of grazing cattle) in the watershed. Therefore, in the interest of both the dam reservoir and forests, the User agency shall commission, within three months of handing over of forest land to the user agency, by a reputed institute like IIFM, Bhopal to explore an institutional mechanism for payment of the main forest ecosystem services (in this case, water) to the villagers in upstream side of Karapani Nallah around the reservoir, and the User Agency in consultation with State Forest Department will establish the same in a reasonable time.
- (iv) To reduce dependence of the villagers on forests in the catchment of the proposed reservoir and prevent further degradation of forest resources, the User Agency under guidance of Forest Department, Odisha will, within one year of handing over of forest land to the user agency, will take up a minimum 3-year scheme for agroforestry and bamboo development in the villages around the reservoir, and the resources under the respective schemes of Ministry of Agriculture & Farmers Welfare may be used for this purpose. Further, the State Government and the User Agency shall ensure that there is no encroachment of forest land due to construction of reservoir.
- (v) User agency shall ensure water discharge in downstream of the project to maintain minimum 'environmental flow'.



## Agenda-5

**Subject: Diversion of 7.448 ha reserved forest land for construction of new coal transportation road from Jayant to Morwa railway sliding in favour of General Manager, Jayant project NCL in Singrouli District, Madhya Pradesh (Online Proposal No. FP/MP/ROAD/30989/2017) – reg.**

- I. The above stated agenda item was considered by the Forest Advisory Committee (FAC) in its meeting held on 27.07.2021. The corresponding agenda note may be perused at [www.parivesh.nic.in](http://www.parivesh.nic.in).
- II. The proposal was deliberated in detail by the FAC and it was observed that:
  - i. In the FAC meeting dated 25.06.2021 the proposal was deferred and following details were sought from the State government for further consideration of the proposal:
    - a) A detailed justification for a separate coal transportation road keeping in view the already existing road, possibility of a conveyor belt as an alternative in addition to proposed Coal Handling Plant need submission. The reasons for not submitting a holistic proposal along with the earlier approved proposal of 100 ha be submitted.
    - b) A detailed map and a note containing the details/boundaries of all the mining leases in the leasehold area with specific reference to Nigahi and Jayant Project w.r.t. use of forest lands in these projects for the proposed road.
    - c) The Singrauli colliery area comprises of several coal mines of M/S NCL Ltd. (total area 2201 sq.km). Considering the cumulative impact of these mines on the whole forest area in the region, a comprehensive study needs to be undertaken of the impact of change in both composition of the forest floral and the area impacted, on the health and well-being, including mental health, of the forest-fringe communities. This study should especially assess the impact due to resultant changes in forest-based food, nutrition and drinking water availability/ consumption patterns and the institutions of local governance that ensure conservation of forest resources on the overall human health and well-being including mental health needs of the forest-fringe communities of the area. A multi-disciplinary study shall be commissioned by the User Agency by reputed institutes like AIIMS, New Delhi and ICFRE, Dehradun or IIFM, Bhopal in a collaborative mode within three months of Final (Stage-II) Approval and shall be completed within maximum 3 years. The outcomes of this study should guide the overall planning and management of forests and coal mining respectively by State Forest Department and the User Agency.
- III. The said decision of FAC was communicated to State Govt. vide Ministry's letter dated 16.07.2021. In this reference, the State Govt. vide its letter dated 20.07.2021 has submitted the reply.
- IV. FAC further observed that the user agency has submitted the reasons for not submitting a holistic proposal along with the earlier approved proposal of 100 ha.




- V. The actual area required for the construction of the road is 10.598 ha and the user agency intends to temporarily use 3.15 ha area already diverted for Nigahi project. This portion of the road will therefore be temporary used as road and same will be used for mining afterwards. The 18 ha. area diverted for Nigahi project has also been included in the Jayanta Expansion project.
- VI. It was observed that a comprehensive study is required to be undertaken in respect of changes in the composition of the forest flora & fauna, area impacted & health & wellbeing of the forest fringe communities. The user agency assured that the multi-disciplinary study shall be conducted by the user agency through the reputed institutes like AIIMS, New Delhi, ICFRE, Dehradun or IIFM, Bhopal after Stage-II approval.

**Decision of FAC:**

The FAC after thorough deliberation and discussion with Nodal Officer MP, Regional Officer In-charge IRO Bhopal recommended the proposal with general, standard and following specific conditions: User Agency, IRO and the representatives of state government,

- i. A comprehensive study will be undertaken regarding the impact of change in both composition of the forest flora & fauna, area impacted, and the health and well-being, including mental health, of the forest-fringe communities. This study should especially assess the impact due to resultant changes in forest-based food, nutrition and drinking water availability/ consumption patterns and the institutions of local governance that ensure conservation of forest resources on the overall human health and well-being including mental health needs of the forest-fringe communities of the area. A multi-disciplinary study shall be commissioned by the User Agency by reputed institutes like AIIMS, New Delhi and ICFRE, Dehradun in a collaborative mode within three months of Final (Stage-II) Approval and shall be completed within maximum 3 years. The outcomes of this study would guide overall planning and management of forests and coal mining in the area respectively by State Forest Department and the User Agency.
- ii. The user agency will submit a detailed proposal seeking approval for change in land use plan in case of Nigahi project, as well as transfer of areas from Nigahi to Jayanta projects prior to Stage-II approval.





## Agenda-6

**Subject: Proposal for diversion of 301.96 ha forest land for the construction of MP-30 Gandhi Sagar off-stream Pumped Storage Project (1440 MW) by M/s Greenko Energies Private Limited, Hyderabad in Neemuch Forest Division, Neemuch District of Madhya Pradesh State (Online proposal No. FP/MP/HYD/116943/2020) – regarding.**

- (I) The above stated agenda item was considered by Forest Advisory Committee (FAC) in its meeting held on 27.07.2021. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
- (II) The proposal was deliberated in detail by the FAC and it was inter-alia observed that:
- (i) The proposal is for diversion of 301.96 ha forest land for the construction of MP-30 Gandhi Sagar off-stream Pumped Storage Project (1440 MW) by M/s Greenko Energies Private Limited, Hyderabad in Neemuch Forest Division, Neemuch District of Madhya Pradesh State.
  - (ii) The proposal involves creation of an artificial reservoir by constructing an embankment, therefore the issue of shifting the project in non-forest land was discussed in detail. After detailed discussions with the Nodal Officer Madhya Pradesh and the Regional Officer Bhopal it was observed that the present proposal is a pump storage project, for which the availability of water source in the vicinity is an essential requirement. In addition the required elevation difference along with suitable topography and good geological conditions are also necessary for the construction of the upper reservoir. Therefore very few suitable sites are available for such projects. The Nodal Officer, MP and RO, MoEF&CC confirmed that this is the best site available in terms of both efficiency of the reservoir and minimum forest area required.
  - (iii) The state govt. in Part-II of the application had answered in affirmative that there are rare/endangered/unique/ species of flora and fauna found in the area. In this regard a wildlife conservation plan with a financial outlay of Rs 166.90 lakhs has been prepared for implementation. During discussion, the State Nodal Officer confirmed that the species mentioned are as per Working Plan and the same is not based on actual siting of those species in the recent months. It shall be essential, therefore, that this plan be reviewed carefully and it includes a proper component of wildlife habitat improvement, particularly the reptilians in view of the edapho-climatic conditions and vegetation of the area. Further, it has been noted that the vegetation included species like *Pterocarpus marsupium* which is included in IUCN Red list as "Near Threatened" species. A survey of such species and their rejuvenation is also essential so that the loss of trees of such species is adequately compensated for.
  - (iv) As per para 9.2 of the handbook of guidelines, a proposal for diversion of forest land for Irrigation/Hydro-electric projects shall invariably be



accompanied by detailed CAT plan except in respect of small hydel projects (maximum up to 10 MW capacity), which are either canal head or run-of the river projects and do not involve impounding of water/submergence of forest land. However the user agency has submitted that MOEF&CC(IA Division) while granting ToR vide letter dated 28.02.2020 has inter-alia observed that the instant project being pump storage project and standalone in nature and upper reservoir is located away from the existing natural water systems and have no/negligible catchment area and therefore CAT Plan will not be required. However, in the Google Earth imagery it was also noted that there is a small tank adjoining the nearby village whose feeder drainage line is just outside the proposed forest land. Further, the area has very sparse vegetation about which the Nodal Officer explained that this is because of very thin soil depth blow which there is expansive sheet rock. Therefore, it would be important for all, including for the proposed PSP project, that serious efforts are made for revegetation of the area.

- (v) The NFL proposed for compensatory afforestation has a zig-zag boundary making it prone to encroachment, however the state govt. has intimated that the area will be protected by using chain-link fencing.
- (vi) FAC observed that as per the muck management plan submitted, an area of 25 ha. has been identified for muck dumping. It was also observed that as per the muck management plan the 25 ha area identified for muck dumping has a capacity of 3.76 MCum. The total muck to be generated from the construction of reservoir, all the four roads and other components is 4.56 MCum. Out of this total generated muck 2.28 Mcum(i.e.50%) is proposed to be used in PSP and the remaining only is to be dumped at the designated dumping site. Considering the fact that the muck will be generated at different places over a large area involving the construction of four different roads, power intake, reservoir and other components, the State govt. agreed to take strong measures to ensure that the muck is dumped at designated place only.
- (vii) Nodal Officer assured that cultivations visible in Google Earth imageries in both proposed forest land and the CA area shall be removed, and adequate arrangements shall be made to ensure that there is no resultant encroachment in the remaining adjoining forest area.
- (viii) The user agency has not submitted any details regarding the transmission lines required to be constructed for the power so generated in the project. The nodal officer MP informed that the exact detail of area required for the transmission line is yet to be worked out.

#### **Decision of FAC:**

The FAC after thorough deliberation and discussion with Nodal Officer MP, Regional Officer In-charge, and IRO Bhopal recommended the proposal with general, standard and following specific conditions:



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- i. The Wildlife Conservation Plan shall be updated in consultation with WII and approved by CWLW, and the same shall be implemented at the cost of the user agency with an added focus on compensating the lost habitat of schedule species, especially Schedule-I reptilians (e.g. Indian Rock Python, Indian Monitor Lizard, etc.) and avi-fauna, and their improvement in the adjoining forest areas. This plan shall also take into account the fact that the proposed area is a low rainfall area, and presence of a nearby PSP reservoir with sharply raised edges could create a threat to wild animals that might want to use the reservoir for drinking water and fall into it. Therefore, the Plan shall include creation of alternative water resources in the adjoining forests to minimise the chances of such accidental death of wild animals.
- ii. Keeping in view the specific nature of the project, a CAT Plan is **not required**. However keeping in view the unique topography, edapho-climatic factors and vegetation of the area, a comprehensive plan regarding the protection, conservation and improvement of areas surrounding the reservoir, roads and other components of the project will be prepared and implemented at the cost of the user agency. In view of thin soil depth and sheet rock below, special treatments that might be required, including use of soil excavated during project construction, would be identified through a study by an specialised institute like ICFRE and their recommendation shall be taken into account for afforestation/ regeneration in the adjoining areas. Further, this study shall also focus on regeneration/ plantation of vulnerable species found in the area, such as *Pterocarpus marsupium* which is in IUCN Red List of 'Near Threatened' species. Furthermore, such plan should also improve the drainage to augment water supply to the nearby village tank. In addition, trees of such species will be planted and maintained at project cost on either side of the roads and other areas, wherever possible.
- iii. The State govt. will submit a detailed plan indicating the manner in which the muck generated will be transported from different components of the project to the designated dumping site. State govt. shall also ensure strict implementation of the muck management plan.
- iv. State Government shall ensure that present cultivations visible in Google Earth imageries in the CA area shall be removed, and adequate arrangements are made to ensure that there is no resultant encroachment in the remaining adjoining forest area. Same principle shall be applied for forest land to be diverted.
- v. The detailed plan for evacuation and transmission of power so generated from this project will be submitted by the State government. It will be ensured that the evacuation and transmission system so proposed should pass through non-forest land or that the barest minimum forest land shall be used

or existing infrastructure shall be used up to technically feasible extent. Further, it is made clear that the prior-approval of this instant project proposal shall in no way create a *fate-accompli* situation for a later evacuation / transmission project proposal, and the Govt. of India shall be under no obligation to necessarily approve such a proposal whenever such a proposal for forest land diversion is submitted by the State Government.

#### Agenda No. 7

F. No. 8-76/2016-FC

**Sub: Proposal seeking prior approval of the Central Government under Section -2 (iii) of the Forest (Conservation) Act, 1980 in favour of M/s Arcelor Mittal India Limited in respect of forest land of 202.35 ha for mining of Iron ore and Manganese in Saranda Forest Division, District West Singhbhum (Jharkhand).**

1. The above stated agenda item was considered by FAC in its meeting on 27.07.2021. The details about the proposal are available on [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. FAC after through deliberation and discussion observed that:
  - a. The proposal was considered in the FAC in its earlier meetings on 29<sup>th</sup> to 30<sup>th</sup> April, 2014, 16<sup>th</sup> to 17<sup>th</sup> January, 2014, 26<sup>th</sup> December, 2016 and 22<sup>th</sup> May, 2019.
  - b. This is a proposal submitted under section 2(iii) of FCA 1980 in which the approval is granted to sign a lease agreement over forest land without any permission of breaking of land or felling of trees.
  - c. In the last meeting of FAC held on 22.05.2019, following information from the State Government, Ministry of Mines and the Regional Office of the MoEF&CC was desired:
    - (i). *Ministry of Mines may provide the status of letter of Intent given to present proposal in light of court orders.*
    - (ii). *As per the provision of MMDR (Amendment) Act, 2015 all such mines were to be placed for auction, in absence of statutory clearances after*



*11.01.2017. The Ministry of Mines may intimate the present status of mine in this regard.*

- (iii). State Government may ascertain the location of mines with respect to different mining zones as specified in Management Plan for Sustainable Mining (MPSM) of Saranda region.*
- (iv). Regional Office may carry out fresh Site inspection for the proposal for decision under section 2(ii) of FCA 1980.*

3. As per the reply of M/o Mines, the time limit of 2 years for the fulfilment of the conditions of the letter of intent had expired on 11.01.2017. As per the MMDR Act, the instant proposal is not valid at present. Further, the Ministry of Mines again responded to the Ministry's letter and informed the following:

- i. LoI is not valid in the instant case as the period of two years provided under section 10A(2)(c) of the MMDR Act, 1957 for obtaining clearance is over. However, the Hon'ble High Court in order dated 10.01.2017 in W.P. 224/2017 has observed that the cut off date shall not come in way for the reconsideration of the FC. Hence, a decision may be taken by the MoEF&CC at their level accordingly.
  - ii. With regard to the present status of the mines with respect to auction, it is informed that the respective State Government auction minerals blocks under the provisions of the MMDR Act, 1957 and the rules made there under. Therefore, it is advised that the information may be obtained from the concerned State Government.
4. Government of Jharkhand informed that KML file as provided by the User Agency was analysed and revealed that the proposed lease area is outside the conservation zone as per MPSM and a part of reserved compartment KP-33, KP-34 and KP-35 of Karampada under Saranda Forest Division. All the three compartments are in the mining zone as per MPSM.

#### **Decision of FAC:**

FAC after thorough discussion and deliberation with the representative of Nodal officer, Jharkhand, Regional Officer, IRO Ranchi and representative of user agency



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observed that the particular proposal is for permission under section 2(iii) of FCA 1980. Further the representative of the nodal officer Jharkhand confirmed that the particular mine is not yet auctioned and the orders of Hon'ble court in its decision has conveyed that the cut of date of 11<sup>th</sup> January 2017 will not come in the way of granting the relief to the petitioners. Moreover, it is also confirmed by the State government that the mining area is in the Mining zone as per MPSM (Management Plan for Sustainable Mining). Further, Ministry of Mines in its reply has also endorsed the Hon'ble court order and suggested that a decision on the proposal may be taken by MoEF&CC at its level as per court orders. Considering all aspects, **FAC recommend the proposal for approval under section 2(iii) of FCA 1980** with general, standard and following specific conditions:

1. The grant of permission under section 2(iii) of Forest (Conservation) Act 1980 will not confer any right on the project proponent for diversion under section 2(ii) of Forest (Conservation) Act 1980.
2. No physical diversion of forest land will be allowed and no breaking up of forest land to be permitted.
3. The project proponent shall pay NPV for the all forest area in the proposed lease area.
4. The forest department will continue to manage the forest area as per normal management practices and working plan prescriptions.
5. Given the past history of adverse people's interactions vis-à-vis loss of natural resources, particularly forest, in the Saranda area, and the resultant critical need to seek deeper local people's participation both for conservation of forests in the Saranda area and for mining to continue in a sustainable manner, it is essential that joint effort is made by State Forest Department and the User Agency to take-up at least one high-priority entry point activity with the help of local JFMC members, such as the much needed assistance to address endemic medical conditions (such as mental health issues, endemic diseases like malaria and anaemia, local occupational and environmental health issues, etc.) prevalent amongst forest-fringe villagers in interior forest areas like Tholkabad, where forest department is the main government agency present on the ground, by expert institutes like AIIMS, New Delhi.



Infrastructure facilities like building etc. may be provided by State Forest Dept. while cost of medical assistance and research extended by institutes like AIIMS would be borne by the user agency.

6. State government shall submit complete compliance of the provision of FRA 2006 prior to executing/ granting forest area on lease.

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(Confirmed through email)

(Sh S. D. Vora)

Member

(Confirmed)

(Sh A.K. Mohanty)

Inspector General of Forests (FC)

(Confirmed through email)

(Sh Anmol Kumar)

Member

(Confirmed through email)

(Dr Sanjay Deshmukh)

Member

(Confirmed)

(Sh Mr Soumitra Dasgupta)

Additional Director General of Forests

(Confirmed through email)

(Sh Om Prakash)

Additional Commissioner (Soil  
Conservation)

Ministry Agriculture (Member)

(Approved)

(Dr. Sanjay Kumar)

Director General of Forests & Special Secretary

(subject to confirmation by all members)