

MINUTES OF THE MEETING OF FOREST ADVISORY COMMITTEE HELD ON

16th August 2021.

Agenda No. 1

Sub: Proposal for non-forestry use of 247.50 ha of forest land out of total lease area of 1936.06 ha in favour of M/s Steel Authority of India Limited (SAIL) for iron ore mining in Kiriburu- Meghahatuburu group of Iron Ore mines located in District West Singhbhum (Jharkhand) - reg.

1. The above stated agenda item was considered in the FAC meeting on 16.8.21. The Detail of the project is available on *parivesh.nic.in*.
2. FAC deliberated on the issue and observed that the above mentioned proposal was granted Stage-I approval vide this Ministry's letter dated 18.10.2010 read with letter dated 7.05.2014 subject to fulfilment of certain conditions, prescribed therein.
3. The matter remained under correspondence since 2010 and the decision on the final approval of Government of India got delayed due to incomplete compliance submission of stage I and further due to pending carrying capacity study of Saranda region.
4. Finally, Government of Jharkhand, vide their letter no. Vanbhoomi-29/2008-1387/VP dated 28.05.2021 furnished their reply on the latest observations of the Ministry's letter which was conveyed to the state on dated 18.03.2019. The information submitted by the State is summarized as under:
 - i. With regards to surrendering of equal extent of area duly reclaimed and afforested from the already diverted forest areas, in compliance of condition no 22 of Stage-I approval, the State Government informed that against the 83.25 ha of forest land, the User Agency has reclaimed and rehabilitated only 10 ha of forest land. No comments/clarification have been furnished by the State on status/time schedule for surrendering the balance area.
 - ii. All compartments involved in the project fall in the Mining Zone of MPSM. There is a discrepancy in the total area of the lease i.e. total sanctioned area of the lease (Lease-I) is 1936.06 ha while area as per the KML file, submitted by the UA is 1988.992 ha. The Kiriburu-Meghataburu Mining project has three leases viz. Lease -I (1936.06 ha), Lease-II (879.439 ha) and Lease -III (82 ha), making it a composite lease of 2897.499 ha. It is further mentioned by the State that after DGPS survey of the areas, the user agency has offered to surrender 30.409 ha of additional area from Lease-II and process for surrendering the said area is being taken up by the user agency. However, it has also been observed that, resurvey has revealed an additional area of 52.932 ha in the Lease-I.

iii. With regards to the CA, the State Government has informed that due to non-suitability of sites identified for CA earlier, the new CA sites have been selected in Kolhan Forest Division as per detail given below:

S. No.	Division	Location	CA Area (ha)	Amount of 10 years CA (Rs)
1.	Khunti Forest Division	Kolma	35	86,57,834.00
2.		Sarjamdih	87	1,70,29,045.00
3.		Nimdih	50	1,02,98,020.00
4.		Tamar	78	1,53,86,562.00
5.		Gomeadih	46	1,00,46,078.00
6.		Ichadiah	55	1,15,00,240.00
7.		Mankidih	65	1,46,47,667.00
8.		Bandu	35	89,78,379.00
9.	Gumla Forest Division	Jehangutua-1	61	1,27,25,596.00
10.		Jehangutua-2		
11.		Jehangutua-3		
Total			512	10,92,69,421.00
Amount already paid				4,71,36,525.00
Differential CA amount				6,21,32,896.00

5. FAC also observed that the CA scheme, involving financial provisions of Rs. 10,92,69,421/- for the implementation of the scheme for a period of 10 years has been submitted along with the compliance. KML files of the area have been submitted. Analysis of the new sites identified for the CA using DSS tools and Google Satellite Imagery reveals the area suitable for afforestation. Observation of DSS report is as under:

- a. All CA patches are proposed over degraded forest land and their total calculated area is found **541.65 ha**.
- b. CA land has been provided in eleven different patches, three CA patches are falling in Gumla district and eight CA patches are falling in Ranchi district of Jharkhand State.

- c. Out of total area proposed for CA, 19 ha of land is classified as moderately dense forest, 60 ha as open forest, 25 ha as scrub and 437 ha of land as non-forest in terms of forest classes (as per the ISFR 2019) based on the interpretation of satellite data period 2017-2018.
 - d. The total land required for CA in the instant proposal is **495.00 ha** and the area provided by the user agency comes out to be **541.65 ha** (calculated area) which is **46.65 ha** more than the required area. If we decrease the MDF area (as per DSS analysis) from the total calculated area of the CA land, the remaining land available for CA will be **522.65 ha** (541.65 ha -19 ha) which is still **27.65 ha** more than the required area.
6. With regards to the payment of NPV, the State Government has informed that an amount of Rs. 2,64,52,14,874/- has been deposited by the User Agency for the entire lease area of Kiriburu-Meghataburu Mining project involving Lease-I, Lease-II and Lease-III.
 7. FAC observed that, all the three leases have been dealt separately and the whole areas within these leases are forest area. Till date only 726.09 ha forest area has been diverted under Section 2(ii) of FCA 1980.
 8. The State Government has further clarified that the proposed mining project is in consonance with the MPSM.

Decision of FAC

FAC after thorough deliberation and discussion with the Nodal officer Jharkhand and AIG (IRO, Ranchi), **deferred** the proposal seeking following information, for further consideration of the project.

1. State Government shall clarify if a single Mining plan for the amalgamated mining lease (that is $1936.06+879.439+82.0= 2897.499$ ha) has been approved by the competent authority.
2. The State Government should verify whether reclamation/progressive reclamation has been carried out in accordance with the annual or periodic reclamation of mining area prescribed in the Approved Mining Plan for the Mining lease over an area of 1936.06 ha. The State Government should furnish a report whether such recommendation for reclamation has been followed or not in respect of the mining area that has been already diverted and where mining is in progress alongwith the reasons, if any, for not undertaking the reclamation.
3. The excess area recorded after the DGPS survey shall be surrendered and marked appropriately on the map. In no case the area of lease shall be more than 2897.499 ha. State Government shall clearly spell out and vet the total forest area within the lease as well as the excess forest area proposed to be surrendered.
4. IRO, Ranchi shall inspect the area and submit a report on non-conforming to the condition (in Stage-I approval of 2010) of providing equal area after

reclamation and also whether the reclamation in the mining area has taken up as per the approved mining plan.

5. FC division of the Ministry shall link all the files and documents related to three different leases into one file and for all future reference, the project proposal of these leases shall be considered as one project.
6. User Agency shall, in consultation with DFO concerned, prepare an effective Plan to prevent encroachment and remove existing encroachment, if any, from the lease area.

Agenda No. 2

F. No. 4-KRB1151/2018-BAN
(MoEFCC, New Delhi F. No. 11/274/2019-FC)

Sub:-Terms of Reference (ToR) for (ii) the Study on Impact of Downhill Pipe Conveyor on wildlife due to increase in operation timings of conveyor belt system during experimental phase of four months (short term Study)-Reg

1. The above stated agenda Item was considered in the FAC meeting on 16.8.21. The details of the project is available on *parivesh.nic.in*.
2. The project proposal is eco-friendly method of ore extraction and transportation from the mining areas and based on this consideration the approval has been granted by the Ministry for the project on 25.06.2019 with the following as one of the conditions:

"In order to safeguard Wildlife and free movement of wild animals during the night, transportation of ore through conveyor belt shall be restricted from sunrise to sunset."

2. Later the user agency made a request to amend the condition, so as to allow them to operate the conveyor belt for 24 hours. While forwarding this request, the State Government had proposed for allowing the conveyor belt to operate for 20 hours subject to certain conditions and citing possible environmental implications and certain operational issues.
3. Ministry accepted State Government's recommendation and allowed 20 hour per day operation on an experimental basis, subject to following conditions:
 - a. *The operation time of Conveyor Belt established by M/s JSW Steel Ltd., Thorangal be extended from morning 6.00 hours to night 2.00 hours (total 20.00 hours) on*

experimental basis for 04 months.

- b. *A study on impact on wildlife due to increase in operation timings of conveyor belt system during experimental phase be taken up through an institute of repute like Wildlife Institute of India with ToR of proposed study finalized in consultation with State Forest Department.*
- c. *The findings of the study will be shared with Forest Conservation Division of the Ministry and the cost of the study would be borne by the user agency.*
4. Later, citing reasons of Covid-19 Pandemic situation, for which the study could not be taken up, the State Govt. requested that the user agency may be permitted to extend the activity of Conveyor Belt from 12.00 am to 12.00 am (24 hours) subject to certain conditions.
5. This request of the State Government was considered by the Forest Advisory Committee (FAC) in its meeting held on 17.02.21 and the request for operation for 24 hours was not recommended. However, considering the unprecedented situation due to COVID 19 pandemic and considering that the conveyor belt transport method is a better option from environmental pollution angle, in addition to other conditions proposed by the State Government, FAC recommended for continuing with 20 hours duration till 15.06.2021, with a condition that the State Government would ensure that the required study is completed and the findings are submitted to the Ministry for appropriate decision prior to 15th June 2021.
6. During the meeting of FAC on 16.08.2021, the State Government further informed that the required study was in progress and was likely to be completed by 15.09.2021. It was also informed that the study has been entrusted to Environmental Management and Policy Research Institute (EMPRI) by PCCF (HoFF) in the month of March 2021. After of submission of all these, the State Government requested that the time period may be increased upto 30.9.2021.

Decision of FAC:

FAC after thorough deliberation and discussion observed that the permission to operate the same cannot be extended indefinitely. It is learnt that the study has been awarded to a research institute and it is likely to be completed by 15.9.2021. Taking this request into consideration the FAC recommended that

1. The operation time of conveyor belt established by M/s JSW Steel Ltd., Thorangal be extended from morning 6.00 hours to night 2.00 hours. The permission shall be valid upto 30.9.2021. No further extension in the time limit will be considered till the study is completed, submitted and findings are shared with the Ministry. Further decision on the operation timing will be made based on the findings of the study.

Agenda 3

Policy Issue No. 1

Sub: Allowing reconstruction of Transmission Lines in Forest area which are constructed prior to Forest (Conservation) Act 1980 without insisting for obtaining fresh approval.

1. The above stated policy issue was deliberated in the FAC on 16.08.2021.
2. The then Hon'ble Chief Minister, of Karnataka Shri B.S. Yediyurappa vide DO no. CM/190/GoI/2021 dated 03.07.2021 requested to allow execution/ re-construction and up-gradation of transmission lines in the existing corridor in forest area without insisting on fresh approvals. The text of the DO letter is reproduced as below:-

"The Karnataka Power Transmission Corporation Limited (KPTCL) is a State Transmission Utility which is responsible to build, operate and maintain the power transmission network in Karnataka State. The existing transmission network of KPTCL has 38,841 circuit kilometres of Transmission lines under various voltage classes ranging from 66kV to 400kV. As specified under Section 39 of the Electricity Act 2003, KPTCL is required to ensure development of an efficient, coordinated and economical system of intra-state transmission lines for smooth flow of electricity from generating station to the load centres.

Some of the existing transmission lines of KPTCL are passing through forest area, which were built before Forest (Conservation) Act, 1980 came into existence. KPTCL had not availed any specific approval from Forest Department at that time, as there was no such requirement. Such transmission lines are of prime importance to the State power transmission as they enable evacuation of power generated to reach the consumers across the State. Now, it is observed that some of the old transmission towers have deteriorated, and aged conductors are to be replaced. If any such aged conductor snaps in the forest area, it may lead to fire and also be harmful to wild life in forest area.

As per the "Handbook of guidelines for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980" issued by MoEF, provisions have been made to repair and maintain roads without affecting the forest. However, KPTCL is not allowed take up such reconstruction, up-gradation works in the existing transmission lines. In this regard a letter from Regional Office, MoEF, Bengaluru has already been addressed to MoEF, Gol, New Delhi.

Hence, your kind intervention is sought, in order to enable KPTCL to take up re-construction, up-gradation works in existing transmission line corridors in forest areas of the State, without seeking any fresh approval as per Forest (Conservation) Act, 1980. I request you to kindly direct concerned officials of your Ministry to issue

necessary directions to execute re-construction, upgradation of transmission lines in the existing corridor in forest area without insisting on fresh approvals."

3. In this regard, it is observed that the Ministry has already issued guidelines dated 09.11.2020 (may be seen in *parivesh.nic.in*) with respect to the works related to repair and maintenance of roads constructed prior to 25.10.1980 (date of enactment of FC Act, 1980), falling outside the Protected Areas, may be repaired and maintained and also black topping of the same may be done with prior permission of the State Forest Department subject to fulfillment of certain conditions.
4. Hon'ble Chief Minister of Karnataka has requested to allow similar dispensation as given in case of roads, for the repair and maintenance of the transmission lines constructed prior to 1980.

Decision of FAC:

FAC after thorough deliberation and discussion agreed to the request to extend the dispensation, as given to the roads vide guideline dated 09.11.2020, to carry out the works related to repair and maintenance of transmission lines, with prior permission of the State Forest Department subject to fulfillment of following conditions:

- i. The transmission lines were constructed on forest land prior to 25.10.1980 (date of enactment of FC Act, 1980).
- ii. These lines fall outside the Protected Areas.
- iii. No breaking up of forest land or felling of tree shall be allowed;
- iv. While repair and maintenance of transmission lines, adequate precautions should be undertaken by the User Agency to avoid any damage to flora and fauna.
- v. No crushing/breaking of stones shall be allowed inside forest areas. Ready-made materials shall be used for up-gradation of such lines and no new roads shall be constructed for the purpose of maintenance. However, user agency may be allowed to use the existing forest roads and paths for the work.
- vi. No labour camp shall be allowed on the forest land;
- vii. No widening of the existing roads/paths in the forest area is allowed. The vegetation within the ROW shall not be disturbed.
- viii. Any other condition the Divisional Forest Officer may impose from time to time in the interest of forest conservation and protection.

Policy Issue No. 2

Sub: DO letter dated 21.05.2021 from Secretary, MoPNG to Secretary MoEF&CC regarding clarification laying of petroleum and crude pipelines along the existing Right of Way (ROW)-reg.

1. The above stated policy issue was deliberated in the FAC meeting on 16.08.2021.
2. It has been reported that the existing guidelines under FCA 1980 at Para 4.2 of the Comprehensive Guidelines, provides for certain special dispensation for laying of Underground Optical Fiber Cables (OFC), telephone lines, drinking water supply pipelines, electricity cables, CNG/PNG and Slurry pipelines, within RoW of existing roads (trench size not more than two meter in depth and one meter in width) not falling in National Parks and Wildlife Sanctuaries' without felling of trees, subject to certain conditions.
3. With regard to above stated guidelines the Secretary, Petroleum and Natural Gas pointed out that the General Approval has been given to underground laying of CNG/PNG pipelines along the roads within existing Right of Way not falling in National Parks and Wildlife Sanctuaries with other conditions. The intent appears to be for expediting projects, that require minimal intervention with no further damage to trees and using the existing road utility corridors. He had requested that the provisions of said guidelines shall not be restricted to laying of CNG/PNG pipelines but the same may be extended to the underground laying of pipelines for carrying petroleum product and crude oil pipelines. The clarification in this regards will ensure faster execution of the projects at ground level.

Decision of FAC:

FAC after thorough deliberation and discussion agreed that the Ministry may clarify that proviso of the para 4.2 of the comprehensive guidelines may be amended to include petroleum product and crude oil pipelines also within the meaning of PNG, with same conditions as was there in the para 4.2 of the Handbook (comprehensive guidelines).

Additional agenda with the permission of the chair

Sub: Proposal seeking permission for Survey & Exploration of Uranium over 83 km² [(over an area of 7 km² (in 2 blocks of 3 and 4 km² in Nidgul RF of WLM Division, Nagarjuna Sagar and 76 km² (in 2 blocks of 38 km² of each)] in Amrabad Tiger Reserve by Atomic Minerals Directorate for exploration and

Research, South Central Region, Hyderabad-Reg

1. The above stated agenda item was considered by the FAC as the additional agenda with the permission of the chair on 16.8.2021. The detail of the project is available on *parivesh.nic.in*.
2. The above proposal was considered in the FAC in their meetings on 22.05.2019 and also on 23.04.2020. In the meeting dated 23.04.2020, FAC after due deliberations, deferred the proposal seeking clarity in recommendation from the State Government, besides some other information.
3. The observations of FAC was communicated to the State Government and now the State Government has replied that, neither the State Board of Wildlife nor the State Government has recommended the proposal.

Decision of FAC.

FAC after thorough deliberation and discussion recommended that in absence of proper recommendation of the State Government the proposal may be closed.

(Not Present)

(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

(Not Present)

(Sh Soumitra Dasgupta)

Additional Director General of Forests

(Confirmed through email)

*Additional Commissioner (Soil
Conservation)*

Ministry Agriculture (Member)

(Approved)

(Subhash Chandra)

Director General of Forests & Special Secretary