

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

RECOMMENDATIONS IN THE MEETING OF FOREST ADVISORY COMMITTEE (FAC) HELD ON
16th AUGUST, 2019

Agenda No. 1

F. No 8-63/2007-FC

Sub: Proposal for transfer of final forest clearance in favour of M/s JSW Utkal Steel Ltd., which was granted vide this Ministry's letter dated 04.05.2011 for diversion of 1253.225 ha forest land for establishment of Integrated Steel Plant and Captive Port in Jagatsinghpur district of Odisha by POSCO-India Pvt. Ltd

The above stated agenda item was considered by FAC in its meeting on 16.08.2019. The corresponding agenda note may be seen at parivesh.nic.in.

FAC after thorough deliberation and discussion observed that:

1. The above stated proposal and agenda item was discussed and deliberated in detail in different meetings of FAC since 2008.
2. Stage I approval to the original proposal was granted by MoEF&CC on 19.09.2008.
3. After receipt of compliance report on the conditions stipulated in the Stage-I approval dated 19.09.2008 from the State Government of Orissa, Final approval/Stage-II under FC Act, 1980, for non-forestry use of the said forest land in favour of POSCO-India Pvt. Ltd, was accorded on 29.12.2009.
4. However, MoEF&CC vide its letter dated 8th January, 2010 informed the State Government of Orissa that the stage-II approval is subject to settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) and no forest land shall be handed over to the User Agency before settlement of the rights under the FRA.
5. The issue of FRA was deliberated in detail and explained by the competent authority in his speaking order dated 31.01.2011 and 02.05.2011 which were taken on note in FAC meeting dated 21.02.19
6. The above state agenda item related to transfer of "Stage-II approval under FC Act, 1980" was discussed in FAC on 21.02.2019 and 22.05.2019.

Decision of FAC

After thorough deliberation and discussion with Nodal officer Odisha, I/c Regional office Bhubaneswar, Special Secretary (Forests) Odisha and representatives of user agency, FAC observed that Stage II approval was given to POSCO -India Pvt Ltd in 2011 after detail analysis of the facts. The approval was up to 30 years. As reported by the State Government that forest land was handed over to the then user agency and it was under their possession for last 4 years. Due to certain administrative hurdle the user agency i.e. POSCO India Pvt. Ltd. could not start the work and the MoU also got cancelled.

It is further reported by the Govt. of Odisha that the proposal for establishment of 12 MTPA Integrated Steel Plant with Captive Power Plant in part of same area (which was diverted in name of POSCO -India Ltd) with an investment of Rs. 50,000 crores has been approved by the State Government in the 17 Meeting of High Level Clearance Authority headed by the Hon'ble Chief Minister, Odisha held on 02.06.2017 in favour of M/s JSW Utkal Steel Limited. It was clarified in the FAC meeting that this project is of similar nature as it was proposed by the earlier



user agency. Further it was also clarified that now the similar project requires less area than the earlier proposal. At present the forest area requirement is restricted to 1083.691 ha and not 1253.225 ha. The comparative land use submitted by state government suggests that most of the land use is similar in nature to the earlier approval.

This proposal has been deliberated in earlier meetings. FAC observed that the approval under FCA 1980 granted to one project proponent for specific purpose, can be transferred to another project proponent if the purposed and land use remains the same. The existing norms under the FC Act, 1980 contained in the Handbook of FC Act, Rules and Guidelines (Chapter-5) also provides for procedures and requirements in this regard.

FAC analysed the proposal from the angle of its possible impact on biodiversity of the area by using the forest area for specific land use for fixed time period. In the instant case, records reveal that MoEF&CC had deliberated in length on the proposal since 2008 till 2011. Analysing all facts afresh will lead only to repetition of the process. Moreover, the earlier permission was given for 30 years. State government had also informed that the erstwhile user agency i.e POSCO -India Pvt Ltd. has no objection if the approval granted to it, is transferred in favour of M/s JSW Utkal Steel Limited.

In view of above, FAC agreed with the recommendation of state government and recommended the proposal for transfer of FC approval for 1083.69 ha forest area (out of 1253.225 ha) in favour of new user agency i.e. M/s JSW Utkal Steel Limited from POSCO -India Pvt Ltd, with following specific conditions:

- i. Transfer of approval granted under the provisions of FCA 1980 shall be in accordance of provisions prescribed in para 5.1 of Chapter 5 of comprehensive guidelines
- ii. The new user agency shall be allowed to use the diverted forest land with same stipulation as prescribed in the approval granted to erstwhile user agency.
- iii. New user agency shall be liable to inherit and pay all liabilities of erstwhile user agency, if any.
- iv. New user agency is bound to carry out CA as per the stipulations of Stage-II approvals.
- v. The approval granted f under the provisions of FCA 1980 is valid for 30 years w.e.f date on which stage II approval was granted to the erstwhile user agency.
- vi. 169.534 ha of balance forest land (1253.225ha-1083.69ha) shall be returned back to forest department. This land shall be adequately afforested with native forestry species and shall be protected at the cost of new user agency. In this regards detail plan shall be prepared.

Agenda No. 2

F. No. 8-28/2000-FC (Vol-I)

Sub.: Diversion of 16.676 Ha. of forest land for establishing pipeline conveyor belt system in respect of Thimmappanagudi iron ore mine (ML No.2605) in favour of Karnataka State Mineral Corporation Ltd (erstwhile M/s. Mysore Minerals Ltd.) Bangalore, Karnataka-regarding.

1. The above stated agenda item was considered in FAC meeting on 16.08.2019.
2. The corresponding agenda note may be seen at parivesh.nic.in.
3. During deliberations, FAC observed that:
 - a. The Hon'ble Supreme Court directed on 07.12.2017 in WPC No(s) 562/2009 for construction of conveyor belt system.
 - b. This is one of the proposals which have been forwarded by the State Government in reference to the above mentioned order of the Hon'ble Supreme Court. Ministry after examination of the proposal has sought some essential information vide its letter dated 02.05.2019 and subsequent reminder on 01.08.2019, which have not been furnished by the State Government till date.
 - c. Prior approval under FCA, 1980 for change of name of User Agency has not been obtained.

Decision of FAC

FAC after through deliberation & discussion with Nodal Officer (FCA) of the State, recommended proposal to accord in-principle (Stage-I) approval under the Forest (Conservation) Act, 1980 for diversion of 16.676 Ha. of forest land for establishing pipe conveyor belt system in respect of Thimmappanagudi iron ore mine (ML No.2605) in favour of Karnataka State Mineral Corporation Ltd (erstwhile M/s. Mysore Minerals Ltd.) Bangalore, Karnataka subject to general, standard and following specific conditions:

- (i) State Government shall furnish the essential information sought by Government of India prior to Stage-II approval.
- (ii) State Govt shall submit the complete CA Scheme duly approved by the competent authority in the State Govt. and commensurate funds shall be deposited in CAMPA account.
- (iii) Approval for change of name of User Agency shall be obtained as per latest guidelines issued under FCA, 1980.

Agenda No. 3

F. No. 8-114/1992-FC (Vol.)

Sub.: Proposal for diversion of 19.898 ha. of forest land for establishing downhill conveyor system in Swamimalai (SM) Block Forest, Sandur Taluk, Bellary in respect of Subbarayanahalli iron ore mine (ML No.2629) in favour of Karnataka State Mineral Corporation Ltd. (Erstwhile M/S Mysore Mineral Limited), Bangalore, Karnataka:-regarding.

1. The above stated agenda item was considered in FAC meeting on 16.08.2019.
2. The corresponding agenda note may be seen at parivesh.nic.in.
3. During deliberations, FAC observed the following:
 - a. The Hon'ble Supreme Court directed on 07.12.2017 in WPC No(s) 562/2009 for construction of conveyor belt system.
 - b. This is one of the proposals which have been forwarded by the State Government in reference to the above mentioned order of the Hon'ble Supreme Court. Ministry after examination of the proposal has sought some essential information vide its letter dated 02.05.2019 and subsequent reminder on 01.08.2019, which have not been furnished by the State Government till date.
 - c. Prior approval under FCA, 1980 for change of name of User Agency has not been obtained.
 - d. There is an overlap of 2 Gunta (200 M²) area which is common in Proposal F. No. 8-114/1992-FC (Vol.) of Karnataka State Mineral Corporation Ltd. and F. No. 8-113/2003-FC (Vol) of Sri B. Rudra Gouda. This should have been resolved by the State Government before forwarding the proposals to Ministry.

Decision of FAC

FAC after through deliberation & discussion with Nodal Officer (FCA) of the State, recommended for diversion of 19.898 ha. of forest land for establishing downhill pipe conveyor system in Swamimalai (SM) Block Forest, Sandur Taluk, Bellary in respect of Subbarayanahalli iron ore mine (ML No.2629) in favour of Karnataka State Mineral Corporation Ltd. (Erstwhile M/S Mysore Mineral Limited), Bangalore, Karnataka subject to general, standard and following specific conditions:



- (i) State Government shall furnish the essential information sought by Government of India prior to Stage-II approval.
- (ii) State Govt shall submit the CA Scheme duly approved by the competent authority in the State Govt. and commensurate funds shall be deposited in CAMPA account.
- (iii) Approval for change of name of User Agency shall be obtained as per latest guidelines issued under FCA, 1980.
- (iv) The State Government shall resolve the issue of 2 Gunta (200 M²) area overlap which is common in proposal F. No. 8-114/1992-FC (Vol.) of Karnataka State Mineral Corporation Ltd. and F. No. 8-113/2003-FC (Vol.) of Sri B. Rudra Gouda and modify the area accordingly before Stage-II approval.

Agenda No. 4

F. No. 8-81/1992-FC (Vol.)

Sub: Proposal for diversion of 7.978 ha. of forest land in Thanigehalli village, Sy. No. 35 Hirekandavadi village, Sy. No. 107 & Dinadadahalli village, Sy.No. 18, in Chitradurga Taluk & District for establishing conveyor belt from ML No. 2677 to railway siding in favour of M/s. Vedanta Ltd. Iron Ore (Karnataka), Chitradurga, Karnataka:-regarding.

1. The above stated agenda item was considered in FAC meeting on 16.08.2019.
2. The corresponding agenda note may be seen at parivesh.nic.in.
3. During deliberations, FAC observed the following:
 - a. The Hon'ble Supreme Court directed on 07.12.2017 in WPC No(s) 562/2009 for construction of conveyor belt system.
 - b. The name of the original user agency in favour of whom Stage-I was given, was M/s Sesa Sterlite Ltd. Now the user agency has been changed to M/s Vedanta Ltd without prior permission of Government of India.
 - c. This is one of the proposals which have been forwarded by the State Government in reference to the above mentioned order of the Hon'ble Supreme Court. Ministry after examination of the proposal had sought some essential information vide its letter dated 02.05.2019 and subsequent reminder on 01.08.2019, which have not been furnished by the State Government till date.

Decision of FAC

FAC after through deliberation & discussion with Nodal Officer (FCA) of the State, recommended for diversion of 7.978 ha. of forest land in Thanigehalli village, Sy. No. 35 Hirekandavadi village, Sy. No. 107 & Dinadadahalli village, Sy. No. 18, in Chitradurga Taluk & District for establishment of pipe conveyor belt from ML No. 2677 to railway siding in favour of M/s. Vedanta Ltd. Iron Ore (Karnataka), Chitradurga, Karnataka subject to general, standard and following specific conditions:

- (i) State Government shall submit the complete reply on the shortcomings prior to Stage-II approval.
- (ii) Approval for change of name of User Agency shall be obtained as per latest guidelines issued under FCA, 1980.
- (iii) State Government shall submit the complete CA Scheme duly approved by the competent authority in the State Govt. and commensurate funds shall be deposited in CAMPA account.

Agenda No. 5

F. No. 8-17/1994-FC (Vol.)



Sub: - Diversion of 2.4314 ha. of forest land in Deogiri Swamimalai Forest Block in Sandur Taluk, Bellary District for establishing Downhill Conveyor System (DCS) from Kammathuru Iron Ore Mine (ML No. 2678 Old No. 2580/1179) to PMBR (BMM) siding in favour of M/s. Sandur Manganese and Iron Ores Ltd (SMIORE), Lakshmipur, Sandur Taluk, Bellary District, Karnataka:-regarding.

1. The above stated agenda item was considered in FAC meeting on 16.08.2019.
2. The corresponding agenda note may be seen at parivesh.nic.in.
3. During deliberations, FAC observed the following:
 - a. The Hon'ble Supreme Court directed on 07.12.2017 in WPC No(s) 562/2009 for construction of conveyor belt system.
 - b. This is one of the proposals which have been forwarded by the State Government in reference to the above mentioned order of the Hon'ble Supreme Court. Ministry after examination of the proposal had sought some essential information vide its letter dated 02.05.2019 and subsequent reminder on 01.08.2019, which have not been furnished by the State Government till date.

Decision of FAC

FAC after through deliberation & discussion with Nodal Officer (FCA) of the State, recommended for diversion of 2.4314 ha. of forest land in Deogiri Swamimalai Forest Block in Sandur Taluk, Bellary District for establishing Downhill Conveyor System (DCS) from Kammathuru Iron Ore Mine (ML No. 2678 Old No. 2580/1179) to PMBR (BMM) siding in favour of M/s. Sandur Manganese and Iron Ores Ltd (SMIORE), Lakshmipur, Sandur Taluk, Bellary District, Karnataka subject to general, standard and following specific conditions:

- (i) State Government shall submit the complete reply on the shortcomings prior to Stage-II approval.
- (ii) State Govt shall submit the complete CA Scheme duly approved by the competent authority in the State Govt. and commensurate funds shall be deposited in CAMPA account.

Agenda No. 6

F. No. 8-113/2003-FC (Vol)

Sub: Proposal for diversion of 19.206 ha. of forest land in Swamimalai Forest Block in Sandur Taluk in Bellari District for establishing downhill conveyor system from Haddinapade Iron Mine (ML No. 2516) to the proposed railway siding at Dharmapura in favour of Sri. B. Rudra Gouda, Sandur, Bellari District as legal representative of Late Sri. B. Kumaragouda in the State of Karnataka:-regarding.

1. The above stated agenda item was considered in FAC meeting on 16.08.2019.
2. The corresponding agenda note may be seen at parivesh.nic.in.
3. During deliberations, FAC observed the following:
 - a. The Hon'ble Supreme Court directed on 07.12.2017 in WPC No(s) 562/2009 for construction of conveyor belt system.
 - b. This is one of the proposals which have been forwarded by the State Government in reference to the above mentioned order of the Hon'ble Supreme Court. Ministry after examination of the proposal has sought some essential information vide its letter dated 02.05.2019 and subsequent reminder on 01.08.2019, which have not been furnished by the State Government till date.
 - c. There is an overlap of 2 Gunta (200 M²) area which is common in Proposal F. No. 8-114/1992-FC (Vol.) of Karnataka State Mineral Corporation Ltd. and F. No. 8-113/2003-FC (Vol) of Sri

B. Rudra Gouda. This should have been resolved by the State Government before forwarding the proposals to Ministry.

Decision of FAC

FAC after through deliberation & discussion with Nodal Officer (FCA) of the State, recommended for diversion of 19.206 ha. of forest land in Swamimalai Forest Block in Sandur Taluk in Bellari District for establishing downhill pipe conveyor system from Haddinapade Iron Mine (ML No. 2516) to the proposed railway siding at Dharmapura in favour of Sri.B. Rudra Gouda, Sandur, Bellari District as legal representative of Late Sri.B. Kumaragouda in the State of Karnataka subject to general, standard and following specific conditions:

- i. State Government shall furnish the essential information sought by Government of India prior to Stage-II approval.
- ii. State Govt shall submit the CA Scheme duly approved by the competent authority in the State Govt. and commensurate funds shall be deposited in CAMPA account.
- iii. The State Government shall resolve the issue of 2 Gunta (200 M²) area overlap which is common in proposal F. No. 8-114/1992-FC (Vol.) of Karnataka State Mineral Corporation Ltd. and F. No. 8-113/2003-FC (Vol) of Sri B. Rudra Gouda and modify the area accordingly before Stage-II approval.

Agenda No. 7

F. No. 8-95/1994-FC(Vol.)

Sub: Proposal for diversion of 14.8457 ha. of forest land for Downhill Pipe Conveyor Belt (from ML.No.2296 to Sushilanagar system railway siding) of Ramanmalai Iron Ore Mine of M/s Veerabhadrappe Sangappa & Company in R.M.Block, Sandur Taluk, Bellary District in the State of Karnataka:-regarding.

1. The above stated agenda item was considered in FAC meeting on 16.08.2019.
2. The corresponding agenda note may be seen at parivesh.nic.in.
3. During deliberations, FAC observed the following:
 - a. The Hon'ble Supreme Court directed on 07.12.2017 in WPC No(s) 562/2009 for construction of conveyor belt system.
 - b. This is one of the proposals which have been forwarded by the State Government in reference to the above mentioned order of the Hon'ble Supreme Court. Ministry after examination of the proposal had sought some essential information vide its letter dated 02.05.2019 and subsequent reminder on 01.08.2019, which have not been furnished by the State Government till date.

Decision of FAC

FAC after through deliberation & discussion with Nodal Officer (FCA) of the State, recommended for diversion of 14.8457 ha. of forest land for Downhill Pipe Conveyor Belt (from ML.No.2296 to Sushilanagar system railway siding) of Ramanmalai Iron Ore Mine of M/s Veerabhadrappe Sangappa & Company in R.M.Block, Sandur Taluk, Bellary District in the State of Karnataka subject to general, standard and following specific conditions:

- (i) State Government shall submit the complete reply on the shortcomings prior to Stage-II approval.
- (ii) State Govt shall submit the complete CA Scheme duly approved by the competent authority in the State Govt. and commensurate funds shall be deposited in CAMPA account.



Agenda No. 8

F. No. 8-20/2016-FC

Sub: Renewal for diversion of 25885.64 ha forest land for Field Firing Range of Indian Army in Saharanpur District of Uttar Pradesh for modification in the lease period from 10 years to 30 years: -regarding.

1. The above stated agenda item was considered in FAC meeting on 16.08.2019.
2. The corresponding agenda note may be seen at parivesh.nic.in.
3. During deliberations, FAC observed that:
 - i. Ministry accorded Stage-I approval on 14.09.1994 for 10 years and second approval for renewal of lease period was given on dated 08.01.2007
 - ii. After expiring of the above lease period, the State Government of Uttar Pradesh vide their letter dated 13.06.2016 submitted the proposal for renewal of lease for further 10 years.
 - iii. This proposal was considered in the FAC meeting dated 15.06.2017 and Stage-I was accorded on 10.04.2018 subject to certain specific and general condition including the condition no. (xxi) *"the approval for Field Firing Range under Forest (Conservation) Act, 1980 would be for a period of 10 years from the date of issue of this letter"*.
 - iv. Now, the Chief Secretary, Government of UP on 10.07.2019 has requested to extend the lease period from 10 years to 30 years i.e. from 01.01.2016 to 31.12.2045 and thereby to modify the condition no. (xxi).

Decision of FAC

FAC after through deliberation & discussion with Nodal Officer (FCA) of the State and considering the request of the Chief Secretary, UP, recommended to extend the lease period from 10 years to 30 years i.e. from 01.01.2016 to 31.12.2045 and to modify the condition no. (xxi) as:
"the approval for Field Firing Range under Forest (Conservation) Act, 1980 would be for a period of 30 years from 01.01.2016".

Confirmed through Mail

(S. D. Vora)
Member

Confirmed telephonically

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

Confirmed through Mail

(Dr Sanjay Deshmukh)
Member

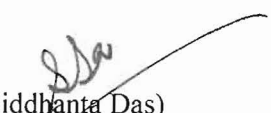
Confirmed through mail

(Sh Anmol Kumar)
Member


(Saibal Dasgupta)

Addl. Director General of Forests (FC)

Additional Commissioner (Soil Conservation)
Ministry of Agriculture (Member)


(Siddhanta Das)

Director General of Forests & Special Secretary
