

**Minutes of the Meeting of Forest Advisory Committee held on 18th August, 2020**

**Agenda No. 1**

**File No. 8-10/2020-FC**

**Sub: Proposal for diversion of 72.00 ha. of Forest Land for construction of Patpadi Tank Project in favour of Water Resources Department, Dewas District Madhya Pradesh State -regarding.**

1. The above stated agenda item was discussed in FAC meeting held on 18.08.2020 through Video Conferencing. The details of agenda item can be seen at parivesh.nic.in. Online proposal no. is FP/MP/IRRIG/20556/2016.
2. During the deliberations, FAC observed that:
  - a. The Govt. of Madhya Pradesh had submitted the proposal on 08.07.2020.
  - b. A total of 8,176 trees are marked to be felled and majority are in 30-60 cm diameter class as per enumeration list submitted in part II of the proposal.
  - c. The Nodal Officer (FCA) of the state has reported that the command area is 1848 ha and the proposal comes under minor irrigation project.
  - d. The Cost Benefit ratio as submitted by State Government, is adverse. The total Cost of the project is Rs.4834.97 lakhs whereas the total benefit due to project is reported only as Rs. 860.66 lakhs.
  - e. As per the DSS analysis out of total forest area for diversion, 42 ha. of land classified as moderately dense forest, 12 ha. area of land as open forest and 18 ha. of land as Non-Forest in terms of forest classes (as per the ISFR 2019) based on the interpretation of satellite data of the period 2017-2018.
  - f. As per the DSS analysis, Compensatory Afforestation has been proposed in four patches. However, few permanent constructions are visible in the proposed CA sites.
3. During deliberations, it was mentioned that there is a need to recheck actual command area of the canal viewing its adverse benefit-cost ratio. As per DFO's recommendation, if State Government finds it appropriate, they may submit a wildlife enrichment plan. FAC members observed that fringes of proposed Compensatory Afforestation site may be earmarked for demonstration of agro forestry models and

bamboo plantations for benefit of local farmers to ingrain importance of tree growing in local population.

**Decision of FAC:**

After detailed examination and deliberations on the proposal, the Committee **deferred the proposal** and sought following additional information from the State Government for further consideration of the proposal:

1. The revised Cost Benefit details shall be submitted as per the Ministry guideline dated 01.08.2017. User agency shall recheck the actual culturable command area of the proposed irrigation project.
2. Compensatory Afforestation sites proposed shall be revisited and the State Government shall ensure CA sites are free from all encumbrances.
3. The State Government shall convey its views on the recommendation of the DFO that a Wildlife Management Plan may be made for implementation by the user agency.

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**Agenda No. 2**

**File No. 8- 08/2020-FC**

**Sub: Proposal for diversion of 409.53 Ha (387.13 ha Horizontal area as per ETS & DGPS Survey) of forest land in Keshavapur RF, Medchal- Malkajgiri District for construction of 10 TMC reservoir at Keshavapuram with associated components under Godavari river source for drinking water requirements to Hyderabad City in favour of HMWS&SB, Hyderabad-regarding**

1. The FAC considered the above-mentioned agenda item in its meeting held on 18.08.2020 through video conferencing. The details of agenda item can be seen at parivesh.nic.in. Online proposal no. is FP/TG/WATER/36146/2018.
2. Dy Director General (Central), Regional Office, Chennai, MoEF&CC and Nodal Officer (FCA) of the state were present in the meeting. Facts of the case, in the form of fact sheet were presented before the Committee.
3. During the deliberations, FAC observed that:
  - a. The said proposal is for drinking water requirements in Hyderabad City and

involves construction of 10 TMC reservoir at Keshavapuram. It was noted that period of diversion has not been mentioned, which was clarified by the PCCF that it would be same as project period provided in DPR, i.e. 100 years.

- b. Nodal Officer Telangana informed that even though the proposal is for a 10 TMC reservoir but at a time only 5 TMC water will be stored in the reservoir and annually twice the reservoir will be filled up. This will reduce the requirement of forest land for the proposal.
- c. The Compensatory Afforestation (CA) has been proposed on equivalent non-forest land of 424.4695 ha, in three districts namely Siddipet, Yadari-Bhuvanagir and Suryapet. The User Agency has also proposed CA at their cost in degraded forest land (area: 350 ha) in Bhadradi-Kothagudem district to make up balance saplings plantation (i.e. 388850 nos) on nine different patches.
- d. Issue of possible impact of removal of as many as 1,39,274 number of trees on ecology was discussed. PCCF (HoFF) of the state explained that enumeration is based on extrapolation of 37 nos of random sampling plots. The sampling plots were laid on patches having tree cover but proposed diversion also includes barren patches and rocky outcrop and if such area is accounted for, number of extrapolated trees will reduce significantly. She also clarified that most of the forestry crop consists of poles and coppices having low ecological and economic value.
- e. Issue of fragmented CA patches were explained and it was assured that adequate protection measures shall be taken in raising CA.
- f. It was suggested that such forest diversion proposals shall also be taken up for study on its impact on social changes vis-à-vis environment.

**Decision of FAC:**

After detailed deliberations the FAC **recommended** the proposal with general conditions and following specific conditions:

- i. State Government would encourage plantation of bamboo along with tree species in the degraded forest land proposed for CA;
- ii. State Government may ensure that at a time only 5 TMC water may be stored in the

reservoir and furnish an undertaking in this regard;

- iii. Non Forest Land proposed for CA at Regonda (23.2816 ha. patch) is having an Adit tunnel beneath the ground but the site is suitable for afforestation (as per Site Inspection Report of Regional Office). Therefore, an NOC may be obtained from the Water Resources Department of the State Government.

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**Agenda No. 3**

**File No. 8- 06/2019-FC**

**Sub: Proposal for diversion of 162.45 ha of forest land in Indaram RF, Mancherial Range of Mancherial Forest Division in Mancherial District for grant of Mining Lease for Srirampur Open Cast-II Expansion Project in Jaipur Mandal, Mancherial District in favour of M/s Singareni Collieries Company Limited, Srirampur Area Mancherial District of Telangana- reg.**

1. The FAC considered the above-mentioned agenda item in its meeting held on 18.08.2020 through video conferencing. The details of agenda item can be seen at parivesh.nic.in. Online proposal no. is FP/TG/MIN/29918/2017.
2. Dy Director General (Central), Regional Office, Chennai, MoEF&CC and PCCF&Nodal Officer (FCA) of the state were present in the meeting. Facts of the case, in the form of fact sheet were presented before the Committee.
3. During the deliberations, FAC observed that:
  - a. The said proposal is for 162.45 ha of forest land in Indaram RF, Mancherial Range of Mancherial Forest Division in Mancherial District for grant of Mining Lease for Srirampur Open Cast-II in favour of M/s Singareni Collieries Company Limited, Srirampur Area Mancherial District. PCCF (HoFF) clarified that the period of diversion of the proposal is 50 years.
  - b. The representative from the User Agency made an online presentation on the proposal.
  - c. It was observed that the proposal is for opencast mining of three already approved mining leases for underground mining of coal which are North Godavari Mining lease (forest area- 45.22 ha), Sri Rampur Mining lease

(Forest area-11.13 ha) and Indaram Mining lease (forest area- 106.10 ha.). These three underground mining leases have validity up to 21.05.2030, 27.06.2038 and 23.07.2020 respectively. In fact major mining lease for Indaram RF has already expired, user agency clarified that for renewal of the mining lease has already been processed.

- d. The issue of different validity of mining leases constituting a single proposal was raised and clarification was sought on how to make a single FC approval co-terminus with three different lease periods. This issue was deliberated upon and PCCF (HoFF) conveyed that earliest expiry of the lease period out of three leases will be the period of diversion.
- e. FAC also noted that the Ministry vide its letter dated 31.01.2013 has accorded the status of CPSU to M/s SCCL. This issue needs a relook in the Ministry as Compensatory Afforestation has been proposed on double degraded forest land and this dispensation is available only to the Central PSUs whereas M/s SCCL is a joint holding PSU where major stake of 51% is with the State Government and for all other purposes it is treated as State PSU.
- f. FAC observed that the Hon'ble Supreme Court on 11.08.2020 has given an order in WP 114 of 2014. The matter needs a fresh look as per the orders of the Hon'ble Supreme Court.
- g. In light of the deliberations following additional points were considered for submission by the State Government:
  - i. Three separate kml files of proposed diversion as per forest area involved of three mining leases;
  - ii. Specific land use plan and mining plan;
  - iii. Status of realization of penalty as per specific instructions in WP 114/2014 of Hon'ble Supreme Court in 'Common Cause' judgement;
  - iv. Suitability of proposed CA sites shall also be looked into.
- h. h. In the meeting it was also deliberated that after receipt of all the details opinion/comments of Impact Assessment Division of the Ministry shall also be obtained.

**Decision of FAC:**

After detailed deliberations the FAC **deferred** the proposal with the following:

- i. Reply of the State Government on issues mentioned at Sr No. 3 (d) and(g) above may be obtained.
- ii. Issues related with status of M/s SCCL as a Central PSU will also be looked into.
- iii. As the proposed project has been carved out from parts of three existing / ongoing leases, it will be appropriate to obtain comments of IA division of this Ministry regarding permissibility of one single project instead of three in light of the EIA notification.
- iv. The proposal requires to be examined on the basis of the orders of the Hon'ble Supreme Court in WP 114 of 2014.

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**Policy Issue**

**Agenda No. 4**

**F. No. 5-3/2007-FC**

**Sub: Guidelines related to prospecting/exploration in forest area; modification of guidelines given under para 6.8(v) of the Chapter -6 of Handbook of Forest (Conservation) Act, 1980 - regarding.**

1. The above stated policy issue was discussed in FAC meeting on 18.08.2020. The guidelines pertaining to prospecting in forest areas, as given under para 6.8 (v) was discussed in detail.
2. It was informed that a representation has been received from the Ministry of Mines to simplify the provisions of the FC Act for undertaking prospecting/exploration in forest area for metallic & non-metallic minerals and hydrocarbons.
3. To address the concerns of Ministry of Mines, a meeting was held between Secretary (EF&CC) and Secretary (Mines) of Government India on 21.07.2020 in MoEFCC to discuss the issues related to prospecting and exploration of minerals in forest areas vis-à-vis provisions under Forest (Conservation) Act, 1980. Officials of Ministry of Mines and Forest Conservation Division, MoEF&CC also attended the meeting. Followings were discussed during the meeting:

- i. Officials of the Ministry of Mines requested that prospecting and exploration in forest area may be exempted from the purview of Forest (Conservation) Act, 1980. It was further informed that all areas of exploration are not converted into mining. Only about 1% cases are converted to mining. Considering these, payment of NPV is regarded as an avoidable expenditure. It was submitted that even payment of NPV at a rate of 2% or 5% is one of the major challenges which leads to delay in the exploration/prospecting activities.
  - ii. Secretary, EF&CC stated that NPV is charged in compliance to Supreme Court order dated 30.10.2002 and it will not be appropriate for the Ministry to exempt NPV under the current situation.
  - iii. Officials of the M/o Mines also raised the issues related to procedural constraints and after deliberations on these issues, it was desired that being procedural in nature, these may be rationalised and resolved to the extent possible at IG(FC) level after discussing with officials of Ministry of Mines.
4. In pursuance to the decision taken in the meeting dated 21.07.2020, a meeting was held on 22.0.2020 between the officials of the M/o Mines and IGF(FC) wherein officials of the M/o Mines desired the following:
- i. To incorporate exploration as a category akin to prospecting in the online application and accordingly Form-C may be modified.
  - ii. To introduce more flexibility in prescribing scales of map to be submitted for prospecting/exploration rather than insisting for a single scale of 1:50,000.
5. In light of above, it was informed that the necessary modification in Form-C have been proposed and for incorporation of the same, matter is being processed separately.
6. It was also observed that instead of charging lumpsum value of NPV at the of 2% or 5% of the total lease area, NPV for actual impact area of each boreholes proposed for prospecting should be considered.

### **Decision of FAC**

After thorough deliberation and discussions, the FAC observed that the rate of NPV for use of forest land for non-forestry purpose has been fixed by Hon'ble Supreme Court of India. It was further observed that exemption of NPV, as requested by Ministry of Mines, cannot be considered by this Ministry. On further deliberation, it was noted that for each borehole an

area of approximately 0.1 ha is impacted with the activities that are undertaken during prospecting/ exploration. The FAC, therefore, recommended that MoEF&CC may consider charging NPV on borehole basis instead of the present practice of charging 2 or 5 per cent NPV of the total forest area in the lease area. In this regard, necessary clarification in FCA guideline 6.8(v) may be issued by MoEF&CC.

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