

Agenda -8

File No. 8-36/2010-FC

1. M/s Rohne Coal Company Private Limited in their letter dated 8th August 2013 informed the Ministry of Environment and Forests as below:

- (i) They have been issued letter of allocation for mining lease of Rohne Coking Coal Block over an area of 825 hectares on 05.06.2008. Thereafter, they applied for diversion of entire forest land (not a portion thereof) of 778.23 hectares under FC Act, 1980 situated in allocated in mining lease area. Government of Jharkhand also recommended the diversion over the entire forest land to the Government of India. Simultaneously they also applied for Environment Clearance for mining over 825 ha.
- (ii) Environment Appraisal Committee (EAC) recommended Environment Clearance over entire mining lease area of 825 ha and decided to hold our application for grant of Environment Clearance until Forest Clearance is obtained.
- (iii) Their forest Diversion proposal was under process at Ministry of Environment and Forests (MoEF) and on dated 23.01.13, MoEF accorded in-principle approval (stage-I) for diversion of 567 ha only (Out of total applied area of 778.23 ha), keeping balance area of 211.23 Ha in abeyance till delineation of the exact boundary of wild life corridor as suggested by the Sub-Committee appointed by the MoEF is completed. Government of Jharkhand has already mandated an Expert Committee to study the wild life corridor and implications on 211.12 ha of forest area.
- (iv) On receipt of prior approval for forest diversion, they requested MoEF to grant of environment clearance for an area of 665.12 Ha. (567.00 ha forest + 98.12 ha non-forest). In between MoEF brought a guideline on dated 01.02.2013, which says that the Government will accept only applications seeking prior approval under FC Act for diversion of entire forest land, not a portion thereof within the proposed lease area. Moreover, as per clause (iii)

“ As regards Environmental Clearance (EC) cases of existing mining operation, where approval under the FC Act for the full forest area in the mining lease area is not available, granting the EC may be considered and the following process will be adopted for processing such cases:

- (a) *Grant of EC may be considered only for the non forest area plus the forest within the mining lease for which FC is available. No mining activities will be allowed in the forest area for which the FC is not available; and*

- (b) *The project proponent will seek and obtain approval under the FC Act for diversion of the entire forest land located within the mining lease within a period of two years from the date of issue of these guidelines, failing which the mining lease area will be reduced to the non-forest area plus the forest area for which the project proponent has been able to obtain the FC at the end of this time period. In case of reduction in mining lease area, the project proponent will need to get a revised mining plan approved from the competent authority for reduced area and enter into a new mining lease as per the reduced area. The EC will be construed to be available for the mining lease area as per the revised mining lease."*
- (v) With reference to above mention circular, MoEf informed them on dated 22.03.2013 whether they would like reduce the mine lease area to 560 ha for which the in-principle stage-I clearance has been obtained. MoEF contends that their case does not fall under category of existing mining lease.
- (vi) In their case in-principle approval has been accorded prior to issuance of the above mentioned circular, therefore, exemption should be available to them also.
- (vii) The Section 2 of the FC Act' 1980 says:
 "Restriction on the dereservation of forests or use of forest land for non-forest purpose.

 (ii) *that any forest land or any portion thereof may be used for any non-forest purpose.*
 (iii) *that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization not owned, managed or controlled by Government;*
- (viii) Provisiosn (ii) and (iii) under section -2 of FC Act are co-terminus. They have been issued letter of allocatiobn for te mining lease for an area of 825 ha. including 778 hecatres. They request the MoEf to accord prior approval o for entire 778.23 hecatres fopr assignment of lease unde section 2 (iii). However, in-principle styage-I clearance of 567 ha. under section 2 (ii) shall continue. They undertake that.
- (a) They will limit the working area to the extent of non forest land plus 560.00 ha. of forest land for which prior approval under section 2 (ii) has been awarded. The balance 211.23 ha. area area shall be protected as forest and no non forest activity will be carried out.

- (b) After completion of study of wildlife corridor as suggested by FAC, they will again seek prior approval for diversion of balance area of 211.23 ha under section 2 (ii) of FC Act, 1980.
2. M/s. Rohne Coal Company Private Limited in their said letter dated 8th August 2013 requested the Ministry of Environment and Forests that considering above facts, the MoEF may process assignment of 778.23 ha. area as lease under section 2 (iii) of FC Act , 1980 to obtain Environmental Clearance.
 3. The matter is placed before the Forest Advisory Committee for their examination and appropriate recommendations.
