

Government of India
Ministry of Environment & Forests
(FC Division)

Proceedings of the Forest Advisory Committee Meeting Held on
11th -12th July, 2013

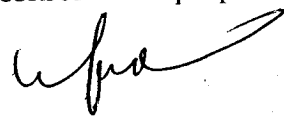
No. of Pages: 10
No. of Proposals: 06
AIGF (HCC)

Agenda No. 1: Diversion of 94.563 hectares of forest land in favour of Project Director, NHAI, Rohtak for 4 laning of Rohtak-Hisar Road (NH-10) from km. 112.210 to 115.000, 123.000 to 137.500 and 144 to 170.000, under forest division and district Hisar, Haryana (File No. 8-51/ 2013-FC)

The FAC after examination of the proposal observed as below:

- (i) After listing of the proposal in the agenda for the FAC meeting, it was informed by the Regional Office (Northern Zone), Chandigarh (RO, Chandigarh) of the Ministry of Environment and Forests (MoEF) that apart from this proposal seeking prior approval of Central Government for diversion of 94.563 hectares of forest for 4 laning of Rohtak-Hisar Road (NH-10) in Hisar district they have received two proposals for diversion of 17.0535 hectares and 16.4760 hectares of forests land in Rohtak and Bhiwani districts respectively for widening/upgradation of the same highway;
- (ii) As per the RO, Chandigarh during discussion of these proposals in the SAG meeting held in June 2013, it was pointed out by the Nodal Officer as well as the user agency that there is a third part of proposal also for the 94.563 ha of forest land in Hissar district of Haryana. As all these three proposals pertain to the same project, in-continuity, it was decided by the SAG that these proposals will also be submitted to the MoEF for consideration of the FAC;
- (iii) Keeping in view that area of forest land proposed to be diverted for widening of the said highway in all three districts exceeds 100 hectares, in compliance to para 4.10 of guidelines issued under the FC Act, the MoEF vide letter dated 10th July 2013 requested the RO, Chandigarh to inspect the forest land proposed to be diverted and submit a report;
- (iv) The RO, Chandigarh vide their letter dated 10th July 2013 submitted the inspection report to the MoEF. However, on examination of the same it was observed that inspection report does not contain information in the format stipulated in Annexure-X to guidelines issued under the FC Act. Due to late receipt of inspection report, it could not also be displayed on the website of MoEF before the FAC meeting. Pending receipt of site inspection report from the RO, Chandigarh Form-A and fact sheets of two proposals which were originally received by the RO Chandigarh could also not be displayed on the website of the MoEF.

The FAC keeping in view the above facts recommended that the RO, Chandigarh be requested to submit inspection report in the format stipulated in Annexure-X to guidelines issued under the FC Act. On receipt of inspection report in the stipulated format, consolidated proposal for



diversion of the forest land located in all three districts of Hissar, Bhiwani and Rohtak may be placed before the FAC after placing a copy of Inspection Report and Form-A of all three proposals on website of the MoEF well before the date of the meeting, to ensure compliance with the orders passed by the Central Information Commission (CIC) in this regard.

Agenda No. 2: Revised proposal for diversion of 75.971 hectares of forest land in North Balaghat (General) Forest Division in favour of the South East Central Railway for Gondia- Jabalpur gauge conversion project [File No. 8-107/2008-FC(pt.)]

The FAC after examination of the proposal observed as below:

- (i) Out of the 75.971 hectares of forest land proposed to be diverted, 19.822 hectares of forest land is under administrative control of the North Balaghat Division, the 54.341 hectares of forest land belongs to the Railways and the remaining 1.808 hectares of the forest land is under administrative control of the Revenue Department;
- (ii) Forest land proposed for diversion contains teak/ sal/ mixed forest of IVA, IV B and VA class;
- (iii) Crown density of vegetation available in the forest land proposed to be diverted varies from 0.40 to 0.70;
- (iv) Forest land proposed for diversion contains 27,105 trees and 2,286 bamboo clumps;
- (v) Earlier the Government of Madhya Pradesh submitted a proposal to obtain approval under the FC Act for diversion of 69.759 hectares of forest land in favour of the South East Central Railway for gauge conversion of the Gondia - Jabalpur Railways line in Balaghat district;
- (vi) On inspection of the said forest land by the Regional Office (Central Zone), Bhopal of the MoEF, it was observed that the actual requirement of the forest land for gauge conversion of said line in Balaghat district is 75.479 hectares. The MoEF therefore, in letter dated 16th July 2010 advised the State Government of Madhya Pradesh to submit a revised proposal for diversion of 75.479 hectares of forest land.
- (vii) The Government of Madhya Pradesh vide their letter dated 30th October 2010 submitted a revised proposal for diversion of 75.479 hectares of forest land.
- (viii) The FAC in its earlier meeting held on 18th November 2010 has examined the earlier proposal - and after examination of the proposal observed as below:
 - (a) Taking note of the fact that the forest land proposed to be diverted is an important wildlife habitat and is also located in the Kanha-Pench corridor, the FAC after examination of the original proposal in its meeting held on 20th February 2010 recommended constitution of a Committee consisting of Dr. Rajesh Gopal, Member-Secretary, National Tiger Conservation Authority (NTCA); Dr. Joseph, WWF-India and Sujoy Banerjee, Deputy Conservator of Forests, Regional Office (Western Zone),



Bhopal (hereinafter referred to as 'Rajesh Gopal Committee') to examine impact of the proposed gauge conversion project on the Kanha- Pench corridor;

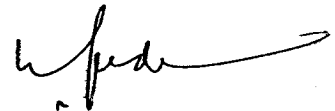
- (b) The Rajesh Gopal Committee enlisted the justification "for" and "against" the proposed gauge conversion *vis-a-vis* the wildlife conservation. The same are as below:

JUSTIFICATION FOR

- The proposal is for broadening of an already existing narrow gauge line which is operational for last 100 years;
- Railway traffic is different from road traffic as speed is regulated, traffic intensity is fixed, railway is ready to obey restriction such as speed restrictions, horns *etc.*;
- The railways line passes through both forests and revenue areas and the forest is not in a continuous stretch;
- Realignment of track to entirely avoid/byepass the forest areas is not feasible; and
- Proposals for forest clearance between Jabalpur and Balaghat has been submitted by the Govt. of MP in four parts, one each for a district, namely Jabalpur (approved), Seoni (in process), Mandla (approved) and Balaghat (present proposal under consideration)

JUSTIFICATION AGAINST

- It cuts across the intervening part of forests located within the Pench-Kanha corridor;
- As per the WII-NTCA Tiger Census Report, 2008, Pench-Kanha corridor is one of the most important tiger and wildlife corridor in Central India. The corridor in itself is fragmented, and the railway line will further compound the problem;
- Due to gauge broadening, frequency and intensity of train traffic will increase;
- There have been numerous railway accidents in this country in the past resulting in mortality of wild animals including Schedule-I species such as tiger and elephant. The recent train accident resulting in death of seven elephants in North Bengal and frequent tiger mortality in narrow gauge rail in Dudhwa are glaring examples;
- In the last tiger census survey, the active presence of tiger was observed in this corridor including two direct sighting of tiger;
- Gauge broadening will result in irreversible damage to the wildlife corridor;



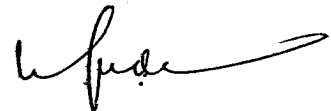
- The State Government has already built a road parallel to the railways line proposed to be widened, right within the Pench-Kanha corridor without taking any safeguards or measures for wildlife movement. The impact of railway track will only cumulate the impact.
 - The existing narrow gauge line presently forms the backbone of the rural economy of the villages falling in between these two points. Converting this to broad gauge will be a great disadvantage to the local people.
- (c) Based on the JUSTIFICATION FOR and JUSTIFICATION AGAINST, in conclusion, the Rajesh Gopal Committee recommended that the proposal for diversion of the said forest land should be rejected.
- (ix) After careful examination of the proposal and report of the Rajesh Gopal Committee, the FAC recommended to reject the said proposal.
- (x) The competent authority in the Central Government accepted the recommendation of the FAC to reject the proposal.
- (xi) The MoEF in their letter dated 23rd December 2010 communicated decision of the Central Government to decline prior approval of Central Government under the FC Act for diversion of the said forest land.
- (xii) The revised proposal submitted by the State Government does not contain detailed justification for reconsideration as well as comments on the grounds on which the proposal was rejected by the MoEF, as is required in accordance with the provisions of the para 4.14 of guidelines issued under the FC Act.

After careful examination of the proposal, the FAC re-iterated its earlier recommendation to decline prior approval of Central Government under the FC Act for diversion of the said forest land.

Agenda No. 3: Diversion of 22,777.50 hectares of forest land in Manipur for construction of Tipaimukh Hydroelectric Project in Manipur. (File No. 8-63/2005-FC)

The FAC after preliminary examination of the proposal observed as below.

- (i) The proposal was discussed by the FAC in its meeting held on 11th and 12th January 2012 and keeping in view that the project involves diversion of very large area of forest land and felling of more than 78 lakh trees in Manipur alone, the FAC recommended that a sub-committee of FAC along with domain experts in the field of ecology, wildlife, hydrology etc. may visit the project site to make an on-the-spot assessment of the impacts, the project is likely to have on flora, fauna and also on the socio-economic conditions of the local residents;
- (ii) The FAC in its said meeting further recommended that the sub-committee may also suggest appropriate measures, including reduction in dam height, to minimize requirement of forest land for execution of the project;



- (iii) MoEF in consideration of the said recommendation of the FAC constituted a committee under Chairmanship of Dr. Mohammad Firoz Ahmed, non-official member of the FAC. However, due to certain unavoidable reasons the Committee could not inspect the forest land proposed to be diverted.
- (iv) Keeping in view the repeated requests from the Ministry of Power and the user agency to expedite decision on the proposal seeking diversion of the forest land for the project, the MoEF referred the proposal back to FAC for its re-examination and appropriate recommendations.

As desired by MoEF and after examining the grounds for delay in site inspection by the sub-committee constituted by the Ministry on its recommendation, the FAC decided to re-examine the proposal of the State Government without insisting upon the report of the sub-committee. After a thorough examination and interaction with representatives of the user agency, who made a presentation, the FAC observed as below:

- (i) The State Government of Manipur initially submitted a proposal to obtain prior approval of Central Government under the FC Act for diversion of 20,464 hectares of forest land which they revised to diversion of 25,822.14 hectares of forest land. Later, in consideration of the recommendations made by the North Eastern Regional Office of the Ministry of Environment & Forests, the area of forest land proposed for diversion was reduced to 22,777.50 hectares.
- (ii) For the same project, a proposal seeking prior approval of Central Government under the FC Act for diversion of 1551.60 hectares of forest land in Mizoram has also been received by the MoEF and is being processed separately.
- (iii) This project thus requires 24,329 hectares of forest land which is more than one-fifth of the total 1,18,184 hectares of forest land diverted for execution of 497 hydel project in the entire country after the FC Act came into force.
- (iv) The forest land required for the project is more than 100 times the average rate of diversion forest land for the hydel projects for which approval under the FC Act has been accorded by the MoEF, so far.
- (v) The per-megawatt requirement of forest land (16 hectares of forest land per megawatt) for the above project of 1500 MW installed capacity is much higher than the average per mega watt requirement of forest land for the existing hydel projects in the country. The forest land required for the project is almost two-thirds of the average annual rate of diversion of forest land for non-forest purpose (35,890 hectares per annum) during the 32.50 years of the existence of the Act.
- (vi) Forest land proposed to be diverted in Manipur contains 78,16,931 trees and 0.27 lakh bamboo culms. It is also home of several endangered species (including those listed in schedules to the Wildlife (Protection) Act, 1972) of flora and fauna. The Principal Chief Conservator of Forests, Manipur has observed in his report that "no compensatory measure would help in mitigating the adverse impact caused by loss of such large forest



tracts on the habitat, flora, fauna, biodiversity, micro-climate and environment unless additional Non-forest areas in affected districts or adjoining districts are taken up for compensatory afforestation."

- (vii) The Chief Conservator of Forests (Central), North Eastern Regional Office, Shillong in his site inspection report has opined that such a diversion proposal involving a huge stretch of critically important forest and wildlife habitat where compensatory measures may not be proved effective, may not be advisable.
- (viii) Forest land proposed to be diverted is a known habitat of several wildlife species such as Jungle fowl, Barking deer, Wild Boar, Assamese macaque (*Macaca assamensis*). Animals such as Leopard (*Panthera pardus*), Clouded Leopard (*Neofelis nebulosa*), Slow Lorries (*Nyctibus coucang*), Golden cat (*Felis temmincki*), Hoolock Gibbon (*Hylobates hoolock*), Capped Langoor (*Presbytis pileatus*), Pangolin (*Manis crassicaudata*) Hog Badger (*Arctonyx caloris*), Himalyan Black Bear (*Selenarctos thibetanus*), etc, and birds like Great Indian Hornbill, Bamboo Partridge, etc. are also reported to be available in the forest land proposed to be diverted.
- (ix) Project involves displacement of 12 villages consisting of 557 families having a population of 2,027 Scheduled Tribes in Manipur. Several representations have been also received from individuals, civil society organizations and environmental groups against this proposal.
- (x) The regular employment likely to be generated from the project is only 826 persons. Therefore, it appears that employment opportunities likely to be created by the project is not commensurate with the loss of land and natural resources which are generally the main source of livelihood of the tribal population of the state.

The FAC after detailed deliberations concluded that requirement of forest land for the project is large and is disproportionate to its power generation capacity. Also very high ecological, environmental and social impact/cost of the diversion of the vast tract of forest land will far outweigh the benefits likely to accrue from the project. The FAC therefore, strongly recommended that approval for diversion of the said forest land should not be accorded.

The FAC further recommended that in case the user agency desires, they may explore feasibility to construct smaller dams involving diversion of smaller forest area commensurate with their power generation capacity.

Agenda No. 4: Diversion of 582.11 hectares of forest land in Unguturu Block-I RF of ELURU Division for Experimental Farms/Demonstration Farms/ Botanical Gardens/ Nurseries etc. in favour of A.P. Horticultural University, West Godavari District (File No. 8-9/2011-FC)

The FAC after examination of the proposal observed as below:

- (i) Legal status of forest land proposed to be diverted is Reserve Forest;
- (ii) Crown density of vegetation available in the forest land proposed to be diverted is 0.20;



- (iii) Forest land proposed for diversion contains 1,66,961 trees. Out of these 1032 are teak trees, 932 are *Gmelina arborea* trees and the remaining 1,64,997 are Eucalyptus clones;
- (iv) The user agency has not identified non-forest land for compensatory afforestation in lieu of the forest land proposed to be diverted;
- (v) The user agency also does not desire to pay Net Present Value (NPV) of the forest land proposed to be diverted;
- (vi) The Regional Office (Southern Zone), Bangalore after inspection of the forest land proposed to be diverted *inter-alia* reported as below:
 - (a) No alternatives seem to have been explored since the proposed area is adjacent to the university;
 - (b) The West Godavari district has 7795 km² geographical area. Of this, forest area is only 811.53 km². Thus the percentage of forest area in the districts is very low. Diversion of the proposed land in favour of the University will further reduce forest cover in the district;
 - (c) Forest land proposed to be diverted has already been allotted to 9 *Van Suraksha Samities* (VSSs) for protection and development. Plantations have been raised by them in 230 ha. Diversion of the said forest land will adversely affect rights of these VSSs;
 - (d) The forest land proposed to be diverted does not form part of any National Park or Wildlife Sanctuary. The nearest wildlife sanctuary, i.e. the Kolleru Wildlife Sanctuary is located at about 20 kilometers distance from the forest land proposed to be diverted;
 - (e) The University is already having 216 acres of land which has not been fully utilized so far;
 - (f) Apart from its own land, the University has 4 colleges of Horticulture, 5 Horticulture polytechnic colleges, 25 research stations and 3 *Krishi Vigyan Kendras* (KVKs) in 9 Agro climatic zones in the State;
 - (g) The university must explore the possibility of research activities in its existing centers as well as by having tie up with farmers;
 - (h) Experiments related to species of minor forest produce can, however, be taken up in the proposed area in collaboration with the State Forest Department and VSSs without the diversion of forest land after necessary provision is made in the working plan.
- (vii) The Regional Office (Southern Zone), Bangalore in conclusion recommended that diversion of forest land does not appear to be necessary.



The FAC after detailed deliberations recommended that diversion of forest land for the proposed, non site specific activities, such as establishment of a University may not be accorded.

Agenda No. 5: Proposal seeking permission for prospecting license and drilling of bore holes for exploration of gold and associated minerals in South Kolar PL Block falling in B.M. Konda R.F. of Chittoor (West) Division for a period of three (3) years by M/s. Geo Mysore Service (India) Pvt. Ltd., Bangalore (File No. 8-52/2013-FC)

The FAC after examination of the proposal observed as below:

- (i) Legal status of the forest land proposed to be utilised for prospecting is Reserve Forest;
- (ii) Crown density of vegetation available in the forest land proposed to be utilised for prospecting is 0.10;
- (iii) Government of Andhra Pradesh vide letter dated 27th May 2009 granted prospecting license to the user agency to carry out exploration activities for Gold over 2,197.70 hectares of land in South Kolar area of Chittoor District. The said 2,197.70 hectares of land includes 591.69 hectares of forest land;
- (iv) Prospecting license was executed on 16th July 2009 without obtaining prior approval of Central Government under the FC Act. The same amounts to violation of the section 2 (iii) of the FC Act. Period of validity of the prospecting license has, however, not been indicated by the State Government;
- (v) As per the user agency, preliminary drilling has indicated very encouraging results and thus user agency is now planning to carry out intensive drilling involving of 160 drill holes and following other prospecting activities:
 - (a) Detailed outcrop geological mapping and rock chi and channel sampling from the rock out crops;
 - (b) Contour surveying of the area;
 - (c) Geophysical surveys by electrical and magnetic methods.
- (vi) The State Government while forwarding the proposal informed that the user agency will use existing paths/tracks and shall not use forest land in any other way and will not cause any destruction to forests. However, contrary to the above, proposal contains a statement containing details of 513 trees standing on the forest land proposed to be utilised for construction of approach road. The proposal also contains a statement containing details of 284 trees standing on the forest land proposed to be utilised for drilling of bore holes.

The FAC after detailed deliberations recommended that the State Government may be requested to submit following information/documents pertaining to the proposal:

- (i) Area and location of new roads, if any, proposed to be constructed to carry the drillings rig and other equipment at the bore hole sites;



- (ii) A map indicating location of existing as well as new roads proposed to be utilised to carry the drillings rig and other equipment at the bore hole sites;
- (iii) Forest cover map indicating crown density of vegetation available in and around (within 10 kilometer) the forest land proposed to be utilised for prospecting;
- (iv) A Survey of India toposheets indicating location and status of prospecting/mining in the prospecting/ mining block(s), if any, located within ten kilometer distance from boundary of the forest land proposed to be utilised for prospecting and with a geo-referenced map in shape file of the forest land proposed to be diverted;
- (v) Validity of the prospecting license granted in favour of the user agency;
- (vi) Reasons for not obtaining prior approval of Central Government under the FC Act, before execution of prospecting license for the block containing forest land; and
- (vii) Name and designation of persons responsible for execution of prospecting license for the block containing forest land without obtaining prior approval of Central Government under the FC Act.

Agenda No. 6: Renewal of the approval accorded under the Forest (Conservation) Act, 1980 for diversion of 100 hectares of forest land for Jayant Project of the Northern Coalfields Limited (NCL) [8-67/2007-FC (pt.)]

The FAC after examination of the proposal and interaction with representatives of the user agency observed as below:

- (i) The Ministry of Environment and Forest (MoEF) vide letter dated 12th August 2002 accorded approval under the FC Act for diversion of 100 hectares of forest land for 10 years *w.e.f.* 20th March 2002. The same has already expired on 19th March 2012. Even after expiry of approval accorded under the FC Act on 19th March 2012, two roads located in the said forest land are being utilised by the user agency for transportation of coal and overburden;
- (ii) Legal Status of forest land proposed to be diverted is Protected Forest;
- (iii) The forest land proposed to be diverted has already been utilised for mining and allied activities. All trees and other forest produce available in the said forest land have already been felled/harvested by the State Forest Department before its handing over to the user agency in 2002;
- (iv) During the validity of the previous approval 45 million tonne coal has been extracted from the forest land proposed to be diverted;
- (v) Though the extraction of coal from the said forest land has already been completed, it is proposed to be utilised for overburden dumps, haulage roads and creation of other infrastructure to facilitate transportation of coal from the Jayant mine of the user agency;



- (vi) The proposal received from the State Government does not contain a Survey of India topo-sheet, in original, indicating boundary of the forest land proposed to be diverted; and
- (vii) The proposal does not contain a report on compliance to conditions stipulated in the previous approval under the FC Act for diversion of the said forest land.

The FAC after detailed deliberations recommended that before making a recommendation on the proposal, the concerned Regional Office of the MoEF may be requested to inspect the forest land proposed to be diverted. The report to be submitted by the Regional Office, shall *inter-alia* contain the following:

- (i) Status of compliance to conditions stipulated in the approval under the FC Act for diversion of the said forest land in the past;
- (ii) Status of reclamation of the mined out forest and non-forest areas located in the mining lease;
- (iii) Area of two roads and any other area located in the said forest land which are being utilised for transportation of coal and overburden dump even after expiry of the approval accorded under the FC Act for diversion of the said forest land; and
- (iv) Name and designation of officials responsible for use of the two roads located in the said forest land which are being utilised for transportation of coal and overburden dump even after expiry of the approval accorded under the FC Act.

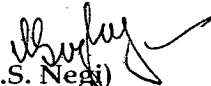
The FAC further recommended that the State Government of Madhya Pradesh may also be requested to submit to the MoEF a Survey of India topo-sheet, in original, indicating boundary of the forest land proposed to be diverted.


The FAC also recommended that a sub-committee consisting of its two non-official members namely, Prof. N. P. Todaria and Dr. Mohammad Firoz Ahmed may visit various mines (both PSU and privately owned) in Singrauli coalfield to assess status of reclamation of mined out areas.

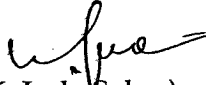
(Dr. Mohammad Firoz Ahmed)
Member


(Prof. N.P. Todaria)
Member


(Shri Raman Kant Mishra)
Addl. Commissioner, MoA,
Member


(M.S. Negi)
IGF (FC)
Member-Secretary


(A.K. Srivastava)
ADG (FC)
Member


(K. Jude Sekar)
(DGF&SS)
Chairman

Subject: FAC Draft minutes of FAC meeting held on 11-12 July 2013
 From: Harish Choudhry <harishce@yahoo.com>
 To: firoz@green-frontier.com
 Date: Sun Jul 14, 2013 14:11:41

Dear Sir,

If I did not respond to this earlier, I am sending this again and thus approve the minutes from my side.

firoz

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Envelope-to: firoz@green-frontier.com
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>
>Respected Sir,
>
>As telephonically discussed, kindly find attached herewith a copy of
>the draft minutes of FAC meeting held on 11-12 July 2013. Comments
>received from Prof. N.P. Todaria and Dr. M. Firoz Ahmed have been
>incorporated in the draft minutes. The same have also been seen by
>the IGF (FC), ADG (FC) and the DGF&SS.
>
>The draft minutes may kindly be confirmed through return mail at
>the earliest.
>
>
>Warm Regards,
>

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Dr. G. Madhava Murthy
Assistant Inspector General of Forests
Ministry of Environment & Forests
Government of India

11/02/

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Ministry of Environment & Forests
FC Division

**MINUTES OF THE FOREST ADVISORY COMMITTEE (FAC) MEETING HELD
ON 11th –12th July, 2013**

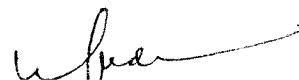
[Shri T.C. Nautiyal, AIGP(FC)]
(Total pages:6)

Aganda No.I:

Diversion of 119.6524 ha of forest land in favour of Dogra Scouts for creating Military infrastructure in district Lahul-Spiti under Wildlife Division Spiti, Himachal Pradesh (F.No.8-96/2011-FC)

The FAC after examination of the proposal observed as below:

- i. The legal status of the area being diverted (119.6524 ha) is Unprotected forests “*Charand*” land (*grass land*).
- ii. The ground density of vegetation is zero as there is no vegetation except grasses and bushes. Number of trees proposed to be affected from the project is zero.
- iii. Compensatory Afforestation has been proposed over twice the area being diverted over the degraded forest land and CA scheme has been provided only for 5 years maintenance. A Certificate from the Chief Secretary, Government of Himachal Pradesh regarding non-availability of ~~the~~ suitable non-forest land for raising CA has been enclosed along with the proposal. However, CA scheme has been provided only for 5 years instead of 7-10 years as required under the Guidelines issued by the MoEF in this regard.
- iv. The proposed land is 103 Kms away from Kibber Wildlife Sanctuary and 95 Kms away from Pin Valley National Park. The area proposed for diversion forms part of the snow leopard habitat.
- v. Survey of India topo-sheet, on 1:50,000 scale, depicting the area proposed for diversion has not been submitted by the State Government along with the proposal.
- vi. Authenticated Differential GPS (Geo-referenced) map showing boundary of the area proposed for diversion and map showing details of the protected area in 10 Km radius from the boundary of the area proposed for diversion have not been submitted by the State Government.
- vii. Documentary evidence in support of the settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 have not been submitted by the State Government.
- viii. Purpose wise breakup of the requirement of the forest land proposed for diversion has not been provided in the proposal.
- ix. Regional Office (Northern Zone), Chandigarh in its Site Inspection Report has reported that area is already under the possession of the user agency since 2005



and therefore, it is a case of violation of the Forest (Conservation) Act, 1980. However, the State Government while forwarding the proposal has nowhere mentioned these violations.

The Forest Advisory Committee, after detailed deliberations, recommended that a detailed report on violations along with clarification in this regard and whether this was a case of encroachment may be obtained from the State Government.

The committee also recommended that following information/documents be also sought from the State Government.

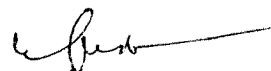
- i. Survey of India topo-sheet, on 1:50,000 scale, depicting the area proposed for diversion.
- ii. Authenticated Differential GPS (Geo-referenced) map showing boundary of the area proposed for diversion and map showing details of the protected area in 10 KM radius from the boundary of the area proposed for diversion.
- iii. A revised CA scheme for the degraded forest area twice in extent to the forest land proposed to be diverted with provision of maintenance of 7 to 10 years.
- iv. Documentary evidence in support of settlement of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. As per the MoEF guidelines dated 3/8/2009 and 1/2/2013 read with instructions issued in letter dated 20th September 2012.

Agenda Item No.2:

Diversion of 370.92 ha of forest land for Renewal of mining lease of Noamundi Iron ore mining in favour of M/s Tata Steel Ltd. Jharkhand(F.No. 8-279/1985-FC (Pt)

The FAC after examination of the proposal and interaction with the representatives of the user agency observed as below:

- i. The legal status of the area (370.92 ha) being diverted for renewal of mining lease of Noamundi Iron Ore Mine in favour of Tata Steel Ltd Jharkhand is Protected Forest. Authenticated Differential GPS map has been submitted by the project proponent in the meeting.
- ii. The density of vegetation as reported by DFO, Chaibasa South Forest Division is less than 0.1.
- iii. This proposal, being a case of renewal of mining lease, does not require raising compensatory Afforestation as stipulated under the Guidelines issued under the Forest (Conservation) Act, 1980.
- iv. The entire forest area of Chaibasa South Forest Division falls under Singbhum Elephant Reserve.
- v. The Noamundi Iron Ore Mine of M/s Tata Steel Ltd. was originally granted by the then Provincial Government over an area of 4.479 Sq. mile or 1160.06 ha for a period of 30 years from 1-1-1922 to 31-12-1951. First and second renewal of the



Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the advisory dated 3.08.2009 issued by the MoEF in this regard.

- xiii. The committee noted that the Regional Office has recommended the proposal with certain observations and has suggested measures to mitigate the impact of mining on the flora and fauna of the area. The Committee felt that observations of the Regional Office, Bhubaneswar are worth considering and should be addressed adequately by the project proponents during their mining operations and the committee recommended that observations of the Regional Office be appropriately included in the specific conditions stipulated for the project over and above the general and standard conditions .

After detailed discussion on the proposal, the FAC recommended the proposal with general conditions , standard conditions and following additional conditions:

- i. The project falls within Singhbhum Elephant Reserve therefore the project proponent shall contribute proportionately towards execution of comprehensive Wildlife Management Plan prepared for Saranda area by the State Government. The project proponent should fence off the mining pits with barbed wire fencing to prevent any accidental fall of wildlife in to mining pits.
- ii. The Project Proponent may prepare a plan for taking up plantation in non mineralized zone in consultation with the State Forest Department and raise the plantation at the project cost under the supervision of the Department.
- iii. Reclamation of mined out area should be done by employing appropriate technical and biological measures in accordance with the approved mining/reclamation plan to ensure restoration/reclamation of the mined area to natural landscape. Indigenous plant species should be used for plantation. Reclaimed land should be returned to the State Government immediately after reclamation of the land.
- iv. As part of its Corporate Social Responsibility, the user agency should prepare an integrated plan for taking up various activities related to creation of livelihood opportunities, education, health care including promotion of traditional healing system, protection and upgradation of the traditional agriculture, promotion of traditional craft and local knowledge, preservation of local customs, improvement in soil and water conservation mechanism within 5 KMs periphery of mining fields so that long term socio-economic development of the area may take place.

The committee also recommended that the user agency should take up following activities before the end of the first three years of its renewed mining lease:

- a. Establishment of a modernized environmental laboratory for regular monitoring of the environmental status as well as taking remedial measures for maintaining ecological balance in the mining lease area and surroundings.

The FAC recommended grant of working permission for one year as per the provision given under para 4.18 of the guidelines issued under the Forest



(Conservation) Act, 1980 to enable the project proponent to undertake mining in the said area pending compliance with the conditions stipulated in the stage-I approval by State Government and project proponent.

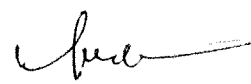
Agenda Item No.3:

Diversion of 47.658 ha. forest land in for widening of “Baghi Bardiha-Barbigha section of SH-83” 0 km-24.800 km (total length 24.8 km) under Navada district, Bihar(F.No. 8-8/2012-FC).

The FAC after examination of the proposal and interaction with the representatives of the user agency observed as below:


- i. The legal status of the area being diverted (47.658 ha) is protected forest.
- ii. The crown density of the vegetation available in the forest land proposed for diversion is below 0.01.
- iii. The proposal involves felling of 1153 trees of all girth classes.
- iv. The Compensatory Afforestation has been proposed over the degraded forest land, twice in extent to the area being diverted. CA scheme has been submitted for seven years and the area identified for CA has been suitably depicted on map. Site Suitability Certificate, from the concerned DFO, has also been submitted.
- v. The environment clearance under Environment Protection Act-1986 is not required as the widening of the road will be done in the existing Right of Way (RoW).
- vi. There are 2082 households and 515 structures which will be affected. However, the user agency has only submitted summary of the R&R plan. The detailed plan has not been submitted as required.
- vii. The area does not form part of any protected area and no rare /endangered and threatened species of flora and fauna are found in it .
- viii. There are no protected archeological/heritage sites in the area.
- ix. Documentary evidence, in support of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in accordance with the Guidelines issued by the MoEF in this regard has not been submitted by the project proponent.
- x. Authenticated Differential GPS (Geo-referenced) map showing boundary of the area proposed for diversion and map showing details of the protected area in 10 Km radius from the boundary of the area proposed for division have not been submitted by the State Government.
- xi. The Muck disposal plan is also not submitted.

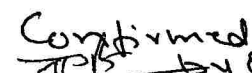
The FAC, after detailed discussion, recommended the proposal with general and standard conditions applicable for linear projects.

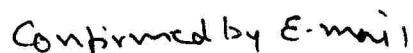


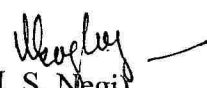
The Committee also recommended that approval of the competent authority of the Ministry will be obtained only after receipt of the following documents .

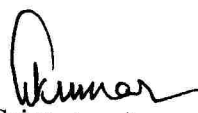
- a. Differential GPS map.
- b. 10 Km radius map indicating location of eco sensitive areas.
- c. Muck disposal plan .
- d. Detailed R&R plan approved by the State Government.

Confirmed by Email.

(R.K. Mishra)
Additional Commissioner
(Ministry of Agriculture)
Member

Confirmed by E-mail

(Prof. N.P. Todaria)
Member

Confirmed by E-mail

(Dr. Mohammad Firoz Ahmed)
Member

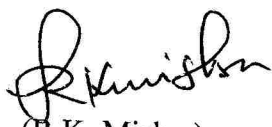

(M. S. Negi)
IGF (FC)
Member-Secretary


(A.K. Srivastava)
ADGF(FC)
Member

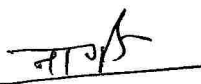

K. Jude Sekar
DGF & SS
Chairman

The Committee also recommended that approval of the competent authority of the Ministry will be obtained only after receipt of the following documents .

- a. Differential GPS map.
- b. 10 Km radius map indicating location of eco sensitive areas.
- c. Muck disposal plan .
- d. Detailed R&R plan approved by the State Government.



(R.K. Mishra)
Additional Commissioner
(Ministry of Agriculture)
Member



(Prof. N.P. Todaria)
Member

(Dr. Mohammad Firoz Ahmed)
Member

(M. S. Negi)
IGF (FC)
Member-Secretary

(A.K. Srivastava)
ADGF(FC)
Member

K. Jude Sekar
DGF & SS
Chairman

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Fwd: Draft minutes of the FAC meeting dated 11-12 July 1

Tapish chandra Nautiyal

to me

T C Nautiyal IFS

AIGF(FC)

MOEF

New Delhi

----- Forwarded message -----

From: **M Firoz Ahmed, PhD** <firoz@aaranyak.org>

Date: Wed, Jul 17, 2013 at 11:57 PM

Subject: Re: Draft minutes of the FAC meeting dated 11-12 July 13

To: Tapish chandra Nautiyal <tcnautiyal@gmail.com>, Jude Sekar <judeph033@ifs.nic.in>, nptfd@yahoo.com, negims84@hotmail.com

Sir,

The attached minutes are approved with minor comments.

Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110003.
Dated: 11-12th July, 2013.

Proceedings of the Forest Advisory Committee Meeting held on 11th & 12th July, 2013

Dir. (BKS)

Agenda Item no. 1: Diversion of 250.0635 ha of forest land in favour of General Manager (Airport) CIDCO Ltd., Navi Mumbai for establishment of Navi Mumbai International Airport in Alibag Forest Division in District Raigad of Maharashtra.

The Committee discussed the proposal for diversion of 250.0635 ha of forest land in favour of General Manager (Airport) CIDCO Ltd., Navi Mumbai for establishment of Navi Mumbai International Airport in Alibag Forest Division in District Raigad of Maharashtra. The Committee considered the proposal, site inspection report, clarification given by the State Government and detailed presentation made by the user agency before the Committee. The Committee made following observations:-

1. The present proposal envisages Green Field Airport at Navi Mumbai to decongest present International Airport in Mumbai. The project has been approved by the Government of India, and the Government of Maharashtra. This is being established by CIDCO Ltd., Navi Mumbai as public-private partnership project.
2. The user agency has evaluated all possibilities for alternative locations and minimum diversion of forest land.
3. It involves 250.0635 ha of forest land including 108.607 ha of deemed forest land and 141.4565 ha of deemed reserve forests.
4. Project area does not form part of any protected area. No rare or endangered species of flora and fauna has been reported to be found in the area. It was also noted that the area is not vulnerable to erosion. However, Karnala Wild Life Sanctuary is at minimum distance of 9.5 Km.

5. The proposal has been accorded environmental clearance (i.e. CRZ clearance) in 2010 only.
6. No work in violation of the Forest (Conservation) Act, 1980 has been reported.
7. The proposal was discussed in the last FAC meeting on 03rd & 4th April, 2013 and the Committee had sought the present status of Writ Petition No. WP 87 of 2006 pending in Hon'ble High Court at Mumbai, IA No. 2352-2553 in W.P. No. 202/1995 pending in Hon'ble Supreme Court and its implications on the proposal from the State Government. The documents / information regarding CA Plan, Approved R and R Plan, status of clearance from the Standing Committee of National Board for Wildlife, undertaking regarding payment of NPV over entire 250.0635ha, non-availability of DGPS maps, status of ownership of the project etc. were also sought.
8. The information/ documents have been provided by the State Government/ Project proponent. On scrutiny of documents/information, following was observed:-
 - a. The Writ Petition No. WP-87/2006 is pending in Hon'ble High Court of Mumbai. In accordance with their Interim Order dated 6th October, 2005 and 27th January, 2010, the legal status of mangrove area has to be treated as forests. The present proposal in question considers mangrove area in the project area as deemed forest and accordingly the diversion of the same is proposed in the proposal.
 - b. The cases mentioned in IA No. 2352-2353 in WP No. 202/1995^{are} is pertaining to the question of status of land as forest or non-forest land. However, the project proponent has already considered the proposed area of 141.456 ha as forest land. The said area is already included in the proposal.
 - c. The CA area for afforestation is in Alibag Taluka and Sudhagad Taluka of Distt .Raigad. Whereas, the area earmarked for Mangrove replantation and re-generation is in Panvel Taluka abutting airport in Raigad Dist. A map showing the location of Compensatory Afforestation area and the area earmarked for Mangrove re-plantation and re-generation has also been enclosed.
 - d. The R & R Plan prepared for Navi Mumbai International Airport and approved by the Board of Directors of CIDCO is under consideration with the Govt. of Maharashtra for approval.

- e. The proposal of Wildlife clearance was discussed in the meeting of Standing Committee of NBWL held on 20.03.2013, wherein, it was decided that Members from Satpuda Foundation, Amravati and BNHS, Mumbai would visit the airport site and submit their observations.

The Standing Committee of the National Board for Wildlife in its meeting held on 06.06.2013 has approved subject to certain conditions. The minutes are awaited.

9. Though the User Agency has stated that no felling of trees will be done, it is presumed that present mangroves will be removed for construction of the project. Accordingly, specific measures to compensate this loss have to be taken up by the User Agency.
10. The rehabilitation and resettlement plan for displaced persons from the project area has been planned at three places namely; Dapoli, Wahal and Wadkar on non-forest land.
11. Two air strips proposed in the project are East-West oriented and will have lesser impact on Karnala Bird Sanctuary. However, in view of the impact on the Karnala Birds Sanctuary, no proposal for extension of project will be entertained towards Karnala Birds Sanctuary.
12. Required certificate/ documents under FRA as per Circular dated 03.08.2009 have been submitted.

After detailed discussions, the Committee recommended the above proposal with the general conditions, standard conditions and following additional conditions:-

1. Afforestation of mangrove species over an area equivalent in extent to mangrove forest area being diverted has to be raised and maintained by the user agency at their own cost in consultation with the State Forest Department. It will be in addition to the mangrove area to be raised under CRZ approval.
2. All conditions imposed by the Standing Committee of the National Board for Wildlife will be complied with.
3. A specific plan shall be prepared by the user agency through a reputed organization like WII, SACON, BNHS, etc. and its recommendations shall be implemented by the User Agency to mitigate the impact of the project on avifauna under the supervision of the State Forest Department at the cost of project.

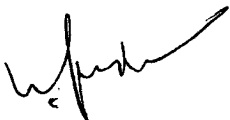
4. A Monitoring Committee will monitor the implementation of different measures stipulated herein and will submit six monthly report to the Ministry in this regard. The Committee will be comprised of Principal Chief Conservator of Forests as Chairman, representative of the Regional Office, Bhopal, representative of Bombay Natural History Society and representative of CIDCO and Conservator of Forests (territorial), who will be the Member Secretary of the Monitoring Committee.
5. The R&R Plan approved by the State Government shall be submitted before Stage-II approval.
6. State Government shall ensure that settlement of displaced people does not take place in the forest land.
7. In future, user agency shall not submit any proposal for extension of the project or any other project ancillary/related to this project in the forest land between the present project site and Karnala Bird Sanctuary.

The FAC further recommended that the above recommendations should be processed for obtaining approval of the competent authority only after receipt of the minutes of the 29th meeting of the Standing Committee of the NBWL.

Agenda Item no. 2: Diversion of 53.592 ha of forest land in Gunda RF, Gunda Extension RF, Nandibande RF, Shivapura Extn RF, Shivapura RF and Chilakanahatti Sandal RF of Bellary Division for widening of NH-13 from Hospet – Chitradurga Section (KM 299.000 to 418.60) in favour of the General Manager (Tech) & Project Director, National Highways Authority of India, Dharwad, Karnataka.

The Committee discussed the above proposal for diversion of 53.592 ha of forest land in Gunda RF, Gunda Extension RF, Nandibande RF, Shivapura Extn RF, Shivapura RF and Chilakanahatti Sandal RF of Bellary Division for widening of NH-13 from Hospet – Chitradurga Section (KM 299.000 to 418.60) in favour of the General Manager (Tech) & Project Director, National Highways Authority of India, Dharwad, Karnataka alongwith the presentation made by NHAI before FAC.

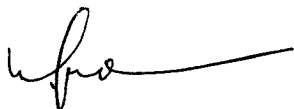
The Committee observed as follows:-



1. The existing project road is passing through Eco-class III Open Forest area and the proposal is made only for its upgradation considering the demand of the present and predicted traffic.
2. Hampi, heritage site is located 15.62 km. from the project area.
3. The sparse growth of tree species observed were of *Hardwickia binjata*, *Sterospermum*, *Soymeda*, *Cassia fistula*, *Borassus*, *Acacias*, *Eucalyptus sp.*, *Prosopis juliflora* and some ornamental species etc.
4. The user agency has evaluated all alternatives to ensure possibilities for minimum diversion of forest land.
5. It involves 53.592 ha of Reserve Forest land including 3.758 ha in Chilakanahatti Sandal Forest.
6. The detailed CA Scheme costing Rs. 1,52,000/ha has been proposed in degraded forest area twice in extent to the area proposed for diversion identified at Sunkaadakallu RF of Kudligi Range, Bellary Division.
7. Project area does not form part of any protected area. It is not a part of National Park, Wildlife Biosphere, Reserves, Tiger reserve, Elephant corridor etc. The Daroji Kardidhama Wildlife Sanctuary is 13.50 km. away from project area.
8. Out of 8562 enumerated trees, only 5539 trees will be cut.
9. The proposed ROW varies from 40 m to 45 m, however, in general 7.5 m on both sides of 4.5 m wide central verge has been proposed in above ROW.
10. Box culverts have been provided at many points for the passage of Wildlife.
11. Required certificate/documents under FRA as per Circular dated 03.08.2009 read with guidelines dated 05.02.2013 have been submitted.

After detailed discussions, the Committee recommended the above proposal with the general conditions, standard conditions and following additional conditions:-

1. Sufficient structure like box culverts, underpasses etc. will be provided at appropriate distance in consultation with Chief Wildlife Warden.
2. The State Forest Department shall establish a forest nursery of a capacity of raising quality seedling of one lakh capacity in each of the forest division through which the road is passing at the project cost.



The Committee further recommended that approval of the competent authority for accepting the above said recommendations shall be sought only after receipt of following information / documents:-

- (i) DGPS maps of the area identified for compensatory afforestation.
- (ii) Certificate from competent authority for suitability of land identified for CA.
- (iii) Certificate regarding Scheduled Tribe & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with MoEF's guidelines dated 03rd August, 2009 & 05th February, 2013.

Agenda Item no. 3: Diversion of 133.22 ha of Protected Forest land for upgradation of 2 lane road to 4 lane road with paved shoulders of NH-56 for Sultanpur-Varanasi Section in State of Uttar Pradesh by NHAI.

The Committee discussed the proposal of diversion of 133.22 ha of Protected Forest land for upgradation of 2-lane road to 4-lane road with paved shoulders of NH-56 for Sultanpur-Varanasi Section in State of Uttar Pradesh by NHAI, the user agency i.e. NHAI also made a detailed presentation before the FAC. The recommendations made in site inspection report of the Regional Office, Lucknow were also considered.

The Committee noted as under:-

1. The proposed Sultanpur-Varanasi section, is part of Lucknow-Varanasi Road. This road is an important connection between the State Capital and the religious and historical town of Varanasi.
2. The existing road is in two lanes and it is proposed to strengthen the existing carriageway and widening it to 4 lanes to facilitate the better riding quality, less traffic congestion and safe road.
3. The present proposal is for the portion from Sultanpur to Varanasi in 2nd phase. The proposal for 1st phase from Lucknow to Sultanpur has already been submitted to the Ministry for consideration after the site inspection.
4. The user agency has evaluated all alternatives to ensure possibility for minimum diversion of forest land.
5. Density of vegetation is 0.1 to 0.5.
6. Total number of trees enumerated for felling is 21,254; however, NHAI informed that only 15359 trees will be felled.

7. The status of forest proposed for diversion is Protected Forests which has been so notified for management purpose only.
8. The present ROW is 12.5 mtr. and it will be raised to 22 mtr. to 33 mtr. at different points.
9. State Government has proposed that total 2,71,029 plants shall be taken for plantation along with CA i.e. more than double the number of trees felled i.e. $21254 \times 2 = 42508$ trees. Also on the road side where 60 meter ROW is proposed, plantation on both the sides shall be taken up as per IRC guidelines
10. The forest area proposed for diversion does not form part of any wildlife sanctuary or national park. No rare or endangered species of flora and fauna has been reported to be found in the area. No PA is located in 10 km radius of this section of the road.
11. Certificate regarding Schedule tribes and others traditional forest dwellers (Recognition of Forest Right) Act, 2006 submitted by the State Government is not as per MoEF's guidelines dated 03rd August, 2009 & 05th February, 2013.
12. No work has started so far and there is no violation of Forest (Conservation) Act, 1980. However, some commercial establishments like – Petrol pump, hotels etc. have been constructed on forest land or pathway without approval under FC Act from the Central Govt., which is violation under FC Act.
13. Two toll plazas have been proposed in the section.

After discussion, the FAC recommended the proposal with general conditions, standard conditions and following additional conditions:-

1. CA will be raised over degraded forest land twice in extent to the area proposed for diversion. Accordingly, new site of degraded forest land should be identified and revised C.A. scheme along with the DGPS maps of the identified CA sites shall be submitted by the State Government. The cost of CA shall be realised from user agency as per this revised scheme.
2. The State Forest Department shall establish a forest nursery for raising quality seedlings of required number in the forest divisions through which the road is passing. The cost will be borne by the NHAI alongwith its maintenance cost.
3. The State Government shall identify the commercial establishments like petrol pump constructed on forest lands without prior approval of Central Government

or
1. 

and take suitable action. The State Government should get regularised the violation by submitting the proposals for ex-post facto approval under the Forest (Conservation) Act, 1980.

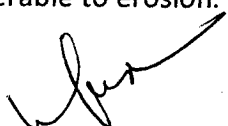
The Committee further recommended that above recommendations will be processed for obtaining approval of the competent authority only after receipt of following information from the State Government / user agency:-

- (i) Certificates regarding Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as per MoEF's guidelines dated 03.08.2009 & 05.02.2013.

Agenda Item no. 4: Diversion of 50.511 ha of protected and reserved forest land for 4 lane widening/strengthening of NH-233 (Ghaghara Bridge to Varanasi) Indo-Nepal Border, Uttar Pradesh.

The Committee discussed proposal of diversion of 50.511 ha of protected and reserved forest land for 4 lane widening/strengthening of NH-233 (Ghaghara Bridge to Varanasi) Indo-Nepal Border, Uttar Pradesh. The user agency i.e. NHAI made a detailed presentation before FAC. The Committee noted as under:-

1. The status of forestland proposed to be diverted is Protected Forest which has been so notified for management purpose only and reserve forest of 6.24 ha in Azamgarh Forest Division.
2. The density of vegetation varies from 0.01 to 0.8.
3. The user agency has evaluated all possible alternative to alignments to ensure minimum diversion of forest land.
4. Required certificate/documents under Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006 was submitted by the user agency during the FAC meeting but not in proper format.
5. Total no. of trees enumerated for felling is 19033.
6. Project area does not form part of any protected area. No rare or endangered species of flora and fauna have been reported from the area. No PA is located in 10 km radius of this section of the road.
7. The area is not vulnerable to erosion.



8. A total of 5941 households owning private structures will be adversely affected leading to impact on 34974 people. A copy of the R&R Plan was submitted by the user agency in the FAC meeting.
9. No violation of FCA, 1980 has been reported.
10. The existing ROWs is 18 mtrs to 30 mtrs and will be raised to 24 mtrs. to 60 meters after widening.
11. State Government has proposed Compensatory Afforestation of double the no of trees to be felled, along the National highway only in all four divisions i.e in Social Forestry Division, Ajamgarh and Social Forestry Division, Jaunpur, Varanashi Social Forestry Division and Ambedkarnagar Social Forestry Division.

After discussion, the FAC recommended the proposal with general conditions and standard conditions applicable to the road projects and following additional conditions:-

1. Compensatory Afforestation shall be raised over degraded forest land twice in extent to the forest land proposed for diversion (i.e. 101.102 ha). Accordingly, new sites of degraded forest land shall be identified and revised CA Scheme shall be prepared and submitted alongwith DGPS maps of identified sites and site suitability certificate from competent authority. The cost of CA shall be realised from user agency as per the revised CA scheme.
2. The State Government shall identify the commercial establishments like petrol pump constructed on forest lands without prior approval of Central Government and take suitable action. The State Government get should regularise the violations by submitting the proposals for ex-post facto approval under the Forest (Conservation) Act, 1980.
3. The State Forest Department shall establish a forest nursery for raising quality seedlings of required number in the forest divisions through which the road is passing. The cost will be borne by the NHAI alongwith its maintenance.

Agenda Item no. 5: Diversion of 96.40 ha of Protected Forest land for widening and strengthening of S.H.25 Rajkot-Bhavnagar Road [Km 96.6 to 150.8 and Km 152.8 to Km 166.2] in favour of Executive Engineer, Bhavnagar (R&B) Division in Bhavnagar district of Gujarat.

The Committee discussed the proposal of diversion of 96.40 ha of Protected Forest land for widening and strengthening of S.H.25 Rajkot-Bhavnagar Road [Km 96.6 to 150.8 and Km 152.8 to Km 166.2] in favor of Executive Engineer, Bhavnagar (R&B) Division in Bhavnagar district of Gujarat.

The Committee observed as follows:-

1. The status of forest land proposed for diversion is Protected Forests.
2. Toposheet map & DGPS maps have not been enclosed.
3. Density of vegetation is not too much in road side plantations; however, it is highly variable in different stretches of land.
4. Total nos. of trees to be felled is 3301, including 2000 trees below 60 girth and 1301 trees above 60 girth.
5. Project area does not form part of any protected area. No rare or endangered species of flora and fauna has been reported to be found in the area. It was also noted that the area is not vulnerable to erosion.
6. It is permitted for development of high speed corridor and hence the road side is required for the expansion of road. There is no other access available other than from the ~~existing~~^{existing} road.
7. The area involved has been declared as Protected Forest for management purpose only.
8. Some violations of FC Act have been noticed, like scrapping of soil in open patches measuring 5.34 ha between the period dt. 15.01.2013 to 23.01.2013. No permanent constructions are noticed. There is no tree cut or damaged. Work has been stopped. The contractor of P.W.D. M/s Nandini Infrastructure, Surat is responsible for violations and Forest Offence Report No. 1/213-13 dt. 23.01.2013 has been booked against M/s. Nandini Infrastructure.
9. Compensatory Afforestation has been proposed over equivalent non-forest land at the cost of user agency.
10. State Government has prepared scheme for Penal Compensatory Afforestation over 10.7 ha in Coupe no. 2 at Village: Amargadh, Bhavnagar.
11. As per EIA Notification dated 14.09.2006 and 01.12.2009, no Environmental Clearance is required.



After discussion, the FAC recommended that the State Government/User Agency shall be asked to submit following documents:-

1. Topo sheet map and DGPS map of the area proposed for diversion
2. Requisite documents for compliance under Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006, as per MoEF's guidelines dated 03.08.2009 and 05th February, 2013.
3. Map showing location of Protected Areas in 10 Km radius of the project
4. Status of forest offence report, booked against the contractor.

Agenda Item no. 6: Diversion of 54.95 ha of Protected Forest land for construction of SH.50 Anjar-Chirai Road in favour of Executive Engineer, R&B Division, Kutch-Bhuj district of Gujarat.

The Committee discussed the proposal for diversion of 54.95 ha of Protected Forests for construction of SH.50 Anjar-Chirai Road in favour of Executive Engineer, R&B Division, Kutch-Bhuj district of Gujarat.

The committee observed as follows:-

1. It will require diversion of 54.95 ha of Protected Forests.
2. It has density less than 0.1.
3. 335 trees, falling in the alignment of the project, will be felled.
4. The road widening /construction is within available ROW.
5. CA has been proposed over 110 ha of non-forest land in village Nadapa and Ler in Bhuj district at a cost of Rs. 2,12,544/ha.
6. It was also noted that the area is not vulnerable to erosion.
7. As per EIA notification of MoEF dated 14.9.2006 and 01.02.2009, the proposed project does not require Environment Clearance, hence approval of NBWL will not be required.
8. Project area does not form part of any protected area. No rare or endangered species of flora and fauna has been reported in the area. However, Kutch Desert Sanctuary is at a distance of 18 Km & Wild Ass Sanctuary is at 2 Km away. However, PCCF (Wildlife) has recommended the proposal.

9. Chief Wildlife Warden has approved the proposal with the condition that the project proponent should implement proposed wildlife conservation activities for an amount of Rs. 25 lakh stipulated in Wildlife Conservation Plan.
10. Certificate/documents under Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006 have been submitted but these are not as per as per MoEF's guidelines dated 03.08.2009 and 05th February, 2013.

After discussion, the FAC recommended the proposal with general conditions and standard conditions applicable to the road projects and following additional conditions:-

1. The Wildlife Management Plan prepared by CWLW shall be implemented.
2. The State Forest Department shall establish a forest nursery for raising quality seedlings of required member in each of the forest divisions through which the road is passing. The cost will be borne by the NHAI along with its maintenance.

However, the proposal will be processed for obtaining approval of the competent authority only after getting following information from the State Government / user agency:-

1. Toposheet & DGPS maps of the land identified for Compensatory Afforestation.
2. Requisite documents for compliance under Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as per MoEF's guidelines dated 03.08.2009 & 05.02.2013.

Agenda Item no. 7: Diversion of 74.724 ha of forest land for extension of 33 KV Transmission line in favour of Chhattisgarh Electricity Board from Manendragarh-Kelkari-Janakpur in district Korea, Chhattisgarh.

The Committee discussed the above proposal of diversion of 74.724 ha of forest land for extension of 33 KV Transmission line in favour of Chhattisgarh Electricity Board from Manendragarh-Kelkari-Janakpur in district Korea, Chhattisgarh.

The Committee observed as follows:-

1. It involves 74.724 ha including 44.550 ha of Reserved Forest and 30.174 ha of Protected Forests. The density of vegetation is 0.4 to 0.6.

or/



2. The area is also not vulnerable to erosion.
3. Total nos. of trees to be felled is 8690 - 3276 trees below 60 cm girth and 5414 trees above 60 cm girth. However, felling may be restricted within 3 meters of ROW.
4. Area applied for is close to the boundary of the forests.
5. CA has been proposed in Kelhari Forest Range in Protected Forests and Reserve Forests land over double degraded forest land.
6. Project area does not form part of any protected area. No rare or endangered species of flora and fauna has been reported to be found in the area. It was also noted that the area is not vulnerable to erosion.
7. Requisite documents for compliance under Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006, as per MoEF's guidelines dated 03.08.2009 and 05th February, 2013 have been submitted but not in proper format.
8. The proposal was considered by the Forest Advisory Committee in its meeting held on 21st-22nd December, 2012, wherein, the Committee noted that at several places the transmission line is passing through dense forest areas, where alternate route with lesser dense forest area being available. The Committee specially took note of alignment of transmission line between point nos. 9-11 in this regard. The Committee desired that the Nodal Officer may be requested to explain this and in case of insufficient justification for the present route, user agency may realign the route accordingly.
9. The State Government has submitted compliance report on Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; however, not in accordance with MoEF's advisory dated 03.08.2009 and 05th February, 2013.
10. The State Government has clarified that:
 - a. Transmission line of 33 KV has been proposed in such a way that it runs parallel to earlier 11 KV transmission line. In this way, felling of trees will be only one side. (Requirement of land i.e. 74.724 ha will not be changed due to change of proposed T.L.)
 - b. 33 KV transmission line has been proposed outside dense forest in areas where 11 KV line passes through dense forest. The transmission line will provide electricity power to 115 villages.
 - c. Number of trees being affected from the lines will be lesser only.

After discussion, the FAC recommended the proposal with general conditions, standard conditions and following additional condition:-

1. CA will be raised over non-forest area (instead of double the degraded forests) equal in extent to the area proposed for diversion. After identification of sites for compensatory afforestation, the revised CA Plan will be prepared and submitted along with GPS map, site suitability certificate and accordingly cost of CA will be deposited in Ad-hoc CAMPA.

The recommendations of the FAC will be processed only after getting following information from the State Government:-


1. DGPS maps
2. Requisite documents for compliance under Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006, as per MoEF's guidelines dated 03.08.2009 and 05th February, 2013.

Agenda Item no. 8: Diversion of 5056.50 ha of forest land in favour of M/s NHPC for construction of Dibang Multipurpose project (3000 MW) on Dibang River in Lower Dibang Valley of Lower Dibang District of Arunachal Pradesh.

The Committee discussed the above proposal of diversion of 5056.50 ha of forest land in favour of M/s NHPC for construction of Dibang Multipurpose project (3000 MW) on Dibang River in Lower Dibang Valley of Lower Dibang District of Arunachal Pradesh.

The committee observed as follows from the proposal of the State Government and site inspection report of the Regional Office, Shillong:-

1. Dibang Multipurpose Project (3000 MW) has been conceived on River Dibang which originates from snow covered southern flank of the Himalayas close to Tibet border at an altitude of more than 5000 metres.

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2. The river emerges from the hills and enters the sloping plain area near Nizamghat in Arunachal Pradesh, from where the river flows for a distance of 50 Kilometres to meet the River Lohit.
3. The proposed project area involves diversion of huge forests i.e. 5056 ha of USF& Community forests. The vegetation falls in Eco Class I category having density varying from 0.1 to 0.7. As per enumeration list over a total of 3.55 lakh trees/pole will be affected by the project besides other NTFPs.
4. The total catchment area of Dibang river up to the confluence with Lohit River is 12015sq km, which falls within the Indian territory.
5. The proposal does not involve any violation of Forest (Conservation) Act, 1980.
6. The area does not have importance from archaeological point of view.
7. An area of 10,113 ha of degraded forest land spread over 2243 ha in Dibang Forest Division, 2000 ha in Namsai Forest Division and 5870 ha in Anini Social Forestry Division have been identified for CA which is double of the area of forest land proposed to be diverted. However, Regional Office, Shillong has raised questions about suitability of many of the identified sites either due to inaccessibility of site or due to encroachment in the area or due to considerable density of vegetation.
8. The requirement of forest land as proposed by the user agency is unavoidable and barest minimum for the project.
9. State Government has reported that project area does not form part of any protected area. No rare or endangered species of flora and fauna has been reported to be found in the area. Total project area falls within 10 km radius of the nearest boundary point of the Mehao WLS is 170.56 ha only. Out of the total 170.56 ha, 33.658 ha is the forestland and the remaining 136.902 ha is the non-forest land. However, according to Regional Office, Shillong, as mentioned in its site inspection report, DFO Dibang Forest Division considers it as major habitat for scheduled flora & fauna and Chief Conservator of Forests, Eastern Arunachal Circle has not ruled out movement of wild animals including Schedule-I animals. Regional Office, Shillong has suggested for survey of wildlife species through the Wildlife Institute of India.
10. About 68 families from 5 villages will be displaced by this project. R&R Plan is being prepared by the National Productivity Council, Guwahati.

11. Requisite documents for compliance under the Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006, as per MoEF's guidelines dated 03.08.2009 and 05th February, 2013 has not been submitted.
12. The details of the catchment and command area along with the Treatment Plan has been elaborated in the Detailed Project Report i.e. Environmental Management Plan of Dibang Multipurpose Project (3000 MW). However, no documents are submitted alongwith the proposal to confirm that this management plan has been approved by the State Government.
13. As mentioned in the site inspection note of the Chief conservator of Forests, Eastern Arunachal Circle there are no records to show that the proposed area do not have any socio-cultural/religious values and no sacred grove exist in the proposed area.
14. The CA plan have not been properly planned and demarcated on ground as observed during site inspection.
15. As per Regional Office, Shillong, the site inspection report could not be completed and accordingly, the Addl. PCCF (Central), Shillong has requested for more information and demarcation of sample of forest area to be diverted and sample proposed C.A. on ground for inspection.
16. The project has not been given environmental clearance so far.

The Committee noted that the project involves huge forest area, having very good forest cover. Felling of more than 3.5 lakh trees most likely to have adverse impact on general eco-system of the area, recovery of which may be very difficult through any type of mitigative measures. Including Dibang HEP, there are several other HEP proposed in the same river valley. However, ~~yet~~ there is no study conducted to assess the cumulative impact of all these reservoirs and its upstream and downstream impacts. The Committee is of the opinion that ecological, environmental and social costs of diversion of such a vast tract of forest land, which is a major source of livelihood of the tribal population of the State, will far outweigh the benefits likely to accrue from the project. The Committee, therefore, recommended that approval for diversion of said land may not be accorded.



After discussion, the FAC recommended the proposal for rejection on the basis of above mentioned grounds.

Agenda Item no. 9: Diversion of 172.468 ha of forest land for Kikvi drinking water project, District Nashik, Maharashtra.

The Committee discussed the above proposal of diversion of 172.468 ha of forest land for Kikvi drinking water project, District Nasik, Maharashtra.

The Committee considered the proposal of the State Government, site inspection report of the Regional Office, Bhopal and presentation made by the user agency before the Committee. The Committee observed as follows:-

1. This is a Drinking Water Project and will supply water to Nasik Municipal Corporation.
2. The scheme is being constructed for storage & diversion of 2484.74 Mcft.(TCM) water in to river Godavari, to compensate the shortage in storage capacity of the Gangapur Project caused due to siltation The scheme includes construction of earthen & concrete dam having 1350 m length and average height of 42.12 meters.
3. The lands coming under submergence are jirayat land except some paddy lands. It does not involve displacement of people and hence no R&R Plan is prepared.
4. 172.46.8 ha of Reserved Forest in West Nasik Division will be used for this project. Density of vegetation is 0.4 & above. It is hilly area and is not sensitive to erosion. The project involves felling of 1960 trees of various species and girth class having girth below 60 cm: 1270 and girth above 60 cm: 681. However, 400 trees coming within FRL and FRL-4 mtrs. need not be felled.
5. DGPS maps for the land proposed for diversion have not been enclosed.
6. No work in violation, of the FC Act has been reported.
7. Project area does not form part of any protected area. No rare or endangered species of flora and fauna has been reported in the area. There is no Protected Area within 10 km from the forest land proposed for diversion.



8. Collector, Nasik has certified that, no alternate alignment is possible and the forest land required is the barest minimum. The forest land being submerged in the Project is located on either side of river bank, thus, there is no possibility of any alternate land other than forest land which can be utilised for the Kikvi Drinking Water Supply Project.
9. 3,32,567 Scheduled Caste and 1,04,188 Scheduled Tribes population will be benefited by the project.
10. The user agency has provided 204.12 ha (against 172.468 ha of forest land proposed for diversion) of non-forest land for compensatory afforestation and prepared a detailed scheme for implementation of the same over a period of ten years at a cost of Rs. 4.647 crore. CA has been proposed in 17 patches with size varying from 1.52 ha to 38.28 ha.
11. Since it is a drinking water project, no environment clearance is required.
12. CAT Plan has been submitted.

The FAC further observed that project proponent has not given due diligence in assessing the water requirement of the area and available sources already in existence to meet this requirement. No evidence is made available to the Committee to prove that an authenticated study has been conducted to assess the water requirement. As per available records there are three more projects of drinking water /irrigation in the Nasik distt. but user agency could not establish any linkage between capacity of these projects and the current/future requirement of the water. Gangapur dam has capacity of 7.2 TMC but due to siltation, it can hold only 5.6 TMC of water. The storage capacity of the proposed Kikvi dam will be 2.5 TMC and it will supply water to Gangapur dam. Drinking water will be supplied from the Gangapur dam only. The possibility of enhancing the storage capacity of the Gangapur Dam to its installed storage capacity of 7.2 TMC by way of desiltation has not been explored by the user agency. It is also not understood how the rehabilitation plan will not be required if submergence of agriculture land is involved.

After discussion, the FAC recommended that following clarification / documents shall be sought from the State Government before further consideration by the Committee:-

1. Detailed study be conducted by the State Government through ^{or} reputed institution to assess the present and future requirement of the water for drinking, irrigation and

other purposes vis-à-vis the availability of sources. A detailed integrated plan should also be submitted to meet up the future requirement of water which may include feasibility study for desilting Gangapurdam.

2. Requisite documents for compliance under Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006, as per MoEF's guidelines dated 03.08.2009 and 05th February, 2013.
3. Details of R&R Plan for rehabilitation of population whose agricultural land will be submerged due to the project.
4. DGPS maps of the forest land proposed to be diverted



Agenda Item no. 10:

Diversion of ~~diversion of~~ 97.65 ha of forest land for widening and Strengthening of Raibareilly (0-16 km), Chhatrapati Shahujimaharaj Nagar (16 km to 44 Km), Pratapgarh (44 to 115 km) and in Jaunpur (115 to 169.6 km) in Uttar Pradesh in favour National Highways Authority of India, Lucknow, Uttar Pradesh.

The Committee discussed the above proposal of diversion of 97.65 ha of forest land for widening and Strengthening of Raibareilly (0-16 km), Chhatrapati Shahujimaharaj Nagar (16 km to 44 Km), Pratapgarh (44 to 115 km) and in Jaunpur (115 to 169.6 km) in Uttar Pradesh in favour National Highways Authority of India, Lucknow, Uttar Pradesh. The user agency also made the presentation before the Committee

The committee observed as follows:-

1. It involves 97.65 ha of forest land, which is declared as Protected Forests for management purpose.
2. Density of vegetation is 0.1 to 0.6
3. 11688 nos. of trees of various species and girth class has been enumerated for felling.
4. Vulnerability of the forest area to erosion is in Social Forestry Division, Raibareilly only.
5. Project area does not form part of any protected area. No rare or endangered species of flora and fauna has been reported to be found in the area.
6. Certificate from the competent authority in the State Government regarding location of protected areas in 10 km. radius of the area proposed for diversion was provided by the user agency in the FAC meeting itself.

7. Required certificate/documents under FRA as per Circular dated 03.08.2009 were submitted to FAC in the meeting. However, the certificates were found not to be as per format.
8. The requirement of forest land is unavoidable and barest minimum for the project.
9. No violation of FCA, 1980 has been reported.
10. CA has been proposed along the roads except in case of Social Forestry Division, Chhatrapati Shahujimaharaj Nagar.

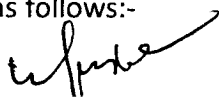
After discussion, the FAC recommended the proposal with general conditions, standard conditions and following additional conditions:-

1. The State Forest Department shall establish a forest nursery of a capacity of raising quality seedling of one lakh capacity in each of the forest division through which the road is passing. The cost will be borne by the NHAI alongwith its maintenance.
2. CA will be raised over degraded forest twice in extent to the area proposed for diversion. This will not be along the above said road. Accordingly, new sites of degraded forest area are to be identified and revised CA scheme shall be prepared and submitted along with DGPS maps of identified CA sites and site suitability certificate from the competent authority.
3. The State Government shall identify the commercial establishments like petrol pump constructed on forest lands without prior approval of Central Government and take suitable action. The State Government should get regularised the violation by submitting proposals for ex-post facto approval under the Forest (Conservation) Act, 1980.

Additional Agenda Item no. 1: Diversion of 120.6 ha of forest land for extension of 400 KV Double Circuit Transmission Line from Meghalaya Assam Border Bongaigaon (Assam Section).

The Committee discussed the above proposal of diversion of 120.6 ha of forest land for extension of 400 KV Double Circuit Transmission Line from Meghalaya Assam Border Bongaigaon (Assam Section) received from the State Government.

The committee observed as follows:-



1. State Government has informed that 3.45 ha falls under Bhairab Hill PRF under Aie-Valley Division, it was earlier shown as an open area devoid of trees due to oversight.
2. The area is a steep hill and might be one of the reasons, which contributed to the oversight.
3. Subsequently, during the survey jointly undertaken by the Divisional Forest Officer, Aie-Valley Division and the User Agency, it was found that there are 118 standing trees with girth class ranging from 0.60 to 2.20 mts, besides 900 bamboo clumps. The no. of trees below 1.00 mt. girth class is about 80.
4. The User Agency has expressed difficulty in execution of the project due to the field position of the trees and bamboo clumps.
5. Now, the State Government has requested for permission to clear these trees under the strict supervision of the State Forest Department to enable the User Agency to construct the transmission line.

The Committee noted that Golden Langurs are found in the area and the habitat requires proper connectivity and conservation measures.

After discussion, the Committee expressed concern over the casual approach adopted in preparation of FCA proposal. It recommended that the Nodal Officer of the State Government / User Agency may be requested to make a detailed presentation over following issues:-

- (i) Justification for oversight.
- (ii) Action taken in this regard.
- (iii) Wildlife issues particularly the impact on Golden Langur Habitat.
- (iv) Feasibility of raising the heights of towers to avoid the felling of trees for better foliage connectivity.

Additional Agenda Item no. 2: Diversion of 130.792 ha of forest land for construction of Jharsugada-Dharamjaigarh 765 KV Transmission Line in favour of M/s Power Grid Corporation Limited in Raigarh District in Chhattisgarh.

The Committee discussed the above proposal of diversion of 130.792 ha of forest land for construction of Jharsugada-Dharamjaigarh 765 KV Transmission Line in favour of M/s Power Grid Corporation Limited in Raigarh District in Chhattisgarh.

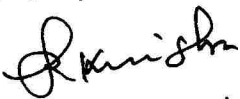


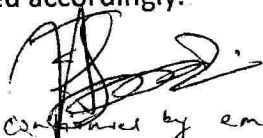
The committee considered the proposal, site inspection report and presentation made by the Committee and observed as follows:-

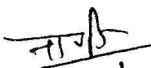
1. This is a transmission line from Jharsuguda Pooling to Dharamjaygarh (Near Korba) regarding transmission system of IPPs generation projects coming up in Orissa and Chhattisgarh. This project would strengthen the Western Region's power system and meet the power crisis of Chhattisgarh undertaking industrialisation in a big way. After commissioning of this line ^{there} will be a big boost to agriculture, industrial growth, employment generation and will also give appreciable relief to domestic consumers.
2. The forest land proposed for diversion is Reserved Forests, Protected Forests, Revenue Forests and Orange Forests with area of 37.88 ha, 15.008 ha, 56.848 ha and 21.114 ha. respectively
3. The project does not form part of any PA. No rare or endangered species of flora and fauna has been reported to be found in the area. It was also noted that the area is not vulnerable to erosion.
4. The density varies from 0.3 to 0.6 in most of the cases except for Riagarh division where it is more than 0.6
5. As intimated by the user agency during the presentation, total number of trees enumerated in the project area is 14,156 spread out in 3 forest divisions. However, felling will be restricted in 3 m ROW only limited to 5479 trees while rest of the trees will only be lopped or pruned.
6. No violations were requested, however, CCF(C) has mentioned that the corporation has already erected towers in adjoining non forest lands in many places.
7. Required certificate/ documents under FRA as per Circular dated 03.08.2009 and 05.02.2013 have been submitted.
8. Comparative analysis of alternative has been done and alternative with least involvement of forest area has been selected.
9. The user agency has evaluated all possibilities for location and minimum diversion of forest land.

After discussion, the FAC recommended the proposal with general conditions and standard conditions.


Miscellaneous Recommendation: The Committee was of the view that in some of the States the C.A. for the proposals of linear projects of roads which involve diversion of strip plantation within the ROW declared as protected forest for management purpose, is being proposed in terms of double the number of trees along the road side. The Committee recommended that CA shall be proposed over degraded forest twice in extent to the forest area proposed for diversion instead of double no. of trees along the roads on both the sides in accordance with para 3.2(vi)(e) of the Forest (Conservation) Act, 1980 guidelines. The user agency shall plant trees of local and indigenous species on both sides of road as per IRC specifications, in two to three rows and more trees shall be planted in available vacant spaces under the supervision of State Forest Department, at the cost of the user agency. The State Governments/Nodal Officers are to be advised accordingly.


Confirmed by email.
(R. K. Mishra)
Member


Confirmed by email
(Dr. Mohammad Firoz Ahmed)
Member


Confirmed by email
(Prof. N.P. Todaria)
Member


(M. S. Negi)
IGF(FC) & Member Secretary


(A.K. Srivastava)
Addl. Director General (FC)
Member


(K. Jude Sekar)
Chairman
(Director General of Forests and Special Secretary)