


**Proceedings of the Forest Advisory Committee Meeting held on 22nd
and 23rd September, 2014**

(Agenda pertaining to-B.K. Singh, Director (FC))

Agenda Item no. 01: Diversion of additional 8.46 (3.70 + 4.76) ha of forest land for the work of widening & strengthening of Ropar-Neelon-Doraha road (section RD 0.00 to 54.735 Ropar to Behlolpur Bridge to Doraha) under Forest Division and Distt. Ropar and Ludhiana.

The Committee discussed the above proposal for diversion of additional 8.46 (3.70 + 4.76) ha of forest land for the work of widening & strengthening of Ropar-Neelon-Doraha road (section RD 0.00 to 54.735 Ropar to Behlolpur Bridge to Doraha) under Forest Division and Distt. Ropar and Ludhiana. The Committee noted as follows:-

1. Earlier, an area of 67.89 ha (44.67 ha in Ludhiana and 23.220 ha in Rupnagar Forest Divisions) of forest land was diverted for widening & strengthening of Ropar-Chamkaur Sahib-Neelo-Doraha Road (Section RD 25375-54735 i.e. Behlolpur Bridge to Doraha upto NH-1) in favour of PWD in Ludhiana & Rupnagar Forest Division in Ludhiana & Rupnagar districts of Punjab.
2. The present proposal is in addition to the earlier proposal. The earlier final approval was issued vide this office letter of even number dated 07.09.2012. Another proposal for felling of 1108 additional trees was also approved vide this office letter of even number dated 02.07.2014.
3. Due to increase in traffic intensity from Ropar to Doraha via Neelon the Govt. of Punjab decided to widen this road from existing 7.0 mtr to 10.0 mtr up to Neelon Bridge & 7.0 mtr to 4-Laned in Neelon to Doraha section to fulfil the present requirement of traffic.
4. Toposheet map and DGPS map of the area proposed for diversion has been attached.
5. Toposheet map and DGPS map of Compensatory Afforestation has been enclosed.
6. There is no National Park and Sanctuaries in 10.00 kms radius of the project and accordingly, Certificate has been enclosed.
7. The user agency has submitted certificate for minimum use of forest land that the forest area involved in the proposal is minimum, unavoidable and barest minimum forest area.
8. The user agency has submitted undertaking for payment of cost of compensatory afforestation, Net Present Value and additional Net Present Value of forest area.



9. The selected area for CA has been inspected by the DFO, Rupnagar and suitability certificate has been submitted. GPS coordinates of CA site has also been mentioned in the Map.
10. There is no requirement to obtain the Environment clearance as per provisions of the Environment (Protect) Act, 1986.
11. The user agency has not violated the provisions of F(C) Act, 1980 and no work has been started without proper sanction
7. In compliance of Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006 a copy of the Certificate given by the Deputy Commissioner, Ludhiana and Rupnagar has been enclosed, however, requisite documentary evidences have not been submitted.
8. Compensatory afforestation has been proposed along Sirhind Canal Road in Rupnagar Forest Division and over 9.52 ha of degraded forest land in Reserve Forest compartment no 10, 11 and 12 of Ludhiana Forest Department. Scheme for Compensatory Afforestation has been submitted.
9. The additional area is required for the construction of Toll Plaza, Truck/Bus Byelanes and for slight change in alignment at some locations.

After detailed discussions, the Committee recommended the proposal with general, standard conditions applicable to road projects and additional condition that Compensatory Afforestation will be taken up in block instead of along the banks of canal in Rupnagar Forest Division. Revised CA scheme shall be submitted accordingly and cost of CA shall be realised as per this revised CA scheme.


The committee further recommended that above recommendations may be placed before the competent authority only after receipt of 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 from State Government.

Agenda Item no 02: Diversion of 9.94 ha of forest land for construction of New (BG) Railway Line between Agartala to Sabroom of Mouja Purba Patichari&Garjee R.F. under Trishna Wildlife Sanctuary.

The Committee discussed the above proposal for diversion of 9.94 ha of forest land for construction of New (BG) Railway Line between Agartala to Sabroom of MoujaPurbaPatichari&Garjee R.F. under Trishna Wildlife Sanctuary. A detailed presentation was made by the Nodal Officer(FCA), Tripure and Dy GM, Railway on the alignment, utility, alternatives and action taken so far. The Committee noted as follows:-

1. The main proposal for construction of New (BG) Railway Line between Agartala to Sabroom involving 172.856 ha has already been given in-principle approval on 02nd September, 2014 with certain terms and conditions.
2. This new railway line will provide rail connectivity between the cities of West District, Sepahijala, Gomati and South Tripura District in Tripura State. It will provide rail connectivity upto Bangladesh International Border (i.e. upto Sabroom).
3. The proposal was considered by the Standing Committee of the National Board for Wildlife in its 31st meeting of on 12th August, 2014, wherein, it has been recommended with certain conditions. However, the Hon'ble Supreme Court has directed that these recommendations have not to be affected. However, process may continue.
4. The area is a part of Trishna Wildlife Sanctuary. The density is less than 0.4 and forest is in patches.
5. The main sps are Koroi (*Albizia procera*), Chamal (*Artocarpus chaplasi*), Jam (*Syzizium cumini*), Jackfruits (*Artocarpus heterophilus*), Mango (*Mangifera indica*), Gamar (*Gmelina arborea*), Rubber (*Hevia brasiliensis*), Teak (*Tectona grandis*, Awal (*Vitex peduncularis*), Kanak (*Schima wallichii*).
6. Only 697 Nos of trees will be felled.
7. Toposheet map and DGPS map of the area proposed for diversion has been submitted.
8. Toposheet map and DGPS map of Compensatory Afforestation has been submitted. The site identified is degraded forest area and plantation will be taken up in one compact patch of 19.88 ha. The selected area for CA has been inspected by the DFO.
9. The user agency has submitted certificate for minimum use of forest land and certified that the forest area involved in the proposal is minimum, unavoidable and barest minimum forest area.
10. The user agency has submitted undertaking for payment of cost of compensatory afforestation, Net Present Value and additional Net Present Value of forest area.
11. There is no requirement to obtain the Environment clearance as per provisions of the Environment (Protect) Act, 1986.
12. The user agency has not violated the provisions of F(C) Act, 1980 and no work has been started without proper sanction

After discussion, the Committee recommended that proposal will be considered after receipt of the approval of Hon'ble Supreme Court.


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Agenda Item no. 03: Diversion of 15.254 ha of forest land for construction of New (BG) Railway Line between Agartala to Sabroom of Mouja Falchari&Manubazar under Bagafa Forest Division of Tripura.

The Committee discussed the above proposal for diversion of 15.254 ha of forest land for construction of New (BG) Railway Line between Agartala to Sabroom of Mouja Falchari & Manubazar under Bagafa Forest Division of Tripura. A detailed presentation was made by the Nodal Officer(FCA), Tripura and Dy GM, Railway on the alignment, utility, alternatives and action taken so far. The Committee noted that as follows:-

1. The main proposal for construction of New (BG) Railway Line between Agartala to Sabroom involving 172.856 ha has already been given in-principle approval on 02nd September, 2014 with certain terms and conditions.
2. The length of the proposed new Railway line between Agartala and Sabroom is 111.8 km. Government of India has declared Agartala-Sabroom, New Railway Project as a National Project.
3. This new railway line will provide rail connectivity between the cities of West District, Sepahijala, Gomati and South Tripura District in Tripura State. It will provide rail connectivity up to Bangladesh International Border (i.e. up to Sabroom).
4. There is no rare species of flora and fauna, endemic or threatened species. Moreover, the area does not have importance from archaeological view point. No rare-endangered/unique species of flora and fauna found in the proposed area during site inspection. No protected archaeological/heritage site/defence establishment or any other important monument located in the area.
5. The crown density is 0.05% and assessed ecological class for the proposed diversion site is Class I (Tropical Moist Deciduous Forests).
6. The main sps are Garjan (*Dipterocarpus turbinatus*), Harish, Chamal (*Artocarpus chaplasi*), Bahera, Kanak, Chamal, Garjan, Kathai, Jam, Puma, Kanak, etc.
7. Only 73 Nos. of other tree and 429 nos. of Rubber trees will be felled.
8. Toposheet map and DGPS map of the area proposed for diversion has been submitted.
9. DGPS map of Compensatory Afforestation has been submitted. 31.0 ha area has been identified in degraded forest land of Reserve Forest area and plantation will be taken up in one compact patch. The selected area for CA has been inspected by the DFO and suitability certificate has been issued.
10. The slope is gentle and the adjacent channels for drainage area well covered with ground vegetation. Hence, chances of soil erosion are rare.

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11. The proposed site for diversion falls is situated on the forest fringe. Certificate that the forest land selected for raising CA is free from encumbrances and suitable for raising CA from its management point of view has been given.
12. Requisite documents in compliance to compliance of Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006 have been submitted.
13. There is no National Park and Sanctuaries in 10.00 kms radius of the project and accordingly, Certificate has been submitted.
14. The user agency has submitted certificate for minimum use of forest land and certified that the forest area involved in the proposal is minimum, unavoidable and barest minimum forest area.
15. The user agency has submitted undertaking for payment of cost of compensatory afforestation, Net Present Value and additional Net Present Value of forest area.
16. There is no requirement to obtain the Environment clearance as per provisions of the Environment (Protect) Act, 1986.
17. The user agency has not violated the provisions of F(C) Act, 1980 and no work has been started without proper sanction
18. The proposed railway line will affect 4 quarters of Forest Department. In order to reconstruct of those quarters expected expenditure will be about 50.00 lakhs as per report of District Forest Officer, South. Accordingly, user agency has given undertaking to bear the cost of construction of those quarters as per approved PWD/competent authority norms.
19. The meeting of Standing Committee of National Board for Wildlife was held on 12-13th August 2014 in respect of proposal for the diversion of 9.94 ha of forest land under Trishna Wildlife Sanctuary, which is one of the three proposals for construction of New (BG) Railway Line between Agartala to Sabroom. It is it was informed that the board has approved the noted proposal.

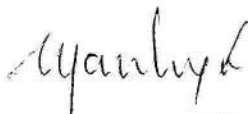
After detailed discussions, the Committee recommended the proposal with general, standard conditions and following additional conditions:

1. 4 nos. quarters of Forest Department affected by the construction of the above proposed Rail line will be reconstructed by the Railway at their cost at the specification given by the Forest Department.

Agenda Item no. 04: Diversion of 86.6255 ha (18.604 ha in Darjeeling Forest Division + 12.3436 ha in Kurseong Forest Division + 8.8489 ha in Wildlife-I Division + 46.829 ha under Kalimpong Forest Division) of forest land in favour of the North-Frontier Railway, Jalpaiguri for construction of Sevak-Rongpo New Broad Gauge Railway line.

The Committee discussed the above proposal for diversion of 86.6255 ha (18.604 ha in Darjeeling Forest Division + 12.3436 ha in Kurseong Forest Division + 8.8489 ha in Wildlife-I Division + 46.829 ha under Kalimpong Forest Division) of forest land in favour of the North-Frontier Railway, Jalpaiguri for construction of Sivok-Rongpo New Broad Gauge Railway line. The Director (Projects), IRCON made a detailed presentation before the committee on behalf of Railways the Committee noted as follows:-


1. The proposal was submitted in two parts. Initially proposal was submitted only for diversion of 39.7945 ha of forest land (18.604 ha in Darjeeling Forest Division + 12.3436 ha in Kurseong Forest Division + 8.8489 ha in Wildlife-I Division). Later the state government submitted the proposal for 46.829 ha under Kalimpong Forest Division clarifying that the proposal for diversion of forest land in the Kalimpong forest Division is integral part of original proposal and could not be included in the set sent earlier vide No.177-For dated 27th January 2014. State Government has reported that all Compensatory Afforestation Scheme implemented in the State of West Bengal have duration for 5 years instead of 10 years as suggested which is not suitable for State. In view of this the compensatory Afforestation scheme submitted by the respective Divisional Forest Officers in each proposal which is also duly approved by their respective Conservator of Forests/Chief Conservator of Forests may kindly be considered.
2. The proposal consists of two parts, first part involves 8.8489 ha of forest land within Mahananda Wildlife Sanctuary and second part involves 77.7766 ha of Reserve Forest land in Kalimpong Forest Division, Kurseong Forest Division and Darjeeling Forest Division
3. Out of 44.8 km of Railway line, around 38 km are tunnels and surface area of these forest land will not be used.
4. The originating initial stretch including the Sivok Station falls in the Mahananda Wildlife Sanctuary.
5. Density of the forest is 0.7 to 0.8. However since majority of the length of the railway line is underground only 3102 trees will be felled including 1522 trees in Kalimpong FD, 170 trees in wildlife FD, 464 trees in Kurseong FD and 946 trees in Darjeeling FD. Also 1325 poles will also be affected.
6. Forest land requirement is barest minimum and unavoidable. The starting station, Sivok is on the already existing broad gauge railway line on the Delhi Guwahati route. Sivok is already within the Mahananda WL sanctuary and onward connectivity towards Rangpo the line has to go through the forest area. The DFOs after inspection have observed that there is no alternate route for construction of underground railway



7. 155.868 ha of degrade forest land has been identified in 9 patches of Kalimpong, Kurseong, and Darjeeling Forest divisions for Compensatory Afforestation. Area identified in Wildlife Division is not clear. CA schemes have been prepared on the line of Integrated Afforestation Programme/Joint Forest Management with maintenance for only 5 years
8. Complete compliance of Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006 from the State Government has not been received
9. The area falling in Mahananda Wild life will require prior approval of the Standing Committee of NBWL and the Hon'ble Supreme Court..
10. The project is of National and strategic importance and is being continuously monitored by the Project Monitoring Group (PMG).
11. Forest Department has recommended vide its letter dated 19/9/2014 that Wildlife clearance for the stretch of the railway line passing through Mahananda Wildlife Sanctuary could be delayed as clearance is linked with delaration of some other area as Wildlife Sanctuary in lieu of forest area being diverted within the Mahananda Wildlife Sanctuary clearance for rest of the area could be considered.

After details discussion, the Committee recommended the non forest area of 77.7766 ha (18.604 ha in Darjeeling Forest Division + 12.3436 ha in Kurseong Forest Division + 46.829 ha under Kalimpong Forest Division) with standard, general conditions and the following additional condition:-

- (i) The above said approval will not create any right or equity in favour of the user agency for utilization of the remaining 8.8489 ha in Mahananda Wildlife Sanctuary. The user agency will submit an undertaking to this effect. Approval of this remaining area will be considered only after the approval of the Hon'ble Supreme Court on the recommendations of the Standing Committee of NBWL.
- (ii) A revised compensatory afforestation scheme shall be submitted with the provision of 7-10 years maintenance along with DGPS maps of the identified CA land and land suitability certificate after identification of forest land being diverted in Wildlife Division- I and cost of CA has to be realised according to this revised scheme
- (iii) The conditions for protection, conservation and development of the Wildlife as may be imposed by the Standing committee of the National Wildlife Board and Supreme Court, shall be complied with.



The committee further recommended that the proposal will be placed before the competent authority for approval only after receipt of the compliance of Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006 from the State Government

Agenda Item no. 05: Proposal for renewal of lease over 90.30 ha of forest land diverted in favour of Eastern Coalfields Ltd. for Jhanjra Coal Mining Project under Durgapur Forest Division, West Bengal.

The Committee discussed the above proposal for diversion of 90.30 ha of forest land for renewal of lease diverted in favour of Eastern Coalfields Ltd. for Jhanjra Coal Mining Project under Durgapur Forest Division, West Bengal. The User Agency made a detailed presentation on the proposal regarding the project area, technology being used at present and introduction of Long wall technology, available seams and their production potential. The Committee noted as follows:-

- (i) The proposal was examined earlier and Ministry vide letter of even number dated 07th June, 2013 and subsequently vide letter dated 27th Sept 2013 requested the State Government to submit information regarding Mining Plan for the underground mining indicating subsidence plan as per the guidelines 2.2(viii) and Reclamation Plan, map showing protected area within 10 km, Gram Panchayat's Resolution as per the circular issued by the Ministry, DGPS map, compliances to conditions prescribed in earlier approval etc. The information has been submitted
- (ii) There is no National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve lying *within* 10 km radius of Jhanjra Project Area.
- (iii) Government of West Bengal vide Memo No. 821/BCW/BDN dated 26.05.2014 have submitted requisite documents for compliance under Scheduled Tribe & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as per MoEF's guidelines dated 03.08.2009 and 05.02.2013 issued by the District Magistrate, Burdwan. Gram Panchayat's Resolution has been submitted.
- (iv) State Government vide their letter 188/L</3A-2(1)/'96 dated 07.04.2014 have sent copy of report on the preparation of Geo-Referenced Boundary map of forest land for Jhanjra Project together with the soft copy. Copy of Mine Plan & Subsidence Plan of Jhanjra Project and

Subsidence Monitoring Report of CMRS Dhanbad has also been submitted..


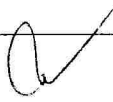
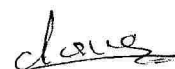
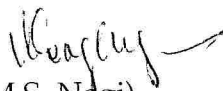
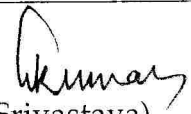

- (v) State Government vide their letter 188/L</3A-2(1)/'96 dated 07.04.2014 have sent copy of report on the preparation of Geo-Referenced Boundary map of forest land for Jhanjra Project together with the sole soft copy.
- (vi) The Mines has been operating since 1982 and it was granted Approval under the Forest (Conservation) Act, 1980 for 10 years w.e.f from 31.01.1996 for 10 years.
- (vii) As per guideline 4.16, the mining lease should be co-terminus with the period of Mining lease proposed under the MMRD Act, 1957 or Rules framed there-under but not more than 30 years.
- (viii) Compliance to the condition prescribed in earlier approval dated 31.01.1996 has been reported vide letter dated 28.01.2014 as below. The compliances are as below:-
 - a. Compensatory afforestation over equivalent non-forest land already done at the cost of user agency.
 - b. Surface right over only 8.26 ha of forest land was given and that has been utilized.
 - c. Tree felling has been done only over the required area within 8.26 ha for which Surface Right was given.
 - d. There is no tree loss due to subsidence.
 - e. Repair for cracks over the subsidence area is done by the project authority on regular basis.
 - f. Environment clearance has been obtained.
 - g. The forest land is not used for any other purposes.
- (ix) A monitoring had been done by the Eastern Regional Office, MoEF, and Govt. of India during November, 2007. Monitoring report mentions violation of provisions of Forest Conservation Act, 1980. As per the approval for use of 90.30 ha of forest land, permission for surface use was granted over 8.26 ha. Lease period expired on 31.01.2006, but the use of road and transmission line continued.
- (x) The Nodal officer has reported that the user agency has not violated any condition of approved diversion proposal except timely renewal of the lease after the expiry. However, the work has been stopped since 2006.

After detailed discussion, the Committee recommended the proposal with General, Standard Conditions and following additional conditions:-

1. Penal CA shall be carried over double in extent to the area under violation i.e, 2X8.26 ha at the project cost



2. State Government shall realize from the user agency penal NPV @ 20% of the rates applicable on the date of grant of the Stage-I approval, of area of forest land located in safety zone which has been broken/used for mining and other non-forest purpose without prior approval of Central Government
(**Explanation:** In case a patch of forest land has been broken/used for mining and other non-forest for 3 years, penal NPV to be realised in respect of such forest land will be at the rate of 60% of the rates applicable on the date of grant of stage-I approval.);

 (Dr. Mohammad Firoz Ahmed) Member	 (Ramesh K Dave) Member	 (Chaitram Deochand Pawar) Member
(Not present) (Dr. Chintamani Pandey) Additional Commissioner (NRM), Member	 (M.S. Negi) IG(FC) & Member Secretary	 (A.K. Srivastava) Addl. Director General of Forests (FC)
 (Dr. S.S. Garbyal) Director General of Forests and Special Secretary & Chairman		

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

Proceedings of the Forest Advisory Committee Meeting Held on
22nd - 23rd September, 2014

No. of Pages: 38
No. of Proposals: 15
Director (HCC)

Agenda No. 1: Diversion of 80.289 hectares of forest land in Gwalior-Shivpuri district for widening of existing 2-lane to 4-lane configuration of NH-3 from Gwalior to Shivpuri, Madhya Pradesh (File No. 8-26/2012-FC)

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

- (i) Out of 80.289 hectares of forest land proposed to be diverted, 77.156 hectares is Reserve Forest and Protected Forests under control of Forest Department. Remaining 3.133 hectares is Revenue Forests under control of the Revenue Department;
- (ii) Crown density of vegetation available in the forest land proposed for diversion varies from 0.00 to 0.50;
- (iii) The forest land proposed for diversion contains 11,840 trees out of which 3,229 trees are of below 60 cm girth and the remaining 8,616 trees are of above 60 cm girth;
- (iv) The 18 km long stretch of the NH-3 proposed to be upgraded is located along boundary of the Ghatigaon Bustard Sanctuary. The 5.46 kilometer long section of the said stretch of the NH-3 from Km 216 to 221.460 also passes through the Madhav National Park. Apart from the above, 4 km length of the said stretch from Km 212 to Km 216 is located along boundary of the Madhav National Park;
- (v) No portion of the 80.289 hectares of forest land proposed to be diverted is located within or along boundary of the Madhav National Park. A part of the said forest land is however, located within 10 kilometer from boundary of the Madhav National Park;
- (vi) The Standing Committee of the National Board for Wildlife (NBWL) in its 28th meeting held on 20th March 2013 recommended grant of approval for execution of the project within 10 kilometre from the Ghatigaon Wildlife Sanctuary subject to conditions to be specified by the Chief Wildlife Warden, and the State Board for Wildlife. The standing committee of the NBWL however, decided to defer decision on execution of the project within and 10 km distance from boundary of the Madhav National Park till receipt of a report from Dr. M.K. Ranjitsingh, Member, Standing Committee of the NBWL;
- (vii) FAC after examination of the said proposal in their meeting held on 10th -11th June 2013 recommended that approval for diversion of the part of the 80.289 hectares of forest land which is not located within 10 kilometre from boundary of the Madhav National Park may be accorded subject to fulfilment of general conditions, standard conditions



applicable to road projects, the conditions stipulated by Standing committee of the NBWL after consideration of a proposal for execution of the said project within 10 kilometre distance from boundary of the Ghatigaon Bustard Sanctuary and the additional conditions that the user agency in consultation with the Chief Wildlife Warden shall identify appropriate locations for construction of underpasses and overpasses to ensure free and unhindered movement of wildlife across the highways and incorporate the same in design of the Highways;

- (viii) FAC further recommended that decision on diversion of forest land located within 10 kilometre from boundary of the Madhav National Park will however, be taken after decision of the standing committee of the NBWL;
- (ix) The FAC further recommended that approval of the competent authority shall be sought only after receipt of a report from the State Government on area of portion of the said forest land which is not located within 10 kilometre from the Madhav National Park, along with a Survey of India topo-sheet indicating boundary of the portion of the said 80.289 hectares of forest land which is located at more than 10 kilometre distance from boundary of the Madhav National Park. FAC also recommended that soft as well as duly authenticated hard copy of the geo-referenced digital map of the portion of the said 80.289 hectares of the forest land which is located more than 10 kilometer distance from boundary of the Madhav National Park shall also be submitted by the State Government before approval of the competent authority for diversion of the said forest land is sought;
- (x) Accordingly, the MoEFCC vide letter dated 1st July 2013 requested the Government of Madhya Pradesh to submit the information and documents desired by the FAC;
- (xi) The Addl. Principal Chief Conservator of Forests (Land Management) and the Nodal Officer, Forest (Conservation) Act, 1980 in the Government of Madhya Pradesh vide his letter dated 31.10.2013 informed that area of the portion of the said 80.280 hectares of forest land which is not located within 10 kilometre distance from the Madhav National Park is 64.259 hectares (53.64 hectares in Gwalior District and 10.619 hectares in Shivpuri district);
- (xii) The Addl. Principal Chief Conservator of Forests (Land Management) and the Nodal Officer, Forest (Conservation) Act, 1980 in the Government of Madhya Pradesh vide his said letter dated 31.10.2013 also submitted a Survey of India topo-sheet indicating boundary of the portion of the said 80.289 hectares of forest land which is located at more than 10 kilometer distance from boundary of the Madhav National Park along with soft as well as duly authenticated hard copy of the geo-referenced digital map of the said forest land;
- (xiii) On acceptance of the said recommendation of FAC by the competent authority, Central Government vide letter dated 21st November 2013 accorded stage-I approval under the FC Act for the diversion of 64.259 hectares (out of the originally proposed 80.289



hectares) of forest land which is located at more than 10 kilometer distance from boundary of the Madhav National Park;


- (xiv) Meanwhile, the MoEFCC vide letter dated 20th August 2014 informed all States/ UTs that approval being granted under the FC Act will not be linked to the grant of clearance from the Standing Committee of the NBWL, except the cases where land proposed for diversion falls within protected areas for which approval of prior approval of the Hon'ble Supreme Court is require.
- (xv) The proposal has therefore, again been placed before the FAC for their examination and appropriate recommendations on grant of approval under the FC Act for diversion of the remaining 16.03 hectares of forest land located within 10 kilometer from boundary of the Madhav National Park.

The FAC after detailed deliberations recommended grant of approval under the FC Act for diversion of 16.03 hectares of forest land located within 10 kilometer distance from boundary of the Madhav National Park subject to general conditions, standard conditions applicable to road projects and the additional conditions which the Standing Committee of the NBWL may stipulate.

Agenda No. 2: Diversion of 87.612 hectares of forest land in favour of M/s. South Eastern Coalfields Limited (SECL) for their Dhanpuri-D opencast coal mining project located in Anuppur district of Madhya Pradesh (File No. 8-47/2010-FC)

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

- (i) Legal status of the forest land proposed for diversion is Reserve Forest;
- (ii) Forest land proposed for diversion contains Sal forest of class III and IV having crown density from 0.40 to 0.50;
- (iii) Forest land proposed for diversion contains 3,965 trees of above 60 cm girth. Details of trees of below 60 cm girth available in the forest land proposed for diversion have not been provided by the State Government;
- (iv) Compensatory afforestation is proposed to be undertaken on degraded forest land twice in extent to the forest land proposed for diversion at an estimated outlays of Rs. 84,64,500/;
- (v) Out of the 87.612 hectares of forest land proposed to be diverted, 78.00 hectares of forest land is proposed to be utilised for opencast mining, 5.612 hectares for construction of a road, 2.00 hectares for diversion of a stream and 2.00 hectares for construction of a transmission line;
- (vi) The 87.612 hectares of forest land proposed to be diverted is located in two sanctioned mining leases having an area of 370.497 hectares and 1615.5649 hectares. The breakup of the said forest land in these leases is 17.200 hectares and 70.412 hectares respectively.



Lease deeds were executed in accordance with the provisions of the Mineral Concession Rules, 1960 on 01.05.1973 for a period of 30 years;

- (vii) Representative of the user agency present in the meeting informed that the Ministry of Coal in their letter dated 25th April 2003 clarified that in accordance with the provision of the Coal India (Regulation of Transfer and Validation) Act, 2000 these leases will be deemed to be fresh mining leases from the date these leases came under operational control of the SECL on the date of its formation on 29.11.1985, for a maximum period of thirty years, i.e. till 28.11.2015;
- (viii) Representative of the user agency present in the meeting however, informed that fresh leases for a period of thirty years with effect from 29.11.1985 have not been executed. Approval under the FC Act for execution of fresh mining lease with effect from 29.11.1985 has also not been obtained. In effect these leases have expired on 30th April 2003;
- (ix) No approval under the FC Act for diversion of forest land in the lease having 370.497 hectares area has been accorded so far. However, in the lease having 1,615.549 hectares area, approval under the FC Act has been accorded by the Government of India vide letters dated 15.12.1986, 13.04.1987 and 24.02.1997 for diversion of 75.764 hectares, 10.884 hectares and 2.902 hectares of forest land respectively;
- (x) The 2.902 hectares of forest land has been used for construction of a railways siding for transportation of coal;
- (xi) The 10.848 hectares of forest land has not been used so far as the same was not included in the approved mining plan;
- (xii) The year-wise use of 75.764 hectares of forest land diverted for non-forest purpose is as below:

Year	Forest land used (ha.)
2007-08	8.240
2008-09	13.040
2009-10	11.360
2010-11	3.480
2011-12	7.560
2012-13	2.760
2013-14	0.640
Overburden etc.	17.016
Total	64.086

- (xiii) Use of forest land after expiry of mining lease on 30th April 2003 amounts to violation of the FC Act; and

M. K. Singh

- (xiv) Requisite documents regarding settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted have already been submitted by the State Government.

FAC after detailed deliberations recommended grant of approval under the FC Act for diversion of 87.612 hectares of forest land in favour of M/s. South Eastern Coalfields Limited (SECL) for their Dhanpuri-D opencast coal mining project located in Anuppur district of Madhya Pradesh subject to general conditions, standard conditions applicable to mining projects and the following additional conditions:

- (i) State Government shall raise penal compensatory afforestation from funds to be realized from the user agency, over degraded forest land five times in extent to the forest land utilized for non-forest purpose after expiry of mining lease on 30th April 2003 without obtaining requisite prior approval under the FC Act;
- (ii) State Government shall realize from the user agency penal NPV @ 20 % of the rates applicable on the date of grant of the Stage-I approval, of forest land utilized for non-forest purpose after expiry of mining lease on 30th April 2003. (**Explanation:** In case a patch of forest land has been utilized for non-forest purpose after expiry of mining lease on 30th April 2003 for 3 years, penal NPV to be realised in respect of such forest land will be at the rate of 60 % of the rates applicable on the date of grant of stage-I approval);
- (iii) Concerned Regional Office of the MoEFCC having jurisdiction over the forest land proposed to be diverted, shall enquire into the matter of use of forest land for non-forest purpose without obtaining prior approval of Central Government under the FC Act and file complaint against persons *prima-facie* found guilty of violation of the FC Act;
- (iv) State Government shall enquire into the matter and initiate proceedings in accordance with the provisions of the Indian Forest Act, 1927 against persons *prima-facie* found guilty of violation of the said Act; and
- (v) The user agency shall prepare a land surrender schedule for surrender of the mined out and biologically reclaimed forest land in accordance with the existing mine plan and progressive mine closure plan and submit an undertaking that mined out and biologically reclaimed forest land will be surrendered to the State Forest Department as per this schedule.

Agenda No. 3: 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) [File No. 8-67/2002-FC (pt.)]

FAC after examination of proposal observed as below:

- (i) Legal Status of forest land proposed to be diverted is Protected Forest;



- (ii) MoEF vide letter dated 12th August 2002 accorded approval under the FC Act for diversion of 100 hectares of forest land for 10 years with effect from 20th March 2002. The same has already expired on 19th March 2012.
- (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) Representatives of the user agency during examination of the proposal by the FAC in its meeting held on 11th -12th July 2013 informed that area of two roads located in the said forest land 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;
- (vii) FAC therefore *inter-alia* recommended that the concerned Regional Office of the MoEF may be requested to inspect the forest land proposed to be diverted and assess the area of two roads and any other area located in the said forest land which are being utilised for transportation of coal, overburden dump and for any other purpose, even after expiry of the approval accorded under the FC Act for diversion of the said forest land. FAC also recommended that 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 may also be intimated to the MoEF;
- (viii) The Regional Office (Western Zone), Bhopal vide their letter dated 24th October 2013 submitted an inspection report. In the said inspection report it was *inter-alia* reported that no forest land is being utilised for transportation since the expiry of mining lease on 20.3.2012. The Regional office also reported that till the case of violation is established, responsibility cannot be fixed;
- (ix) The said observations of the Regional Office being contrary to the submissions made by representatives of the user agency before the FAC in its meeting held on 21st -22nd July 2013 wherein they categorically accepted that even after expiry of the mining lease two roads located in the said forest land are being utilised by the user agency for transportation of coal and overburden, the MoEF vide letter dated 18th November 2013 and subsequent reminder dated 5th February 2014 requested the Regional Office (Western Zone), Bhopal to re-examine the matter and submit a report. Reply from the

Regional Office (Western Zone), Bhopal is awaited. However, the Nodal Officer, FC Act, Government of Madhya Pradesh vide letter dated 23.04.2014 informed that after expiry of the mining lease, the said forest land has not been used for mining, transportation or any other non-forest purpose; and

- (x) In the absence of representative of the user agency, use of forest land after expiry of approval accorded under the FC Act could not be confirmed.

FAC took note of the absence of representative of the user agency and recommended that the proposal may once again be placed before the FAC in its next meeting. FAC further recommended that representatives of the user agency shall attend the meeting along with information on use of forest land, if any, after expiry of mining lease and details of mining lease in respect of the forest land proposed to be diverted. Since report of the State Government and the Regional Office Bhopal is in contradiction of the submission of the user agency it will be appropriate if State Nodal Officer and representative of the Regional office, Bhopal also attend the next FAC meeting.

Agenda No. 4: Diversion of 1038.187 hectares of Revenue and DLC forest land including 4.051 ha. under safety zone within the leasehold area of 1914.063 ha. allocated for Open Cast Coal Project (OCP) by M/s. MNH Shakti Ltd. (Talabira II and III OCP) in Jharsuguda and Sambalpur Forest Divisions within the jurisdiction of Jharsuguda district and Sambalpur district of Odisha. (File No. 8-82/2014-FC)

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

- (i) Supreme Court in their Judgment dated 25th August 2014 in the Writ Petition (Civil) No. 120 of 2012 in the matter of Mohan Lal Sharma *versus* Union of India and others and such other similar petitions held that the allocations of 218 coal blocks made, both under the Screening Committee route and the Government dispensation route, are arbitrary and illegal;
- (ii) Supreme Court in their said Judgment further observed that what should be the consequences, is the issue which remains to be tackled and directed that to this limited extent, the matter requires further hearing;
- (iii) Accordingly, Supreme Court held further hearing on 9th September 2014 and reserved their Judgment. Final Judgment of the Supreme Court in the matter is likely to be pronounced shortly; and
- (iv) Talabira -II and Talabira -III coal blocks, in which the forest land proposed to be diverted is located, are among the 218 coal blocks whose allocation has been declared arbitrary and illegal by the Supreme Court.

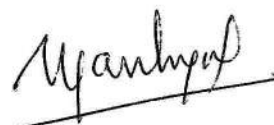


FAC after detailed deliberations decided to await final judgment of the Hon'ble Supreme Court in the said Writ Petitions before making recommendations on the proposal seeking prior approval of Central Government under the FC Act for diversion of the said forest land.

Agenda No. 5: Proposal for diversion of 73.20 hectares of forest land coming within the Safety zone of the 5.10 Sq. Miles Mining lease of Bolani Iron Ore Mines of M/s Steel Authority of India during 2nd RML period in Barbil Tahasil, Keonjhar District of Odisha [File No. 8-17/1997-FC (vol.)]

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

- (i) Bolani iron ore mines of M/s. Steel Authority of India Limited (SAIL) having total 5.10 square miles area contains 1,225.78 hectares of forest land;
- (ii) Out of the total 1,225.78 hectares of forest land located within the said mining lease, 73.20 hectares of forest land is located within its safety zone;
- (iii) First renewal of mining lease was valid till 10.04.2010. User agency on 26.03.2009 (more than one year prior to expiry of the mining lease) submitted application for 2nd renewal of mining lease for a further period of 20 years with effect from 11.04.2010 to 10.04.2030. State Government in Steel & Mines Department in their order dated 29.5.2014 have granted 2nd RML application of the lessee subject to fulfilment of conditions stipulated therein;
- (iv) Government of Odisha vide their letter dated 29th January 2010 submitted a proposal to obtain prior approval of Central Government under the FC Act for diversion of 1,152.58 hectares of forest land located within the mining lease;
- (v) Keeping in view para 4.7 of guidelines issued under the FC Act which provided that forest area required for safety zone for mining operations should not be part of the forest area proposed for diversion, Government of Odisha in their said letter dated 13th January 2009 did not seek prior approval of Central Government under the FC Act for diversion of 73.20 hectares of forest land located within safety zone of the mining lease;
- (vi) Keeping in view para 4.7 of guidelines issued under the FC Act which provided that forest area required for safety zone should be indicated separately, full details of forest land located in safety zone of the mining lease were provided in the proposal submitted by the State Government vide their letter dated 13th January, 2009;
- (vii) MoEF after examination of the said proposal accorded in-principle approval under the FC Act for diversion of the 1,152.58 hectares of forest land vide letter dated 12th November 2010 subject to fulfilment of conditions stipulated therein;
- (viii) Keeping in view para 4.7 of guidelines issued under the FC Act which provided that forest area required for safety zone will have to be fenced at the cost of the project authority and further, project authority will have to deposit funds with the Forest Department for the protection and regeneration of such safety zone area and also will



have to bear the cost of afforestation over one and a half times of the safety zone area in degraded forest elsewhere, MoEF in the in-principle approval dated 12th November 2010 stipulated *inter-alia* the following condition:

"Fencing, protection and regeneration of the safety zone area (7.5 meter strip all along the outer boundary of the area identified to undertake mining) shall be done by the User Agency at the project cost"

- (ix) Keeping in view para 4.7 of guidelines issued under the FC Act, MoEF in their earlier approval under the FC Act accorded vide letter dated 10th July 1996 for diversion of forest land located in the said mining lease, stipulated a condition that afforestation over one & half times of the safety zone area in degraded forest elsewhere will be done. The said condition has already been complied by the user agency;
- (x) Government of Odisha vide their letter dated 7th November 2012 submitted a report on compliance to conditions stipulated in the in-principle approval under the FC Act for diversion of the said 1,152.58 hectares of forest land located in the said mining lease and requested the MoEF to accord final approval under the FC Act for diversion of the said forest land;
- (xi) Government of Odisha in their said letter dated 7th November 2012 *inter-alia* informed the MoEFCC as below:

"A scheme for fencing, protection and afforestation of the safety zone area (7.5 meter strip all along the outer boundary of the area over 12.80 ha.) has been prepared with a total financial outlay for Rs. 3,43,52,000/- at the wage rate of Rs.125/- per man-day. The scheme has provisions for maintenance of seven years. The scheme will be implemented by the user agency during the 2nd renewal of mining lease (RML) period. The length of outer perimeter of ML boundary is 17 km, out of which fencing over 12 km has been completed in the first phase and plantation for regeneration of safety zone has already been started. By now, 15,000 saplings have been planted in the safety zone area during Monsoon 2011. Out of 12.80 ha of forest land concerning 7.5 meter strip all along the outer boundary of the Mining lease area, plantation has been carried out over 5 hectare so far. Plantation over the balance area and regeneration of the Safety Zone will be carried out as per the approved scheme."

- (xii) Government of Odisha in their said letter dated 7th November 2012 *inter-alia* also informed the MoEFCC as below:

- (a) In compliance of an additional condition stipulated by the State Government, the user agency has submitted a Site Specific Wild life Conservation Plan as per guidelines of Chief Wildlife Warden which is pending with Pr. CCF (WL) & CWLW, Odisha for approval. As reported by the Pr. CCF(WL) & CWLW, Odisha, proposed Karo-Karampada Elephant Corridor is passing through the mining lease area of 5.10 Sq. Miles of the lessee. It has further been reported by the Pr. CCF(WL) & CWLW, Odisha that an area of 317 hectares within 5.1 sq. miles leasehold area of

Bolani ore mines of M/s. SAIL is coming within the proposed Karo-Karampada Elephant Corridor;

- (b) However, in view of dispute regarding existence of the above-mentioned elephant corridor within the ML area of the lessee, the State Government, in agreement with the suggestions of Wildlife Institute of India, Dehradun, have taken steps for undertaking site inspection, evaluation of secondary information on status/ existence of the Karo-Karampada Elephant Corridor in term of its functionality in the context of Bolani Ore Mines of M/s. SAIL through constitution of a Committee under the Chairmanship of RCCF, Rourkela. After receiving the report from the Committee, the Site Specific Wild life Conservation Plan which is presently pending with CWLW, Odisha will be finalized. The user agency has also furnished an undertaking that they would abide by the findings/recommendations of the Committee;
 - (c) Keeping in view the time to be taken by the Committee for undertaking the assignment for submission of the report and consequent delay in finalizing the site specific wild life conservation plan by. the Pr. CCF(WL)&CWLW, Odisha concerning this project and also considering the fact that working permission for this mine under FC Act is expiring on 10.11.2012 which will result in disruption in extraction/supply of minerals from this mine to Rourkela Steel Plant in Odisha and elsewhere in the country, it was considered expedient that the Government of India, MoEF may consider the detailed position of compliance in this context and allow the lessee, a Central PSU, to run its mining activities within the leasehold area excluding the 317 hectares area coming within the Karo-Karampada Elephant Corridor subject to availability of all other statutory clearances; and
 - (d) The State Forest Department would ensure that no non-forestry activities takes place within the above-mentioned corridor area and the M/s. SAIL should abide by further decision of the State Government on the Elephant Corridor and the conditions of Site Specific Conservation Plan as and when approved. The duly approved Site Specific Conservation Plan along with suggestion of mitigative measures, if any, based on the report of the Expert Committee would be furnished to Government of India, MoEF afterwards for perusal and consideration.
- (xiii) MoEF after examination of the said report of the Government of Odisha accorded final approval under the FC Act for diversion of ~~for diversion of~~ a part of the said 1152.58 hectares of forest land, excluding the part of the said forest land located within 317 hectares of forest land located in the Karo-Karampada Elephant corridor, in the 5.10 sq. Miles mining lease of Bolani Ore Mines of M/s Steel Authority of India Ltd during 2nd Renewal of Mining Lease (RML) period in Barbil Tahsil, Keonjhar District of Odisha vide their letter dated 11th December 2012 subject to a condition that State Forest Department should ensure that no non-forestry activities should take place within the 317ha. of forest land located within the part of the Karo-Karampada elephant corridor located within the said mining lease;



- (xiv) Later on, Government of Odisha in their letter dated 22nd June 2012 informed the MoEF that out of total 392.80 hectares of broken forest land located within the leasehold area, 54.05 hectares is located in the proposed Karo-Karampada elephant corridor. The said forest land is being utilised for the purposes like mining pits, haul road, site office and other mine related infrastructures. Out of 54.05 hectares of broken up forest land located within the said corridor, 40.05 hectares accounts for mining pits alone;
- (xv) Government of Odisha in their said letter dated 22nd June 2012 requested the MoEF to allow user agency to utilise the said 54.05 hectares of broken up forest land for mining and allied activities;
- (xvi) MoEF accepted the request of the Government of Odisha to permit the user agency to utilise the said 54.05 hectares of broken up forest land for mining and allied activities and communicated the same to the State Government vide letter dated 9th July 2012;
- (xvii) MoEF in July 2012 amended the said para 4.7 of guidelines to the effect that *"approval under the Act for diversion of entire forest land located within the mining lease, including the forest land located in safety zone, should be obtained before execution of mining lease in favour of the user agency"* and communicated the same to States/ UTs vide letter dated 12th July 2012.
- (xviii) Later on, in consideration of representations received from several quarters, MoEF formulated a simplified procedure to obtain prior approval of Central Government under the FC Act for diversion of forest land located in safety zone of mining lease in case of mines where approval under the FC Act for diversion of the entire forest land, except the forest land located within safety zone has already been obtained and while submitting proposal for obtaining prior approval of Central Government under the FC Act for diversion of forest land located in such mines, prior approval of Central Government under the FC Act for diversion of forest land located within safety zone of the mining lease was not sought keeping in view that as per the para 4.7 (i) of guidelines issued under the FC Act approval under the FC Act for diversion of such forest land at that time was not required to be obtained.
- (xix) The simplified procedure communicated to States/ UTs vide letter dated 13th May 2014 reads as below:
 - (a) State Government should seek the prior permission of the Central Government for diversion of forest land located in safety zone giving details of the earlier approval in letter form rather than initiating a fresh proposal.
 - (b) While seeking prior permission of the Central Government for diversion of such forest land, report on compliance to a statute(s), circular(s) or directive(s), as applicable to the project, if any, which came into force after grant of earlier approval, shall also be submitted to the Central Government.
 - (c) In case of projects, where after placing full details of the project, including safety zone of the project, informed consent of all concerned gram sabha(s), as provided



in clause (c) read with clause (b), (e) and (f) of this Ministry's letter No. 11-9/98-FC (pt.) dated 3rd August 2009, has already been obtained while obtaining earlier approval, fresh consent of gram sabha(s) for diversion of forest land located in safety zone of the mining lease is not required to be obtained. However, certificate regarding completion of process for identification and settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in respect of the forest land located within the safety zone, as provided in clause (a), (d), (g) and (h) of this Ministry's said letter dated 3rd August 2009, which in case of majority of the forest area in the country has already been completed, will be required to be provided by the State Government;

- (d) Central Government shall after examination of the proposal and after such further enquiry as it may consider necessary, grant approval to the proposal of the State Government for diversion of forest land located within safety zone of the mining lease for a period coterminous with the period for which approval for diversion of the remaining forest land located within the mining lease has been accorded.
- (xx) Government of Odisha vide their letter dated 7th August, 2014 has therefore, sought approval of Central Government under the FC Act for diversion of 73.20 hectares of forest land located in safety zone of the said mine in a letter form;
- (xxi) Government of Odisha in their said letter dated 7th August, 2014 *inter-alia* reported as below:
 - (a) Collector, Keonjhar had provided the required compliance to Forest Rights Act which included certificate on five items and resolutions of Gram sabha along with its English version pertaining to 1,225.18 hectares of forest land within this leasehold area excluding 0.60 hectares of forest land found to be under encroachment. The 73.20 hectares of forest land inside the safety zone is within the FRA complied forest area of 1225.18 hectares. Further it has been clarified by PCCF, Odisha in his letter dated 16th July 2014 that no portion of forest area of 73.20 hectares inside the safety zone is coming within the encroached forest land of 0.60 hectares;
 - (b) The geo-referenced map of forest land including forest land coming inside the safety zone area within the ML duly verified by the ORSAC and authenticated by DFO, Keonjhar along with its soft copy in CD form has been provided to the MoEF;
 - (c) NPV for total forest land of 1225.78 hectares including the safety zone area to the tune of Rs. 89,48,19,400/- at the rate of Rs. 7.30 lakhs per hectare has been deposited by the lessee with Adhoc-CAMPA account on 8.4.2010 and 3.7.2010;
 - (d) A scheme for fencing, protection and afforestation of the safety zone area (7.5 meter strip all along the outer boundary of the area over 12.80 ha.) has been prepared with a total financial outlay for Rs.3,43,52,000./- including provisions for maintenance of



seven years. The scheme is under implementation by the user agency at their cost; and

- (e) Copy of the land schedule of forest land coming within the safety zone proposed for diversion, duly authenticated by Tahasildar, Barbil and DFO, Keonjhar has been provided to the MoEF. PCCF, Odisha has reported that land schedule submitted in the proposal is based on settlement record held in 1984 *i.e.* after 25.10.1980. User agency has furnished an undertaking that if in Sabik settlement record, any portion of non-forest area of the lease is found to be recorded as Forest land as on 25.10.1980, penal measures as imposed on them, shall be complied with.
- (xvi) In respect of forest land located within proposed Karo-Karampada corridor, Government of Odisha in their said letter dated 7th August, 2014 informed as below:
 - (a) Government of India, MoEF in their guidance documents dated 19th December 2012 have dispensed with the provisions of obtaining prior permission of NBWL for projects coming within Elephant habitats/ Elephants corridors;
 - (b) Government of India, MoEF in their condition No.2 (xi) of the final approval order dated 11th December 2012 had stipulated to submit a copy of the duly approved Site Specific Conservation Plan for this project for consideration of the case for grant of Stage II approval for the forest land coming within the proposed corridor;
 - (c) The Site Specific Wildlife Conservation Plan has been prepared for this project, taking into account the observations and suggestion of the Expert Committee constituted by the State Government under the chairmanship of the RCCF, Rourkela. The Plan has also been approved by CWLW, Odisha with a financial outlay of Rs. 1,676.41 lakhs which includes Rs. 682.34 lakhs for implementing the activities by the lessee within the leasehold area and Rs. 994.07 lakhs for implementing activities by the DFO, Keonjhar within the project impact area;
 - (d) As per the approved Plan, there is no evidence of elephant presence on the hill top within the mining lease area. Evidences of elephant movement were found along the Bhalugharnala up to Panduliposi village and beyond the village up to Karo river in the east. As per the field evidences, the elephant herd crosses the ridge between the villages Panduliposi (in Keonjhar) and Bhangaon (in Jharkhand) which are outside the ML area;
 - (e) The authenticated map showing the newly identified elephant movement path is enclosed in the Site Specific Conservation Plan has been provided to MoEF;
 - (f) As reported by PCCF, Odisha, the lessee has deposited an amount of Rs. 976.07 lakhs with Adhoc-CAMPA Account on 28.6.2014 excluding the cost of vehicle to be provided to the RCCF, Rourkela as per approved Plan; and

- (g) Considering the approval of Site Specific Conservation Plan for the project, no evidence of elephant presence within the Mining lease of Bolani Iron ore Mines and map of newly identified elephant corridor outside the lease area duly authenticated by the RCCF, Rourkela and DFO, Keonjhar, there appears no hindrance for allowing mining activities within 262.95 hectares of forest land (317.00 ha -54.05 ha) existing within the earlier acclaimed Karo-Karampada elephant corridor of this lease.
- (xvii) Government of Odisha in their said letter dated 7th August 2014 requested the MoEFCC to examine the proposal for (i) diversion of 73.20 ha of forest land coming within the safety zone of this lease; and (ii) diversion of 262.95 ha of forest land existing within the earlier acclaimed Karo-Karampada elephant corridor of this lease.


FAC after detailed deliberations recommended grant of final approval under the FC Act for (i) diversion of 73.20 ha of forest land coming within the safety zone of this lease; and (ii) diversion of 262.95 ha of forest land existing within the earlier acclaimed Karo-Karampada elephant corridor of this lease for a period co-terminus with the period for which approval for diversion of the remaining 889.63 hectares of forest land located within the mining lease has been accorded by the MoEF, subject to fulfillment of conditions stipulated in the final approval under the FC Act for diversion of the said remaining 889.63 hectares of forest land accorded by the MoEF and the following additional conditions:

- (i) State Government shall ascertain the status, as on 25th October 1980, of the area located in the mining lease which has been treated as 'non-forest' as per the Hal (present) record of rights and intimate the same to the MoEFCC within six months; and
- (ii) In case whole or a part of the area located in the mining lease which has been treated as 'non-forest' as per the Hal (present) record of rights was recorded as forest as on 25th October 1980, State Government shall either seek approval of Central Government under the FC Act for diversion of such forest land or surrender such forest land from the mining lease.

Agenda No. 6: Diversion of 12.28 hectares of forest land in Coringa Extension R.F. of Coringa Wildlife Sanctuary for laying of sub-sea pipeline buried below river bed and consisting of one well fluid pipeline, one effluent disposal pipeline and one optical fiber cable for the Deen Dayal (West) Development Project in favour of M/s. Gujarat State Petroleum Corporation Ltd. (GSPC Ltd.) [File No. 8-85/2013-FC (pt.)]

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

- (i) Forest land proposed to be diverted is located in Coringa Wildlife Sanctuary;



- (ii) Forest land proposed to be diverted is inundated under water. No trees or mangroves are therefore; available in the said forest land;
- (iii) Schedule-I aquatic fauna, such as, Fishing Cat (*Felis veverrina*) and Olive Ridley Turtle (*Lepidochelys olivacea*) are reported to exist in and around the forest land proposed to be diverted. Similarly, Schedule-II species such as Smooth Skinned Otter (*Lutra perspicillata*) are also reported to exist in and around the forest land proposed to be diverted;
- (iv) Gujarat State Petroleum Corporation Ltd. (GSPCL), a public sector undertaking of Govt. of Gujarat is the operator of KG-OSN-2001/3 offshore block under New Exploration and Licensing Policy (NELP) of the Government of India;
- (v) As a part of development program of the above NELP block and in line with approved Field Development Plan by the Government of India, GSPCL has initiated process of laying a sub-sea pipeline system necessitating 80 meter wide corridor;
- (vi) This system consists of one well fluid pipeline, one effluent disposal pipeline and one optical fiber cable;
- (vii) Major part of pipeline system is located outside the forest area. After a detailed survey, it has been found that the pipeline system may be laid along the Neelarevu river to avoid dense forest areas. While laying of pipeline along the Neelarevu river, 4.321 kilometer and 1.535 kilometer long sections of the said pipeline falls within Rathikalava Reserve Forest and the Coringa Wildlife Sanctuary;
- (viii) Final approval under the FC Act for diversion of 34.568 hectares of forest land for laying of 4.321 kilometer long section of the said pipeline in Rathikalava Reserve Forest has already been accorded by the MoEFCC vide letter dated 4th July 2014;
- (ix) The present proposal is for diversion of 12.28 hectares of forest land required for laying of 1.535 kilometer long section of the said pipeline in the Coringa Wildlife Sanctuary;
- (x) Standing Committee of the National Board for Wildlife has recommended grant of approval for laying of the said pipeline within Coringa Wildlife Sanctuary and its Eco-Sensitive Zone; and
- (xi) Supreme Court vide their order dated 27th January 2014 has also accorded their approval for diversion of the said forest land.

FAC after detailed deliberations recommended grant of approval under the FC Act for diversion of the said 12.28 hectares of forest land for laying of sub-sea pipeline in Coringa Extension R.F. of Coringa Wildlife Sanctuary subject to general conditions, standard conditions applicable to pipeline projects and the additional conditions stipulated by Standing Committee of the NBWL and the Supreme Court.



Agenda No. 7: Proposal to obtain prior approval of Central Government under the Forest (Conservation) Act, 1980 for drilling of 50 bore-holes of 4 inch diameter by M/s. Power Generation Corporation Limited a Joint venture of IPGCL, New Delhi and HPGCL, Panchkula, Haryana in 1,070.360 hectares of forest land falling in Compartments No. 352, 353, 365, 366, 367, 368, 369, 374, 543, 546 of Bansi Birdah Reserved Forest Block of Baidhan/ Madha Range of Singrauli Forest Division, Madhya Pradesh. [File No. 8-23/2009-FC (pt.)]

The FAC discussed the proposal in the absence of user agency and after examination of proposal observed as below:

- (i) Supreme Court in their Judgment dated 25th August 2014 in the Writ Petition (Civil) No. 120 of 2012 in the matter of Mohan Lal Sharma *versus* Union of India and others and such other similar petitions held that the allocations of 218 coal blocks made, both under the Screening Committee route and the Government dispensation route, are arbitrary and illegal;
- (ii) Supreme Court in their said Judgment further observed that what should be the consequences, is the issue which remains to be tackled and directed that to this limited extent, the matter requires further hearing;
- (iii) Accordingly, Supreme Court held further hearing on 9th September 2014 and reserved their Judgment. Final Judgment of the Supreme Court in the matter is likely to be pronounced shortly;
- (iv) Mara-II Mahan coal block, in which the forest land proposed to be utilised for prospecting is located, is among the 218 coal blocks whose allocation has been declared arbitrary and illegal by the Supreme Court.

FAC after detailed deliberations decided to await final Judgment of the Supreme Court in the said matter before making recommendations on the proposal seeking prior approval of Central Government under the FC Act for prospecting in the said forest land.

Agenda No. 8: Diversion of 67.85 hectares of forest land in favour of M/s. Kurnool Vayu Vidyut Project Pvt. Ltd. for diversion of 67.85 hectares of forest land in Mallappakonda and Betrayaswamy RFs of Chittoor West Division for setting up of 48.75 MW wind power project. (File No. 8-66/2014-FC)

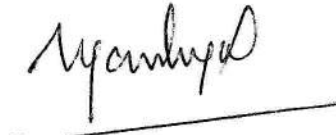
FAC after examination of proposal and interaction with representatives of user agency observed as below:

- (i) Legal status of forest land proposed to be diverted is Reserve Forests;
- (ii) Forest land proposed or diversion contains 2,295 trees. Important species available therein are *Albizia amara* (Chigra), *Swetenia chloroxylon* (Biludu), *Zizyphus xylopyra* (Gotti), *Wrightia tinctoria* (Pala), *Casia fistula* (Rela), *Cassia roxburghii* (Jalari), *Madhuca indica* (Ippa), *Pongamia pinnata* (Kanuga), *Oogenia oogenensis* (Uduga), *Dodonia viscosa* (Bnadedu) etc;

- (iii) Crown density of vegetation available in the forest land proposed to be diverted is below 0.10;
- (iv) Forest land proposed to be diverted is not located in any protected area. No protected area is located within 10 kilometer from boundary of forest land proposed to be diverted;
- (v) Initially, user agency submitted a proposal for diversion of 69.86 hectares of forest land for establishment of 48.75 MW Wind Power Project. It was however, observed that the forest land proposed for diversion was situated very close to the Inter-state boundary of Karnataka and Andhra Pradesh. User Agency was therefore, advised to keep some distance from the Inter-State boundary to avoid future complications. Accordingly, User Agency shifted boundary of the forest land proposed to be diverted by about 10.00 meter away from the Inter-State boundary and re-submitted the proposal for diversion of 67.85 hectares of forest land;
- (vi) Project involves ^{new}establishment of 39 Wind Energy Converters of 1.25 MW each to generate 48.75 MW capacity;
- (vii) Vice Chairman and the Managing Director, NREDCAP Ltd., Hyderabad, the Nodal Agency for Wind Power Projects in the Andhra Pradesh has informed that proposed site is suitable for establishment of Wind Power Project as per the report submitted by the CWET;
- (viii) Estimated cost of project is Rs. 2,047 lakhs;
- (ix) The energy generated from the project is proposed to be evacuated through 33 kV overhead transmission line to the proposed 33 kV/ 132 kV polling station pooling station constructed at the nearby site;
- (x) Project does not involve displacement of any person;
- (xi) Project is likely to generate direct employment for 75 persons and indirect employment for 250 persons;
- (xii) Item-wise break-up of forest land proposed to be diverted is as below:

(a)	Turbines Area	29.37 ha.
(b)	Formation of road to a length of 16.431 km and with a width of 13.00 M	21.36 ha.
(c)	Erection of electrical Line to a length of 9.831 Km and with a width of 15.00 M.	14.72 ha.
(d)	Stock Yard	2.40 ha.
Total		67.85 ha.

- (xiii) Out of the total 67.85 hectares of forest land proposed to be diverted for the project, 2.40 hectares of forest land is proposed to



be utilised for construction of stock yard. Diversion of forest land for non-site specific activity, such as stock yard is not justifiable;

- (xiv) Though, the project involves diversion of 67.85 hectares of forest land, the project being of linear nature, it will result in severe fragmentation of large area of forests;
- (xv) MoEF has assigned a study to the Bombay Natural History Society (BNHS) to assess impacts of Wind Energy Projects on avifauna and bats and suggest appropriate mitigative measures; and
- (xvi) MoEF has also constituted a Committee under the Chairmanship of the Chief Conservator of Forests (Central), Southern Regional Office, Bangalore to formulate guidelines to assess and define the impact zone of the Wind Energy Projects.

The FAC after detailed deliberations recommended diversion of 65.45 hectares of forest land, excluding 2.40 hectares of forest land proposed to be utilised for construction of a stockyard, subject to general conditions, standard conditions applicable to wind power projects and the following additional condition:

- (i) State Government and the user agency shall undertake to implement the mitigation measures, which may be suggested at the conclusion of the study assigned by this Ministry to the BNHS to assess impact of windmills of different capacity on avifauna and bats and the recommendations made by the Committee constituted by this Ministry under Chairmanship of the Chief Conservator of Forests (Central), Southern Regional Office, Bangalore to assess and define the impact zone of wind energy projects in forest areas for purpose of assigning NPV; and
- (ii) The State Government shall prepare and implement a plan for restocking and regeneration of forest land fragmented by construction of roads and transmission lines of the project at the project cost.

Agenda No. 9: Diversion of 63.217 hectares of DLC forest land (including 12.704 hectares of safety zone) in respect of Jajanga Iron and Manganese Mines within Mining lease area of 100.1723 hectares in village Jajanga and Bhulubeda in Champua Sub-Division of Keonjhar district, Odisha during 3rd RML period by Shri Hargovinda Pandya and others (File No. 8-62/2014-FC)

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

- (i) Legal status of forest land proposed to be diverted is D.L.C. reported forest land;
- (ii) Crown density of vegetation available in the forest land proposed to be diverted is 0.20;
- (iii) Proposal involves felling of 1,734 trees of above 30 cm girth and 2,423 poles of under 30 cm girth;
- (iv) Species available in the forest land proposed to be diverted are Sal (*Shorea robusta*) and its associates like Piasal (*Pterocarpus marsupium*), Char (*Buchanania lanzan*), Mango (*Mangifera indica*), Jamun (*Syzygium cumini*), Gambhar (*Gmelina arborea*), Harida



(*Terminalia chebula*), Mahul (*Madhuca longifolia*), Kendu (*Diospyros malabarica*), Kusum (*Shleichera oleosa*), Bahada (*Terminalia belerica*), Asan (*Terminalia tomentosa*), Dhaura (*Annogeissus latifolia*) etc. Sal is the pre-dominant species;

- (v) Forest land proposed to be diverted is not located in any protected area. No protected area is located within 10 kilometer from boundary of forest land proposed to be diverted;
- (vi) In lieu of 50.513ha. (63.217ha- 12.704ha for CA in safety zone) of DLC forest land proposed to be used for mining and other allied activities, 50.513 ha of non-forest Government land has been identified by the district Administration of Keonjhar for the purpose of raising Compensatory Afforestation in village Champajhar under Telkoi Tahsil for 15.767 ha and village Melan under Ghatgaon Tahasil for 34.746 ha in Keonjhar district under jurisdiction of Keonjhar Forest Division. The Compensatory Afforestation area has been jointly verified by Forest and Revenue Department officials. The land suitability certificate of DFO, Keonjhar, non-encroachment, and non-encumbrance certificate issued by the Tahasildar, Telkoi in Keonjhar District have been furnished.
- (vii) The Compensatory Afforestation Scheme has been prepared by DFO, Keonjhar over 34.746ha. in ANR Plantation and over 15.767ha. including 11.0ha. of Block plantation and 4.767ha. of ANR Plantation.
- (viii) Compliance of Scheduled Tribe and Other Traditional Forest Dweller (Recognition of Forest Right) Act 2006 in accordance with MoEFs guidelines dated 3/8/2009 has been submitted
- (ix) User agency has broken 7.50 meters wide safety zone over a length of 200 meters involving 0.15 hectares of DLC forest land. In respect of said violation, the Divisional Forest Officer, Keonjhar has booked an offence case vide OR case No. 109th of 2010-11 against Mines Manager, Jajang Iron and Manganese Mines of M/s. H.G. Pandya. The Divisional Forest Officer, Keonjhar has also issued a closure notice vide his letter dated 21.04.2009;
- (x) The lessee has again broken up 4.687 hectares of safety zone;
- (xi) The original mining lease of Jajanga Iron & Manganese Mines was granted over an area of 243.843 hectares for a period of 20 years *w.e.f.* 02.06.1953 to 01.06.1973 in favour of Sri Hargovinda Pandya and others. The lease deed was executed on 26.4.1962. The mining lease area spreads over two villages namely Jajang and Bhulabeda in Champua Sub-Division of Keonjhar district;
- (xii) The 1st Renewal of Mining lease was granted for a period of 20 years with effect from 02.06.1973 to 01.06.1993 over the same area of 243.84 ha. The user agency reportedly surrendered an area of 143.706 hectares of non-mineralized area of the Mining lease area thereby retaining the balance 100.137 hectares during the period of 2nd RML;

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- (xiii) Having considered the 2nd RML application of lessee dated 2.1.1992 over the revised area of 100.722 hectares, the 2nd RML was granted by the Department of Steel & Mines, Govt. of Odisha vide proceedings dated 21.07.1994 over revised area of 100.722 hectares. Subsequently the Steel & Mines Department vide their Proceedings dated 15.12.1994 have further revised the ML area to be 100.137 hectares during 2nd RML period. The lease deed for 2nd RML was executed on 03.02.1995 over reduced area of 100.137 hectares for a period of 20 years *w.e.f.* 02.06.1993 to 01.06.2013;
- (xiv) At the time of execution of lease deed during 2nd RML period, entire 100.137 hectares of land located within the mining lease was treated as non-forest land. However, District Level Committee of Keonjhar district constituted by the Government of Odisha in compliance with the Hon'ble Supreme Court's Judgment dated 12th December 1996 in the Writ Petition (C) No. 202/1995 in the matter of the T.N. Godavarman Thirumulpad versus Union of India and others identified 63.217 hectares of land located in the said mining lease as forest land;
- (xv) Hence, 63.21 7 hectares of land located within the said lease including 12.704 hectares of land coming within the safety zone area which was treated non-forest land prior to its identification as 'forest' by the DLC attracts provisions of the FC Act;
- (xvi) The applicant lessee applied for 3rd RML on 27.04.2012 i.e. more than one year prior to expiry of 2nd RML period on 1.6.2013;
- (xvii) During 3rd RML period, ML area of 100.137 ha is comprised of 63.217 hectares of DLC forest and the balance 36.920 hectares of non-forest land. The 36.92 hectares of non-forest land includes 22.515 hectares of tenanted land. Out of the total 63.217 hectares of DLC forest land, 39.433 hectares has been reported to be broken prior to declaration of such land as DLC forest land and the balance 23.784 hectares of the DLC forest land is virgin/ unbroken. The land schedule of the total mining lease area over 100.137 hectares as per Sabik record also specifically indicating DLC forest land in Jajanga village, duly authenticated by Tahasildar, Barbil, has been provided to the MoEF;
- (xviii) The 63.217 hectares of DLC forest land proposed for diversion during 3rd renewal of mining lease includes 12.704 hectares of DLC forest land to be maintained as safety zone. The balance 50.513 hectares of forest land is proposed to be utilised for mining and other allied activities. The 50.513 hectares of non- forest Government land has therefore, been identified by the district Administration of Keonjhar district for raising compensatory afforestation;
- (xix) The project does not involve displacement of any human habitation;
- (xx) It was brought to the notice of the FAC that the Ministry has taken a stand that it will not insist on submission of Express order by the State Government under section 8(3) of the MMDR 1957 before granting approval for diversion of Forest land under Forest (conservation) Act 1980. Instead additional conditions will be imposed that approval under Forest(Conservation) Act will be subject to grant of Express order by the State



Government under section 8(3) of the MMDR 1957. FAC noted the stand taken by the Ministry.

FAC after detailed deliberations recommended grant of approval under the FC Act for diversion of the said forest land subject to general conditions, standard conditions applicable to mining projects and the following additional conditions:

- (i) State Government shall raise penal compensatory afforestation from funds to be realized from the user agency, over degraded forest land five times the area of forest land located in safety zone which has been broken/used for mining and other non-forest purpose;
- (ii) State Government shall realize from the user agency penal NPV @ 20 % of the rates applicable on the date of grant of the Stage-I approval, of area of forest land located in safety zone which has been broken/used for mining and other non-forest purpose
(*Explanation: In case a patch of forest land located in safety zone has been broken/used for mining and other non-forest for 3 years, penal NPV to be realised in respect of such forest land will be at the rate of 60 % of the rates applicable on the date of grant of stage-I approval.*);
- (iii) State Government shall enquire into the matter and initiate proceedings in accordance with the provisions of the Orissa Forest Act, 1972 against persons *prima-facie* found guilty of breaking of forest land in safety zone of the mining lease;
- (iv) User agency shall pay the proportionate cost of implementation of Regional wildlife Management Plan;
- (v) User agency shall prepare a site specific wildlife conservation plan as per the guidelines provided by the Chief Wildlife Warden, Odisha and provide funds for its implementation;
- (vi) User agency should take appropriate measures such as construction of ponds, water conservation /harvesting structure etc., to ensure conservation of water in and around the project site;
- (vii) User agency shall provide sufficient funds to the State Forest Department to organize environmental awareness programme to generate awareness among the employees as well as local residents on issues pertaining to conservation and protection of environment;
- (viii) State Government shall commission a study from funds to be provided by the user agency to assess impact of this project on floral and faunal biodiversity and shall take appropriate measures at the project cost to mitigate the identified impacts;
- (ix) User agency shall pay the evaluated royalty of the trees enumerated before commencement of work on Stage-II approval. Tree felling should be taken up in phases strictly as per requirement under the supervision of the Divisional Forest Officer, Keonjhar Forest Division;
- (x) User agency shall execute the Phased Reclamation Plan at their cost;



- (xi) User agency shall submit the status of reclamation (including biological reclamation) of the mined out forest land within their original mining lease; and
- (xii) The user agency shall prepare a land surrender schedule for surrender of the mined out and biologically reclaimed forest land in accordance with the existing mine plan and progressive mine closure plan and submit an undertaking that mined out and biologically reclaimed forest land will be surrendered to the State Forest Department as per this schedule.

Agenda No. 10: Diversion of additional 68.157 hectares of DLC forest land including 3.825 hectares of forest land inside safety zone, in addition to 35.275 ha. of DLC forest land already diverted, within total Mining lease area of 106.1127 ha in Unchabali iron & manganese ore mines of Smt. Indarani Patnaik in Keonjhar district Odisha during original Mining lease period. (8-67/2014-FC)

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

- (i) Legal status of forest land proposed to be diverted is D.L.C. reported forest land;
- (ii) Crown density of vegetation available in the forest land proposed to be diverted is 0.45;
- (iii) Forest land proposed for diversion contains 9,964 normal and 3,693 defective trees of above 30 cm girth. Besides, 11,088 trees of below 30 cm girth are also available on the forest land proposed to be diverted;
- (iv) Species available in the forest land proposed to be diverted are *Shorea robusta*, *Pterocarpus marsupium*, *Gmelina arborea*, *Terminalia alata*, *Bridelia retusa*, *Anogeissus latifolia*, *Diospyros melanoxylon*, *Syzygium cumini*, *Mangifera indica* etc.;
- (v) Forest land proposed to be diverted is not located in any protected area. No protected area is located within 10 kilometer from boundary of forest land proposed to be diverted;
- (vi) For compensatory afforestation 64.3320 ha of non forest land in a single patch has been identified in Tana village in Telkoi Tehsil of BJP Range of Keonjhar district/Forest Division. The compensatory afforestation scheme has been prepared by the Divisional Forest Officer, Keonjhar in Block Plantation model, at the cost of Rs. 93,90,000 that also includes 10 years maintenance cost. The non -forest land identified for compensatory afforestation has been jointly verified by the Forest and Revenue officials. The land suitability, non -encroachment and non -encumbrance certificate and land schedule for the identified non-forest land is also submitted.
- (vii) Compliance of Scheduled Tribe and Other Traditional Forest Dweller(Recognition of Forest Right) Act 2006 in accordance with MoEFs guidelines dated 3/8/2009 has been submitted;
- (viii) Department of Steel & Mines, Govt. of Odisha vide their proceeding dated 15th September 1998 granted mining lease over an area of 106.1127 hectares of non-forest



land in respect of Unchabali Iron & Manganese mines of Smt. Indrani Patnaik in Keonjhar district for a period of 30 years. The lease deed was executed on 5th February 2009. Thus Mining lease is in its original Mining lease period and valid till 4th February 2029;

- (ix) An area of 103.432 hectares out of the mining lease area of 106.1127 hectares was treated as DLC forest land leaving the balance 2.6807 hectares as non-forest;
- (x) Out of the total 103.432 hectares of DLC forest land located within the mining lease, State Government submitted a proposal to obtain prior approval under the FC Act for diversion of 35.275 hectares of DLC forest land. Regional Office (Eastern Zone), Bhubaneswar of the MoEF vide letter dated 21st June 2004 accorded in-principle approval under the FC Act for diversion of the said forest land. On receipt of a report on compliance to conditions stipulated in the said in-principle approval, Regional Office (Eastern Zone), Bhubaneswar of the MoEF vide letter dated 3rd May 2007 accorded final approval under the FC Act for diversion of the said forest land;
- (xi) Execution of mining lease on 5th February 2009 without obtaining prior approval of Central Government under the FC Act for diversion of entire forest land located within the mining lease amounts to violation of the FC Act. Use of forest land, if any, before obtaining approval under the FC Act for its diversion also amounts to violation of the FC Act;
- (xii) State Government has submitted the extant proposal for diversion of the remaining 68.157 hectares of the forest land located within the said mining lease;
- (xiii) The land schedule provided by the user agency in the diversion proposal is based on Hal Settlement. It has been reported by the Principal Chief Conservator of Forests (PCCF), Odisha that status of the total project land as on 25th October 1980 is being ascertained. PCCF, Odisha has further recommended that if it is found in SABIK Settlement records that any portion of the 2.6807 hectares of land located in the mining lease which has been treated as non-forests, was recorded as forest land as on 25.10.1980, authorities may impose appropriate penalties/appropriate action as deemed proper;
- (xiv) The user agency shall prepare a land surrender schedule for surrender of the mined out and biologically reclaimed forest land in accordance with the existing mine plan and progressive mine closure plan and submit an undertaking that mined out and biologically reclaimed forest land will be surrendered to the State Forest Department as per this schedule.

FAC after detailed deliberations recommended grant of approval under the FC Act for diversion of the said forest land subject to general conditions, standard conditions applicable to mining projects and the following additional conditions:



- (i) State Government shall ascertain the status, as on 25th October 1980, of the area located in the mining lease which has been treated as 'non-forest' as per the Hal (present) record of rights and intimate the same to the MoEF within six months;
- (ii) In case whole or a part of the area located in the mining lease which has been treated as 'non-forest' as per the Hal (present) record of rights was recorded as forest as on 25th October 1980, State Government shall either seek approval of Central Government under the FC Act for diversion of such forest land or surrender the same from the mining lease;
- (iii) User agency shall pay the proportionate cost of implementation of Regional Wildlife Management Plan;
- (iv) User agency shall prepare a site specific wildlife conservation plan as per the guidelines provided by the Chief Wildlife Warden, Odisha and provide funds for its implementation;
- (v) User agency should take appropriate measures such as construction of ponds, water conservation / harvesting structure *etc.* to ensure conservation of water in and around the project site;
- (vi) User agency shall provide sufficient funds to the State Forest Departments to organize environmental awareness programme to generate awareness among the employees as well as local residents on issues pertaining to conservation and protection of environment;
- (vii) State Government shall commission a study from funds to be provided by the user agency to assess impact of this project on floral and faunal biodiversity and shall take appropriate measures at the project cost to mitigate the identified impacts;
- (viii) User agency shall pay the evaluated royalty of the trees enumerated before commencement of work on Stage-II approval. Tree felling should be taken up in phases strictly as per requirement under the supervision of the Divisional Forest Officer, Keonjhar Forest Division;
- (ix) User agency has to execute the Phased Reclamation Plan at their cost; and
- (x) The user agency shall prepare a land surrender schedule for surrender of the mined out and biologically reclaimed forest land in accordance with the existing mine plan and progressive mine closure plan and submit an undertaking that mined out and biologically reclaimed forest land will be surrendered to the State Forest Department as per this schedule.

Agenda No. 11: Diversion of 2.47 hectares of forest land earmarked to be maintained as Safety Zone within the applied ML area of 73.777 ha. in Mahagiri Chromite Mines of M/s. Indian Metals and Ferro Alloys Ltd. (IMFA) in village Kaliapani No. 15 of Sukinda Tahasil of Jajpur district Odisha in addition to 63.91 ha. of forest land already diverted during original ML period [File No. 8-116/ 2002-FC (vol.)]



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

- (i) Mahagiri Chromite Mines of M/s. Indian Charge Chrome Limited (ICCL) located in village Kaliapani No. 15 of Sukinda Tahasil of Jajpur district, having a total area of 73.777 hecatres contains 66.38 hectares of forests land;
- (ii) Out of the 66.38 hectares of forest land located within the said mining lease, 2.47 hectares of forest land is located in its safety zone;
- (iii) Government of Odisha vide their letter dated 23rd August 2002 submitted a proposal to obtain prior approval of Central Government under the FC Act for diversion of 63.91 hectares of forest land located within the mining lease in favour of M/s. ICCL;
- (iv) Keeping in view para 4.7 of guidelines issued under the FC Act which provided that forest area required for safety zone for mining operations should not be part of the forest area proposed for diversion, Government of Odisha in the proposal submitted vide their said letter dated 13th January 2009 did not seek prior approval of Central Government under the FC Act for diversion of 2.47 hectares of forest land located within safety zone of the mining lease;
- (v) Keeping in view para 4.7 of guidelines issued under the FC Act which provided that Forest area required for safety zone should be indicated separately, full details of 2.40 hectares of forest land located in safety zone of the mining lease were however, provided in the proposal submitted by the State Government vide their letter dated 23rd August 2002;
- (vi) MoEF, considered the above mentioned forest diversion proposal and accorded final approval under the FC Act for diversion of 63.91 hectares of forest land vide their letter dated 18th May 2005;
- (vii) Thereafter, the lease deed was executed in favour of SCCL on 20th September 2005 for a period of 30 years. Therefore, the approval under the FC Act accorded for diversion of the said 63.91 hecatres of forest land is valid till 19th September 2035;
- (viii) Meanwhile, the ICCL merged with IMFA, and the ICCL ceased to exist;
- (ix) In consideration of a recommendation of the State Government, the MoEFCC vide letter dated 26th September 2013 accorded approval under the FC Act for transfer of lease in respect of 63.91 hecatres of forest land located in Mahagiri Chromite Mines of M/s Indian Charge Chrome Limited (ICCL) in village Kaliapani under Sukinda Tehsil of Jajpur district, Odisha from erstwhile M/s ICCL to M/s IMFA Ltd. for the balance lease tenure i.e. till 19th September 2035;
- (x) The MoEF in July 2012 amended the said para 4.7 of guidelines to the effect that *"approval under the Act for diversion of entire forest land located within the mining lease, including the forest land located in safety zone, should be obtained before execution of mining lease in favour of the user agency"* and communicated the same to States/ UTs vide letter dated 12th July 2012.



- (xi) Later on, in consideration of representations received from several quarters, MoEF formulated a simplified procedure to obtain prior approval of Central Government under the FC Act for diversion of forest land located in safety zone in case of mines where approval under the FC Act for diversion of the entire forest land, except the forest land located within safety zone has already been obtained and while submitting proposal for obtaining prior approval of Central Government under the FC Act for diversion of forest land located in such mines, prior approval of Central Government under the FC Act for diversion of forest land located within safety zone of the mining lease was not sought keeping in view that as per the para 4.7 (i) of guidelines issued under the FC Act approval under the FC Act for diversion of such forest land at that time was not required to be obtained.
- (xii) The simplified procedure communicated to States/ UTs vide letter dated 13th May 2014 reads as below:
- (a) State Government should seek the prior permission of the Central Government for diversion of forest land located in safety zone giving details of the earlier approval in letter form rather than initiating a fresh proposal.
 - (b) While seeking prior permission of the Central Government for diversion of such forest land, report on compliance to a statute(s), circular(s) or directive(s), as applicable to the project, if any, which came into force after grant of earlier approval, shall also be submitted to the Central Government.
 - (c) In case of projects, where after placing full details of the project, including safety zone of the project, informed consent of all concerned gram sabha(s), as provided in clause (c) read with clause (b), (e) and (f) of this Ministry's letter No. 11-9/98-FC (pt.) dated 3rd August 2009, has already been obtained while obtaining earlier approval, fresh consent of gram sabha(s) for diversion of forest land located in safety zone of the mining lease is not required to be obtained. However, certificate regarding completion of process for identification and settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in respect of the forest land located within the safety zone, as provided in clause (a), (d), (g) and (h) of this Ministry's said letter dated 3rd August 2009, which in case of majority of the forest area in the country has already been completed, will be required to be provided by the State Government; and
 - (d) Central Government shall after examination of the proposal and after such further enquiry as it may consider necessary, grant approval to the proposal of the State Government for diversion of forest land located within safety zone of the mining lease for a period coterminous with the period for which approval for diversion of the remaining forest land located within the mining lease has been accorded.
- (xiii) Government of Odisha vide their letter dated 28th July 2014 has therefore, sought approval of Central Government under the FC Act for diversion of 2.47 hectares of forest land located in safety zone of the said mine in the letter form.



(xiv) Government of Odisha in their said letter dated 5th July 2014 *inter-alia* reported as below:

- (a) An amount of Rs. 3, 88,70,900/- has been deposited towards Net Present Value of entire forest land of 66.38 hectares during original Mining lease period. Also an amount of Rs. 890/- has been realized from the lessee as interest amount for delayed payment of NPV. As such, NPV for 2.47 hectares of forest land coming within the safety zone of this lease within total forest area of 66.38 hectares has already been realized;
- (b) In compliance to condition of in-principle approval, an amount of Rs. 70,442/-has been deposited by the user agency for fencing, protection and regeneration of safety zone of 2.47 hectares of forest land;
- (c) In compliance to condition of in-principle approval, an amount of Rs. 39,628/-has been deposited by the user agency towards cost of afforestation over 1.5 times of safety zone area i.e. 3.705 hectares of degraded forest land;
- (d) Collector, Jajpur has furnished compliance on Forest Rights Act pertaining to 2.47 hectares of forest land in safety zone proposed for diversion. FRA certificates along with Gram Sabha resolution of Kaliapani village dated 23rd April 2013 and its English version have been furnished by the Collector, Jajpur;
- (e) User agency has submitted the required digital map of the forest land within the safety zone duly authenticated by ORSAC and Divisional Forest Officer, Cuttack Forest Division, Mining Officials and Revenue officials. Further the user agency has also furnished DGPS survey of Mining lease boundary superimposed on High Resolution satellite image of Mahagiri Chromite mines duly authenticated by the DFO, Cuttack and ORSAC;
- (f) Copy of ML area Map showing the Forest land in safety zone and entire safety zone area duly authenticated by Collector, Jajpur and Dy. Director of Mines, Jajpur has been provided to the MoEF;
- (g) Copy of the land schedule of forest land coming within the safety zone proposed for diversion, duly authenticated by Tahasildar, Danagadi and DFO, Cuttack has been provided to the MoEF; and
- (h) The lessee has furnished an undertaking to provide the details of land schedule as on 25.10.1980 as per sabik record. A copy of the same has been provided to the MoEFCC.

FAC after detailed deliberations recommended grant of final approval under the FC Act for diversion of 2.47 hectares of forest land located within safety zone of the mining lease for a period co-terminus with the period for which approval for diversion of the remaining 63.91 hectares of forest land located within the mining lease has been accorded by the MoEFCC, subject to fulfillment of conditions stipulated in the final approval under the FC Act for diversion of the said 63.91 hectares of forest land accorded by the MoEFCC vide letter dated 18th May 2005 and the following additional condition:

- (i) State Government shall ascertain the status, as on 25th October 1980, of the area located in the mining lease which has been treated as 'non-forest' as per the Hal (present) record of rights and intimate the same to the MoEFCC within six months; and

- (ii) In case whole or a part of the area located in the mining lease which has been treated as 'non-forest' as per the Hal (present) record of rights was recorded as forest as on 25th October 1980, State Government shall either seek approval of Central Government under the FC Act for diversion of such forest land or surrender such forest land from the mining lease.

Agenda No. 12: Diversion of 2.40 hectares of forest land earmarked to be maintained as Safety Zone within the applied ML area of 73.855 hectares in Nadikasira and Rengalbeda villages for Iron and Manganese Mining by M/s. Bonai Industrial Co. Ltd. in addition to 65.237 hectares of forest land already diverted during 3rd RML period [File No. 8-97/2008-FC (vol.)]

FAC after examination of proposal observed as below:


- (i) Nadikasira and Rengalbeda Iron and Manganese Mines of M/s Bonai Industrial Co. Ltd. having a total mining lease area of 73.855 hectares, contains 67.637 hectares of forest land;
- (ii) Out of the 67.637 hectares of forest land located within the said mining lease, 2.40 hectares of forest land is located in its safety zone;
- (iii) Second renewal of mining lease was valid till 10.12.2007. User agency on 08.09.2006 (more than one year prior to expiry of the mining lease) submitted application for 3rd renewal of mining lease for a further period of 20 years with effect from 11.12.2007 to 10.12.2027. The said application for 3rd renewal of the mining lease is presently under consideration of the Government of Odisha;
- (iv) Government of Odisha vide their letter dated 22nd October 2008 submitted a proposal to obtain prior approval of Central Government under the FC Act for diversion of 65.237 hectares of forest land located within the mining lease;
- (v) Keeping in view para 4.7 of guidelines issued under the FC Act which provided that forest area required for safety zone for mining operations should not be part of the forest area proposed for diversion, Government of Odisha in the proposal submitted vide their letter dated 13th January 2009 did not seek prior approval of Central Government under the FC Act for diversion of 2.40 hectares of forest land located within safety zone of the mining lease;
- (vi) Keeping in view para 4.7 of guidelines issued under the FC Act which provided that Forest area required for safety zone should be indicated separately, full details of forest land located in safety zone of the mining lease were provided in the proposal submitted by the State Government vide their letter dated 22nd October 2008;
- (vii) MoEF after examination of the said proposal accorded in-principle approval of the Central Government under the FC Act for diversion of the 65.237 hectares of forest land vide letter dated 24th November 2008;
- (viii) Keeping in view para 4.7 of guidelines issued under the FC Act which provided that forest area required for safety zone will have to be fenced at the cost of the project authority and further, project authority will have to deposit funds with the Forest Department for the protection and regeneration of such safety zone area and also will



have to bear the cost of afforestation over one and a half times of the safety zone area in degraded forest elsewhere, MoEF in the in-principle approval dated 24th November 2008 stipulated *inter-alia* the following condition:

"Fencing, protection and regeneration of the safety zone area (7.5 meters strip all along the outer boundary of the mining lease area as recommended by the State Government) shall be done at the project cost. Besides this, afforestation on degraded forest land, to be selected elsewhere, measuring one and a half times the area under safety zone, shall also be done at the project cost."

- (ix) Government of Odisha vide their letter dated 4th February 2011 submitted a report on compliance to conditions stipulated in the in-principle approval under the FC Act for diversion of the said 65.237 hectares of forest land located in the said mining lease and requested the MoEF to accord final approval under the FC Act for diversion of the said forest land;
- (x) Government of Odisha in their said letter dated 4th February 2011 informed that funds required for fencing, protection and regeneration of safety zone and for afforestation of degraded forest land one and a half times the area under safety zone has been realized from the user agency and transferred to the Ad-hoc CAMPA;
- (xi) MoEF after examination of the report on compliance to conditions stipulated in the in-principle approval submitted by the Government of Odisha vide their letter dated 9th February 2011 accorded final approval under the FC Act for diversion of the said 65.237 hectares of forest land vide letter dated 9th February 2011;
- (xii) MoEF in July 2012 amended the said para 4.7 of guidelines issued under the FC Act to the effect that *"approval under the Act for diversion of entire forest land located within the mining lease, including the forest land located in safety zone, should be obtained before execution of mining lease in favour of the user agency"* and communicated the same to States/ UTs vide letter dated 12th July 2012.
- (xiii) Later on, in consideration of representations received from several quarters, MoEF formulated a simplified procedure to obtain prior approval of Central Government under the FC Act for diversion of forest land located in safety zone in case of mines where approval under the FC Act for diversion of the entire forest land, except the forest land located within safety zone has already been obtained and while submitting proposal for obtaining prior approval of Central Government under the FC Act for diversion of forest land located in such mines, prior approval of Central Government under the FC Act for diversion of forest land located within safety zone of the mining lease was not sought keeping in view that as per the para 4.7 (i) of guidelines issued under the FC Act approval under the FC Act for diversion of such forest land at that time was not required to be obtained.
- (xiv) The simplified procedure communicated to States/ UTs vide letter dated 13th May 2014 reads as below:
 - (a) State Government should seek the prior permission of the Central Government for diversion of forest land located in safety zone giving details of the earlier approval in letter form rather than initiating a fresh proposal.



- (b) While seeking prior permission of the Central Government for diversion of such forest land, report on compliance to a statute(s), circular(s) or directive(s), as applicable to the project, if any, which came into force after grant of earlier approval, shall also be submitted to the Central Government.
- (c) In case of projects, where after placing full details of the project, including safety zone of the project, informed consent of all concerned gram sabha(s), as provided in clause (c) read with clause (b), (e) and (f) of this Ministry's letter No. 11-9/98-FC (pt.) dated 3rd August 2009, has already been obtained while obtaining earlier approval, fresh consent of gram sabha(s) for diversion of forest land located in safety zone of the mining lease is not required to be obtained. However, certificate regarding completion of process for identification and settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in respect of the forest land located within the safety zone, as provided in clause (a), (d), (g) and (h) of this Ministry's said letter dated 3rd August 2009, which in case of majority of the forest area in the country has already been completed, will be required to be provided by the State Government;
- (d) Central Government shall after examination of the proposal and after such further enquiry as it may consider necessary, grant approval to the proposal of the State Government for diversion of forest land located within safety zone of the mining lease for a period coterminous with the period for which approval for diversion of the remaining forest land located within the mining lease has been accorded.
- (xv) Government of Odisha vide their letter dated 26th July 2014 has therefore, sought approval of Central Government under the FC Act for diversion of 2.40 hectares of forest land located in safety zone of the said mine in letter form.
- (xvi) Government of Odisha in their said letter dated 26th July 2014 *inter-alia* reported as below:
 - (a) An amount of Rs. 4,93,75,010/- has been deposited towards Net Present Value of entire 67.637 hectares of forest land of Mining lease during 3rd RML period. As such, NPV for 2.40 hectares of forest land coming within the safety zone of this lease within total forest area of 67.637 hectares has already been realized;
 - (b) User agency has deposited cost of maintenance and regeneration of safety zone over 2.40 hectares to the tune of Rs. 3,47,018/-;
 - (c) User agency has deposited cost of afforestation over 1.5 times of safety zone *i.e.* for 3.60 hectares (1.5 x 2.40 hectares) to the tune of Rs. 9,47,296/- ;
 - (d) While furnishing compliance to the conditions of Stage I approval for diversion of 65.637 hectares of forest land during 3rd RML period, it was intimated to MoEF that Collector, Sundargarh has furnished FRA compliance pertaining to entire 67.737 hectares of forest land coming within the leasehold area which includes 2.40 hectares of forest land coming within the safety zone;
 - (e) User agency has submitted the required DGPS map of the entire ML area indicating the forest patches duly authenticated by ORSAC and Divisional Forest

officer, Bonai Forest Division and Mining Officials. A copy of the map has been provided to the MoEF enclosed; and


- (f) Copy of the land schedule of forest land coming within the safety zone proposed for diversion, duly authenticated by Tahasildar, Bonai and DFO, Bonai been provided to the MoEF. PCCF, Odisha has reported that land schedule submitted in the proposal is based on settlement record held on 1.4.1975 *i.e.* prior to 25.10.1980.

FAC after detailed deliberations recommended grant of final approval under the FC Act for diversion of 2.40 hectares of forest land located within safety zone of the mining lease for a period co-terminus with the period for which approval for diversion of the remaining 65.237 hectares of forest land located within the mining lease has been accorded by the MoEF, subject to fulfillment of conditions stipulated in the final approval under the FC Act for diversion of the said 65.237 hectares of forest land accorded by the MoEF vide letter dated 9th February 2011.

Agenda No. 13: Diversion of 2.04 hectares of forest land earmarked to be maintained as Safety Zone within the applied ML area of 73.653 ha. in Kanther Koria Manganese Mines of M/s. Rungta Mines Ltd. In addition to 33.799 ha of forest land already diverted during 3rd RML period [File No. 8-107/ 2000-FC (vol.)]

FAC after examination of proposal observed as below:

- (i) Kanther Koria Manganese Mines of M/s. Rungta Mines Ltd. having a total mining lease area of 73.653 hectares, contains 35.839 hectares of forest land;
- (ii) Out of the 35.839 hectares of forest land located within the said mining lease, 2.04 hectares of forest land is located in its safety zone;
- (iii) Second renewal of mining was valid till 31.12.1999. User agency submitted an application for 3rd renewal of mining lease for a further period of 20 years with effect from 01.01.2000 to 31.12.2019. The said application for 3rd renewal of the mining lease is presently under consideration of the Government of Odisha;
- (iv) Government of Odisha vide their letter dated 14th September 2000 submitted a proposal to obtain prior approval of Central Government under the FC Act for diversion of 35.839 hectares of forest land located within the mining lease;
- (v) Keeping in view para 4.7 of guidelines issued under the FC Act which provided that forest area required for safety zone for mining operations should not be part of the forest area proposed for diversion, Government of Odisha in the proposal submitted vide their letter dated 13th January 2009 did not seek prior approval of Central Government under the FC Act for diversion of 2.04 hectares of forest land located within safety zone of the mining lease;
- (vi) Keeping in view para 4.7 of guidelines issued under the FC Act which provided that Forest area required for safety zone should be indicated separately, full details of forest land located in safety zone of the mining lease were provided in the proposal submitted by the State Government vide their letter dated 13th January, 2009;



- (vii) MoEF after examination of the said proposal accorded in-principle approval of the Central Government under the FC Act for diversion of the 15.95 hectares of already broken up forest land located within the mining lease vide letter dated 6th February 2001;
- (viii) Having considered the representation of the agency dated 16th November 2009 and earlier recommendation of State Government, the MoEF vide letter dated 31st May 2010 accorded in-principle approval under the FC Act for diversion of the remaining 17.849 hectares of forest land proposed to be utilised for mining and allied activities;
- (ix) Keeping in view para 4.7 of guidelines issued under the FC Act which provided that forest area required for safety zone will have to be fenced at the cost of the project authority and further, project authority will have to deposit funds with the Forest Department for the protection and regeneration of such safety zone area and also will have to bear the cost of afforestation over one and a half times of the safety zone area in degraded forest elsewhere, MoEF in the in-principle approval dated 31st May 2010 stipulated *inter-alia* the following condition:

"Fencing, protection and regeneration of the safety zone area (7.5 metre strip all along the outer boundary of the mining lease area) shall be done at the project cost. Besides this, Afforestation on degraded forest land, to be selected elsewhere, measuring one and a half times the area under safety zone, shall also be done at the project cost."
- (x) Government of Odisha vide their letter dated 15th April 2011 submitted a report on compliance to conditions stipulated in the in-principle approval under the FC Act for diversion of the said remaining 17.849 hectares of forest land proposed to be utilised for mining and allied activities and requested the MoEF to accord final approval under the FC Act for diversion of the said forest land;
- (xi) Government of Odisha in their said letter dated 15th April 2011 informed that user agency in compliance with condition No. 2 (iv) of the of the previous in-principle approval order dated 6th February 2001, had deposited a sum of Rs. 62,000/- towards the cost of fencing, protection, regeneration and maintenance of the safety zone area of 2.04 hectares of forest land. Besides this, an amount of Rs. 47,915/- has also been deposited by the user agency for afforestation over 1.5 times of safety zone area *i.e.* over 3.06 hectares of degraded forest land;
- (xii) MoEF after examination of the report on compliance to conditions stipulated in the in-principle approval submitted by the Government of Odisha vide their letter dated 15th April 2011 accorded final approval under the FC Act for diversion of the said forest land vide letter dated 5th May 2011;
- (xiii) MoEF in July 2012 amended the said para 4.7 of guidelines to the effect that "*approval under the Act for diversion of entire forest land located within the mining lease, including the forest land located in safety zone, should be obtained before execution of mining lease in favour of the user agency*" and communicated the same to States/ UTs vide letter dated 12th July 2012;
- (xiv) Later on, in consideration of representations received from several quarters, MoEF formulated a simplified procedure to obtain prior approval of Central Government



under the FC Act for diversion of forest land located in safety zone in case of mines where approval under the FC Act for diversion of the entire forest land, except the forest land located within safety zone has already been obtained and while submitting proposal for obtaining prior approval of Central Government under the FC Act for diversion of forest land located in such mines, prior approval of Central Government under the FC Act for diversion of forest land located within safety zone of the mining lease was not sought keeping in view that as per the para 4.7 (i) of guidelines issued under the FC Act approval under the FC Act for diversion of such forest land at that time was not required to be obtained;

- (xv) The simplified procedure communicated to States/ UTs vide letter dated 13th May 2014 reads as below:
- (a) State Government should seek the prior permission of the Central Government for diversion of forest land located in safety zone giving details of the earlier approval in letter form rather than initiating a fresh proposal;
 - (b) While seeking prior permission of the Central Government for diversion of such forest land, report on compliance to a statute(s), circular(s) or directive(s), as applicable to the project, if any, which came into force after grant of earlier approval, shall also be submitted to the Central Government;
 - (c) In case of projects, where after placing full details of the project, including safety zone of the project, informed consent of all concerned gram sabha(s), as provided in clause (c) read with clause (b), (e) and (f) of this Ministry's letter No. 11-9/98-FC (pt.) dated 3rd August 2009, has already been obtained while obtaining earlier approval, fresh consent of gram sabha(s) for diversion of forest land located in safety zone of the mining lease is not required to be obtained. However, certificate regarding completion of process for identification and settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in respect of the forest land located within the safety zone, as provided in clause (a), (d), (g) and (h) of this Ministry's said letter dated 3rd August 2009, which in case of majority of the forest area in the country has already been completed, will be required to be provided by the State Government; and
 - (d) Central Government shall after examination of the proposal and after such further enquiry as it may consider necessary, grant approval to the proposal of the State Government for diversion of forest land located within safety zone of the mining lease for a period coterminous with the period for which approval for diversion of the remaining forest land located within the mining lease has been accorded.
- (xvi) Government of Odisha vide their letter dated 7th August 2014 has therefore, sought approval of Central Government under the FC Act for diversion of 2.04 hectares of forest land located in safety zone of the said mine in letter form.
- (xvii) Government of Odisha in their said letter dated 7th August *inter-alia* reported as below:
- (a) An amount of Rs. 2,37,69,970/- has been deposited towards Net Present Value of entire 35.839 hectares of forest land. As such, NPV for 2.04 hectares of forest land



coming within the safety zone of this lease within total forest area of 35.839 hectares, has already been realized;

- (b) An amount of Rs. 62,000/- has been deposited by the user agency for fencing, protection and regeneration of safety zone of 2.04 hectares of forest land through Treasury challan;
- (c) An amount of Rs. 47,915/- has been deposited by the user agency towards cost of afforestation over 1.5 times of safety zone area i.e. 3.06 hectares of degraded forest land through Treasury Challan;
- (d) While submitting detailed compliances of in-principle approval dated 31st May 2010 to MoEF, it was reported that Collector, Sundargarh had furnished compliance on Forest Rights Act pertaining to 17.849 ha of forest land proposed for diversion to be used for non-forest purpose. Since the present proposal is for diversion of 2.04 hectares of forest land earmarked as safety zone, FRA certificates along with Gram Sabha resolution of Koira village dated 12th August 2013 for diversion of 17.990 hectares of forest land (15.95 hectares earlier diverted forest land + 2.04 hectares of forest land in safety zone) has been furnished by the Collector, Sundargarh;
- (e) The user agency has submitted the required DGPS map of the entire ML area indicating the forest patches duly authenticated by ORSAC and Divisional Forest officer, Bonai Forest Division and Mining Officials. A copy of the same has been provided to the MoEF;
- (f) Map of proposed land use pattern indicating safety zone duly authenticated by DFO, Bonai has been provided to the MoEF; and
- (g) A copy of the land schedule of forest land coming within the safety zone proposed for diversion, duly authenticated by DFO, Bonai and Dy. Director of Mines, Koira has been provided to the MoEF. PCCF, Odisha has reported that land schedule submitted in the proposal is based on settlement record held on 1.4.1975 i.e. prior to 25.10.1980. An undertaking submitted by the user agency to this effect is enclosed.

FAC after detailed deliberations recommended grant of final approval under the FC Act for diversion of 2.04 hectares of forest land located within safety zone of the mining lease for a period co-terminus with the period for which approval for diversion of the remaining 33.799 hectares of forest land located within the mining lease has been accorded by the MoEF, subject to fulfillment of conditions stipulated in the final approval under the FC Act for diversion of the said 33.799 hectares of forest land accorded by the MoEF vide letter dated 25th March 2003 and dated 5th May 2011.

Addl. Agenda No. 1: Diversion of 1,005.055 hectares of forest land for construction of 111 Km long Jiribam-Tupul-Imphal Railways line by North East Frontier Railways [File No. 8-56/ 2012-FC (pt.)]


FAC after examination of proposal observed as below:

- (i) Legal status of forest land proposed to be diverted is 19.135 hectares of Reserved Forests and 985.92 hectares of Unclassed Forest;

- (ii) Crown-density wise breakup of the forest land proposed to be diverted is - 68.193 hectares of scrub forests, 722.56 hectares of open forest and 214.332 hectares of moderately dense forest;
- (iii) Forest land proposed to be diverted mostly consists of Mixed Moist Deciduous Forests. Important species available therein are *Duabanga sonneratioides*, *Cedrella toona*, *Terminalia myriocarpa*, *Gmelina arborea*, *Tectona grandis*, etc. and bamboos;
- (iv) Projects involves felling of 46,958 trees of above 60 cm girth and 72,742 trees of below 60 cm girth;
- (v) Forest land proposed to be diverted is not located in any protected area. No protected area is also located within 10 kilometer from boundary of forest land proposed to be diverted;
- (vi) Compensatory afforestation is proposed to raised over degraded forest land twice in extent to the forest land proposed to be diverted;
- (vii) The project involves construction of 111 Km long Broad Gauge Railway line by North East Frontier Railways to provide all weather transportation link to Capital Town Imphal of Manipur State from the existing railway line at Jiribam. Phase-I of the project involving construction of Railway line between Jiribam (at Km 0/000) to Tupul (at km 98/080) is already under progress. Construction of line has already started and is at different stages of completion. For phase II of the project from Tupul to Imphal, land acquisition is under progress;
- (viii) As on the date of inspection by the Regional Office (North Eastern Zone), Shillong, 70.51 hectares of forest land has already been utilised for non-forest purpose for construction of 24 tunnels (24.35 hectares); and tracks and stations (46.16 hecatres) Without obtaining prior approval of Central Government under the FC Act; and
- (ix) As reported by the Regional Office (North Eastern Zone), Shillong work in the forest land was still under progress, the actual area of forest land which could have been utilised for the said project, before approval under the FC Act for diversion of forest land is accorded by the Central Government may be much higher than the non-forest purpose may be much higher than the 70.51 hectares.

FAC noted with concern the flagrant violation of the FC Act by the Government of Manipur and Railway authorities. However, keeping in view importance of the said project to provide all weather connectivity to insurgency prone, economically backward, border State of Manipur, FAC recommended grant of approval under the FC Act for diversion of the said forest land subject to general conditions, standard conditions applicable to railways projects and the following additional conditions:

- (vi) State Government shall raise penal compensatory afforestation from funds to be realized from the user agency, over degraded forest land five times in extent to the forest land utilized for non-forest purpose without obtaining requisite prior approval under the FC Act;
- (vii) State Government shall realize from the user agency penal NPV @ 20 % of the rates applicable on the date of grant of the Stage-I approval, of forest land utilized for non-forest purpose without obtaining prior approval under the FC Act for each year or




fraction thereof. (Explanation: In case a patch of forest land has been utilized for non-forest purpose without obtaining approval under the FC Act for 3 years, penal NPV to be realised in respect of such forest land will be at the rate of 60 % of the rates applicable on the date of grant of stage-I approval);

- (viii) Concerned Regional Office of the MoEF having jurisdiction over the forest land proposed to be diverted, shall enquire into the matter of the use of forest land for non-forest purpose without obtaining prior approval of Central Government under the FC Act and file complaint against persons *prima-facie* found guilty of violation of the FC Act;
- (ix) User agency shall identify the official *prima-facie* found responsible for use of forest land for non-forest purpose without obtaining prior approval of Central Government under the FC Act and initiate disciplinary proceedings against them within three months from the date of grant of in-principle approval under the FC Act for diversion of the said forest land; and
- (x) State Government shall enquire into the matter and initiate proceedings in accordance with the provisions of the Indian Forest Act, 1927 or the Local Forest Act against persons *prima-facie* found guilty of violation of these Acts.

Addl. Agenda No. 2: Guidelines under Forest (Conservation) Act, 1980 for construction of residential buildings in private forest land in Mussoorie (File No. 7-27/2014-ROHQ)

FAC after examination of proposal observed as below:

- (i) MOEF vide letter dated 11th February 2011 stipulated guidelines for allowing construction of residential or dwelling houses in private forest land located in areas falling under jurisdiction of the Mussoorie Dehradun Development Authority (MDDA);
- (ii) These guidelines *inter-alia* provides that construction of residential houses in private forest / deemed forest in MDDA areas of Uttarakhand can be permitted on the following conditions:
 - (a) Construction activity for residential purpose in private forest /deemed forest area shall be allowed only for domestic residential purposes and shall not be extended to any other type of buildings.
 - (b) The constructional activities shall be restricted to a maximum of 250 sq. meter of plinth area in each case.
 - (c) Construction of residential houses shall be allowed only to local residents of these areas.
 - (d) Permission for construction shall not be allowed if the slope of the land is more than 30 degree.
 - (e) Permission shall be given in such cases with the condition that:



- Tree felling should be minimum.
 - Minimum soil cutting should be done.
 - Sufficient soil conservation measures shall be taken by the land owner.
 - Construction shall be in accordance with the master plan of Mussoorie /Doon valley Notification and other regulatory conditions imposed by other regulatory bodies.
 - Building plan should be approved by MDDA.
- (iii) Regional Office (North Central Zone), Dehradun informed the MoEF that they have received applications seeking prior approval of Central Government under the FC Act for construction of residential or dwelling houses in private forest land located in areas falling under jurisdiction of MDDA. However, according to him, as per these guidelines, none of the applicants have been found to eligible for grant of the said permission. The reasons for the same are as below:
- (a) The applicants are not homestead owners.
 - (b) The applicants are not local residents of Mussoorie.
 - (c) Permission can be granted only in those areas where slope is not more than 30 degree. But the factual position is that there would hardly be any forest land in Mussoorie which has slope less than 30 degree.
- (iv) Regional Office (North Central Zone), Dehradun has therefore, requested that the said guidelines may appropriately be amended.

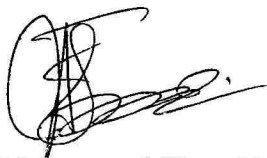
FAC after detailed deliberations recommended that in supersession of this Ministry' letter No. L-UP/952/1996-FC-V dated 11.02.11 said guidelines may be amended to provide that para 4.5 of the said guideline may read as below:

- (i) Construction activity for residential purposes in private forest/deemed forest area of MDDA shall be allowed only for domestic residential purposes and shall not be extended to any other type of buildings.
- (ii) The constructional activities shall be restricted to a maximum of 250 sq. meter of plinth area in each case.
- (iii) Persons who have resided in the area falling in municipal limit of Mussoorie for a minimum continuous period of two years and are/were registered as voter in area falling in municipal limit of Mussoorie for election to Members of Lok Sabha, Legislative Assembly or Municipal Council may be treated as local resident of the Mussoorie;
- (iv) Permission for construction shall *ordinarily* not be allowed if the slope of the land is more than 30 degree. However, Regional Office, after being satisfied that proposed



construction will geologically and structurally be stable/safe and is not likely to trigger landslide and consequent damage to itself and areas in its vicinity, may accord permission for construction even if the slope of land is more than 30 degree.

- (v) Permission shall be given in such cases with the condition that:
- (a) Tree felling should be minimum.
 - (b) Minimum soil cutting should be done.
 - (c) Sufficient soil conservation measures shall be taken by the land owner during and after construction period.
 - (d) Construction shall be in accordance with the master plan of Mussoorie /Doon valley Notification and other regulatory conditions imposed by other regulatory bodies.
 - (e) Building plan should be approved by MDDA.



(Dr. Mohammad Firoz Ahmed)
Member

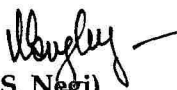



(Ramesh K. Dave)
Member

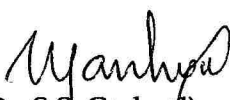


(Shri Chaitram Deochand Pawar)
Member

C.M. Pandey.
(~~Shri Raman Kant Mishra~~)
Addl. Commissioner, MoA,
Member


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


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


(Dr. S.S. Garbhal)
(DGF&SS)
Chairman

**MINUTES OF THE MEETING OF THE FOREST ADVISORY COMMITTEE
MEETING CONVENED ON 22nd and 23rd SEPTEMBER, 2014**

M.Rajkumar, AIGF

AGENDA ITEM NO. 1

F. No. 8-81/2014-FC

Diversion of 49.40 ha of forest land for construction of infrastructure and various detachment of defence at Tuting Town in Yingkiong of Upper Siang District of Arunachal Pradesh.

FAC discussed the proposal along with Nodal Officer FCA, Government of Arunachal Pradesh and after examination of the proposal observed as below

- i. The Legal status of the land to be diverted is Un- Classed state Forest.
- ii. The proposed area does not form part of National Park, Wildlife Sanctuary, and 25.653 ha area in 7 patches falls under Dihang-Dibang Biosphere Reserve Biosphere Reserve.
- iii. No rare/endangered/unique species of flora and fauna have been found/recorded in the area.
- iv. The forest land proposed for diversion is unavoidable and barest minimum as it is proposed for construction of infrastructure for accommodating the Infantry Battalion and various detachments of Indian Army.
- v. Compensatory afforestation has been proposed over degraded forest land, twice in extent of the forest land being diverted.
- vi. At Pugging (Seruk-Jelek Proposed VRF) under Yingkiong Forest Range donated by the local villagers and mutated to the State Government in single plot of 98 ha has been indentified for CA
- vii. It has been confirmed that the land is free & un-inhabited by the locals and its acquisition will not cause any displacement. Thus no rehabilitation and resettlement is required in terms of government of India, "national Resettlement Policy-2007"
- viii. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 not submitted.

After detailed deliberations FAC recommended the proposal **for** diversion of 49.40 ha of forest land for construction of infrastructure and various detachment of defence at Tuting Town in Yingkiong of Upper Siang District of Arunachal Pradesh with general and standard conditions applicable to such category of the project and additional condition that the user Agency will assist the State Forest Department in eco development and conservation of Dihang-Dibang Biosphere reserve. FAC further recommended that the above recommendation should be placed before the competent authority for approval on receipt of the Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 from the State Government .



AGENDA ITEM NO. 2**F. No. 8-71/2014-FC**

Diversion of 91.70 ha of forest land (Surface forests land=79.10 ha, Riverbed=9.30 ha & Underground area=3.30 ha) for construction of Pauk Hydro Electric Project (145 MW) by M/s Pauk Hydro Power Pvt. Ltd in West Siang District of Arunachal Pradesh.

The Committee discussed the above mentioned proposal along with Nodal Officer, CA of the State Government of Arunachal Pradesh. User Agency did not attend the meeting and noted as below

1. The status of land proposed for diversion is Un classed State forest.
2. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, etc.
3. No rare/endangered/unique species of flora and fauna have been found/recorded in the area
4. There is no protected archaeological/heritage site/defense establishment in the proposed area.
5. Compensatory Afforestation has been proposed over 177 ha of degraded forest land which is double in extent to the forest land proposed for diversion. CA area has been selected out of 300 ha of degraded USF area of Komi VFR at Gute (Gungte) under Along Forest Division of West Siang district. The area is suitable for CA and from management point of view.
6. CA scheme with 10 years of maintenance has been submitted
7. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has not yet been submitted
8. Various alternative locations for dam site have been worked out in the preliminary stages. After geological survey, only this site has been found combining suitable geological conditions and the possibility to create a sufficient storage to regulate the flows during the lean season for the entire cascade allotted to the developer.
9. Major part of the submergence area (total submergence 34.10 ha including 8.8 ha river bed) is restricted by the narrow valley. Therefore, there is no impact on local activities due to the submergence and limited impacts on environment.
10. EAC in its 75th meeting recommended the proposal for environment clearance.
11. It was also brought to the notice of the committee that the Expert Appraisal Committee during its 75th meeting held on 3rd & 4th July 2014, has recommended the project for Environment Clearance, with the minimum E-Flow as recommended by the Siang Basin Study and other observations & conditions as provided in the minutes of the above said meeting. The EAC has recommended for approval of the Cumulative Impact assessment/Carrying Capacity Study of the Siang basin. The recommendations of the EAC were further examined in the Ministry on 5th September 2014 and the Cumulative Impact Assessment Study report along with the recommendation has been put up for final approval of competent authority.
12. Another two proposals, HEO (55.7 ha -240 MW) and Tato-I (52.80 ha – 186 MW) have also been proposed on the same river by the same project proponent. These proposals were considered by the FAC in its meeting held on 17th to 18th July, 2014 and it was recommended that proposals will be considered by the FAC on receipt of the approval of the competent authority for the CIA study.

After detailed discussion on the proposal the FAC recommended as following.

In view of the above the discussion on the proposal is deferred and the The Proposal along with other two proposals will be considered by the FAC on receipt of the approval of the competent authority for CIA study of Siang basin. In the meantime the state Government may submit compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

AGENDA ITEM NO. 3

8-85/2011-FC

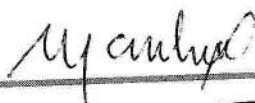
Sub: Diversion of 4577.84 ha (originally proposed 5056.5 ha) of forest land in favour of M/s NHPC Limited for construction of Dibang Multipurpose Project (3000 MW) on Dibang River in Lower Dibang valley district of Arunachal Pradesh.

The Committee discussed the above mentioned proposal, heard the presentation made by the User Agency (NHPC) and discussed the proposal with Nodal Officer FCA Arunachal Pradesh and observed as below

1. The original proposal for 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 was considered by the FAC in its meeting held on 12th July, 2013 and after detailed discussion on the proposal, the Committee recommended rejection of the proposal as the proposed area has huge forest area with very good forest cover.
2. Subsequently, the proposal, along with the recommendation of the FAC, was also discussed in the meeting held between Secretary, Ministry of Environment and Forests and the Secretary, Ministry of Power on 13.08.2013 and after detailed deliberation on the proposal it was decided that the User Agency shall explore the possibility to reduce the requirement of forest land for the project and a revised proposal may accordingly be submitted to the MoEF for further consideration.
3. The proposal was also discussed in the meeting of the Cabinet Committee on Investment held on 9.12.2013. The Cabinet Secretariat vide their OM dated 13.12.2013 forwarded the minutes of the meeting of the meeting. The following extract of the minutes of the said meeting relates to the FC Division

"The Committee considered the note dated 25.10.2013 from the Ministry of Power (Vidyut Mantralaya) and in the light of all relevant facts, decided that Ministry of Environment and Forests may grant the requisite clearance for diversion of forest land expeditiously. The Committee further directed that appropriate measures for increasing the environment flow in the 1.2 Km along stretch between the dam and Tail Water Level (TWL) of the dam to Power House be taken and if required, adjustments in the project parameter be made at a later stage keeping in view the report of Water and Power Consultancy Services (India) Ltd."

4. The State Government of Arunachal Pradesh vide their letter No. FOR.10/Cor./2003/Vol-IV/287 dated 13.02.2014 submitted revised proposal for diversion of 4577.84 ha of forest land, after reducing the Dam height by 10 meter.
5. Revised proposal submitted by the State Government of Arunachal Pradesh was considered by the FAC in its meeting scheduled to be held on 29th to 30th April, 2014 and the FAC after examination of proposal and interaction with representatives of user agency did not consider the proposal on the ground that *the revised proposal, neither addressed the concerns raised by the FAC nor User Agency had given any convincing justification for their stand of not reducing the Dam height by more than 10 meter. Impact of reduction of the Dam height on the economic feasibility of the project has not been put forth before the committee.*
6. In the meantime, the Secretary Power has written a DO letter to Secretary, MoEF on 16.06.2014 to review the decision of FAC and accord the Stage-I forest clearance. In response to this a meeting was held on 19.06.2014 wherein it was decided that a report on sensitivity analysis of dam height reduction by 40 M. shall be submitted to MoEF.
7. The matter was further discussed in a joint meeting of Ministry of Mine, Ministry of Steel, Ministry of Environment Forests and Climate Change and Ministry of Coal, attended by the Ministers and Secretaries of the respective Ministries wherein Ministry was requested to expedite clearance .
8. Pursuant to the decision taken in the meeting dated 19.06.2014, the Addl. Secretary Power vide his letter dated 24.06.2014 submitted a report on the sensitivity analysis on the dam height reduction upto 20 meters. However, examination of the same in the Ministry revealed that as decided in the meeting the sensitivity analysis report was not submitted by the project proponent.
9. Accordingly, this Ministry vide its letter dated 5.09.2014 requested that sensitivity analysis of reduction of dam height up to 40 meters from the State Government, User Agency & Ministry of Power may for further consideration by the MoEF&CC.
10. Accordingly the User agency vide their letter no. NH/ENV/115/72 dated 8th September 2014 submitted the sensitivity report to this Ministry with a request that sensitivity analysis report may be placed before the FAC in its forthcoming meeting scheduled to be held on 22nd to 23rd September, 2014. This report was duly forwarded by the Ministry of power as well.
11. Ministry of Power vide D.O. Letter no 22/7/2001 Vol IV dated 16th September 2014 has also forwarded the sensitivity analysis report of the user agency with the following observations
 - a. Per MW requirement of Forest land is lowest in case of 10 meter reduction in the height of Dam
 - b. Increase in power tariff is negligible Rs 5.66 per unit for 10 meter reduction in dam height as against Rs 5.64 per unit for 0 meter reduction in dam height. Tariff increases significantly with further reduction and at 40 meter reduction the tariff is Rs 6.24 per unit which may make the project unviable.



12. The project proponent has made following submission in the said report:
- i. Dibang Project has dual objectives of flood moderation and power generation. With reduction in the dam height up to 40 m, NHPC has to reduce power generation without change in the quantum of flood moderation.
 - ii. The natural permanent submergence within the river for proposed dam is about 1177 ha. Further, about 514 ha of land will be used for temporary purpose and the same shall be returned to the Forest Department after construction of the project.
 - iii. Total forest land requirement per megawatt (MW) varies from 1.59 to 1.78. This ratio is minimum i.e. 1.59 in case of 10 m reduction and maximum i.e. 1.78 in case of 20 m reduction. Total forest land requirement per MW is 1.67 at 40 m reduction which is equivalent to that of 0 m reduction of dam height.
 - iv. With 10 m height reduction, the increase in tariff is negligible. The tariff is Rs. 5.66 per unit as compared to Rs. 5.64 per unit at 0 m height reduction. The tariff increases significantly with further height reduction. At 40 m reduction, the tariff is Rs. 6.24 per unit which may make the project unviable.
 - v. Installed capacity of the project will be reduced by 60 MW (2%), 120 MW (4%), 300 (10%), 600 MW (20%), 650 MW (22%), 700 MW (23%), 740 MW (25%) and 780 MW (26%) for 5 m, 10 m, 15 m, 20 m, 25 m, 30 m, and 40 m reduction, respectively.
 - vi. The annual energy generation will be reduced by 260 MU (2%), 563 MU (5%), 923 MU (7%), 1540 MU (14%), 1853 MU (16%), 2166 MU (19%), 2499 MU (22%) and 2832 MU (25%) for 5 m, 10 m, 15 m, 20 m, 25 m, 30 m, 35 m and 40 m reduction, respectively. Thereby, the loss of annual revenue varies from Rs. 169 crores (3%) to Rs. 1087 crores (17%) from 5 m to 40 m reduction.
 - vii. Percentage reductions in forest land requirement are 6%, 9%, 11%, 15%, 17%, 20%, 23%, and 26% for 5 m, 10 m, 15 m, 20 m, 25 m, 30 m, 35 m and 40 m reduction, respectively. It is observed that beyond 10 m reduction of dam height, the land requirement is not decreasing significantly in comparison to the decrease in installed capacity.
13. In view of the above sensitivity analysis report, it has been proposed by the project proponent that the decrease in dam height and consequent sacrifice of power generation beyond 10 m reduction is not commensurate with the saving of forest land. Further, the tariff also increases significantly beyond 10 m reduction in dam height. Therefore, it can be concluded that 10 m reduction in dam height at which forest land requirement per MW is minimum and the tariff is minimum can be considered as optimum reduction in dam height. The project area does not form part of the National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. Distance of the project from closest Mahao WLS is 11 Km.
14. User Agency intimated that in compliance of Expert Appraisal Committee's recommendation a detailed modelling study was conducted using MIKE 11 software to assess the cumulative impact of peaking hours of Dibang, Lower Siang and Lower Dimwe HEPs on Dibru-Saikhowa National Park. The report of study has been discussed and accepted by EAC in its

meeting held on 16/09/2014 and accordingly EAC has recommended for Environmental clearance. The result of study are summarised in para 8(vi) of EAC's minutes as below

- i. Variations in water level are within 1(one) meter when all projects are working simultaneously
 - ii. Water level is well below the minimum elevation of the Dibru-Saikhowa National Park
15. Compensatory afforestation has to be done over double the area in degraded forests i.e. $4577.84 \times 2 = 9155.684$ ha. Identification off degraded forest land for compensatory afforestation has been done in Dibang Forest Division, namsai Forest Division and Anini S. Forest Division.
 16. Regional office in its site inspection report has raised the question over suitability of identified land for CA and has highlighted the issue of encroachment in these identified lands. However the Nodal officer and User agency has intimated that encroachment matter was subjudice and will be sorted out soon.
 17. Compliance of Scheduled Tribe and Other Traditional Forest Dweller (Recognition of Forest Right) Act 2006 has not been submitted.

After thorough discussion on various aspects of sensitivity analysis and the proposal with user agency, Nodal Officer, FCA of the State Government one of the members of the FAC was of the view that large/mega dams across the globe are known to have considerable upstream and downstream impacts both ecological and social. These critical ecological issues are equally valid even after a height reduction from 10 to 40 meter in the case of proposed Dibang HEP. Therefore, though the user agency and ministry of Power has objectively tried to justify the 10-meter reduction in dam height as optimum from forest cover loss and socio economic angle through sensitivity analysis yet it does not fully address the ecological concerns particularly in view of the rich biodiversity of the area.

However rest of the members of the FAC were of the opinion that with a view to reduce subjectivity in the decision making it is necessary to appraise the project objectively on the basis of some objective parameters. Per MW requirement of the Forest land for Hydro Electric Projects and per unit power tariff are important objective parameters to appraise the project from ecological and socio economic angle with least possible subjectivity and likely bias in appraisal. Though considering the diverse bio geographic zonation of the country and diverse forest types in the country it may not be possible to fix the uniform norms for per megawatt requirement of the forest land for entire country yet after examination of various alternatives arriving at the least possible per MW forest requirement is the best option to appraise the project. Per MW forest land requirement at 10 meter dam height reduction is only 1.59 which is lowest in nine alternatives assessed by the user agency. This reduction in dam height also has least impact on the economic feasibility of the project.

Accordingly the FAC recommended the diversion of 4577.84 ha (originally proposed 5056.5 ha) of forest land in favour of M/s NHPC Limited for construction of Dibang Multipurpose Project (3000 MW) on Dibang River in Lower Dibang valley district of Arunachal Pradesh with general conditions, standard conditions applicable to Hydro Electric Projects and following additional conditions

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- i. User agency will contribute towards implementation of Wild Life Management Plan of Mahao Wildlife Sanctuary. In case management plan for the sanctuary is not ready or State Government intends to review the Management plan after assessing the likely impact of the project on this sanctuary the user agency will contribute towards preparation and implementation of Wild Life Management Plan.
- ii. A zonal Wildlife conservation plan to be prepared and implemented by the state Government at the project cost. In case state Government intends to take up critical species Conservation programme the user agency will bear the cost of the programme.
- iii. Detailed CAT plan prepared/ to be prepared as part of Environment Management Plan in the process of seeking Environment Clearance shall be submitted and cost of the CAT plan will be deposited in CAMPA account.
- iv. A revised CA scheme has to be submitted after fresh identification of the land, if required, along with the DGPS maps of the identified CA land, Land suitability certificate from competent authority and recommendation of the regional office after site inspection.
- v. In case CA land is identified in Unclassed State Forest or Community forest land the same should be mutated and transferred to the State Forest Department. Such mutated land will be declared as RF/PF under Indian Forest act/local forest act or AFR/VFR under local Forest Act.

The committee also recommended that the above recommendations will be placed before Competent authority only after receipt of compliance of Scheduled Tribe and Other Traditional Forest Dwellers(Recognition of Forest Rights) Act 2006 from State Government.

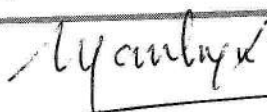
The committee further recommended that the state Forest department should initiate the process to declare the right bank of the reservoir up to the ridgeline bordering the basin boundary between the Siang and Dibang up to Dri River to the north as a National Park for future preservation of ecological diversity in the River Basin.



AGENDA ITEM NO. 4**F. No. 8-13/2014-FC****Diversion of 72.272 ha of protected forest land for upgradation of NH-28C from km 35.400 to 93.000 (Barabanki to Bahraich) to two lanes with paved shoulders under NHDP-IV in the State of Uttar Pradesh**

The Committee discussed the above mentioned proposal, and heard the presentation made by the User Agency and observed as below

1. This relates to diversion of 72.272 ha of protected forest land for upgradation of NH-28C from km 35.400 to 93.000 (Barabanki to Bahraich) to two lanes with paved shoulders under NHDP-IV in the State of Uttar Pradesh.
2. The proposal was considered by the Forest Advisory Committee (FAC) in its meeting held on 30th May, 2014 and the Committee, after detailed discussion on the proposal, recommended that following information may be sought from the State Government.
 - (i) Compliance of the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the MoEF's guideline dated 3rd August 2009, 5th Feb 2013 and 5th July 2013.
 - (ii) Duly authenticated DGPS maps of the forestland proposed for diversion.
 - (iii) Revised Compensatory Afforestation scheme after identifying non-forest land for CA along with land suitability certificate and duly authenticated DGPS maps.
3. The above recommendations of the FAC were communicated to the State Government of Uttar Pradesh vide this Ministry's letter dated 26.06.2014. The State Government vide its letter no. 2785/14-2-2014-8—(20)/2014 dated 12.08.2014&22.09.2014 submitted the following requisite information, as desired by the FAC.
 - i. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted. The District Collector, Barabanki and Bahraich have issued certificate dated 4.08.2014 (Pg 652/c) and 18.06.2014 (Pg 680/c), respectively certifying that complete process for settlement of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been carried out for entire area proposed for diversion and the proposal does not involve recognized rights of Primitive Tribal Group and Pre-Agricultural Communities. Copies of the records of consultation/resolution and meeting of the Gram Sabha/9s) have been submitted. Documentary residences submitted in support of settlement of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the MoEF&CC's advisory dated 5.02.2013 and 5.07.2013
 - ii. The Differential GPS map of the area proposed for diversion has now been submitted
 - iii. With regards to CA over equivalent non-forest land in lieu of protected forest land, the State Government has indicated that ownership of the protected forest land does not rest with the State Forest Department and accordingly as per the provisions contained under para 3.2 (vi) (e) of the Guidelines issued under the Forest (Conservation) Act, 1980, CA over degraded forest land, double in extent to the forest land being proposed for diversion has been proposed. A CA scheme with maintenance of 10 years has been submitted by the State Government. SOI top sheet indicating the



area identified for CA along with the geo-graphical coordinates has been provided
Suitability certificate for the land identified for CA has been submitted

4. The Legal status of the land to be diverted is protected Forest land.
5. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve and tiger reserve. No rare/endangered/unique species of flora and fauna have been found/recorded in the area.
6. There is no protected archaeological/heritage site/defense establishment in the proposed area

After Detailed deliberations the FAC recommended the project for stage 1 approval with general conditions, standard conditions applicable to road project and with additional condition that DGPS map of the land identified for CA shall be submitted.

AGENDA ITEM NO. 5

F. No. 8-65/2014-FC

Sub: Diversion of 51.017 ha of protected forest land in favor of Executive Engineer, NH Division, Public Works Department, Lucknow for widening of NH-28C from km 99.00 to 150.200 (Barabanki-Bahraich road) to two lanes with paved shoulders in favour of PWD in Behraich District in the State of Uttar Pradesh.

The Committee discussed the above mentioned proposal, and heard the presentation made by the User Agency and observed as below.

1. The State Government of Uttar Pradesh vide their letter No. 1429/14-2-2014-800(90)/2014 dated 30.06.2014 submitted the above proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980.
2. Proposal envisage upgradation of NH-28C from km 99.00 to 150.200 (Barabanki to Bahraich) to two lanes with paved shoulders in the State of Uttar Pradesh within the protected forests of the Right of Way by the PWD, NH Division, Lucknow.
3. Proposal involved felling of 9,631 trees of all girth classes. Compensatory afforestation has been proposed over on the both sides of the road as well as over degraded forest land, twice in extent to the forest land proposed for diversion. The concerned DCFs have certified that land identified for CA is suitable for raising CA
4. The State Government has also submitted a copy of notification dated 10.02.1960 stating the trees on the both sides of the road have been declared as Protected Forests for management purposes
5. The Legal status of the land to be diverted is protected Forest land.
6. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve and tiger reserve.

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7. No rare/endangered/unique species of flora and fauna have been found/recorded in the area.
8. There is no protected archaeological/heritage site/defense establishment in the proposed area.
9. Compensatory afforestation has been proposed over on the both sides of the road as well as over degraded forest land, twice in extent to the forest land being diverted.
10. Land for CA has been identified in Rupaidiah , Abdullaganj and Chakiya Range of Bahraich Forest Division.
11. In Bahraich Division 10 ha of land has been identified on the sides of Bahriach, Nanpara-Rupaidiha Road while another 103 ha land has been identified in degraded forest land Rupaidiah , Abdullaganj and Chakiya Range of Bahraich Forest Division.
12. Complete compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted

After Detailed deliberations the FAC recommended the project for stage 1 approval subject to General condition, standard conditions applicable to road project and following additional conditions.

- i. Revised CA scheme shall be submitted after identifying degraded forest land in blocks (in place of land along both the sides of road) in Baharaich Forest Division.
- ii. DGPS map of CA area shall be submitted.



AGENDA ITEM NO. 6

F. No. 8-59/2014-FC

Sub: Diversion of 63.269 ha of reserved forest land for extension of Dewangna Hawai Patti in favour of department of Aviation UP in Chitrakoot District in the State of Uttar Pradesh.

The Committee discussed the above mentioned proposal, and heard the presentation made by the User Agency and observed as below.

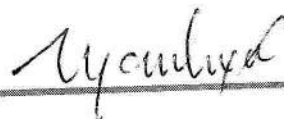
1. Proposal envisage extension of Dewangna Hawai Patti in favour of Department of Aviation, UP in Chitrakoot District in the State of Uttar Pradesh. Earlier the Regional Office of this Ministry at Lucknow has accorded approval for diversion of 4.976 ha and 3.24 ha for construction of Dewangan Hawai Patti on 4.02.2002.
2. The Legal status of the land to be diverted is protected Forest land/Reserve Forest land.
3. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve and tiger reserve.
4. No rare/endangered/unique species of flora and fauna have been found/recorded in the area.
5. There is no protected archaeological/heritage site/defense establishment in the proposed area.
6. Compensatory afforestation has been proposed over equivalent non-forest land
Compensatory Afforestation has been proposed over 63.269 ha in non-forest land in village Kotakandaila village as per survey nos detail furnished below:

1012/1 acreage 28.593 ha

2149/1 acreage 12.871 ha

2151/1 acreage 21.805 ha

7. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted by the State Government.
 8. The project proponent has submitted undertaking to bear the cost of CA and NPV.
 9. The State Government has recommended the proposal without any specific recommendation.
 10. There is no scope of extending the air strip on the side other than the side proposed for extension. Therefore there is no other alternative possible for extension of the strip
- After Detailed deliberations the FAC recommended the project for stage 1 approval subject to General condition, standard conditions applicable to road project and following additional conditions.
- i. DGPS maps for land proposed for diversion and land proposed for CA shall be submitted by the state Government.



AGENDA ITEM NO. 7

F. No. 8-63/2014-FC

Sub: Diversion of 56.860 ha of reserve forest, protected forest and Sec 22A restored private forest land in favour of M/s Power Grid Corporation of India Limited (PGCIL) for laying of 400 KV D/C Navsari-Boisar Transmission Line in Thane District in the State of Maharashtra - regarding.

The Committee discussed the above mentioned proposal, and heard the presentation made by the User Agency and observed as below

1. Proposal envisages laying of 400 KV D/C Navsari -Boisar Transmission line by Power Grid Corporation of India Limited. The line is being proposed to transmit power to the tune of more than 1000MW to the State of Maharashtra through Navasari Sub Station at Gujarat and Boisar Sub-Station at Maharashtra. Total length of line is about 185 Kms out of which stretch of 75 km falls in the State of Maharashtra.
2. The density of the area proposed for diversion varies from 0.1- 0.5 involving 3054 trees of various species and girth along RoW.
3. Compensatory afforestation has been proposed over the degraded forest land, double in extent to the area being diverted i.e. 114 ha. The concerned DCF has issued certificate on the suitability of land for raising CA and is free from encroachment and from other encumbrances
4. Three alternatives of line routes have been explored and accordingly minimum forest area involvement route is recommended for approvals. The details of forest area in different alternatives is mentioned below:
 - i. Alternative – I: Length in forest -12.391 km (Route length - 50.104 kms)
 - ii. Alternative– II: Length in forest- 18.317 km (Route length- 49.053 kms)
 - iii. Alternative- III: Length in forest- 20.692 km (Route length- 49.411 kms)
5. The alternative-I is proposed for diversion due to the fact that it involves minimum forest area having lower density and lesser numbers of trees. Map showing the three alternatives have been submitted.
6. The Legal status of the land to be diverted is protected Forest land/Reserve Forest/Restored forest land.
7. Density of vegetation is 0.1 to 0.5 . Total 3054 trees are enumerated .But actually only 692 trees will be felled.
8. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve and tiger reserve.
9. No rare/endangered/unique species of flora and fauna have been found/recorded in the area.
10. There is no protected archaeological/heritage site/defense establishment in the proposed area.

(Signature)

11. Compensatory afforestation has been proposed on double the land (114 ha.) to be diverted on degraded forest land.

Dahanu Division: 108.0 ha in village Udhawa, Compt. No. - 415

Jawahar Division: 6.0 ha in Chalni village in Compt No- 2, Survey No. -112.

12. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted by the State Government. However, record of proceeding of the concerned Gram Sabha (s)/Committee(s) as required in accordance with the MoEF&CC's Guidelines dated 5.02.2013 and 5.07.2013 has not been submitted by the State Government

After Detailed deliberations the FAC recommended the project for stage 1 approval subject to General condition, standard conditions applicable to road project and following additional conditions.

- i. DGPS maps for the area proposed for diversion and that for CA shall be submitted.

The committee further recommended that the above recommendation will be placed before the competent authority only after receipt of complete compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.



AGENDA ITEM NO. 8

F. NO. 8-89/2013-FC

Diversion of 47.4170 ha of forest land for six laning of Mumbai Trans Harbour Link Road in Raigad & Thane district in the State of Maharashtra.

The Committee discussed the above mentioned proposal. The user agency did not attend the meeting. The committee after discussion observed as below.

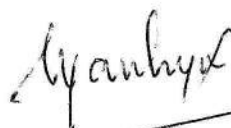
1. Proposal involves construction of Mumbai Trans Harbour Link: Sewri to Nhavva and up to Chirle village on mainland in Mumbai Metropolitan Region through Public Private Partnership on Design Build, Finance and Operate and Transfer (DBFOT) basis.
2. As per the information provided in the Part-I of Form -A regarding justification for locating the project in the forest area, it has been mentioned that the proposed road alignment involves 38.5754 ha of mangrove area and 8.8416 ha forest land as RoW. The entire 8.8416 ha of forest land comprised of hard rocks and old abandoned quarries. There is no vegetation on this portion. MMRDA has explored all the possibilities to avoid this land but alternative creates technical difficulties and also rehabilitation of Gaathan area. There is absolutely no possibility to avoid forest area. the land necessary for casting yard is also available in the proposed alignment. Tha Gavan village has ribbon development along existing Gavan-Chirle road and shifting of alignment will amount to shifting of Goathan having more than 400 households. The alignment proposed at present is technically most suitable.
3. As per CCF (Mangrove Cell) there was a suggestion from some environmentalists, reflected in the media, that if the alignment of the MTHL could be shifted southwards by about half-a-kilometre, the disturbance caused to Flamingos could be minimized. Comments of State Chief Wildlife Warden are not available.
4. The State Government has mentioned that the area involved does not form part of any existing National park, Wildlife sanctuary and the nature reserve etc. However, DCF, Alibagh has certified that current proposal falls within 10 Km of the boundary of the Karnala Bird Sanctuary.
5. Compensatory afforestation has been proposed over equivalent non-forest land. CA scheme of 10 years duration with financial outlay of Rs. 1,32,35,446 has been submitted by the State Government.
6. The Principle Chief Conservator of Forest, Maharashtra State, Nagpur has recommended the proposal subject to the necessary permission from the Hon'ble High Court, Nagpur Bench in respect of Writ Petition no. 1277/2000 shall be obtained, in case tree felling is involved within 10 Km from the boundary of the sanctuary. He has also recommended that permission from the High Court, Bombay shall also be obtained with respect to mangrove cutting. No details of the court case has been provided
7. The State government was requested to rectify some shortcomings in proposal. In response state Government submitted the information. But complete compliance, of Scheduled Tribe and other Traditional Forest Dwellers (Recognition of Forest Right Act, 2006) particularly gram sabha resolution for complete settlement of forest rights has not been submitted.

M. Rajkumar

After Detailed deliberations, the FAC recommended that State Government may be requested to furnish following information:

- i. The comments of the State Chief Wild Life Warden on the demand of Environmentalists for change in alignment of road to protect the Flamingo population in the area.
- ii. Details of the Writ Petition no. 1277/2000 the Hon'ble High Court, Nagpur Bench regarding tree and Mangrove cutting and latest status of the case.
- iii. Clarification from the user agency about no mention of exploration the alternative alignments in the report of Expert Committee constituted by the PMO, as informed by the State Government vide their letter dated 11 /06/2014.

The committee also recommended that Nodal Officer of the State Government and chief Wild life Warden may be requested to attend the next FAC meeting along with above information and clarify the matter. The user agency shall ensure that they attend the next meeting to present their case before FAC.



AGENDA ITEM NO. 9

F. No. 8-81/2013-FC

Sub: De-reservation of Reserved and Protected Forest land of 240.62 ha for distribution for agriculture purpose to PAP's from 7 villages from Chandoli Wildlife Sanctuary in District Kolhapur, Maharashtra.


The Committee discussed the above mentioned proposal, and observed as below

1. Proposal envisage de-reservation of Reserved and Protected Forest land of 240.62 ha for distribution for agriculture purpose to PAP's from 7 villages from Chandoli Wildlife Sanctuary in District Kolhapur, Maharashtra.
2. The Legal status of the land to be diverted is Reserved/ protected Forest land.
3. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve and tiger reserve.
4. No rare/endangered/unique species of flora and fauna have been found/recorded in the area.
5. There is no protected archaeological/heritage site/defence establishment in the proposed area.
6. Examination of the FRA compliance revealed that certificates issued by the District Collector Kolhapur is in accordance with the MOEF&CC's Guidelines dated 3.08.2009 read with Guidelines dated 5.02.2013 and 5.07.2013. The District Collector has certified that complete process for identification and settlement of rights, diversion of forest land for facilities managed by the Government and safeguarding the rights of Primitive Tribal Group and Pre-Agricultural Communities as required under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been carried out and proposal was discussed in the meeting of concerned Gram Sabha (s) maintaining the prescribed quorum.
7. The District Collector in his certificate has also recorded that the Gramsabha of each village has opposed the proposal and the discussions and decisions of the proposal had taken place in the Gramsabha of concerned villages when there was not requisite quorum of the members of the Gramsabha.
8. Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 including the consent of Gram Sabha (s) have not been submitted.
9. Compensatory afforestation is not proposed in view of the fact that the land that will be transferred to the Forest Department after rehabilitation is required to be maintained as a grassland in perpetuity and this area will be notified as Reserved Forests under section 20 of Indian forest Act, 1927.
10. As per the directions in Para 2.7 (ii) of the guidelines under Forest (Conservation) Act, 1980, it is noted that diversion of forest land for the rehabilitation of persons from core area of national Park or Sanctuary may be considered by the Government of India.

M. Rajkumar

11. As per MoEF, New Delhi letter No. 11-82/2006-FC, dt. 10/5/2006, the payment of Net Present Value is exempted for the relocation of the villages from National Parks/Sanctuaries.
12. Central Empowered Committee in its report dated 28/9/2006 in application Nos 908-911 regarding the permission sought for change in the legal status of the Forest land for Rehabilitation of the villages from Wildlife Sanctuary, has recommended the de-reservation of Forest land under Section-2 of Forest (Conservation) Act 1980 for relocation of villages from the National Parks/Sanctuary
13. Regional APCCF has recommended the proposal with the condition that another extent of 25 ha. of land be identified at Narende Village, so that the proposed site of relocation at Paragaon being at the base of a hillock having good forest cover and located in relatively in accessible area, can be dropped.

After Detailed deliberation the FAC agreed in principle to the proposal of the state Government except for de-reservation of 25 ha of forest land at Paragaon subject to the condition that CA is taken up in the Chandoli Wildlife Sanctuary land vacated by the villagers in accordance with WildLife Management Plan of the sanctuary. State Government may complete the compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, may identify alternate land at Narande Village, and approach the Hon'ble Supreme court for seeking approval for de-reservation.



AGENDA ITEM NO. 10

F. No. 8-5/2011-FC

Sub: Diversion of 315.813 ha of forest land (originally applied 413.745 ha) of forest land for Bailadila iron ore mining project in favour of M/s NMDC Limited in Dantewada Forest Division in Dantewada district of Chhattisgarh

The Committee discussed the above mentioned proposal, and heard the presentation made by the User Agency and the Nodal officer and observed as below

1. This relates to diversion of above mentioned proposal. The proposal was last considered by the FAC in its meeting held on 29th to 30th April, 2014 and the Committee recommended as under:
 - (i) In view of the contradiction in observation of the user agency and the Nodal Officer of the State Government and the Regional Office of the MoEF about the physical status of the forest land Regional Office may be asked to re- inspect the site along with some senior officer of the State Government and submit a detailed Site Inspection Report along with Clear and unambiguous recommendations.
 - (ii) The State Government may submit their comments on the observation of the Site Inspection Officer in Site inspection Report of 2011 about the requirement of the forest land for some of the item of works.
 - (iii) The User Agency should also furnish the status of reclamation of mined areas in the deposit 14 of Bailadila complex which is being mined since 1963 and now exhausted of the minerals.
 - (iv) The State Government may also require to submit following information
 - a. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with MoEF's guidelines dated 3/8/2009 and 5th July 2013
 - b. Duly authenticated Differential GPS maps of the land proposed for diversion and land identified for CA, 10 Km radius map indicating the position of the Protected Areas and other mines and forest cover map of the proposed area.
 - c. Revised CA scheme after identifying non forest land for CA, along with site suitability certificate.

The above recommendations of the FAC were communicated to the Regional Office of this Ministry and State Government of Chhattisgarh by the Ministry vide its letter dated 26.05.2014. The Regional Office, Bhopal vide its letter dated 24.06.2014 has submitted the site inspection report of the area.

2. As per the site inspection report the user agency has revised the area required for mining project to the tune of 315.813 ha (413.745 ha proposed originally). Out of the 315.813 ha proposed for diversion 99.553 ha area for environment conservation shall not be disturbed by the project proponent and tree felling will be limited to 216.26 ha only. Total number of trees proposed to be removed shall be limited to 36,332. However felling will be limited to 17,142 trees in 194.80 ha over a period of 30 years of mining lease and will be done in phased manner.

3. The Principal Chief Conservator of Forests, State Government of Chhattisgarh, Raipur vide their letter No. *Bhu-Praband/Khanij/331-42/1634* dated 23.07.2014 has also furnished the compliance in respect of Ministry's letter dated 26.05.2014. Summary of the same is given as under:

- (i) Regarding contradiction in the area as observed by the FAC (Para 1 (i)) above, the State Government has informed that the Regional Office, Bhopal has in its Site Inspection Report (SIR) dated 24.06.2014 informed that the proposed diversion area of 413.745 ha was reduced after site inspection to 315.813 ha.
- (ii) The State Government has submitted their comments on the SIR of the Regional Office. In fact the proposal has been revised and revised, item-wise break-up of the forest land proposed for diversion after exclusion of 97.932 ha of thickly wooded area, is as below

Table 1 (Revised Land use)

S. no	Particulars	Area in ha
1	Area under mining	122.00
2	Approach road	7.930
3	Infrastructure	36.330
4	Waste dumps	45.450
5	Toe wall for waste dumps	4.550
6	Area for environmental conservation works	99.553
7	Revised area	315.813

Table 2 (Break-up of infrastructure area (36.33Ha))

S. no	Particulars	Area in ha
1	Mineral storage	6.00
2	Dumper repair shop	4.00
3	Road, Conveyor, Site office, water pipeline	12.00
4	Electric sub-station	2.00
5	Central stores	3.00
6	Mining office, First Aid room, Training & Safety office, Time office and Industrial Canteen	3.53
7	Security barrack and watch towers	3.00
8	Dumper and HEM washing platform	1.50
9	Dumper platform	1.05
10	Effluent Treatment Plant	0.25
	Total	36.33

Table 3 (Break up of area for Environmental Conservation works (99.553 ha))

S. no	Particulars	Area in ha
1	Buttress wall, contour drain, etc at toe of waste dumps	13.020
2	Area under check dams & soil erosion control measures	20.000
3	Area in patches retained between waste dumps and mining area for soil conservation works.	60.233
5	Safety zone area	6.300
	Total	99.553

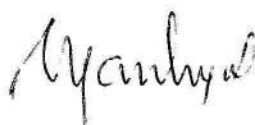
- iii. Area requirement for active mining and OB dumping is not 29.31 ha in first 20 years as was observed by the Regional Office in its earlier site inspection reports but would be 92.03 ha (69.05ha for mining & 23.03 ha for OB dumping). However, Government of India, Ministry of Mines, New Delhi vide letter no: 5/166/2006-M-IV dated 13/02/2007 addressed to the Secretary to the Govt. of Chhattisgarh, MRD, Raipur has conveyed the approval of Government of India to the grant of Mining lease for iron ore over an area of 413.745 ha of Biladila Deposit no: 13 in favour of NMDC Limited for a period of 30 years. The period of Forest clearance will be co-terminus with period of Mining Lease. Hence, the area requirement upto 30 year shall be considered for diversion of forest land for mining, OB dumping and the area required for various infrastructure facilities which shall come up in 5 years period. However, the area required for mining and OB dumping beyond 30th year till life of mine i.e. upto 40th years can't be excluded as the area is within ultimate pit boundary. It is to further clarify that user agency shall undertake tree felling in a phased manner over a period of time with prior approval of Forest Department as per the requirement of area for mining, OB dumping and for other facilities. Further, trees felling will be done only in case of necessity.
- iv. As regard status of reclamation of the mined out area of the Deposit 14 it is stated by the state government that in 1965 the proved mineral reserve was only 101 million tonnes and production capacity was 2 million tonne per annum. However with advancement in prospecting technique the proven mineral reserve has gone upto to 483.78 million tonne. Till date the ore excavated is 142.54 million tones and balance iron ore reserve available are 341.24 million tonnes. The production capacity of Deposit-14 mine is 5 million tonnes per annum. Based on current iron ore reserves and production capacity of mine, the life of mine is 68 years and therefore the mining in deposit 14 is continuing. Since Excavation for iron ore continues till date within the broken land, reclamation could not be done in the position during different periods.
- v. However, NMDC has proposed reclamation programme over 199.195Ha of Bailadila Deposit-14 based on progressive Mine Closure Plan of Mining Scheme of Bailadila Deposit-14 which is duly approved by IBM.
- vi. Regarding revised CA scheme, as per the recommendation of the FAC, the State Government has informed that as per shareholders agreement and joint venture agreement between NMDC and CMDC, the ratio of equity holding of NMDC and CMDC in the company is 51% and 49% respectively. Thus, NMDC is a major shareholder in the Joint venture Company and being a central Public Sector Undertaking is eligible for carrying out the compensatory afforestation over degraded forest land twice to the extent forest area proposed for diversion. The revised forest area proposed for diversion is 315.813 ha. The cost of CA works out to Rs. 29 Cr at the prevailing rates of Government of Chhattisgarh, Forest Department @ Rs. 4,51,000 per ha.
- vii. A copy of Survey of India troposheet depicting the area identified for CA along with the geo-graphical coordinates and CA scheme of 10 years has also been submitted by the State Government.

- viii. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted in accordance with the MoEF&CC's letter dated 3.08.2009 read with Guidelines dated 5.02.2013 and 5.07.2013.
4. With regard to adequacy to existing mining reserve of NDMC to meet their iron ore needs, it has been mentioned that NMDC has been working in the Bailadila Iron complex since 1968. The State Government of Chhattisgarh has more than 85 sponge iron ore plants and given the external commitments of supplying iron ores, NMDC is able to meet only a part of iron ore requirements of the plants located in the State of Chhattisgarh. Beside this, a new 3 MTPA Integrated Steel Plant at Nagarnar, Bastar, Chhattisgarh is also coming up shortly. The current production capacity of iron ore from Bailadila Sector is 36 MTPA against the projected demand of 50 MTPA leaving a shortfall of 14 MTPA. Existing production of iron from existing mines of NMDC cannot meet the total requirement of ore. Thus there is need of opening new iron ore mines in the Bailadila.
 5. Mining Plan along with Progressive Mine closure plan has been duly approved by IBM, Nagpur. Mined out areas will be taken up for afforestation as soon as they become passive. Afforestation will be started in the 3rd phase i.e from 11th year onwards on the exhausted mine benches.
 6. The Regional Office, Bhopal in its revised Site Inspection Report has pointed out that an aerial view of the deposits 11 and 14, which are being worked by NMDC clearly shows that OB dumps were not being managed properly and that soil and silt are seen flowing into the adjoining forest land. Preventive measures have to be taken by the user agency immediately. It was also observed that for afforestation purpose exotic species have been used in deposit 14. This has to be discouraged. Only local indigenous species have to be used for afforestation purposes and formation of green belt etc.
 7. A detailed conservation plan for Bailadila Deposit-13 mining lease prepared by M/s. Indian Institute of Bio-Social Research and Development, Kolkata has been approved by the Chief Wildlife Warden, Forest Department, Govt. of C.G, Raipur vide letter S.No-113/2014/973 dated 01/04/2014. User agency has committed to undertake the conservation at a total cost of Rs.839.445 lakh over a period of 10 years.
 8. The Addl. PCCF (Central), Regional Office Bhopal has recommended the proposal for Diversion

After Detailed deliberations the FAC recommended the project for stage 1 approval subject to General conditions, standard conditions applicable to mining project and following additional conditions.

- a) The State Government shall raise the penal compensatory afforestation over the degraded forest land equal in extent to the broken up area in deposit-14 and deposit 11 which was not reclaimed in violation of Mine closure plan, at the project cost.
- b) Reclamation programme for Deposit 11 should also be prepared

- c) The user agency shall give Bank guarantee of the amount, as may be decided by the State Government, to ensure reclamation and biological restoration of the mined out area of Deposit 14 as per proposed reclamation plan over 199.195 ha of Bailadila Deposit-14 and broken up area of Deposit -1 .
- d) The user agency shall submit the progress report of the reclamation of the Deposit-14 and 11 to the State Government on annual basis. Continuance of mining operations in the Deposit 13 will be subject to satisfactory progress in reclamation of the Deposit 14 as per the proposed reclamation plan and deposit 11
- e) The user agency should also submit the land surrender schedule of mined out and reclaimed/biologically restored forest land as per the reclamation programme for 199.195 ha in Deposit-14 and submit an undertaking to the effect that reclaimed/ biologically restored forest land will be surrendered as per this schedule.
- f) The user agency should also submit the land surrender schedule of mined out and reclaimed/biologically restored forest land as per the Mining Plan and Progressive Mine Closure Plan for Deposit-13 and submit an undertaking to the effect that reclaimed/ biologically restored forest land will be surrendered as per this schedule.
- g) 99.553 ha area proposed for environmental conservation work shall be under joint management of the user agency and the State Forest Department and soil conservation works to be taken by the user agency in the area under strict supervision of State Forest Department
- h) The user agency shall also give the details of the safety zone.



AGENDA ITEM NO. 11

F. No. 8-31/1997-FC (Pt)

Representation received from the project proponent M/s Bharat Aluminum Company Limited (BALCO) for grant of TWP of already broken up 116.310 ha area out of 222.473 ha in pursuance to Order dated 25.08.2014 passed by the Hon'ble Supreme Court of India clarifying the applicability of period of TWP in relation to validity of forest clearance

The Committee discussed the above mentioned proposal, and heard the presentation made by the User Agency and the Nodal officer and observed as below

1. This proposal is to grant Temporary Working Permission (TWP) under the Forest (Conservation) Act, 1980 to M/S BALCO Ltd. for their bauxite mine in Korba District of Chhattisgarh.
2. The project proponent has submitted the proposal for renewal of diversion for 222.473 ha of forest land to the State Government on 4.07.2011 i.e. one year before the expiry of mining lease (8.07.2012) and pending the submission of the same to the Central Government, the project proponent has applied for Temporary Working Permission for already broken up revenue forest land.
3. The proposal for grant of TWP was considered by the FAC in its meeting held on 26.11.2012 and the Committee recommended as under:
As per the detailed directions given by the Hon'ble Supreme Court regarding grant of TWP on 4.8.2006, the user agency should have applied for renewal of the mining lease under Forest (Conservation) Act at least two years before the expiry of the lease. As the lease was due to expire on 8.7.2012, the user agency should have applied on or before 8.7.2010 whereas they applied for renewal on 4.7.2011. As such, in accordance with the prerequisites set by the Hon'ble Supreme Court, the user agency is not eligible for TWP and accordingly the FAC recommended that the request of the user agency may not be accepted. However, the user agency may be at liberty to seek condonation of the delay from the Hon'ble Supreme Court before approaching again for grant of TWP.
4. The above recommendations of the FAC were communicated to the State Government by the MoEF vide letter dated 11.01.2013.
5. The project proponent vide their letter dated 20th February, 2013 has informed that subsequent to the recommendation of the FAC and directions contained in the letter dated 11.01.2013, the project proponent has filed an IA NO. 3580-3581 of 2013 in W.P. no. 202/1995 in the matter of T. N. Godavarman vs. Union of India and Others for condonation of delay.
6. Hon'ble Supreme Court vide its order dated 15.02.2013 disposed of the said IAs and directed as given under:

The delay in submission of the application for grant of forest clearance is condoned and the Ministry of Environment and Forests is directed to consider the applicant's application for grant of forest clearance in light of this Court's order dated 4.8.2006.

We make it clear that we are not expressing any opinion on the merits of the case and it is for the Ministry of Environment and Forests to consider the application strictly in light of the order dated 4.8.2006.

(Signature)

It is hoped and expected that the Ministry of Environment and Forests will take a final decision in the matter within six weeks from the date of receipt/production of a copy of this order.

IAs stand disposed of.

7. In context to the provisions of order dated 4.08.2006, given above, the State Government was requested on 22.05.2013 to furnish its considered comments on the TWP application of the project proponent within a period of one month for further necessary action in the matter. The State Government vide their letter NO. 5-62/2008/10-2 dated 9.01.2014 submitted their comments on the TWP application. The submission of report within a period of one month was not possible as the process to area inspection for verification of facts is a time consuming process.
8. The proposal along with the submission made by the State Government was considered by the FAC in its meeting held on 13th to 14th February, 2014. The Committee, in light of the procedure laid down in the Hon'ble Supreme Court vide their order dated 4/8/2006, *inter-alia* observed that the duration of TWP cannot extend beyond one year, where an application for grant of permission under F.C. Act is not disposed of during the currency of TWP the applicant on the strength of the same TWP may continue to operate for a period of not exceeding three months unless specific orders are obtained from the court, which in this case ended on 7.10.2013. Further, the committee observed that it does not find any logic for grant of Temporary Working Permission (TWP) in this particular case, at this stage when the mine is already closed after expiry of the lease i.e 8.07.2012. However, the State Government shall be requested to expedite submission of the proposal for renewal of the mining lease.
9. The above recommendation of the FAC were communicated to the State Government vide this Ministry's letter of even number dated 24.03.2014.
10. The project proponent, pursuant to the recommendation of the FAC, preferred an IA No. 3766 in IA no. 3581 in Writ Petition (C) No. 202/1995. The IA was listed for hearing before the Hon'ble Court on 25.08.2014 and the Hon'ble vide his order dated 25.08.2014 allowed the application as prayed for and *inter-alia* directed as under:

"....It seems that there is a confusion prevailing with the competent authority, about the date of commencement of the temporary work permit. Having given our thoughtful consideration to the issue in hands, we are of the view, that a temporary work permit is granted as an interim arrangement, I.A.3766 in I.A.3561 in WP(C) 202/95 to enable a lessee whose lease has expired but his claim for renewal is pending consideration, to continue mining activities. In the above view of the matter, the claim of the lessee cannot be frustrated, merely on account of delay in following the procedure contemplated by the concerned functionaries. As a matter of clarification, it needs to be recorded, that for the grant of a temporary work permit, the date of moving the application, the date of expiry of the existing mining lease and the date of expiry of the forest clearance would be inconsequential. Accordingly we direct, that henceforth, as and when the concerned authorities arrive at the conclusion, that a lessee is entitled to a temporary work permit, the same should be permitted for a period of 12 months from the date of such decision. Obviously, the same would be extendable by a further period of three months in terms of the order passed by this Court dated 04.08.2006.

*For the reasons recorded hereinabove, the prayers made by the applicant-Bharat Aluminium Company Ltd are hereby allowed.
I.A.No.3766 is allowed accordingly".*

(Signature)

11. The project proponent M/s Bharat Aluminum Company Limited vide their letter dated 28.08.2014 referring to their earlier application dated 2.07.2012 submitted for grant of TWP has requested this Ministry that TWP for Mainpat Mines of BALCO may granted for a period of one year.
12. Legal status of the land is Revenue forest land.
13. The Compensatory afforestation has been already done at the time of grant of earlier Forest land diversion permission (of this proposed renewal land) vide MoEF letter no/ F No 8-3 /97- FC, New Delhi, dated 24/5/2000.

After Detailed delebrations the FAC recommended the proposal for TWP in accordance with the Hon'ble Supreme Court's order dated 25.08.2014 which has clarified that *for the purpose of grant of a temporary work permit, the date of moving the application, the date of expiry of the existing mining lease and the date of expiry of the forest clearance would be inconsequential* and TWP will be granted for a period of 12 months from the date of such decision .

AGENDA ITEM NO. 12

F. No. 8-286/1988-FC (Pt)4

Diversion of forest land to an extent of 59.36 ha for mining of Iron Ore and other allied activities (for renewal of Mining Lease No. 2141) and 1.20 ha for approach road, totalling 60.56 ha of forest land in R.M.Block, Sandur Taluk, Bellary District in favour of M/s Sri Kumarswamy Mineral Exports Private Limited, Bellary

The Committee discussed the above mentioned proposal, and heard the presentation made by the User Agency and observed as below

1. The State Government of Karnataka vide their letter no.. FEE 25 FFM 2013 dated 13.3.2014 submitted the proposal seeking prior approval of the Central Government for renewal of diversion of 60.49 ha of forest land for renewal of mining lease ML No. 2141 in favor of M/s Sri Kumarswamy Minerals Exports Private Limited in RM. Block, Sandur Taluk, Bellary, District, Bellary in the State of Karnataka.under the Forest (Conservation) Act, 1980.
2. The proposal, submitted by the State Government vide their letter dated 13.03.2014 was returned as the same was not accompanied with the acknowledgement slip generated by the MoEF&CC's website after uploading the proposal on the website..
3. The State Government vide their letter dated 24.07.2014 submitted the acknowledgement slip and accordingly, the proposal has been processed .
4. The proposal envisage renewal of forest clearance granted by the MOEF&CC. The total forest area involved in the lease is 60.80 ha. Approval under the Forest (Conservation) Act, 1980 for the forest area of mining lease has been obtained in two parts i.e. 30.80 ha of forest land has been accorded approval by the Ministry of Environment Forests, and Climate Change on 8.11.1994 while remaining 30 ha of forest land was accorded approval by the Regional Office, Bangalore on 14.12.2006.

Ayanbha

5. The original mining lease was granted by the Department of Commerce and Industries, Government of Karnataka on 24.01.1992 for a period of 20 years. The lease of the project proponent has expired on 23.01.2012. The forest clearance, being co-terminus with the mining lease, also stand expired on 23.01.2012.
6. In the current mine(under Category 'B), an area of 0.27 ha was found to be an encroachment by way of Mining Pit which is 0.44% of Lease area and by way of dump was 2.67 Ha which is 4.39% of the Lease area, and other encroachment was 5.04 ha and C.E.C. has reviewed the report as per the directions of the Hon'ble Supreme Court and deleted encroachment of 2.27 ha for road as the Lease was granted the approval under F.C Act for 1.13 ha of forest area to be used for approach road and 3 adjacent leases are also using the same road.
7. Further detail of breakup of the area as per the survey of joint tem constituted by the Hon'ble Supreme Court of India is given as under:

S. No.	Particulars	Area in Ha
	First lease area	82.55
	Area as per the lease deed	60.80
	Area approved under the Forest (Conservation) Act, 1980 (Mining)	59.67
	Area approved under Forest (conservation) Act, 1980 for road	1.13
	Area as per lease deed sketch (after digitizing)	59.36
8.	Area as per existing boundary pillars	65.50
9.	Area under actual enjoyment (including encroachment)	66.73

As per the joint survey, as area of 10.73 ha has been recorded to be encroached. The details of the encroachment are as under:

S. No.	Particulars	Area in Ha
1	Mining pit	0.27
2	Over Burden Dump	2.67
3	Road	2.75
4	Others	5.04
	Total	10.73

10. However, as per the final report of CEC, area of 2.75 reported to be under encroachment for the purpose of roads has been deleted and effective area under encroachment is 7.98 ha.
11. The Hon'ble Supreme Court has accepted the report of the CEC dated 23rd Feb and 28th March 2012 and passed the order on 18th April 2013 as per the said order at Para 68 page 39 which reads thus:-

"We further direct that in supersession of all orders either of the authorities of the State or Courts, as may be, the boundaries of leases fixed by the Joint Team will henceforth be the boundaries of each of the leases who will have the benefit of the lease area as determined by the Joint Team. All proceedings pending in any court with regard to boundaries of the leases involved in the present proceeding shall stand adjudicated by means of present order and no such question would be open for re-examination by anybody or authorities."

The findings of the survey conducted by the Joint Team constituted by this court by order dated 6.5.2011 and boundaries of the leases in question as determined on the basis of the said survey is hereby approved and accepted.

M. Rajkumar

- We also direct that all consequential action in terms of the present order be completed with the utmost expedition. The Writ application filed by Samaj Parivartan Samudaya and IAs shall stand disposed of in terms of our above stated conclusions.*
12. Further, the reclamation and rehabilitation plan, prepared by the ICFRE, Dehradun, as per the order of Hon'ble Supreme Court has been approved by the Central Empowered Committee. It is also to mention that Mine Plan for renewal of mining lease prepared on the basis of R&R plan has also been approved by the Indian Bureau of Mine vide their letter dated 18.09.2012.
 13. The lease area has nearly 46.69 Million Tonnes of Iron Ore reserve with 45 to 66 % of Fe content.
 14. The legal status of the land to be diverted is Reserve Forest
 15. The proposed area is not a part of National Park, Wildlife Biosphere, Reserves, Tiger reserve, Elephant corridor etc. However, Daroji Karadidhama (Daroji Bear Sanctuary) is approximately 22.30 km (Aerial Distance) from project area.
 16. No rare/endangered/unique species of flora and fauna have been found/recorded in the area.
 17. Out of 60.80 ha land identified for CA in two places 30.80 ha. land has not yet been mutated and transferred in favour of State Forest Department. Another 30 ha of non-forest land has been mutated in favour of Forest Department, but the same area is yet to be demarcated on the ground and handed over to the Forest department.
 18. Regarding FRA, The area proposed for renewal falls under the jurisdiction of Sandur Municipality. There is no legal provisions under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for settlement of rights in the areas falling in the Municipal Corporations. However, the user agency has submitted a consent from the Purasabha Sandur, for the purpose of the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No.2 of 2007) and Rules - 2008.
 19. Compliance of agreement conditions stipulated vide agreement no. 402/94-95 for 30.80 Ha and Compliance of the conditions stipulated vide forest clearance approval letter no. 4-krc028/2004-ban/1591 dated 14.12.2006 for 30.00 ha has been submitted through state Government.
 20. Most of the conditions of the approvals dated 8/11/1994 and 14/12/2006 have been complied with however 30.80 ha of non forest land has not yet been transferred and mutated in favour of the State Forest Department by the user agency. Also the User Agency did not form Safety Zone all around mining lease area, as per agreement condition no 30. However, it has paid safety zone charges of Rs.6,30,000/- on 29.5.2002. The afforestation in degraded forest of 1.5 times of safety zone has been carried out in Sunkadkallu RF sy. No 107-120 & 448-452 of Harvakabavi village, Kudligi taluk.
 21. The user agency has undertaken afforestation, including Agave planting work in the past in around 8 Ha of area, mainly on-dump slope with 30-40% survival .
 22. The UA has undertaken SMC works of several Check dams, Gully Checks, retaining walls etc before starting implementation of R&R plan CEC approved R&R plan.
 23. All payments of the penalties for the violations detected by the joint team has been adjusted against the amount due to the user agency after the sale of extracted minerals through auction by the Supreme Courts Monitoring Committee

After Detailed deliberations, the FAC recommended the project for stage 1 approval subject to General conditions, standard conditions applicable to mining project and following additional conditions.

- i. The approval under the stage I approval is subject to compliance of all the directions from Supreme Courts' monitoring committee, Supreme Court or any other court/tribunal in this regard .
- ii. The State Government shall raise the penal compensatory afforestation over an area of 30.80 ha of degraded forestland at the project cost for the failure of the user agency in handing over 30.80 ha of non-forest land for compensatory afforestation.
- iii. The user agency should prepare a land surrender schedule specifying the year for surrendering the mined out and biologically reclaimed forest land as per mine plan and progressive mine closure plan and submit an undertaking that the biologically reclaimed land will be handed over to the State Forest Department as per this surrender schedule.
- iv. The User agency shall form safety zone around the mine and seek prior approval under Forest Conservation Act as per prevailing Forest conservation guidelines.
- v. After 5 years, the compliance of the lease conditions and the conditions of the approvals under FC Act 1980 will be reviewed by the Regional Office of the MoEF and if it the lessee is found wanting in regard to them or found in violation of them, the penalties shall be imposed and the lease may be suspended, till such time all the compliances are to be complied with.

M. Rajkumar

AGENDA ITEM NO. 13

F. No.8-77/2013-FC

Diversion of 109.17 ha of forest land for renewal of Mining Lease No. 2346 to an extent of 103.73 ha for mining and other allied activities and 5.44 ha for approach roads outside the Mining Lease area located at bedara Bommanahalli and other Villages in Nirthadi reserve Forest, Holalkere Range, Chitradurga Division, chitradurga District, Karnataka State in favour of M/s. Mineral enterprises Limited, Bengaluru.

The Committee discussed the above mentioned proposal, heard the User Agency and observed as below

1. This relates to diversion of 109.17 ha of forest land for renewal of Mining Lease No. 2346 to an extent of 103.73 ha for mining and other allied activities and 5.44 ha for approach roads outside the Mining Lease area located at bedara Bommanahalli and other Villages in Nirthadi reserve Forest, Holalkere Range, Chitradurga Division, chitradurga District, Karnataka State in favour of M/s. Mineral Enterprises Limited, Bengaluru.
2. The proposal was considered by the FAC in its meeting held on 30th May, 2014 and the Committee, after detailed discussion and examination of the proposal, recommended that following information may be sought from the State Government.
 - (iv) Express order of the State Government for renewal of the mining lease clearly recording reasons for renewal in the interest of mineral development.
 - (v) Compliance of the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the MoEF's guideline dated 3rd August 2009.
 - (vi) Compliances of the Stage II approval complete in all respect after removing all shortcomings as pointed out by the Deputy Conservator of Forests, Chitradurga should be submitted through proper channel to this Ministry.
3. The above recommendation of the State Government has been communicated to the State Government, vide this Ministry's letter dated 26.06.2014. The project proponent, vide their letter dated 5.09.2014 has submitted the reply to the observation of the FAC and requested this Ministry to consider the proposal for grant of Stage-I approval in light of following submissions:
 - i) With regards to the express order of the State Government for renewal of the Mining Lease clearly recording reasons for renewal in the interest of mineral development, the project proponent has indicated that the Central Empowered Committee, in its report dated 29/08/2014 at page No.6 point No.10 (vi) stated that "The processing/in principal approval/letter of intent for the renewal of the mining lease under the MMRD Act will not be linked with the grant of approval under forest Conservation Act.1980".

The project proponent has further indicated that as per the recommendation of the CEC (dated 29/08/2014 at point No.9), MoEF may consider grant of Stage I approval subject to the additional condition that the grant of formal approval under the Forest Conservation Act, 1980".

- ii) With regards to compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the MoEF's guidelines dated 03-08-2009, the project proponents have mentioned that process has been completed and Copy of the Form -II (Certificate No. IND:CR:115/2009-10/534 Dt.26-07-2014) as required under the said Act, in accordance with the MoEF's guidelines dated 03-08-2009 has been received from Deputy Commissioner, Chitradurga. Examination of the compliance revealed that certificate issued by the District is in accordance with the MOEF&CC's Guidelines dated 3.08.2009 read with Guidelines dated 5.02.2013 and 5.07.2013. However Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 including the consent of Gram Sabha (s) have not been submitted.
- iii. In response to MoeF letter the DFO has submitted revised compliance to the conditions of the previous approval under Forest (Conservation) Act 1980. Some of the compliances are in vague terms. PCCF has not furnished the comments on the compliance submitted by the DFO. Earlier based on the reports of Addl PCCF(FCA) and DCF, Chitradurga, PCCF had observed that user agency has failed to comply with the stipulated conditions of the earlier FC and agreement lease condition despite the fact that they had 16 years of lease period to comply, which fact may have to be viewed seriously. Lease may be considered for renewal only if the user agency complies with the above state conditions and Government of India may also take appropriate penal action as deemed fit for non-compliance of the conditions. Therefore the comments of the PCCF on this revised compliance are essential.
4. As regard issue of express order by the State Government under section 8(3) prior to stage I and stage II approval under FC Act, 1980 is concerned the Ministry has taken a stand that it will not insist for express order by the State Government under section 8(3) of MMDR 1957. Rather a condition to the effect that Prior Approval under Forest (conservation) Act will be subject to express order by the State Government under section 8(3) of MMDR 1957
5. The legal status of the land to be diverted is Reserve Forest.
6. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, etc. No rare/endangered/unique species of flora and fauna have been found/recorded in the area
7. Number of trees to be felled **2184 (inclusive of all girth classes)**
8. As reported in the site inspection report submitted by the Regional Office, Bangalore, out of 105 ha diverted forest land 85.95 ha was broken up prior to 1980 and remaining 19.05 ha was unbroken. In lieu of this unbroken area, 20 ha non-forest land in Sy. No. 62 of Yalladakere village of Hiriyur Taluk, Chitradurga Distt. has been planted under Compensatory Afforestation during 2010-11.
9. Regarding, 5 ha of forest land proposed for diversion for approach road, it has been reported by the State Forest Department, that the user agency has submitted an undertaking to identify non-forest land and mutation of the same in favour of the State Forest Department.

(Signature)

10. The map submitted by the user agency are land use plan, approach road, safety zone plan, key plan & CEC approved joint survey lease deed sketch, along with the proposal is verified at the field. The GPS reading shown in the map are found correct.

After detailed deliberations the FAC recommended that following information may be sought from the State Government

- i. Comments of the PCCF Karnataka on the revised compliance to the conditions of the previous approvals granted by the MoEF under Forest(conservation) Act 1980 submitted by the DFO
- ii. Complete Compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the MoEF's guidelines dated 03-08-2009, read with Guidelines dated 5.02.2013 and 5.07.2013 including Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 including the consent of Gram Sabha (s).
- iii. The committee also recommended that Nodal Officer Karnataka shall also be requested to clarify the issues related to the proposal in next FAC meeting.

AGENDA ITEM NO. 14

F. No. 8-50/2014-FC


Sub: Diversion of 159.563 ha of protected forest land in favor of Executive Engineer, Ministry of Road Transport and Highway, PIU Basti for upgradation of NH-233 from km 65.870 to 95.700 (Lumbini to Dudhi) to two lanes with paved shoulders under NHDP-IV in the State of Uttar Pradesh.

The Committee discussed the above mentioned proposal, heard the User Agency and observed as below


1. Legal status of the land to be diverted is Protected forest for Management purpose as per State Government's Notification dated 10.02.1960
2. The total number of trees to be felled in Siddharth Nagar Division is 14796, out of which 13002 are of below 60 cm dia and 1794 are of above 60 cm dia. In Basti Division total number of trees to be felled is 8974 out of which 8158 are of below 60 cm dia and 816 are of above 60 cm dia Thus total number of trees to be felled in the proposal is 23770. As per Site Inspection Report number of trees required to be felled has been reduced to 23540.
3. The area proposed for diversion is not part of any Wildlife Sanctuary or National Park.. No rare/endangered/unique species of flora and fauna found in the area.


(Signature)

4. Compensatory Afforestation has been proposed over double degraded forest land including 101.158 ha in Siddhart Nagar forest division and 58.405 ha of forest land in Basti forest division.
 5. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted in accordance with the MoEF&CC's advisory dated 3.08.2009 read with letter dated 5.02.2013 and letter dated 5.07.2013.
 6. As the proposal is for up gradation and widening of existing road thus there is no question of alternative route / alignment.
 7. The proposal has been recommended by the Regional Office for granting approval.
- After Detailed deliberations the FAC recommended the project for stage 1 approval with general conditions, standard conditions applicable to road project and with additional following conditions
- i. Land suitability certificate of the competent authority and DGPS map of the land identified for CA will be submitted.
 - ii. The suggestions made by the Regional Office in its Site Inspection Report should be complied with.


(C M Pandey)
Additional
Commissioner(NRM)
(Ministry of
Agriculture)

Member


(Sh. Ramesh
K. Dave)
Member


(Dr. Mohammad Firoz
Ahmed)
Member


(Sh. Chaitram
Deochand Pawar)

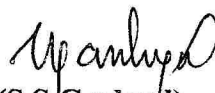
Member


(A.K. Srivastava)
ADGF(FC)

Member


(M. S. Negi)
IGF (FC)

Member-Secretary


(S.S. Garhyal)
DGF & SS
Chairman

Government of India
Ministry of Environment & Forests
FC Division

MINUTES OF THE FOREST ADVISORY COMMITTEE (FAC) MEETING
HELD ON 22nd - 23rd September, 2014

[T.C. Nautiyal, AIG(FC)]
(Total 12 Pages)

Agenda Item No.1

F. No. 8-60/2014-FC

Diversion of 42.242 ha of forest land for Up-gradation and Rehabilitation to 2 lane/ 2 lane with paved shoulder of Pratapgarh- Padi road, NH-113 in favour of PWD in the State of Rajasthan.

The FAC discussed the above proposal and noted as below:

1. The legal status of the forest land proposed for diversion is Protected Forest. However it is not clear whether the forest land falling within the existing right of Way and is declared as Protected Forest for Management purpose
2. The density of vegetation in the area proposed for diversion is : Partapgarh Forest Division- 0.0 to 0.7, Banswara Forest Division - 0.2
3. About 5572 trees are required to be felled, (below 60 C.M. girth 3986 trees and above 60 c.m. girth 1586 trees) in Partapgarh Forest Division and about 1208 trees are required to be felled (below 60 C.M. girth 857 trees and above c.m. girth 351) in Banswara Forest Division. Total no of trees affected will be 6780.
4. The proposed forest area in Partapgarh forest division for diversion is vulnerable to soil erosion but proposed project is being carried out all along existing road so that it may not cause excessive erosion. In Banswara forest division proposed area for diversion is not vulnerable to erosion.
5. Proposed area does not fall in any Wildlife Sanctuary/National Park.
6. The area is not part of protected archaeological / heritage site / defence establishment or any other important monument is located in the area.
6. No violation of FC Act 1980 has been reported and the requirement of land is barest minimum and unavoidable.
7. Compensatory afforestation proposed in Partapgarh Forest Division is on non-forest land which has been made available at Ambav & Ghataela of Tehsil Dhariwad .This allotted land is in three patches and adjoining to the boundary of F B karmaelia RF. In Banswara CA land allocated by the Collector is adjoining to the Forest area. It is in single Patch and having 11.00 ha area. It lies in the Khasra No. 176/96 in Guwadi Village in Kushalgarh Tehsil.
8. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted by the State



Government. However details of proceedings of the concerned Gram Sabha(s)/Committee(s) have not been submitted by the State

9. The project proponent has submitted undertakings to bear the cost of CA and NPV. After detailed discussion on the proposal, the FAC recommended the proposal with general conditions and standard conditions applicable to road projects.

The committee also recommended that only after receipt of the following information from State Government approval of the competent authority in the Ministry shall be solicited

- i. Whether the protected Forest proposed for diversion is within in Right of Way of the road and whether this forest land is declared as Protected Forest for Management purpose only
- ii. Differential GPS map showing Geo-referenced boundary in shape file of the non-forest land proposed for CA plantation duly authenticated by the competent authority in the State Government.
- iii. Complete Compliance of the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006(FRA) in accordance with the MoEF's guideline dated 3rd August 2009 including evidence of the Gram Sabha proceedings with the signature/thumb impression of the Gram Sabha members present in the meeting .




AGENDA NO. 2

F. No. 8-61/2014-FC

Diversion of 72.42 ha of forest land in favour of M/s Power Grid Corporation of India Limited for construction of 765 KV Gwalior- Jaipur Transmission Line in Karauli District in the State of Rajasthan.

The FAC after examination of the proposal observed as below:

1. The legal status of the forest land proposed for diversion is Protected Forest..
2. The transmission lines proposed through the States of Madhya Pradesh and Rajasthan involving 118.67 ha and 79.12 ha of land including PF and non-forest land falling in the Wildlife Sanctuaries in the two States. Current proposal involves diversion of 72.72 ha of protected forest land in the State of Rajasthan. The non-forest area falling under the crocodile Wildlife Sanctuary is 6.7 ha. Details of non-forest area falling under the Wildlife Sanctuary in the two States is given as under:
 - (i) Great Indian Bastard Wildlife Sanctuary (MP) - 27.47 ha
 - (ii) Chambal Crocodile Wildlife Sanctuary (MP) - 6.7 ha
 - (iii) Chambal Crocodile Wildlife Sanctuary (Rajasthan) - 6.7 ha
3. The proposal of the project proponent has been approved by the Standing Committee of the NBWL in its meeting held on 20.03.2013 for the area of 6.7 ha falling in Chambal Crocodile Wildlife Sanctuary in the State of Rajasthan. The recommendation of the Standing Committee have been considered by the Hon'ble Supreme Court of India and vide its order dated 20.01.2014 passed in IA no. 3724 in Writ Petition (Civil) No. 202/1995, the Hon'ble Apex Court has approved the recommendation of the Standing Committee of the NBWL subject to following conditions:
 - i. for use of forest land approval under the Forest (Conservation) Act, 1980 will be obtained and NPV for the forest land and non-forest land falling within the sanctuaries will be deposited in the Compensatory Afforestation Fund as per the rates of the NPV decided by this Hon'ble Supreme Court by its orders dated 28.3. 2008 and 9.5. 2008;
 - ii. 5% of the estimated project cost for the portions of the transmission line falling in the sanctuaries will be deposited in the Compensatory Afforestation Fund for undertaking conservation and protection measures in the National Parks/Sanctuaries;
 - iii. the other conditions on which the Standing Committee of the NBWL in its meetings held on 12th December, 2012 and 20th March, 2013 has recommended use of the non-forest lands falling in Chambal Crocodile Sanctuary for implementation of the project will be strictly complied with.
 - iv. the other conditions laid down by the State Board for Wildlife of Rajasthan at its meeting held on 7.8.2012 for use of the forest and non-forest land falling in Ghatigaon Great Indian Bustard Sanctuary will be strictly complied with;
 - v. any other condition(s) stipulated by the Chief Wildlife Wardens of Madhya Pradesh and Rajasthan will be complied with; and
 - vi. the use of the forest land and non-forest land falling in Ghatigaon Great Indian Bustard Sanctuary for construction of the transmission line will be permissible only after (and if) the reconstituted Standing Committee of the NBWL gives its approval for the same and subject to the conditions stipulated by the Standing Committee.Permission is granted subject to the aforesaid conditions.



4. The density of the area proposed for diversion varies from 0.1 to 0.4 involving 11666 nos. of small trees, shrubs / bushes in 67 meters of RoW.
5. Transmission line passes through three Protected Forest Blocks of Karauli Division namely Dan ke Dangaria, Tinopokhar and Gatli Jakhoda which have very little vegetation and undulating terrain. Area has mainly Dhok, Goya, Khair and Ber trees. The wildlife of the area normally comprised of jackal, sehi, hare fox and birds like neelkanth, jungle crow, latora, parrot, etc. Adjacent to line at tower no. 104 C to 105 C (which are adjacent to existing road) and beyond road boundary of Kela Devi Wildlife Sanctuary begins. The length of this portion is about 1.6 Km.
6. The area is not part of protected archaeological / heritage site / defence establishment or any other important monument is located in the area.
7. The area being proposed for diversion is barest minimum and three optional routes have been explored. The route having minimum forest land is being considered for diversion.
8. No violation of FC Act 1980 has been reported and the requirement of land is barest minimum and unavoidable.
9. Compensatory afforestation has been proposed over degraded forest land (144.84 ha), double in extent to the forest area being diverted.
10. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted by the State Government. The District Collector, Karauli has certified that complete process for settlement of rights has been carried out for Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Certificates submitted by the Districts Collector are in accordance with the MoEF Guidelines dated 5.02.2013 read with Guidelines dated 5.07.2013. However, details of proceedings of the concerned Gram Sabha(s)/Committee(s) have not been submitted by the State Government.

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

The committee also recommended that only after receipt of the following information from State Government approval of the competent authority in the Ministry shall be solicited

- i. Complete Compliance of the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006(FRA) along with details of proceedings of the concerned Gram Sabha(s)/Committee(s).



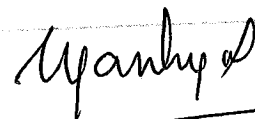
Agenda Item No.3

F. No. 8-98/2013

Renewal of diversion of 165.175 ha of forest land in favour of Hindustan Copper Limited for mining of copper in Khetri Copper Mine in Jhunjhunu District in the State of Rajasthan

The FAC discussed the above proposal in presence of Shri Amit Mishra DCF regional office Lucknow, Sh K C Meena CCF, B P Parekh DFO Jhunjunu from Forest Department Rajasthan and the user agency representatives Sh Ashok Kumar Singh and R Bharadwaj as per the recommendation of the last FAC meeting dated 29-30 April 2014. The points raised in the meeting were conveyed to the State Government vide letter dated 28 May 2014 and the same has been addressed. The FAC noted as below:

1. The legal status of the forest land is Protected Forest.
2. The proposal was discussed in the FAC in its meeting dated 29th to 30th April, 2014 and the Committee after detailed discussion recommended that the following information may be sought from the State for further consideration of the proposal by FAC:
 - i. Survey of India map toposheet in 1:50000 scale depicting the area proposed for diversion.
 - ii. Duly authenticated DGPS Map of the area proposed for diversion.
 - iii. Forest Cover map of the area proposed for diversion.
 - iv. The 10 KM radius map indicating ecologically sensitive areas and PAs around the mining lease
 - v. Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the Guidelines issued by the MoEF in this regard.
 - vi. State Government to clarify since when the user agency is using 36.576 ha of forest land on the surface and whether land cost of compensatory Afforestation in lieu of this entire 36.567 ha has been realised from the user agency.
 - vii. 3 Dimensional Subsidence Analysis report from ISM Dhanbad or any of the IITs.
3. In addition to above, the committee also recommended that Nodal Officer FC of the State Government and officer from MoEF's Regional Office, Lucknow should be asked to attend the next meeting of the FAC to clarify the issue related to actual area under surface use by the user agency and the compensatory afforestation taken up in lieu of this surface use of forest land.
4. The recommendation of FAC were communicated to the State Government vide this Ministry's letter dated 28.05.2014. The Addl. PCCF & Nodal Officer (FCA), the State Government of Rajasthan, vide their letter no. F-16/2011/FCA/Pramuvans/6551 dated 8.8.2014 submitted the requisite

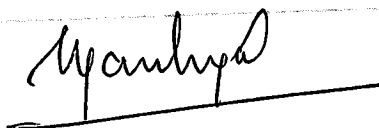


information as desired by the FAC. Summary of the information submitted by the State Government is given as under:

- i. A copy of the SOI toposheet (on A4 size paper) indicating the area proposed for diversion, duly authenticated by the DCF, Jhunjhunu has been submitted.
- ii. Differential GPS map of the area proposed for diversion, duly authenticated by the DCF DCF, Jhunjhunu has been submitted.
- iii. A copy of the forest Cover map of the area proposed for diversion, duly authenticated by the DCF DCF, Jhunjhunu has been submitted..
- iv. The 10 KM radius map of the mining lease,, duly authenticated by the DCF DCF, Jhunjhunu has been submitted. The detail indicated on the map is too insufficient to assess the ecologically sensitive areas and PAs around the mining lease as no legend of the parameters, intended to be shown on the map, have been provided. However officers of the state Government and DCF regional office intimated that there are no Pas within 10 Km radius of the project.
- v. Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the Guidelines issued by the MoEF has been submitted. The District Collector Jhunjhunu vide his letter dated 24.04.2014 has certified that complete process for identification and settlement of rights, diversion of forest land for facilities managed by the Government and safeguarding the rights of Primitive Tribal Group and Pre-Agricultural Communities as required under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been carried out and proposal was discussed in the meeting of concerned Gram Sabha (s) maintaining the prescribed quorum. Copies of the resolutions of the concerned Gram Sabhas i.e. Banwas, Gothra and Kharkhanda have been submitted. However, examination of the resolution of the Gram Sabha indicated that resolution has been signed by the Gran Panchayat Head only while the supporting documents of resolution bearing the signatures of the all the participants who were present in the meeting has not been submitted by the State Government/Project proponent.

The Gram Sabha has given its consent/NOC issued to the project. Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted .

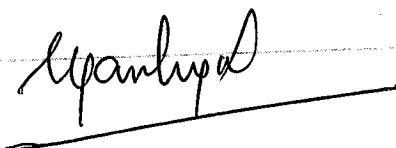
- vi. With regards to status of utilization of 36.576 ha of forest land for surface rights, it was explained by Sh K C Meena, CCF and B P Parekh DFO Jhunjunu from Forest Department of Rajasthan that original lease was granted prior to 1980 and most of the surface area was broken prior to 1980 except 3.080 ha of forest land which was broken up after the 25.10.1980 for construction of road. Out of this 3.080 ha of the forest land 2.345 ha of forest land was within broken up area of the lease and balance 0.735 ha of forest land was outside this lease. Against this broken up forest land of 0.735 outside the lease penal CA over 5.88 ha of degraded forest land was stipulated in the final approval granted by the MoEF&CC on 10.02.1998.



- vii. With regards to the 3 Dimensional Subsidence Analysis report, it is reported by the State Government/project proponent that study in compliance to this has been awarded to ISM, Dhanbad and Interim report submitted for Phase-II (Quarter-2) has been submitted by the State Government. As per this interim report no subsidence has been reported during the field visits taken at various times. Final report is yet to be submitted.
5. The density of vegetation as mentioned in site inspection report in the area proposed for diversion is 0.2 - 0.3
 6. Proposed area does not fall in Wildlife Sanctuary/ National Park. The area is not part of protected archaeological / heritage site / defence establishment or any other important monument is located in the area.
 7. No violation of FC Act 1980 has been reported and the requirement of land is barest minimum and unavoidable.
 8. The user agency had deposited Rs. 97,020/- against 5.88 ha degraded forest land. The forest department has afforested 49.44 ha land area in village - Ram Kumarpura district - Jhunjhunu, Rajasthan.
 9. Regional office has recommended the proposal and also recommended that Copper ore mining in Khetri by M/s Hindustan Copper Limited is done entirely through deep underground mining method and may not require any deforestation on the surface. In view of above no safety zone is required.

After detailed discussion on the proposal, the FAC recommended the proposal with general conditions, standard conditions applicable for underground mining projects and following additional conditions.

1. The entire vacant area of the forest land being diverted shall be planted with the suitable local species at the cost of user agency. M/s Hindustan Copper Limited should prepare a blue print for increasing green cover and restocking of the area with suitable species in consultation with the forest department.
2. The user agency shall also pay the cost for raising (establishing nursery and allied activities) 25 thousand tall plants per annum (throughout the lease period from the date of "In-principle approval") for distribution of plants among local people (within territorial jurisdiction of concerned Forest Division) under supervision of State Forest Department.
3. Mine-waste rock generated in underground mining would be used for filling the voids in the mine. Excess Mine-waste rock generated in underground mining may be disposed of for the purpose of construction & other allied activities. It must not be left un-attended in the open forest areas.
4. To check erosion, the required soil and moisture conservation structure shall be created in consultation with the forest department.
5. The user agency should also help forest department to promote joint forest management by providing fund for support activities in the neighbouring villages and for creating forest protection committees.



The committee also recommended that only after receipt of the following information from State Government approval of the competent authority in the Ministry shall be solicited .

- i. Complete Compliance of the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006(FRA) including Gram Sabha resolution and the supporting documents of resolution bearing the signatures of the all the participants who were present in the meeting

A handwritten signature in black ink, appearing to read "Ganesh P", is written above a single horizontal line.

Agenda Item No.4

F. No. 8-24/2010 - FC

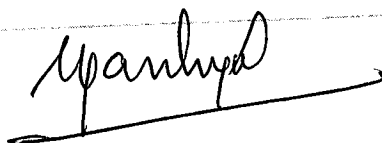
Diversion of 2.18 ha of forest land (139 ha forest land diverted on 23.11.2012) earmarked for safety zone in the mining lease of Jitpur Open Cast Coal Mining project in favour of M/s Jindal Steel & Power Limited in Godda Forest Division in Godda district of Jharkhand.

The FAC discussed the proposal and noted as below:

1. This relates to diversion of 139.00 ha of forest land for Jitpur Open Cast Coal Mining project in favour of M/s Jindal Steel & Power Limited in Godda Forest Division in Godda district of Jharkhand for which stage-I approval was accorded by the MoEF on 23rd November, 2012 subject to certain condition prescribed therein.
2. The user agency has applied for diversion of 2.18 ha of area involved in the safety zone in accordance with the Guidelines dated 12.07.2012. This Ministry vide its letter dated 12th July, 2012 has modified the para 4.7(i) of the Guidelines given under the Forest (Conservation) Act, 1980.
3. Now the user agency has applied for diversion of 2.18 ha of area involved in the safety zone in accordance with the Guidelines dated 12.07.2012. This Ministry vide its letter dated 12th July, 2012 has modified the para 4.7(i) of the Guidelines given under the Forest (Conservation) Act, 1980. The same is reproduced as under:

"Approval under the Act for diversion of entire forest land located within the mining lease, including the forest land located in the safety zone, should be obtained before execution of the mining lease in favour of the user agency. However, forest area required for safety zone should indicated separately in the proposal area will have to be fenced at the cost of project authority. Further, project authority has to deposit funds with the State Forest Department for protection and reservation of such safety zone area also will have to bear the cost of afforestation over one and half times to the safety zone in degraded forest elsewhere".

4. In view of the above guidelines, FC Stage-I need to include diversion of entire forest land located within a mining lease, including forest land indicated as safety zone. However, the FC stage-I issued for the project on 23rd November, 2012 mentions clearance for forest land for mining (139 ha) only and didn't include diversion of safety zone (2.18 Ha).
5. Supreme Court in their Judgment dated 25th August 2014 in the Writ Petition (Civil) No. 120 of 2012 in the matter of Mohan Lal Sharma *versus* Union of India and others and such other similar petitions held that the allocations of 218 coal blocks made, both under the Screening Committee route and the Government dispensation route, are arbitrary and illegal;



6. Supreme Court in their said Judgment further observed that what should be the consequences, is the issue which remains to be tackled and directed that to this limited extent, the matter requires further hearing;
7. Accordingly, Supreme Court held further hearing on 9th September 2014 and reserved their Judgment. Final Judgment of the Supreme Court in the matter is likely to be pronounced shortly; and
8. Talabira -II and Talabira -III coal blocks, in which the forest land proposed to be diverted is located, are among the 218 coal blocks whose allocation has been declared arbitrary and illegal by the Supreme Court.

FAC after detailed deliberations decided to await final judgment of the Hon'ble Supreme Court in the said Writ Petitions before making recommendations on the proposal seeking prior approval of Central Government under the FC Act for diversion of the said forest land.



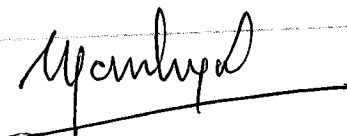
AGENDA NO.5

F. No. 8-25/2011-FC

Diversion of 44.02 ha of forest land in favor of Executive Engineer, RSVY, Project Division, CPWD, Purera for widening /up-gradation of Saharsa- Supaul Marg, Supaul Singheswar Sthan Marg, Sonbarsa-Bajnathpur Marg in district Saharsa, Supaul and Madhepura in the State of Bihar (Total 85.00 Km).

The FAC discussed the above proposal and noted as below:

1. The legal status of the forest land is Road Side Notified Protected Forest. However it is not clear whether the forest land falling within the existing right of Way and is declared as Protected Forest for Management purpose
2. Total trees to be affected by widening of the road: - 3736. In addition to this 56129no. of plants will also be affected. However the user agency has stated that only those trees which are dangerous to traffic and coming within carriage way will be felled. The number of such trees is within 50. Therefore maximum trees to be felled will be 50 only.
3. The proposed area is not a part of National Park, Wild life sanctuary, biosphere reserve, tiger reserve or elephant corridor.
4. No protected archeological heritage site/defence establishment or any other important monument is located in the proposed area.
5. The proposed area is the minimum area of the protected forest which has been identified after considering all the alternatives.
6. In violation of the Act the user agency had started the road-widening construction work in a distance about 7 km. Show cause notice has been issued vide letter no. 119 dated 19.01.08 and letter No. 156 dated 25.01.08. The user agency has replied vide letter No. R.C.P. 11/41 dated 02.02.08.
7. Action taken vide offence Report No. 9SB dated 26.11.07, 10SB dated 27.11.08, 01SB dated 24.01.08 and 02SB dated 01.02.08.
8. The compensatory afforestation has been proposed in notified protected forest over 11 sites. Total financial outlay for compensatory afforestation scheme. Rs. 1, 10,48,075/- (One crore ten lac forty eight thousand seventy five only).
9. The area identified for the compensatory afforestation is suitable from management point of view. It is part of notified canal side protected forest.
10. Compliance of the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006(FRA) in accordance with the MoEF's guideline dated 3rd August 2009 and 5/2/2013 has not been submitted with the proposal.
11. The above mentioned proposal was considered by the FAC in its meeting held on 5th to 6th MAY 2011 and the committee recommended for re-alignment of the road to protect the old heritage trees and younger plantations.
12. The above recommendations of the FAC were communicated to the State Government vide this Ministry's letter of even number dated



- 11.05.2011. The State Government, vide its letter FC -338 dated 30.06.2014, submitted the information i.e. copy of SOI map showing the re-alignment of road along with the photographs of the existing large trees in compact patches on the road sides which are proposed to be felled.

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

- Penal compensatory afforestation shall be taken up by the State Forest Department over degraded forest land twice in extent to the forest land used without prior approval of the Government of India at the cost of project. Scheme for Penal CA shall be submitted by the State Government.
- The state Government may intimate about the outcome of the offence Report No. 9SB dated 26.11.07, 10SB dated 27.11.08, 01SB dated 24.01.08 and 02SB dated 01.02.08.
- Felling will be confined to 50 trees and will be done in supervision of the Forest Department.

The committee also recommended that the above recommendations of the committee should be placed before competent authority only after receipt of following information from the state Government

- Compliance of the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006(FRA) in accordance with the MoEF's guideline dated 3rd August 2009 and 5/2/2013
- Clarification whether the protected Forest proposed for diversion is within in Right of Way of the PWD and whether this forest land is declared as Protected Forest for Management purpose only.

The committee also recommended that compensatory afforestation shall be raised in block instead of that along the road/ canal. However the Ministry may decide about the land (degraded forest land of non-forest land) after receipt of the status of protected forest.

(C.N. Pandey)
Addl Comm
(Min of Agr)
Member

(Ramesh K. Dave)
Member

(Shri Chaitram Deochand
Pawar)
Member

(Dr. Mohammad
Firoz Ahmed)
Member

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

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

(S.S. Garbhal)
DGF & SS
Chairman