

(PARIVESH 1.0)**Minutes of the Meeting of the Advisory Committee (AC) meeting held on
06.11.2024****Agenda No.1****File No. FC/HPB/06/15/2024**

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 1.3711 ha. of forest land in favour of Himachal Pradesh Public Work Department for the construction of link road from Barayali Buddo Stoti Shiv Nagar 0/00 to 4/150 within the jurisdiction of Kunihar Forest Division, Distt. Solan Himachal Pradesh (Online Proposal No. FP/HP/Road/153206/2022)- regarding.

1. The agenda item was considered by the AC in its meeting held on 06.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DIGF (Central), RO, Chandigarh and Nodal Officer, Government of Himachal Pradesh were present in the meeting during the discussion of the above proposal. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The APCCF-cum-Nodal Officer (Sanrakshan Evam Samvardhan) Government of Himachal Pradesh submitted the above mentioned proposal to RO, Chandigarh vide its No.FP/HP/ROAD/153206/2022 dated 22.03.2023 through online to obtain prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. Component wise breakup of the forest land is as under:-

S. No.	Component	Forest land (ha.)	Non-forest Land (ha.)
1.	Road	1.3711	0.8447
	Total	1.3711	0.8477

- iii. Density of vegetation in the proposed area is 0.01094 having Eco class V. The validity of the project is 99 years, and category of the project is road.
- iv. The total 12 number of trees 0-30 cm to be felled in the proposed forest area. Further, it is informed by the DFO the diverted area is not vulnerable to soil erosion.
- v. Proposed road is located at an approx. distance of 0.20 KM from Darlaghat Conservation Reserve (as per the boundary available on NTCA website) and **6.80 KM from Majathal WLS.**

- vi. The Compensatory Afforestation (CA) has been proposed over an area of 2.75 ha. double in extent in survey Sheet number/compartments no. 53A/15 of U-13 of Kandhar Beat, Kandhar Block of Darlagaht forest Range, Tehsil Arki, District Solan, Himachal Pradesh, with financial outlay of ₹8.85/- lakhs, the CA suitability certificate is along with scheme for ten years maintenance is also submitted by the concerned DFO.
- vii. The proposed CA site is adjacent to Majathal Wildlife Sanctuary.
- viii. It has been mentioned that the proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defense establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
- ix. The AC is noted that the instant proposal was considered in Advisory Committee meeting held on 14.10.2024. The proposal was deferred for discussion in the next Advisory Committee meeting. The Advisory Committee desired that the Nodal Officer, Govt. of Himachal Pradesh should be present in person in the next AC meeting for discussion. The decision of the Committee was communicated to the State Government on 21.10.2024.
- x. AC observed that the DFO, Kunihar has reported the violation under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 done by the **local people and panchayat of the area**. Further, the construction of link road from Baryali Budmo Stuti Shinagar 0/136 to 1/387 km, 2/225 to 2/815 km and 2/858 to 3/827 km i.e. (1/251+0/590+0/969=2/810 km) having forest land which has already been broken/constructed. Total length of the road is 4.150 km out of which forest land is 3.133 km. and remaining is non-forest land which is 1.017 km. The status of land involved is Charagah, ger mumkin rasta, ger mumkin talab and demarcated protected forest, hence approval under forest conservation Act, 1980 is required. The constructed part did not have tree growth as the area was already being used as village path which was widened. For the construction of this proposed road some soil conservation work/Engineering works will be required.
- xi. The AC noted that the instant proposal involves Violation of provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as informed by RO, Chandigarh (Sub-office, Shimla) during their examination. As per Rule 10 (4) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 the Site inspection for the instant proposal needs to be carried out by the concerned Regional Office. The site inspection report of the instant proposal was conducted by Technical Officer, Regional Office, Chandigarh of MoEFCC on 01.08.2024 along with the officials of the State Forest Department and representatives of User Agency. The SIR has also been recommended by DDGF (C) of RO on 16.08.2024. The major findings and recommendations of the report is given as under: -
 - (a) **Vegetation:** Total 48 number of trees to be affected in the proposed forest area.

- (b) **Whether proposal involves violation of Van (Sanrakshan evam Samvardhan) Adhiniyam 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials.**

The proposal involves violation as reported by DFO in para 11 of part-II. The area inspected by the undersigned along with officials of forest department and user agency. At the spot, it was noticed that cutting work has been carried out by PWD in 1.23 ha forest area out of total 1.3711 ha forest area. The total length of the road is 4150 mtrs out of which 3133 mtrs is in forest land and remaining 1017 mtrs is in non forest land. The officials of PWD informed that they have started the cutting work in 2016-2017, but stopped the work in year 2018 after directions of forest department. Penalty also has been imposed by forest department. However, the details of work started by PWD, work stopped by forest department, amount of penalty imposed etc. not mentioned in Para-11 of part-II which should be filled by the DFO.

- (c) **Field observations/ Actionable Points/recommendations: -**

- 1.23 ha area found constructed (cutting work) out of total 1.3711 ha area.
- The proposal involves 1.3711 ha forest land and 0.8447 ha non forest land.
- Cutting work was carried out in a length of approximately 3133 mtrs in forest area by PWD in year 2016-17.
- As per records, for the extent of violation, penalty has been imposed on user agency. However, the details of work started by PWD, work stopped by forest department, amount of penalty imposed etc. not mentioned in Para- 11 of part-II which should be filled by the DFO.
- Since, the violation was committed before submission of proposal in year 2024, this appears to be a case of violation of the IFA, 1927.
- Action as per 3A/3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 against the authority/persons responsible may be contemplated.

- (d) **Recommendations of the Deputy Director General of Forests (Central):**

- a. The proposal of the State Government forwarded to RO, Chandigarh for site inspection. The Technical Officer of the RO, Chandigarh inspected the site on 01.08.2024.
- b. The site inspection report of the proposal attached herewith is agreed and recommended.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DIG, RO, Chandigarh and Nodal Officer, Himachal Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee recommended the **“in-principle”** approval for the proposal for diversion of 1.3711 ha. of forest land in favour of Himachal Pradesh in favour of Public Work Department for

the construction of link road from Barayali Buddo Stoti Shiv Nagar 0/00 to 4/150 within the jurisdiction of Kunihar Forest Division, Distt. Solan Himachal Pradesh subject to the General, Standard and following Specific conditions:

- i. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
- ii. The State shall submit a detailed violation report along with Stage-I compliance report.
- iii. The State Government shall provide details of officers of the User Agency responsible for the violation of the Adhinyam. The Regional Office shall complete action against them under Section 3A/ 3B of the Adhinyam and submit a report for consideration of Stage-II approval.
- iv. As the katcha road is already exist therefore the state government shall ensure that the felling of trees must be kept to the barest minimum.
- v. In addition to Compensatory Afforestation, the State Government shall carry out a roadside plantation wherever possible of the extent of diverted area at the cost of the user agency.

Agenda No. 2

Proposal No: FP/BR/Approach/157585/2022

Subject- Proposal for seeking Ex-post facto approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 for diversion of 0.018 ha forest land for construction of approach road for opening retail outlet of HPCL on the side of SH-77 Road, Khata No.16, Khesra No.1134, Mauza – Majhua, Thana No.73, Thana - Raniganj by Shri Chhotu Kumar in Araria district of Bihar (Online No. FP/BR/Approach/157585/2022) - regarding.

1. The above stated agenda item was considered by the AC in its meeting held on 06.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Ranchi were present in the meeting. Nodal Officer, Government of Bihar was not present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Bihar vide their letter No. Van Bhumi-46/2023-625(E)/P.V.J.P dated 30.08.2023 submitted the above mentioned proposal seeking prior approval of the Central Government under

Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to Regional Office, Ranchi.

- ii. The proposal is for construction of approach road for opening retail outlet of HPCL.
- iii. Legal status of the proposed area is notified Forest and Density of the proposed area reported as 0.1 with Eco Class 3.
- iv. As reported, details of violation and action taken are as under:
 - a. Details of violation: In this case the applicant has violated the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The outlet retailer Mr. Chhotu Kumar has constructed the path without obtaining permission from the department, which is a violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - b. Action Taken: State Government has informed that a show cause notice was served to the applicant dated 23.11.23 and reply was submitted by him on 30.11.2023 in which he mentioned that the connecting road was required for the construction of the petrol pump. A POR0332 has been lodged and case CC98/2023 has been filed in the court of Chief Judicial Magistrate, Araria.
- v. With regard to raising compensatory afforestation, as the proposal is below 1 ha. Therefore the Plantation of 100 trees will be carried out in degraded forest land.
- vi. The RO, Ranchi has conducted the site inspection wherein it has been mentioned that Since the violation of Adhiniyam, 1980 has happened while the proposal is under consideration and forest land is diverted before grant of FC, as per rule 1.16 (ii) the penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum upto five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
- vii. The committee noted that the proposal was considered by the Advisory Committee (AC) in its meeting held on 14.10.2024 wherein the Committee deferred the proposal for discussion in the next Advisory Committee meeting and desired that the Nodal Officer, Government of Bihar should be present in person in the next Advisory Committee meeting for discussion. The same was conveyed to the State Government vide Ministry letter dated 21.10.2024.
- viii. The committee observed that as per DSS analysis, there is no wildlife sanctuary, national park, tiger reserve and tiger corridor is located within 10 km distance from the proposed forest land for diversion. The instant proposal falls under Not-Inviolate zone or Not In-High conservation zone value as per the DSS Rule-I & II.

- ix. The committee noted that RO, Ranchi has informed that action for illegal use of forest land has been initiated and a Court case has been filed under the Indian Forest Act against encroachment on forest land. At present, the said court case is pending in the court of Chief Judicial Magistrate, Araria.
- x. The committee noted that the RO, Ranchi has recommended the proposal with penal provisions.
- xi. The Committee observed that the matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) will have to be as per the said guideline.

4. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the Dy. DGF (Central) and RO, Ranchi. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Ranchi the Committee recommended **'in-principle'** approval for diversion of 0.018 ha forest land for construction of approach road for opening retail outlet of HPCL on the side of SH-77 Road, Khata No.16, Khesra No.1134, Mauza – Majhua, Thana No.73, Thana - Raniganj by Shri Chhotu Kumar in Araria district of Bihar subject to the General, Standard and following specific conditions:

- i. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
- ii. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.

Agenda No. 3

F. No. 8-13/2023-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2(ii) of the Forest (Conservation) Act, 1980 in favour of M/s Kashvi Power & Steel Pvt. Ltd. for non-forestry use of 60.508 ha of forest land including 2.331 ha of safety zone in Dholta Pahar Iron Ore Block for iron ore mining in Bonai Forest Division under Sundargarh District, Odisha –reg. (Online No. FP/OR/MIN/150522/2021)

1. The above-mentioned subject proposal was considered by the Advisory Committee (AC) in its meeting held on 06.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The PCCF cum Nodal Officer, Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.

2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. The Government of Odisha vide letter no. FE-DIV-FLD-00-0030-2023-5799/FE&CC dated 28.03.2023 seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Kashvi Power & Steel Pvt. Ltd. for non-forestry use of 60.508 ha of forest land including 2.331 ha of safety zone in Dholta Pahar Iron Ore Block for iron ore mining in Bonai Forest Division under Sundargarh District, Odisha.
 - ii. Legal status of the proposed forest land is Reserve Forest and density is 0.6, Eco Class-I. Total 29,838 numbers of trees of have been enumerated for proposed to be felled. The area is not Vulnerability to erosion.
 - iii. The proposed area is not part of National Park / Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. No RET species of flora and fauna found in the area. No heritage site/defence establishment or any other important monuments are located in the area proposed for diversion.
 - iv. Total financial outlay of the CA scheme is ₹2,80,84,400/- All details of the CA along with site suitability certificate has been provided.
 - v. No violation of Adhinyam, 1980 has been committed by the User Agency. The requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project. ToR vide letter no. 4224/SEIAA dated 15.03.2022 by State Environment Impact Assessment Authority.
 - vi. Compensatory afforestation scheme has been proposed over 58.757 ha of Govt. Non-Forest land identified in village San-Sibnathpur under Gurundia Tehsil of Bonai Range in Bonai Forest Division. However, as per the new rules equivalent non-forest land is required for CA.
 - vii. The User Agency has given an undertaking to produce the relevant certificate under FRA, 2006 after getting from Collector, Sundargarh for forest land of 60.508 ha involved in the Dholta Pahar iron ore Block leased out in favour of M/s Kasvi Power & Steel Pvt. Ltd.
 - viii. State authorities in the State have recommended the proposal and it has been informed that in pursuant to the Mines and Minerals (Development and Regulation) Act, 1957 and the Mineral (Auction) Rules, 2015, Govt. of Odisha issued the notice inviting tender dated 07.07.2021 for commencement of the auction process to grant the mining lease for Dholta Pahar Iron Ore Block located in Koira Tahasil of Sundargarh district of Odisha. The e-auction process was conducted in accordance with the tender document and the mineral auction rule. 2015 for said mineral block and M/s Kashvi Power & Steel Pvt. Ltd. was declared as the preferred Bidder under-Rule 9(9) (iii) or Rule10(A) of Auction Rules having quoted a final price offer of 126.55%.

- ix. The PCCF & HoFF, Odisha has reported that M/s Kashvi Power & Steel Pvt. Ltd has made payment of ₹6,99,89,5871- (Rupees Six Crore Ninety-Nine Lakhs Eighty-Nine Thousand Five Hundred Eighty-Seven only) "through treasury challan on dated 21.10.2021 against the first instalment being twenty percent of the upfront money. Accordingly, the Government of Odisha have' issued Letter of Intent under Rule 10(2) of Mineral Auction Rules, 2015 to M/s Kashvi Power & Steel Pvt Ltd for grant of Mining Lease for Dholta Pahar Block for iron ore over an area of 60.508 ha near Dengula village, Koira Tahasil of Sundargarh district of Odisha for a period of 50 years. This Letter of Intent is valid subject to the provision of the Act and the Rules made there under as amended from time to time and M/s Kashvi Power & Steel Pvt. Ltd. shall be designated as the Successful Bidder and subsequently granted, the mining lease only upon satisfactory compilation of all requirements under the Act and Rules made there under.
- x. As per the DSS report the proposed area is falling under the VDF category and in High conservation Zone as per decision Rule 1 and 2. The AC observed that the area proposed for mining is within a pristine and very dense forest and the proposal will have an impact on the biodiversity.
- xi. The State has given the justification for proposing the area under VDF and stated that the Mining is a site specific activity irrespective of the land status and Govt. of Odisha allocated this block through c-auction to carry out mining operation and exploitation of iron ore. M/s Kasvi Power and Steel Pvt. Limited has been declared as preferred bidder for grant of mining lease of Dholta Pahar Iron Ore Mines. As per the data provided by the Director of Mines, Steel and Mines Department, Government of Odisha,, the total mining lease DGPS surveyed area is 60.508 ha. The total area comes under Reserved Forest. The ore body needs to be judiciously exploited in view of systematic mining with optimum exploitation of ore to meet the growing demand of raw materials for indigenous steel plant, sponge iron plant, pellet plants etc. for ultimate production of Steel and also for export to earn foreign exchange for development of the country. Now, for grant of mining lease of Dholta Pahar iron ore Block and use of 60.508 ha of forest land for the mining and ancillary activities purposes, it is required to apply for diversion of forest land under Section 2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for approval of the Central Government.
- xii. Further it has been mentioned that the diversion of 60.508 ha forest land is very much essential for grant of mining lease of Dholta Pahar iron ore Block in the district of Sundargarh of Odisha for systematic and scientific mining as well as optimum exploitation of iron ore in the project area. The proposed mining project will be beneficial to the peripheral community as there will be ingress of floating population along with cash flow and the affect will on the local economy by direct and indirectly through ancillary activities and through employment, CSR and other activities and infrastructural developments like roads, electricity, drinking water supply schools & hospitals.

- xiii. The State has informed that another proposal will be submitted for road connectivity. However, for electricity the User Agency will apply to NESCO to provide them 11 KV power line to their Mines and same will be drawn in the RoW of the proposed connecting road so that requirement of additional forest land will be avoided. In this regard the requirement of water, the User Agency have already obtained NOC from CGWA, Govt to draw groundwater to the tune of 97 m³ /day.
- xiv. Regarding non site specific activities the State Govt. has informed that the area earmarked for dumping is 7.265 ha as because during plan period, ore will not be exhausted in any place and hence the waste generated during mining operation has to be kept in the external dump. After exhaust of mineral the User Agency will not use any forest land for dumping purpose and waste materials will be used for reclamation. The area earmarked for storing of minerals is 6.021 ha for the purpose of storing of sub-grade ore (45%fe to 55%fe) which has no market, and it has to be preserved as per Rule 14 of MCDR, 2017-"Separate stacking of non-saleable minerals. All the non-saleable or unusable minerals or ores above the threshold value of the mineral, as may be notified by Indian Bureau of Mines from time to time, or otherwise shall be stacked separately on the ground earmarked for the purpose. The balance area is for stacking & storing of Minerals. Considering the grade wise and size wise requirement of the consuming industries, the ore raised is to be segregated and stacked separately for sale purpose. Considering from the mineral conservation point of view, the Indian Bureau of Mines, Govt. of India is emphasizing on assessment of the iron ore reserve with the cut-off grade of 45%Fe and stacking of the sub grade ore properly. Presently, the good quality ore is only marketable and the sub-grade ore raised are normally not sold presently, which are required to be stacked separately for the future use. Again, for removal of ore from mining lease hold area, stacking of minerals is essential. The State Government vide notification 3973 dated 28.04.2021 have issued operational guideline for Stacking, Sampling & Chemical Analysis. As per the guideline each stack should not be more that 20000 MT and the height should not be more than 3 meters. To accommodate 20000MT, the required surface area is approximately more than 25005q.M. Road has to be kept in between the stacks, so considering all the above, area required for each stack is 5000 Sq.M or 0.5 ha. Depending on the placement of Rakes, the average time for removal of one stacks take about a month. To dispatch 1 lakh tone of material every month and to achieve the quantity, 7 to 8 nos. of stack of different grade and size are required. So minimum 3 ha of land is required for stacking of Ore of processed ore. Again, some area is required for un-processed ore. Looking to the above, 6.021 ha. has been earmarked for Mineral storage.
- xv. The Regional Office in their SIR has reported that the proposed ML area of 60 ha is predominantly very dense forest with certain gaps on the top as it is situated on a plateau. There is no approach road to the proposed ML area. Road has been proposed and seen to be demarcated with pillar posting through the Sarkunda RF. The stream order 1 and 2 are seen to emanate from the proposed mining lease

area as per the water shed map of the mining lease site. Hence, mining will impact the water table, water sources and may lead to contamination with nearby nallah and streams, if adequate precaution is not taken. Elephant movement along the water sources is noticed at 1.2 km from the proposed RF within the boundary of the Sarkunda RF. Mining and movement of heavy machinery in the Sarkunda RF will result in degradation of the forest and loss of habitat as is the case in many mines already operating in the area and may also result in human elephant conflict. 18 number of non-working mines; 12 number of working mines; and 2 auctioned mines are present in the 10 km radius of the proposed mining lease area. The area around the proposed mining lease area is already disturbed. However, the proposed mining lease area is on an elevated plateau within the Sarkunda RF with very dense vegetation that makes it inviolate. Moreover, the proposed mining area is placed almost in the middle of the Sarkunda RF, which does not have any mining activity at present and is undisturbed housing a very good chunk of forest at this point of time and the Sarkunda RF is a contiguous and intact patch of Sal forest in the heavily mined periphery and its strategic location on an elevated area makes it vulnerable to contamination of water sources down streams in case of mining in the proposed site.

- xvi. The RO in his SIR has reported that the studies need to be conducted on the impact of mining in Sarkunda RF on loss of habitat of wildlife including mesopredator and small mammals, movement and dispersal of elephant. Studies on impact of mining on the hydrological regime of Sarkunda RF as well as the watershed of the proposed mining lease area within 10 km zone of influence need to be undertaken. Also studies on the eco-cultural linkages of the local communities with the Sarkunda sal forest needs to be studied to find the organic link between the forest and the people of the region which is already heavily mined district, and this forest chunk of 1901.108 ha appears to be a contiguous patch of forest in the mining dominated landscape.
- xvii. The RO in his SIR has also reported that the 18 number of non-working mines; 12 number of working mines; and 2 auctioned mines are present in the 10 km radius of the proposed mining lease area. The proposed mining area is at a distance of 3.6 km from SAIL mines and 1.8 km distance from C P Sharma mines and reported that the proposal may be considered after receipt of the satisfactory compliance of the mitigative measures suggested in the SIR.
- xviii. The above facts were considered in the Advisory committee meeting held on 29.11.2023 and after thorough deliberation and discussion with Nodal Officer, GoO and DDGF (Central), RO Bhubaneswar considering the fact that the proposed area is falling under the VDF category and in High Conservation Zone as per DSS and the area proposed for mining is within a pristine and very dense forest and the proposal will have an impact on the biodiversity, the Advisory Committee recommended to reject the proposal.
- xix. Now the State Government vide their letter dated 09.04.2024, has forwarded the representation of the user agency for re-consideration of the proposal. Following submissions have been made by the user

agency which have been forwarded by the PCCF cum Nodal Officer, Govt. of Odisha for reconsideration of the proposal:

- a. The user agency has submitted a representation dated 22.02.2024 and 20.03.2024 for reconsideration of their proposal and undertaken to comply any other conditions that the MoEF&CC may impose in the interest of afforestation, conservation and management of flora and fauna in the area.
- b. The PCCF (FD&NO, FCA) O/o the PCCF & HOFF, Odisha vide his letter dated 05.04.2024 based on the information received from the RCCF, Rourkela Circle and adverting to the submissions made by the user agency, has stated there are 16 Nos. of Mining leases located within a radius of 8 (Eight) km within which the Dholtapahar Iron Ore mines is also located. The mining leases located in the periphery and the status of approval (EC/FC) all these mines have been provided by the State Government.
- c. There is no wildlife corridor situated in the area and human habitation is also located on the western side of the lease. Although the area has biodiversity, it does not serve as any connecting corridor for wildlife. However, in case of any likely Impact on wildlife due to the project, the same will be effectively mitigated with a site-specific Wildlife Management Plan to be prepared and implemented by the State Forest Department in the area located around the lease.
- d. As per inspection report of the DFO, the crown density of the area is 0.6. The area falls under MDF Category and not under Very Dense Category. It is further supported by the total number of trees enumerated in the 16 sample plots of the lease area. Out of the total 7890 nos. of enumerated trees (6114 Sound and 1776 un-sound), 2,820 falls below 60 cm girth category while only 5070 trees fall above 60 cm girth category. The trees making up the crown density of the lease area comes to be approx. 317 trees per ha which may be considered under MDF category.
- e. There are existing kuccha roads in the area which are used by the villagers for their connectivity. To the possible extent and to cause minimum disturbance to the local ecosystem, the company will use such kuccha roads for evacuation of the ore deposits and after carrying out detailed survey, the road alignment will be finalized in consultation with the Forest Department. Further, the power lines for the proposed mining leases will be laid along the road to keep the disturbance at the minimum. Once the mining operations is resumed/started, the possibility to construct the conveyor belt till the major road head will also be explored and if, found feasible the entire transportation of ore in the forest area will be carried out through conveyor bells.
- f. For the purpose of constructing a road from Dholtapahar Iron Ore Block to PWD road Dengula, a proposal for diversion of forest land has been submitted vide Proposal No.

- FP/OR/ROAD/440392/2023 and same has been examined by the Project Screening Committee. The Project Screening Committee raised EDS to comply.
- g. Further, the Collector, Sundargarh has issued FRA Certificate in Form-I for this linear project vide No.2333 dated 8.09.2023. Enumeration of trees in non-forest land has already completed.
 - h. No non- site-specific activity has been proposed in the mining lease area. OB dump area is an integral part of the mining lease as the overburden dumped in the OB areas is to be used for the reclamation of the mining lease at the end of the mining lease period as per the provisions of the Mining Plan. Locating the OB at a distant location is not feasible scientifically, technically, environmentally and economically. The requirement of the area for the various components including OB dump has been kept at barest minimum keeping in view the geology of the area and the stripping ratio of the mine.
 - i. As stated by the user Agency, Iron ore occurs mostly in this Joda-Koira belt predominantly having good forest growth areas. Rejecting this auction block will jeopardies the future auction in the State. Since, mining is site-specific, it should be allowed with proper precautionary measures and miligative measures should be adopted to minimize the impact.
 - j. Touching upon the crucial strides made by India's Steel Sector, large-scale augmentation will be done to double the production from the present capacity of 150 million tonnes per annum to 300 million tonnes per annum by 2030, India has already emerged as the second largest steel producer in the world and our per capita steel consumption has gone up from 57 kg to 78 kg during the last nine years. To cater to the need of 300MTPA of steel production, India needs to produce around 600MTPA of Iron Ore.
- xx. In view of the above submissions made by the user agency, the PCCF & Nodal Officer, Odisha has endorsed the representation of the user agency for the consideration of the representation of the user agency subject to following conditions:
- a. The User agency has to undertake CSR and other activities and Infrastructural developments like roads, electricity, drinking water supply schools & hospitals for local communities.
 - b. The User agency has to transport the minerals as per the NEERI recommendation.
 - c. The comprehensive Action Plan (CAP) for the conservation of elephants and mitigation of Human-Elephant Conflict (HEC) in Odisha to be prepared in consultation with the State Forest Department.
 - d. The Site-Specific Wildlife Conservation Plan (SSWLCP) has to be prepared as per approved guidelines of the State Govt. Prescription like specific interventions for the protection of Forest and Wildlife, prevention of forest fire, Habitat

- Management, Mitigation of Human-Elephant Conflict, Public Awareness, Community Participation and Eco-Development activities etc. must be focused while preparing the SSWLCP.
- e. The State Government, advertiting to the submission made by the user agency and conditions recommended by the PCCF has forwarded the same to the MoEF&CC with a request to consider the representation of the user agency for reconsideration of their proposal.
- xxi. The above facts submitted by the State govt. for re-consideration of the proposal were discussed in the last Advisory committee meeting held 04.07.2024 and the AC decided to defer the proposal for seeking following information for the State Government and as well as Regional Office Bhubaneswar:
- a. The State Government shall submit a valid and cogent reasons that why a comprehensive proposal including all ancillaries activities have not been submitted in accordance with the decision of the Advisory committee meeting held on 20.10.2023.
 - b. The State Government shall provide the comments on the issues raised by the Regional Office is their SIR regarding:
 1. Studies need to be conducted on the impact of mining in Sarkunda RF on loss of habitat of wildlife including mesopredator and small mammals, movement and dispersal of elephant.
 2. Studies on impact of mining on the hydrological regime of Sarkunda RF as well as the watershed of the proposed mining lease area within 10 km zone of influence need to be undertaken.
 3. Studies on the eco-cultural linkages of the local communities with the Sarkunda Sal forest needs to be studied to find the organic link between the forest and the people of the region, which is already heavily, mined district and this forest chunk of 1901.108 ha appears to be a contiguous patch of forest in the mining dominated landscape.
 4. The RO in his SIR has also reported that agriculture patches area also seen in one corner of the plot. Here regeneration of Sal is quite good and needs adequate protection, watch and ward and fencing. Hence, instead of 1600 plants/ha over 52 ha and 1000/ha over 5 ha, a maximum of 400 plants (Sal and associates need to be planted in the CA site). The balance proposed sapling can be taken up in additional CA land. The proposal for CA needs to be revised accordingly.
 - c. CA has been proposed on 58.757 ha non-forest Govt. land (excluding 2.331 ha earmarked for Safety zone) however, equivalent NFL to the extent of the area is being proposed for diversion i.e.60.508 ha is required as per the latest guidelines issued by the Ministry in this regard.

- d. The Regional office shall examine the facts submitted by the State Government for re-consideration of the proposal and submit comments along-with specific recommendations.
 - e. DDGF, Regional Office Bhubaneswar shall make a presentation on actual status of land and the studies recommended by him in the area, with special reference to the whole mining landscape of the district.
- xxii. The State Government vide their letter no. 19127/9F (MG)-14/2023 dated 21.09.2024 received in the Ministry on 01.10.2024, has submitted information as sought vide Ministry letter dated 26.07.2024. After the discussion the Committee has noted the following:
- a. Regarding submission of the valid and cogent reasons that why a comprehensive proposal including all ancillaries activities have not been submitted, the State Govt. has informed that the proposal has been filed before 20.10.2023 i.e. 01/10/24 prior to holding of the Advisory Committee meeting and the standalone proposal was filed inadvertently because of they were not knowing the status of existing road. The same has been also vetted by DFO and RCCF concerned. This office has a view that the linear proposals for road and transmission line are in the non-lease area comprising of forest, private and Government Non-forest land. The concerned officials insists for in principle approval of the mining lease, so that they will give NOC to the user agency for filing of diversion proposal and for use of Government land, subject to necessary clearance.
 - b. The committee noted that the State Govt. has recommended that a specific study may be undertaken at landscape level, wherein the User agency also has undertaken that they will participate in the study and pay proportionately their share as and when demanded as per the advice of State Forest Department.
 - c. Further the committee noted that the State Government has informed that the study of the Groundwater Condition in both Core Zone and Buffer Zone of Dholtapahar Iron Ore Block has been carried out by MR Centre for Advance Water Technology & Management, Manav Rachna International Institute of Research & Studies, Faridabad. However, Studies on impact of mining on the hydrological regime of Sarkunda RF as well as the watershed of the proposed mining lease area within 10 km zone of influence and eco-cultural linkages of the local communities with the Sarkunda Sal forest need to be carried out with mitigative measures which are highly required. As there are 18 numbers of non-working mines; 12 number of working mines; and 2 auctioned mines located in the zone of influence, it is suggested that an institution of repute to carry out the study for the region. The User agency has undertaken to participate in the study and pay proportionately their contribution.
 - d. The committee noted that the DFO, Bonai Forest Division has reported that, the Compensatory Afforestation Scheme over 58.757 ha. of Non-Forest Govt. land identified in village San-

- Sibnathpur has been revised by taking ANR @400 seedlings per hectare which will accommodate 22,800 nos. of seedlings. The revised Compensatory Afforestation Scheme is given. Further, an area of 75.00 ha. of degraded forest land has been identified in **Kello 'B'** Reserved Forest for plantation of balance sapling of 36,543 (including the balance seedling of the SZ) for Addl. Compensatory Afforestation. The Addl. Compensatory Afforestation Scheme is given. Also the user agency has furnished an undertaking to revise the CA scheme already submitted along with the proposal as per the observation made in the SIR of DDG (Central), Regional Office, Bhubaneswar.
- e. The Committee noted that the DFO, Bonai Division has reported that an area of 2.331 ha. of non-forest Govt. land has been identified and allotted in village San-Sibnathpur under Gurundia Tahasil of Bonai Range of Bonai Forest Division by the Addl. District Magistrate, Sundargarh vide his Leucr No.6832 dt.9.8.2024 for Compensatory Afforestation in lieu of the forest land involved in Safety Zone. Accordingly, the Compensatory Afforestation Scheme has been prepared in ANR mode @500 seedlings/ha which will accommodate 1165 nos. of seedling. The C.A. scheme is given. The user agency has furnished an undertaking to pay the funds towards CA over 2.331 ha of NFL identified against the forest land involved in the SZ of the ML is given.
- xxiii. The Regional Office, Bhubaneswar Vide letter No. 5-ORA591/2023-BHU dated 07.10.2024 has submitted the comments on point no. (iv) and (v) of the last AC meeting. The DDGF (Central) RO Bhubaneswar has also given a representation before the AC meeting. The details provided by the RO are as below:
- a. The Govt. of Odisha vide letter No.FE-DIV-FLD-0030-2023-6820/FE&CC dated 09.04.2024 has submitted reconsideration proposal for diversion of 60.508 ha forest land in Dholta Pahar Iron Block for Iron Ore mining in Bonai Forest Division under Sundargarh District by M/s Kashvi Power & Steel Pvt. Ltd. to Ministry on the ground as envisaged by the User Agency. The following important reasons have been submitted for reconsideration of the proposal:
- In pursuant of the MMDR Act, 1957 and Mineral (Auction) Rules, 2015, Govt. of Odisha issued the notice inviting tender on 07.07.2021 for commencement of the auction process to grant mining lease for Dholtapahar Iron Ore Block located in Koira Tahasil of Sundargarh District. The e-auction process was conducted in accordance with the tender document and the Mineral Auction Rules, 2015 for said mineral block and M/s Kashvi Power & Steel Pvt. Ltd. was declared as preferred Bidder under Rule 9(9)(iii) or Rule 10 (A) of Mineral Auction Rules having quoted a final price offer of 126.55%. The State Govt. vide letter No.8725/IV(B)SM-52/2021 dated 28.10.2021 issued

Letter of Intent (LoI) for grant of Mining Lease for a period of 50 years.

- There are 16 Nos. of Mining leases located within a radius of 8.00 Km within which the Dholtapahar Iron Ore Mines is located.
 - Iron ore occurs mostly in this Joda-Koira belt predominantly having good forest growth areas. Rejecting this auction block will jeopardizes the future auction in the State. Mining and mineral processing are important activities that have had a major contribution to human civilization and advancement of technologies, though, both activities results also in serious environment impact. Since, mining is Site Specific, it should be allowed with proper precautionary measures and mitigative measures should be adopted to minimize the impact.
 - The Government's vision to achieve a \$5 trillion economy by 2024 entails investments worth INR 100 lakh crore in infrastructure sectors, including several steel-intensive sectors like Housing for all, 100% electrification, piped water for all etc. Steel has several inherent advantages of durability, faster completion, time reduced environment impact, and the creation of circular economy. Steel will have a crucial role to play in India's rise to a \$5 trillion economy.
- b. The DFO, Nodal Officer, PCCF and State Govt. have recommended the reconsideration proposal subject to the following conditions:
- The user agency has to undertake CSR and other activities and infrastructural developments like roads, electricity, drinking water supply, schools & hospitals for local communities.
 - The user agency has to transport the minerals as per the NEERI recommendation.
 - The Comprehensive Action Plan (CAP) for the conservation of elephants and mitigation of Human-Elephant Conflict (HEC) in Odisha to be prepared in consultation with the State Forest Department.
 - The Site-Specific Wildlife Conservation Plan (SSWLCP) has to be prepared as per approved guidelines of the State Govt. Prescription like specific interventions for the protection on Forest and Wildlife, prevention of forest fire, Habitat Management, Mitigation of Human- Elephant conflict, public Awareness, Community Participation and Eco Development activities must be focused while preparing the SSWLCP in that landscape.
- c. The comment of the Regional Office on the response of State Govt. vide letter No. 19127/9F(MG)-14/2023 dated 21.09.2024 on the points asked by the Advisory Committee meeting held on 04.07.2024 are as follows:

- RO has a view that the linear proposal for road and transmission line are in the non-lease area comprising of forest, private and Govt. non-forest land. The concerned officials insist for 'in-principle' approval of the mining lease, so that they will give NOC to user for filing of diversion proposal for use of Government land, subject to necessary clearance. So, the explanation by the State Govt. may be accepted.
 - As per the report of the State Govt. the user agency has made following studies:
 - Study of the Ground water condition in both core and buffer zone of Dholta Pahara Iron Ore Block
 - Rain Water Harvesting structure in core zone of Dholta Pahar Iron Block.
 - Study of Biodiversity in and around Dholta Pahar Iron Ore Block.
 - Study on Social Impact in both core and buffer zone of Dhalta Pahar Iron ore Block.
 - In the studies the expected impact and the mitigation measures have been prescribed.
 - The State Govt. has also stated that "as there are 18 number of non-working mines; 12 number of working mines; and 2 auction mines located in the zone influence, it suggested that an institution of repute to carry out the study on impact of mining on the hydrological regime of Sarkunda RF as well the watershed of the proposed mining lease area within 10 Km of zone of influence and eco-cultural linkage of the local communities with the Sarkunda Sal forest need to be carried out with mitigative measures.
 - This explanation appears justifiable as one mine cannot be treated in isolation. So the Site Specific study for mine to protect the left out Sarkunda forest as well as studies for the entire landscape should be conducted and mitigative as proposed should be proportionately contributed to all the mining leases holders as per the mining lease area.
- d. The State Govt. has reported that 61.088 ha of non-forest land has been identified in village San-Sibanathpur (58.757 ha + 2.331 ha) under Gurundia Tahasil of Bonai Range of Bonai Forest Division for compensatory afforestation, in lieu of 60.508 ha of forest land proposed for diversion. As per CA Schemes total 23,965 seedlings (22800 + 1165) will be accommodated over 61.088 ha of non-forest land. Further, the State Govt. has identified 75.00 ha of degraded forest land in Kello-B RF in Bonai Forest Division to accommodate the balance 36,543 seedlings. So, total 23,965 + 36,543 = 60,508 nos. of seedlings will be planted. Total 29,838 nos. of trees have enumerated over the proposed forest land. In the CA Schemes total 60,508 nos.

of seedlings will be planted. Thus, the land for land and tree for tree have been compensated in the proposal.

xxiv. Further it has been mentioned that:

- a. As per Ministry letter No.8-31/2022-FC dated 14.08.2023 a Consultative meeting was held on 17.10.2023 with the State Govt. authorities and other stakeholders including mining lessees of Netrabandh Pahar Iron Block landscape. In the meeting the representative from Ministry, Wildlife Institute of India, officials of the State Forest Department, Steel & Mines Department, State Pollution Control Board and representative of different Mining Lessees were present. During discussion it was stated in the consultative meeting that there are 17 non-working mines in that landscape. Except 2 mines which are non-operational, all other mines are non-working due to pending statutory clearances and all will be operational after getting statutory clearance. All the mines working in that area are producing minerals below their Environmental Clearance production capacity and there is possibility of expansion of the production capacity of the mines. During discussion, it was revealed that actual/suggested Sustainable Annual production in Joda-Koira Sector (Keonjhar and Sundargarh district) upto 2020-21 as follows:

Actual/Suggested Sustainable Annual Production in Joda Koira Sector (Keonjhar & Sundargarh districts) up to 2020-21:

Sl. No.	Year	Horizon	Actual/ Suggested Sustainable Annual Production (MT)	Mine Source with EC Capacity
1	2015-16	Base Year	80	Total 40 iron ore mines n Joda-Koira Sector (Keonjhar and Sundargarh districts) with total EC Capacity of 156 MTPA (already permitted/ working mines)
2	2016-17	1st year	100 (80+20) (Actual Production - 98.38 MT)	Existing 40 iron ore mines upto March 2016 (EC Capacity 156 MTPA) or Additional 20 MT from further expansion or new mines
3	2017-18	2nd Year	120/100+20)	Existing iron ore mines upto March 2017 or Additional 20 M-from further expansion or new mines
4	2018-19	3rd year	140(120+20)	Existing iron ore mines upto March 2018 or Additional 20 M- from further expansion or new mines
5	2019-20	4th year	160(140+20)	Existing iron ore mines upto March 2019 or Additional 20 M from further expansion or

				new mines
6	2020-21	5th year	180(160+20)	Existing iron ore mines upto March 2020 or Additional 20 MT from. further expansion or new mines
				2020 or Additional 20MT from further expansion or new mines.

Accordingly, by 2021, the total iron production capacity can be 201 MT (Jada Sector-100 MT, Koira Sector 74 MT, Baripada Sector-10 MT and Jajput Sector 11 MT).

As per available records, the actual production of the mines in the landscape is as follows:

Sl. No	Name of user agency	Annual Production
1	JSW Steel	2.68 MTPA
2	Tata Steel Ltd.	2.95 MTPA
3	Raga Tradecon	1 MTPA
4	Triveni Earthmovers	1.65 MTPA
5	Rungta Mines Ltd.	3.98 MTPA
	Total	12.26 MTPA

It is clear from the above table that the expected production level also less than the additional quantity suggested for further expansion by NEERI.

The present extraction of ore is below in capacity that approved in the Environment Clearance. The CSIR-NEERI Report has suggested for special emphasis for Joda-Barbil and Koira Sector which is very rich in iron ore.

- b. The Special Expert Appraisal Committee (EAC-Non Coal mining sector) in its meeting held on 12.09.2023 on "whether a cap on mining is necessitated in the case of State of Odisha and, if so, the modalities to be followed for determining such a cap" has recommended that there is no need to cap the iron ore mining in Odisha.
 - ii. Total 29,838 nos. of trees has been enumerated in the entire lease area. The number of trees with girth more than 60 cm is 19,173 and trees with girth less is 10,665.
 - iii. The proposed area is not a part of any National Park or Eco Sensitive Zone of any Protected Area. The Karo-Karampada Elephant Corridor is about 20.63 Km away from the project site.
 - iv. Some non-site specific activity has been proposed in the forest land. As the entire lease area is having forest land and all the outer boundary of the lease is also forest land so the user agency has no option than to use forest land for mining as well as activities ancillary to mining.
 - v. The DFO, Bonai has reported the density of vegetation as 0.6 and DSS analysis says that Very Dense Forest: 59 ha and Moderately Dense Forest: 01 ha. From the field verification, it was found that the area is having Very Dense Forest, Moderately Dense Forest as well as blank

area and there is an earthen road passing across the mining lease area. Though the forest is inviolate as per the DSS, but presence of 23.92 Million Tons of iron beneath the forest land gives the flexibility to the Advisory Committee to take decision as mining is a site-specific activity.

- vi. The Committee further noted the recommendation made by the DDGF (Central) RO Bhubaneswar which are as follows:
- a. This lease should also be included in the purview of the Oversight Committee constituted by Ministry vide OM No.8-96/1996-FC (Pt-I) dated 29.12.2023 to review and monitor compliance of the conditions stipulated in the approval to be granted.
 - b. There should be study on total landscape of Joda and Koira Sector by reputed organization on:- (i) Impact of mining on loss of habitat of wildlife including mesopredator and small mammals, movement and dispersal of elephant (ii) Impact of mining on hydrological regime of the area as well as the watershed of the proposed mining lease area within 10 Km zone of influence & (iii) Impact of mining on the eco-cultural linkages of the local communities with the forest. The study should be conducted, and measures suggested to address the possible impact may be implemented by proportionate contribution to all the lease holders as per their lease area.
 - c. Site Specific Wildlife Conservation Plan shall be prepared and implemented at project cost. So mitigation measures to minimize destruction of habitat of elephants and protect their movement path to be part of the Site Specific Wildlife Conservation Plan along with conservation of small mammals and their habitat.
 - d. At present in Odisha, Regional Wildlife Conservation Plan are prepared every year, there is no long term Plan. So, the Regional Wildlife Conservation Plan should be prepared at least for 10 years covering the forest Division of Sundargarh, Jharsuguda and Keonjhar Districts. It is also suggested that a Bio-diversity Conservation Plan for this entire landscape may be prepared. The above plans shall be implemented by proportionate contribution to all the lease holders as per their lease area.
 - e. The State Govt. shall prepare and implement Soil & Moisture Conservation Plan at the cost of user agency.
 - f. Removal of trees has impact on the general ecosystem. So, trees should be felled only when it is absolutely necessary after proper inspection of local DFO and in a phased manner under the supervision of State Forest Department.
 - g. The transportation of ore should be done as per the report of NEERI.
 - h. The lease area should be properly fenced so that no wildlife enters into the lease area.
 - i. No mine water should be drained to the adjoining forest land from the mine area.

- j. In CA plantation only Sal and associates of Sal of more than 18 months old seedlings should be planted. To ensure that DFO should prepare nursery accordingly to get sufficient nos. of Sal and associates seedlings of 18 months old before planting.
 - k. There is an earthen forest road about 3 Km from the Mining Lease to main road. The user agency has to take forest clearance to use this road.
- xxv. The IGF-FC and member secretary informed the committee to take note of the following important points concerning the instant proposal.
 - a. The instant proposal was rejected by the AC in its earlier meeting mainly due to the fact that the area proposed for diversion is in high conservation zone (i.e. inviolate area) as per DSS analysis and the area having very high density of forest (0.6 density) involving approximately 30,000 trees to be felled of Sal and associate species. The proposal was deliberated in the AC meeting dt. 29.11.2023, and the same was recommended for rejection.
 - b. There is presence of elephant in the area.
 - c. The regional office has reported that the proposed mining area is placed almost in the middle of the Sarkunda RF, which does not have any mining activity at present and is undisturbed housing a very good chunk of forest at this point of time and the Sarkunda RF is a contiguous and intact patch of Sal forest in the heavily mined periphery and its strategic location on an elevated area makes it vulnerable to contamination of water sources down streams in case of mining in the proposed site.
 - d. The regional office has recommended three studies (i) Impact of mining on loss of habitat of wildlife including mesopredator and small mammals, movement and dispersal of elephant (ii) Impact of mining on hydrological regime of the area as well as the watershed of the proposed mining lease area within 10 Km zone of influence & (iii) Impact of mining on the eco-cultural linkages of the local communities with the forest. It is stated that the study should be conducted, and measures suggested to address the possible impact may be implemented by proportionate contribution to all the leaseholders as per their lease area.
 - e. The proposal is not a comprehensive proposal as the proposal for requirement of transport and transmission is not included in the instant proposal, which is required as per guidelines Chapter 7, para 7.8 of the consolidated guidelines.
 - f. The Regional Office has also informed that there are two more mines that are being proposed in the same area, however no details viz. area required to be diverted and infrastructure required for the same is not available.
- xxvi. The AC member, Sh. S. D. Vora noted that as mentioned by the DDGF that the expected production level is less than the additional quantity suggested for further expansion by NEERI. The present extraction of ore is below in capacity than that is approved in the Environment Clearance. The CSIR-NEERI Report has suggested for special

emphasis for Joda-Barbil and Koira Sector that is very rich in iron ore. The Special Expert Appraisal Committee (EAC-Non Coal mining sector) in its meeting held on 12.09.2023 on "whether a cap on mining is necessitated in the case of State of Odisha and, if so, the modalities to be followed for determining such a cap" has recommended that there is no need to cap the iron ore mining in Odisha. In this regard, the member observed that though there is no cap, however, it needs to be analysed whether, the existing mines are operating to their full capacity of peak production and the mines that are not operational or closed will be not be having further production. In light of this, it has to be seen whether the proposed mining activity is required to meet the required levels of production of ore.

- xxvii. It was also noted that during the presentation the DDGF has informed that the proposal was earlier rejected mainly based on the presence of very dense forest as per the DSS report. He also stated that the area proposed for diversion have few medium density and open patches as well. However, the exact details of the vegetation density and area under MDF or Open category are not provided in the report or presentation.
- xxviii. On asked for remarks by Chairman, ADG (FC) stated that:
- a. The term 'inviolate' has been replaced with the 'very high conservation zone'. The IGF & Member Secretary may formally apprise the members of the committee, Regional Offices and the DSS team accordingly.
 - b. The AC had recommended for rejection of the proposal earlier, based on the DSS report that the area involves very dense forests. It should have given the cogent reasons along with its recommendation.
- xxix. The Committee after detailed discussion with the DDGF (RO) Bhubaneswar has noted that the area is falling in Very Dense Forest. The Ministry has rejected it earlier, therefore to consider it again the economic benefits vis-a-vis the ecological concerns are required to be examined in detail.
- xxx. Further, the Committee noted that the area is not part of any PA/WL Sanctuary; however, the movement of the elephants is reported in the area. The CWLW has submitted his comments, however keeping in view the importance of the area specific recommendations of the CWLW may also be asked.
4. **Decision of the advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneshwar and Nodal Officer, Govt. of Odisha, the Committee decided to defer the proposal for seeking the following information from the State Government and from the Regional Office Bhubaneswar:
- i. The Regional Office shall examine the economic benefits vis-a-vis the ecological concerns pertaining to the proposal in light of the observations made in the advisory committee meeting and submit a detailed report in consultation with the State Govt. A detailed justification shall be submitted for reconsidering or not reconsidering

- the proposal since Advisory Committee recommended to reject the instant proposal in its meeting dated 29.11.2023.
- ii. The State Govt. shall submit specific recommendations of the CWLW, keeping in view the elephant movement and biodiversity richness in the project area.

Agenda No. 4

F. No. 8-143/1989-FC (Vol)

Sub: Proposal for seeking prior approval of the Central government under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Mahanadi Coal Field Limited (MCL) for non-forestry use of 193.845 ha forest land within Mining Lease area over 1265.00 hectare of Balram Open Cast Expansion (15 MTY) Coal Block of MCL under Angul Forest Division of Angul District, Odisha (Online Proposal No. FP/OR/MIN/ 59166/2020)

5. The above-mentioned subject proposal was considered by the Advisory Committee (AC) in its meeting held on 06.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The PCCF cum Nodal Officer, Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
6. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
7. The Advisory Committee after through deliberation and discussion observed that:
 - i. The proposal is for expansion. Earlier the Ministry vide letter No. 8-143/1989-FC dated 28.09.1990 read with the letter dated 29.09.1990 has accorded a proposal for diversion of 85.201 ha (Originally proposed 98.26 ha) of forest land in the name of Kalinga Open Cast Coal Mining Project.
 - ii. Now the State Government's vide letter dated 30.09.2023 has submitted the proposal for non-forestry use of 193.845 ha forest land within Mining Lease area over 1265.00 hectare of Balram Open Cast Expansion (15 MTY) Coal Block of MCL under Angul Forest Division of Angul District, Odisha.
 - iii. The total Forest land involved in the Balaram expansion OCP is 193.845 ha. The legal status of the proposed forest land is Reserve Forest (149.62 ha) and Revenue Forest (0.129 ha) and DLC forest (44.096 ha). The density of vegetation is 0.4 with Eco-Class-III. There are 5,256 trees have been enumerated for felling and 4,73,498 bamboo have also been enumerated.
 - iv. As per the information provided by the DFO in online Part-II under column 8 (i) following wildlife species are there: Wild Boar (*Sus scrofa*), Barking Deer (*Muntiacus*), Indian Hare (*Leporidae*), Langur (*Semnopithecus*), Jackal (*Canis aureus*) & Indian penfowl (*Pavocristatus*), Blue jay (*Cyanocitta cristata*), Egretta (*novaehollandiae*), Kingfisher (*Alcedinidae*), Drongo (*Dicruridae*).

- v. The Committee noted that the MCL being a central public sector undertaking twice degraded forest land i.e. 387.332 ha required for CA against the proposed diversion of forest land of 193.845 ha. Degraded forest land has been identified in Mahavir Road Range of Dhenkanal Forest Division in Dhenkanal District. Out of which, 270.452 ha DFL identified in Dolia R.F and 116.88 ha DFL identified in Anantapur R.F in two patches. Both the sites are suitable to take up CA plantation @ 1000 seedlings per ha. The State has also informed that the MoEF&CC, Gol while granting Stage-1 approval for Utkal-E Coal Block of M/s NALCO in Angul District dt. 12.03.2021 has laid some conditions to be fulfilled by NALCO as well as the other user agencies applying for coal mines in Talcher tract. The conditions are laid down in Conditions- (A-1) that "Twice notified degraded forest land can be accepted for CA on the following conditions:
- State Government issues a certificate that degraded forest land outside notified forests is not available for CA purpose, and
 - Nodal officer certifies that no afforestation/ plantation have been taken up under any plan/ programme in the degraded notified forest areas proposed for CA in the last 10 years.
- vi. The DFO, Angul has accepted the identified degraded notified forest for CA as the user agency has given a proposal stating that within 10 years from grant of forest clearance, it will hand over non-forest afforested equivalent forest area proposed for diversion in MCL mines area of Odisha. The user agency has furnished an undertaking duly signed by the DFO, Angul wherein it was undertaken to hand over the exact extent of afforested non-forest land against the proposed forest land for diversion after 10 years of getting Stage-II approval of the applied project.
- vii. In compliance to the EDS, the user agency i.e., G.M. Hingula Area has submitted the KML file and Plan of the proposed year wise mined out non-forest area to be biologically reclaimed as per the undertaking and to hand over the exact non-forest biologically reclaimed area after 10 years of getting Stage-II approval against the area proposed for diversion. The year wise detail is as follows:

Year	Area (Ha)
1st	14.000
2nd	14.000
3rd	16.000
4th	16.000
5 th	16.000
6 th	20.000
7th	20.000
8 th	25.000
9th	25.000
10th	27.845
Total	193.845

- viii. As per the Site Inspection Report of the DFO, Angul, total 3715 families will be displaced due implementation of the project, out of which SC family is 03 nos., ST family of 267 nos. and other family is 3445 nos. However, no displacement is required from the forest area involved in the project. The user agency has furnished the details of the displacement enclosed in the diversion proposal.
- ix. The cost of forest Diversion is assessed as 51872.2133 lakhs and Benefit of the project is estimated at 92,73,616.5098 lakhs. The cost-Benefit ratio comes to 1:178.778.
- x. The Balaram OCP is an opencast expansion (15MTY) mine located in Talcher Tahasil of Angul District in Odisha State. It is the renaming of erstwhile Kalinga OCP of 08 MTY. The functional directors of MCL in its 154th meeting held on 10.04.2006 deliberated on the subject of change of name of Kalinga OCP in detail and in consideration of the facts and circumstances highlighted in the proposed note and based on the clarification offered during deliberation, approved the proposal to change the name of Kalinga OCP as Balaram OCP placing the same under administrative control of Hingula Area with immediate effect. This was further decided to convey the change of name to MCL board, CIL and Ministry of Coal, GoI, Board of directors of MCL Board in its 81st Board meeting held on 26.06.2006 at Kolkata changed the name of erstwhile Kalinga OCP (08 MTY) as Balaram OCP in Angul district of Odisha in accordance with the decision of the Board of functional directors held on 10.04.2006. Accordingly, MCL, Sambalpur vide its Office Order No.MCL/HQ/EE/2006/4971 dt. 11.04.2006 changed the name Of Kalinga OCP to Balaram OCP.
- xi. Kalinga OCP of 8 MPTA capacity (renamed as Balaram OCP in 2005-2006) was opened in 1991 to supply coal to North Madras and Tuticorin power house by rail.
- xii. Balaram expansion OCP, formed by combining Kalinga East and Kalinga west blocks (seams), lies on the south of central part of Talcher Coalfield of MCL. In the meeting taken by D (T/P&D), MCL with CMPDIL, vide minutes of the meeting ref. No. MCL/SBP/CGM (CP&P)/2008/861 dt.18.12.2008, it was decided that a combined expansion report will be prepared by CMPIDL during 2009-10 comprising of left out portion of Kalinga east/ west (seams) and part of Konark block (seam). Later, it was decided by MCL to attach a virgin portion of Kalinga East spreading over villages like Banabaspur, Telipur, Solada, Satyabadipur, Gopalaprasad Khamar, Birabarpur & Khuringa of Angul Tahasils of Angul District. These are seven villages affected by the expansion project excluding villages affected by Balaram 8 MTY and its extension.
- xiii. The total mining lease area of the instant project is 1265.00 ha. Out of which 193.845 ha is forest land and 1071.155 ha is non-forest land.
- xiv. Coal India Limited Board in its 405th Board meeting approved Balaram expansion OCP for rated capacity of 15MTY with dovetailing the Balaram extension OCP (8MTY) to take the project forward.
- xv. Implementation of proposed Balaram Expansion OCP (15MTY) will require 2779.00 ha of total lease area. Out of which 2574.00 ha of land is required for its operation (mining lease). The lease area consists of

Government land, Private land and Forest land. The total lease area includes the area required for actual excavation, blasting zone, other infrastructural facilities etc. in addition to 205 ha of land for R&R colony and others. The balance land requirement for the expansion area have been estimated as 1265.00 ha mining lease and 1309.00 ha as total lease, which is over and above the land already envisaged in approval P.R and E.O of Balaram OCP (8MTY).

- xvi. The project has been planned for a targeted production of 15.0 MT of coal per annum. The total mineable reserves of 712.134 MT have been estimated as on 01.04.2020 within the proposed quarry boundaries. With these mineable reserves, the life of the proposed Balaram Expansion OCP has been estimated as 49 years for a rated capacity of 15.0 MTPA.
- xvii. There are 09 nos. of villages affected by the Expansion project (excluding villages affected by Balaram OCP 8 MTPA and its expansion) as per the revised approved mining plan. Those villages are Banabaspur, Telipur, Solada, Satyabadipur, Gopalprasad Khamar, Birabarpur and Khuringa. A comparative table showing the land involved in the existing 8 MTPA Balaram OCP and the total land required for the 15 MTPA Balaram expansion OCP furnished below:

Pattern	Existing 8MTY OCP	Additional Increment	Proposed 15MTY OCP
Capacity	8 MTY	7 MTPA	15 MTPA
Total Project Area	1380 Ha	1399 Ha	2779 MTPA
Mine Lease Area	1309 Ha	1265 Ha	2574 Ha
Forest Area	85.201 Ha	193.845 Ha	278.855 Ha
Non-Forest Area	1223.99 Ha	1071.155 Ha	2295.145 Ha

- xviii. No person will be displaced in the forest area of the applied project. However, 3715 families will be displaced from the non-forest area involved in the project. These affected families will be settled as per R&R policy of State of Odisha.
- xix. The total extractable Coal reserve of this project is about 712.21 million tonnes including 111.261 million tons in forest land of 193.845 ha. The annual production of the project is around 15 million tonnes. There is total 19 nos. seams including splits with the thickness of Coal seams ranging from 0.3m to 22m and located at a depth between 10.0 m to 270 m.
- xx. Regarding safety zone, it has been informed that the area along the forest area proposed for diversion is coming out to be 1.851 ha. Balaram OCP, Hingula area, MCL agrees to pay the cost of protection and regeneration of safety zone area and also for cost of raising plantation to the tune of 1.5 times of the safety zone area in 2.776 ha, in degraded forest land.
- xxi. The land has been acquired through Gazette Notification by Government of India in different phases commencing from 10.05.1989 to 29.03.2016 for Kalinga OCP and subsequently for

its expansion and later on Balaram OCP and expansion etc. The copy of the Gazette Notification involving lands of various villages acquired are given. Total 2047 ha land has been allotted involving 526.083 ha forest land. MCL has acquired 1265.00 ha land out of allotted land for the present project involving 193.845 ha forest land in 9 villages.

- xxii. Item-wise break-up of the land required for the Balaram expansion OCP (15MTY) Coal block of Mahanadi Coalfield Limited as per approved mining plan.

Pattern of utilisation	Reserved forest land in ha	Rev. forest land in ha	DLC forest land in ha	Total forest land in ha	Non-forest land in ha	Total land in ha
Mining excavation	148.156	0.053	38.556	186.765	1008.935	1195.70
Safety zone 7.5 mt.	1.464	0	0.387	1.851	7.449	9.30
Infrastructure	0	0.077	5.152	5.229	54.771	60.00
Total	149.62	0.130	44.095	193.845	1071.155	1265.00

- xxiii. As per the approved mining plan 1265.00 ha land has been set aside for different pattern of utilization including use of proposed 193.845 ha of forest land. Pattern of utilization of land given by the DFO, Angul in his site inspection report has been rectified changing safety zone area from 1.467 ha to 1.851 ha and accordingly excavation area has been calculated.
- xxiv. In land use pattern "Infrastructure" it is proposed to utilise 5.229 ha of forest land. It is clarified by the UA that out of 5.229 ha, 3.1 ha will be utilised for a railway line proposed from Subhadra OCP to Angul Railway station and remaining 2.129 ha of forest land are in scattered patches in which a pipe conveyor is proposed to be constructed in future.
- xxv. As per the chapter-9 of the approved mining plan, Safety Zone for Mining operation has been mentioned as 1.851 ha in forest area and 7.449 ha in non-forest land, in Total 9.30 ha.
- xxvi. The Committee further noted that the Company Secretary of MCL vide its letter No. MCL/SBP/CS/BD-226/ Exct /2020/11151 dt.29.08.2020 has furnished the extract of the 226th meeting of Board of Directors of MCL wherein approval for the Balaram Expansion OCP (15Mty) has been approved affixed on the cover page of the mining plan. The Mining plan including mining closer plan has been approved by the Board of Directors. Subsequently mining plan has been modified and one corrigendum in this regard has been passed in the meeting of Board of Directors of MCL in its 227th meeting held on 17.11.2020. The mining plan and mining closure plan has been approved by the Ministry of Coal vide letter No.34012/(04)/2011-CPAM dt.09.03.2016.
- xxvii. The Committee noted that the DFO, Angul keeping in view the presence of wildlife in the applied area and its surrounding has recommended for a Site-Specific Wildlife Conservation Plan. The user agency has furnished an undertaking to prepare a SSWLCP

- for the project and got it approved by the PCCF (WL), Odisha. Further, the user agency undertakes to pay the funds for implementation of Regional Wildlife Management Plan.
- xxviii. The committee further noted that the RO Bhubaneswar has carried out the site inspection report in the instant proposal and recommended the proposal with standard general conditions and observation made during site inspection. The user agency should hand over the already biologically reclaimed area to the Forest Department and also biological reclamation should be done in a phased manner as per the Mining Plan and after reclamation it should also be handed over to the Forest Department.
- xxix. Further, the committee noted that the RO has also provided the monitoring report of the conditions stipulated in the previous approval. As per the monitoring report the CA land is yet to be notified as protected forest as per the condition no. (ii) of approval letter dated 28.09.1990. This needs to be done by the State Govt. However, the DFO, Rourkela Division has already submitted the draft Notification Proposal to the PCCF (Nodal) vide his Office Memo No. 7698 dt.26.7.2024. The draft proposal submitted by the DFO, Rourkela division has been finally submitted to the Forest, Environment & Climate Change Department, Government of Odisha.
- xxx. Further, the committee noted that regarding the change in the name of the proposal from Kalinga OCP to Balram OCP the State Government has informed that G.M. Hingula Area submitted that the change of name was approved by the Board of Directors through an office order, with no change in ownership. As per SIR the RO has informed that in the year 1990, approval for diversion of 85.201 ha of forest land was given in favour of Kalinga OPC of M/s MCL. The Board of Director of MCL in its 81st meeting held on 26.06.2006 has changed the name of Kalinga OCP to Balram OCP. In this regard the committee noted that the primary User Agency was SECL and later the MCL was formed. Both PSUs are the subsidiary of the Coal India Ltd. Therefore, there is no change in the ownership was not done.
- xxxi. The Committee noted that as per the DSS report out of total area proposed for compensatory afforestation, 25 ha of land is classified as very dense forest, 74 ha as moderately dense forest and 69 ha as open forest in terms of forest classes (as per the ISFR 2021) based on the interpretation of satellite data period 2019-2020. However, as per the SIR the entire identified land comes under open forest category. The total area of DFL 387.332 ha for CA scheme shall be covered under AR plantation with 1000 plants per hectare. The site suitability certificate for raising CA over 387.332 ha degraded forest land has been furnished by DFO, Dhenkanal. The Committee observed that the MDF and VDF areas as per DSS need to be re-examined and in case it is not possible to accommodate the requisite plants in the said areas then alternate 99ha area shall be provided for Compensatory Afforestation.
- xxxii. As per information submitted by the state it has also been mentioned that total 2047 ha land has been allotted involving 526.083 ha forest land has been allotted for the project. Keeping the same in view

there is a need for the State and the user agency to reconcile the total area of the coal block and submit a detailed report with exact extent of forest land involved along with the detail of approvals obtained.

xxxiii. The Committee noted that the Regional Office in their SIR has reported that Bangaru Jhor flows from South West to North East and another Singada Jhor flows in adjacent to north-western boundary of the block. The mining project will affect the catchment of two rivulets. So there is a need for soil and moisture conservation measures in the catchment of this river and the forest lands in and around the proposed site. No excavated materials/mine water shall be discharged into the natural rivulets/rivers.

8. **Decision of the Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and Nodal Officer, Govt. of Odisha, the Committee recommended '*in-principle*' approval in favour of Mahanadi Coal Field Limited (MCL) for non-forestry use of 193.845 ha forest land within Mining Lease area over 1265.00 hectare of Balram Open Cast Expansion (15 MTY) Coal Block of MCL under Angul Forest Division of Angul District, Odisha subject to the General, Standard and following specific conditions:

- i. The State Govt. shall notify the non-forest land provided for CA in lieu of the forest land diversion proposal of 85.201 ha (approved vide letter dated 28.09.1990) as protected forest and submit the copy of notification.
- ii. The areas proposed for CA which are in the category of MDF and VDF as per DSS analysis shall be revisited and in case it is not possible to accommodate the requisite plants in the said areas then alternate 99 ha area shall be provided for Compensatory Afforestation with all requisite details.
- iii. The State Govt. shall prepare the soil and moisture conservation measures at the cost of the UA in the catchment of Bangaru Jhor which flows from South West to North East and Singada Jhor which flows adjacent to north-western boundary of the block and the forest land in and around the proposed site.
- iv. The State Govt. shall ensure that no excavated materials/mine water shall be discharged into the natural rivulets/rivers and a green belt of 50 meters shall be maintained along the rivulets as per guidelines.
- v. The State/UA shall submit the proposal for the change in the name of the user agency in case of diversion of 85.201 ha forest land which was accorded approval by the Ministry vide letter dated 28.09.1990.
- vi. As per information submitted by the state it has also been mentioned that total 2047 ha land has been allotted involving 526.083 ha forest land has been allotted for the project. Keeping the same in view the State and the user agency shall reconcile the total area of the coal block and submit a detailed report with exact extent of forest land involved along with the detail of approvals obtained in the past.
- vii. The State Govt. shall ensure that the proposed reclaimed mined out non-forest area shall be surrendered to the State Forest Department as per the given schedule.

Agenda No. 5

F. No. 5-ORC592/2023-BHU

Sub: Proposal for seeking "ex-post facto approval involving violation of the provisions of the Adhinyam" under Section 2 1 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 for non-forestry use of 30.469 ha (Phulbani Division 19.563 ha + Boudh Division 10.906 ha) of forest land for construction of 132/33 KV DC line on DC tower from existing 132/33 KV Phulbani Grid Sub-Station to 132/33 KV Grid Sub-Station at Boudh by OPTCL, Angul, Odisha (Online Proposal No. FP/OR/TRANS/149711/2021)

1. The above-mentioned subject proposal was considered by the Advisory Committee (AC) in its meeting held on 06.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The PCCF cum Nodal Officer, Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. Being a linear category proposal it was being dealt at RO level. The State Govt. vide letter No. FE-DIV-FLD-0072-202316851 has submitted this proposal to RO on 08.08.2023. In the meantime the Ministry has amended the Rules and as per the provisions of the Rules 10 (2) (v) of Van (Sanrakshan Evam Samvardhan) Rules 2023: (v) "*ex-post facto approval involving violation of the provisions of the Adhinyam*". Accordingly the the Regional Office, Bhubaneswar has submitted the instant proposal to the Ministry for further action.
 - ii. The proposal relates to the construction of 132 KV DC Line on DC Tower from existing 132/33 KV Phulbani, Kandhamal district Grid Sub-Station to 132/33 KV Grid Sub-Station at Boudh, Boudh district of Odisha.
 - iii. That the State Govt. has informed that the proposed 132 KV Boudh-Phulbani DC line (65.374 Km) can be connected to the system from existing 132/33 KV Sub-Station at Boudh to 132/33 KV Grid Sub-station at Phulbani for system strengthening purpose. The proposed 132 KV transmission line project will provide evacuation path from 132/33 KV Grid Sub-Station at Phulbani to 132/33 KV Grid Sub-Station at Boudh. Presently Phulbani area is drawing power from 132 KV Sub-Station at Bhanjanagar in single circuit. There is no alternate power supply to Phulbani. Commissioning of proposed 132 KV Boudh-Phulbani D.C. line will ensure steady reliable power supply and eradicate low voltage problem not only at Phulbani but also nearby area of Phulbani town. The proposed 132 KV transmission line is

passing through Forest Divisions of Boudh and Phulbani of Boudh and Kandhamal districts respectively.

- iv. The State Govt. informed that OPTCL is a Govt. of Odisha undertaking organization. This proposal is formulated to supply power from 132 KV Grid Sub-Station at Boudh to 132/33 KV Grid Sub-Station at Phulbani Township and adjoining areas in Kandhamal and District over a distance of 65.374 Km. In order to eradicate low voltage problem in the southern part of Odisha, it is felt essential for construction of 132 KV DC line on DC Tower from existing Phulbani Grid Sub-Station to 132/33 KV Boudh Grid Sub-Station at Boudh and 02 nos. feeder by extension at Phulbani Grid Sub-Station and 02 nos. of feeder by extensions at Boudh Grid Sub-Station. This project is meant for uninterrupted reliable and quality power supply in the district of Kandhamal and Boudh. This project will also help in improving irrigation, agriculture, industry and other small scale industries which will improve standard of the public. It is informed that all possible alternatives have been explored to reduce the area of forest land, avoiding thickly populated villages and thickly forest area before finalization of the selection route. The area was studied thoroughly and found that other routes are having high impact on forest areas. The suitable route is Route-III of the transmission line. The user agency has explored following three alternatives for this project.
- Route-I:** The length of the transmission line is about 59.961 Km and having 81 Angles points. This route involved total forest area of 57.773 ha including 14.785 ha Reserved Forest and passing through Ranipathar RF, Donga RF and Bankamundi RF.
- Route-II:** The length of the transmission line is about 64.652 Km and having 93 Angles points. This route involved total forest area of 37.941 ha including 8.458 ha Reserved Forest and passing through Khaumunda RF, Donga RF and Sudrukumpa RF.
- Route-III:** The length of the transmission line is about 65.374 Km and having 77 Angles points. This route involved total forest area of 30.469 ha including 5.476 ha Reserved Forest and passing through Donga RF.
- v. The total **3538 nos. of trees** have been enumerated over the proposed forest land. Further, 3749 nos. of trees have been enumerated over the non-forest land involved in this project. The Division wise tree enumerated over forest and non-forest land is furnished below:

Division	No. of trees enumerated			No. of trees over non-forest	Grand Total
	Rev. Forest	R.F.	Total		
Phulbani	2186	1209	3395	3398	6793
Boudh	143	0	143	351	494
Total	2329	1209	3538	3749	7287

- vi. The DFOs have reported that the applied does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve,

Elephant Corridor etc. No National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor, Wildlife Migration Corridor is located within 1 Km from the boundary of the forest land proposed for diversion.

- vii. There is no archaeological monument/heritage site/defence establishment located in the applied area. The DFOs of Phulbani and Boudh Division have reported that the applied forest area ha is unavoidable and barest minimum required for the project. The DFO, Phulbani has reported that no violation has been committed by the user agency under FC Act, 1980. However, the DFO, Boudh has reported that the construction of transmission line on tower has been completed in the Revenue Forest area to be diverted since one month, although there is no damage to the forest.
- viii. The DFO, Boudh in his Memo No.3568 dated 21.06.2023 addressed to RCCF, Berhampur has intimated that the violation was committed by the then Dy. General Manager (Elect), EHT Division, Angul Shri Prafulla Kumar Pati. The DFO, Boudh has furnished Geo co-ordinates of 10 nos. of towers constructed within the forest land.
- ix. In lieu of 30.469 ha of forest land proposed for diversion for this project, State Govt. has identified twice degraded forest land over 61.00 ha in Bankud RF under Patnagarh Forest Range of Bolangir Forest Division for raising Compensatory Afforestation. The DFO, Phulbani has furnished site suitability certificate.
- x. The project involves 176.512 ha of land, out of which forest land is 30.469 ha and non-forest land is 146.043 ha. Total towers to be erected in both forest and non-forest land is 248 nos. Out of which 45 nos. of towers are proposed to be erected in forest land. The length of the proposed transmission line is 65.676 Km. Out of which 27.698 Kms is proposed in Boudh Forest Division and 37.676 Km is proposed in Phulbani Forest Division. The length of the transmission line in forest area of Boudh Forest Division is 4.040 Km and 7.245 Km in Phulbani Forest Division. Out of total 30.469 ha of forest land involved in this project, 19.563 ha of forest land is in Phulbani Forest Division and 10.906 ha of forest land in Boudh Forest Division. The authenticated land schedule of forest and non-forest land as on 25.10.1980 duly signed by concerned Tahasildars and DFOs are furnished. The Division wise forest and non-forest land involved in this project is given below:

Forest Division	Forest Area (in ha)			Non-forest Area (in ha)			Grand Total (in ha)
	RF	Revenue Forest	Total	Govt.	Private	Total	
Phulbani	5.476	14.087	19.563	29.227	52.938	82.165	101.728
Boudh	0	10.906	10.906	13.466	50.412	63.878	74.784
Total	5.476	24.993	30.469	42.693	103.350	146.043	176.512

- xi. The purpose wise utilization of forest and non-forest land in Phulbani and Boudh Forest Division is furnished below:

Sl.	Purpose of	PHULBANI FOREST DIVISION
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No.	utilization						
		Forest land		Non-forest land		Total land	
		No. of Towers/Length	Forest land (in ha)	No. of Towers/Length	Non-forest (in ha)	No. of Towers/Length	Total Area (in ha)
1	Towers	37 nos.	0.277	108 nos.	0.485	145 nos.	0.765
2	Transmission line	7.245 Km	19.286	30.431 Km	81.680	37.676 Km	100.963
Total Area (in ha)		19.563		82.165		101.728	
Sl. No.	Purpose of utilization	BOUDH FOREST DIVISION					
		Forest land		Non-forest land		Total land	
		No. of Towers/Length	Forest land (in ha)	No. of Towers/Length	Non-forest (in ha)	No. of Towers/Length	Total Area (in ha)
1	Towers	08 nos.	0.040	95 nos.	0.432	103 nos.	0.472
2	Transmission line	4.040 Km	10.866	23.685 Km	63.446	27.698 Km	74.312
Total Area (in ha)		10.906		63.878		74.784	

- xii. In lieu of 30.469 ha of forest land proposed for diversion for this project, State Govt. has identified twice degraded forest land over 61.00 ha in Bankud RF under Patnagarh Forest Range of Bolangir Forest Division for raising Compensatory Afforestation. The DFO, Phulbani has furnished land suitability certificate. The DFO, Phulbani has prepared CA Scheme with a provision of ANR plantation @ 500 seedlings per hectare over 61.00 ha of degraded forest land. A calendar of pre-planting, planting and post planting operation along with rising of nursery has been prepared and incorporated in the prepared C.A. Scheme. To protect the plantation from grazing and other biotic interference, it is proposed to fence the plantation with bamboo twigs & thorns along the periphery over 4650 rmt. For watering, solar system fitted with bore well module has been adopted. Beside this SMC work over the entire planted area is also proposed. The PCCF (Nodal), Odisha has technically approved the C.A. Scheme with a total financial outlay of ₹1,88,02,100/-The copy of approved C.A. Scheme has been furnished.
- xiii. The State Govt. reported that Environment Clearance is not required for the project being linear project as per MoEF, Govt. of India Notification, 2006 in accordance with the guideline F.No.11-48/2002-FC (Pt.) dated 04.07.2014.
- xiv. The State Govt. has informed that the project does not involve displacement of any human habitation. Hence, resettlement and rehabilitation plan are not required.
- xv. The State Govt. reported that although it is a linear project but involves forest land more than 20 ha. Hence, cost benefit analysis is required for the applied project. The cost of the forest proposed for diversion has been assessed by the DFO, Phulbani and DFO, Boudh as

₹524.905 Lakh. The user agency estimated the benefit of the project as ₹2236.771 Lakh. The Cost Benefit ratio comes to 1 : 4.261.

- xvi. The proposal has been examined on DSS. As per DSS report, the user agency has constructed 30 nos. of towers in forest land without forest clearance. The finding of the DSS analysis are as follows:
- Proposed forest land for diversion falls under Boudh and Phulabani districts of Odisha State and its area (software-calculated) is found to be 29.426 ha.
 - As per the DSS, there is no Wildlife sanctuary, National park, Tiger reserve and Tiger corridor is located within 10 Km distance from the proposed forest land for diversion.
 - Observation based on Google Earth: Encroachment in the form of cultivation land is visible in the proposed forest patches.
 - Proposed forest area in the extant proposal falls under Not-in-High Conservation Value (HCV) Zone as per Decision Rule 2. However, as per Decision Rule 1 proposed area falls in High Conservation Value Zone due to Hydrological rule.
 - Forest Cover: Out of total proposed area, 2 ha of land is classified as very dense forest, 8 ha as moderately dense forest, 5 ha as open forest, 1 ha as scrub and 14 ha as Non-forest (land without tree cover) in terms of forest classes (as per the ISFR 2021) based on the interpretation of satellite data period 2019-2020.
 - Compensatory afforestation has been proposed over degraded forest land (as per the Recorded Forest Area (RF/PF) boundary available in DSS) and its area (software-calculated) is found 61.179 ha.
 - Forest Cover: as per the ISFR 2021 based on the interpretation of satellite data period 2019-2020. The density details of the proposed CA is given below:

S. No.	Name of CA site	Map area (ha)	Software calculated area (ha)	VDF	MDF	OF	Scrub	Non-Forest
1	Patch -1	61	61.179	0	0	28	2	32

- xvii. Observation based on Google Earth imagery: no encroachment is visible proposed CA land.
- xviii. The proposal was discussed in the REC meeting held on 29.08.2023. The DFO, Boudh reported that the construction of transmission line on tower has been completed in the Revenue forest area to be diverted since one month without forest clearance. The DFO, Boudh has furnished Geo co-ordinates of 10 nos. of towers constructed within the forest land. The DFO, Phulbani has reported that no violation has been committed by the user agency under FC Act, 1980. However, as per DSS analysis the user agency has constructed 30 nos. of towers in forest land without forest clearance. Out of 30 towers erected, 11 towers are in Boudh Division and 19 nos. of towers are in Phulbani

- Division. The Committee decided to defer the proposal and seek information from the State Govt. on the certain points.
- xix. The Committee further noted that the proposal was again discussed in the REC meeting held on 27.02.2024. The Committee decided to recommend the proposal to Ministry for approval with following conditions:
- a. Penal CA over non-forest/ revenue forest land five (5) times to the extent of forest land used for non-forest activities for violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall be carried out by the State Govt. at the project cost.
 - b. State Govt. shall realize Penal NPV of five (5) times of the NPV plus 12% simple interest from the user agency for violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- xx. As per the provisions of the rule 10(2)(iv) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, the proposal has been submitted by the Regional Office to the MoEF&CC for its further approval, along with the recommendation of the Regional Empowered Committee.
- xxi. After examination of the proposal, Ministry vide letter dated 24.04.2024 requested the Regional Office, Bhubaneswar to carry out site inspection of the proposal.
- xxii. The Regional Office, Bhubaneswar vide their letter no. 5-ORC592/2023-BHU dated 23.10.2024 submitted Site Inspection Report in response to Ministry's letter dated 24.04.2024. The DDGF (Central) RO Bhubaneswar has recommended the proposal subject to the following observations:
- a. The instant proposal is for diversion of 30.469 ha of forest land for construction of transmission line in favour of Odisha Power Transmission Corporation Limited (OPTCL) a State Public Sector Undertaking. The proposal involves violation of FC Act, 1980.
 - b. The site inspection of the above project was carried out by Dr. Padma Mahanti, DIGF (Central). As per the site inspection report 18 towers in Phulbani Division and 9 towers in Boudh Division has been constructed without prior approval of Central Govt. The exact area where construction has been done need to be calculated by the DFO before raising demand for CA and Penal CA.
 - c. Three towers also have been constructed which is not in the proposed alignment. **The DFO could not clearly explained about the legal status of the land where these 3 towers have been constructed.** The DFO need to verify these construction and necessary action may be taken, if it is found in the forest land.
 - d. The State Govt. has reported that the concerned Tahasildars have initiated encroachment case against the erring OPTCL officials under OPLE Act, 1972
 - e. The proposal is recommended with the condition that 5 times Penal NPV, Penal CA may be imposed for unauthorized use of forest land and action against erring officials may be initiated by the State Govt. besides the general standard conditions.

- f. The DFO should calculate the exact area of violation as reported by DIGF before making demand for CA and Penal CA.

The proposal being a public utility project is recommended with aforesaid conditions.

4. **Decision of the Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and Nodal Officer, Govt. of Odisha, the Committee recommended **'in-principle'** approval for non-forestry use of 30.469 ha (Phulbani Division 19.563 ha + Boudh Division 10.906 ha) of forest land for construction of 132/33 KV DC line on DC tower from existing 132/33 KV Phulbani Grid Sub-Station to 132/33 KV Grid Sub-Station at Boudh by OPTCL, Angul, Odisha subject to the General, Standard and following specific conditions:
- i. The State Govt. shall take action against the erring official under section 3A/3B of the Adhinyam.
 - ii. The State Govt. shall realize Penal NPV of forest land per ha per each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to 5 times the NPV plus 12% simple interest from the date of raising of such demand till the deposit is made.
 - iii. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.
 - iv. The State Govt. shall determine the exact area under the violation at the time of the submission of the compliance and accordingly the penal NPV shall also be deposited.

Agenda No. 6

F. No. No.5-ORA487/2021-BHU

Sub: Proposal for seeking ex-post facto approval involving violation of the provisions of the Adhinyam under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 for non-forestry use of 48.782 ha of forest land for construction of 220 KV LILO Transmission line from existing LoC No. 70 of 220 KV Malkangiri – Balimela Transmission line to existing 220/33 KV Grid S/S Khairput, Gobindapalli under Malkangiri Forest Division in Malkangiri District by OPTCL, EHT Construction Division, Jeypore, Odisha (Online Proposal No. FP/OR/TRANS/50828/2020)

1. The above-mentioned subject proposal was considered by the Advisory Committee (AC) in its meeting held on 06.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The PCCF cum Nodal Officer, Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. Committee was also apprised of the

relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.

3. The Advisory Committee after through deliberation and discussion observed that:
- i. Being a linear category proposal it was being dealt at RO level. The State Govt. vide letter No. FE-DIV-FLD-0157-2021-2337 has submitted this proposal to RO on 03.12.2021. In the meantime the Ministry has amended the Rules and as per the provisions of the Rules 10 (2) (v) of Van (Sanrakshan Evam Samvardhan) Rules 2023: (v) "*ex-post facto approval involving violation of the provisions of the Adhinyam*". Accordingly the Regional Office, Bhubaneswar has submitted the instant proposal to the Ministry for further action.
 - ii. The Committee noted that the proposal relates to the Construction of 220 KV LILO Transmission line from existing LoC No.70 of 220 KV Malkangiri – Balimela Transmission line to existing 220/33 KV Grid S/S Khairput, Gobindapalli.
 - iii. The proposed forest land is 48.782 ha under the Malkangiri Forest Division and District of Odisha. The legal status of the proposed forest land is PRF and revenue forest land. The vegetation of the density is 0.5 (Eco Class -III).
 - iv. The State Govt. has reported that 1380 nos. of trees have been enumerated out of which 885 trees are to be felled and 495 trees are to be pruned. In non-forest land 1158 nos. of trees have been enumerated, out of which 698 trees are to be felled and 460 trees are to be felled. In total 2358 nos. of trees have been enumerated over forest and non-forest land, out of which 1583 trees are to be felled and 955 trees are to be pruned.
 - v. The DFO, Malkangiri has reported that the forest area is not vulnerable, not part of seriously eroded area. The approximate distance of proposed site for diversion is 0.2 Km from boundary of forest. The State Govt. has reported that the applied area does not form a part of any National Park/Wildlife Sanctuary/Biosphere Reserve/Tiger Reserve/ Elephant Corridor. The proposed site for the project does comes under Eco-sensitive zone of Protected area. No rare/endangered or unique species of flora and fauna are found in the area. The common floral species found in the applied area are Acacia, Amla, Ankula, Arjuna, Bada Chakunda, Bahada, Bandhan, Bara, Bela, Bija, Chakunda, Char, Daman, Gambhari, Harida, Jamba, Jamun, Kaju, Karanja, Kasi, Kendu, Kirchi, Kumbhi, Kusum, Mahula, Mango, Neem, Osta, Panasa, RAuli, Sagan, Sahada, Sal, Simili, Sirisi, Sisoo, Tangini, Tentuli etc. The wild fauna like Jackal, Wild boar, Bear, Heyna and various birds and snakes etc. are seen in the project site. There is no archaeological monument/heritage site/defence establishment located in the applied area. The DFO, Malkangiri has reported that the requirement of forest land as proposed by the user agency is unavoidable and bare minimum for the project.
 - vi. The State Govt. has informed that this proposal is a 220 KV LILO transmission line, which emanates from existing LoC No.70 of 220 KV Malkangiri – Balimela Transmission line to existing 220/33 KV Grid S/S Khairput, Gobindapalli in Malkangiri District, Odisha over a distance of

37.770 Km. The said transmission line will supply EHT voltage, which will ensure un-interrupted, assured and quality power supply in 27 villages and other nearby villages of Chatrakonda, Malkangiri, Kudumuluguma & Khairput Tahasil in Malkangiri Forest Division Malkangiri District and also is adjoining villages in Koraput district, Odisha. This project will also improve the voltage profile of nearby villages.

- vii. The entire transmission line will be constructed by erecting 52 nos. of towers inside forest land (Angele Tower 16 Nos. and normal tower 36 nos.) and over non-forest land 94 no. of towers totaling to 146 nos. of towers covering a total distance of 37.77 Km (out of which 13.938 Km is inside forest area and 23.832 Km over non-forest land). The Right of Way inside forest area is 35 meter and also over 35 mtr over non-forest land. The height of transmission line will be 14 mtr.
- viii. Giving Justification, State Govt. has reported during field survey, three alternatives were identified. EHT transmission line cannot take frequent turn because of limitation of turn (maximum 60^o) and other technical constraint. The comparative statement of forest land and other information involved for alternative lines are provided. After avoiding dense vegetation, Hilly area, human habitation, forest plantation and dense village forest, Route-II is found to be most suitable route. The three alternate alignment route survey is given below:

Alternate Route	Total length (in Km)	No. of Tower/ Angles points in forest land	Forest land involved (in ha)			Total Forest (in ha)
			Revenue Forest	RF	PRF	
Route-I	36.187	65	48.358	31.080	0	79.438
Route-II	37.770	52	44.283	0	4.499	48.782
Route-III	38.426	57	42.691	26.565	0	69.256

- ix. Total land involved in this project is 132.196 ha comprising of 48.782 ha of forest land (Revenue Forest 44.283 ha + PRF 4.499 ha) and 83.414 ha of non-forest land (Govt. Non-forest land 31.073 ha + Private Non-forest land of 52.341 ha). The detailed land schedules of forest and non-forest land involved in the project including status of forest and non-forest land as on 25.10.1980 duly authenticated by concerned Tahasildars is furnished. The purpose wise break-up of total land involved in this project is furnished below:

Sl. No.	Purpose of Utilization	Area required (in ha)		Total land (in ha)
		Forest land	Non-forest land	
1.	Foundation casting Towers	0.284	0.593	0.877
2.	Passing Transmission line Conductor	48.498	82.821	131.319
Grand Total (in ha)		48.782	83.414	132.196

- x. The KML file of the proposed area for diversion and proposed CA on DFL has been analysed on DSS. The finding of the DSS are as follows:
- a. Proposed forest land for diversion falls under Boudh and Phulabani districts of Odisha State and its area (software-calculated) is found to be 29.426 ha.
 - b. As per the DSS, there is no Wildlife sanctuary, National park, Tiger reserve and Tiger corridor is located within 10 Km distance from the proposed forest land for diversion.
 - c. Observation based on Google Earth: Encroachment in the form of cultivation land is visible in the proposed forest patches.
 - d. Proposed forest area in the extant proposal falls under Not-in High Conservation Value (HCV) Zone as per Decision Rule 2. However, as per Decision Rule 1 proposed area falls in High Conservation Value Zone due to Hydrological rule.
 - e. Forest Cover: Out of total proposed area, 2 ha of land is classified as very dense forest, 8 ha as moderately dense forest, 5 ha as open forest, 1 ha as scrub and 14 ha as Non-forest (land without tree cover) in terms of forest classes (as per the ISFR 2021) based on the interpretation of satellite data period 2019-2020.
 - f. Compensatory afforestation has been proposed over degraded forest land (as per the Recorded Forest Area (RF/PF) boundary available in DSS) and its area (software-calculated) is found 61.179 ha.
 - g. Forest Cover: as per the ISFR 2021 based on the interpretation of satellite data period 2019-2020. The density details of the proposed CA is given below:

S. No.	Name of CA site	Map area (ha)	Software calculated area (ha)	VDF	MDF	OF	Scrub	Non-Forest
1	Patch -1	61	61.179	0	0	28	2	32

- xi. Observation based on Google Earth imagery: no encroachment is visible proposed CA land.
- xii. During the examination of the proposal at Regional Office, Bhubaneswar level certain EDS were raised on 28.12.2021 and also the REC in its meeting held on held on 30.08.2022. The REC has recommended the proposal to Ministry with condition that the State Govt. shall provide the following additional information before submitting the proposal to Ministry.
 - a. Detailed action taken by the Revenue Department and Forest Department for violation/encroachment of the forest land in the instant proposal.
- xiii. Accordingly, Regional Office vide letter dated 07.09.2022 has requested the State Govt. to furnish the above information desired by REC. The PCCF & Nodal Officer, Odisha vide letter dated 27.02.2023 has submitted the compliance report of above observation of REC.
- xiv. The proposal was again discussed in the REC meeting held on 18.04.2023. The REC has decided to defer the proposal and desired to seek following information from State Govt.:
 - a. The State Govt. shall carry out a joint inspection to ascertain actual number of towers erected along with GPS Coordinates

- and extent of forest area used thereon, in violation of Forest (Conservation) Act, 1980 involving officials from State Forest Department, Revenue Department and OPTCL.
- b. Action taken against the erring officials responsible for violation of Forest (Conservation) Act, 1980 and legal action taken by the forest and revenue department for the illegal act.
 - c. When the construction of towers started? Whether the construction work is going on or has been stopped.
- xv. After receiving the information from the State Govt. the proposal was again discussed in the REC meeting held on 27.07.2023. The Committee decided to defer the proposal and seek information from State Govt. regarding detail action taken under Orissa Forest Act, 1972 and OPLE Act for unauthorized use of forest land both in the notified forest as well as in the revenue forest. Accordingly the RO has raised EDS on 31.07.2023 for which the State Govt. has replied on 19.02.2024.
- xvi. The proposal was again discussed in the REC meeting held on 27.02.2024. The Committee decided to recommend the proposal to Ministry for approval with following conditions:
- a. Penal CA over non-forest/revenue forest land five (5) times to the extent of forest land used for non-forest activities for violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall be carried out by the State Govt. at the project cost.
 - b. State Govt. shall realize Penal NPV of five (5) times of the NPV plus 12% simple interest from the user agency for violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - c. Action against erring official for not being able to protect the forest land from being used for non-forestry activity.
- xvii. As per the provisions of the rule 10(2) (iv) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, the proposal has been submitted by the Regional Office to the MoEF&CC for its further approval, along with the recommendation of the Regional Empowered Committee.
- xviii. After examination of the proposal, Ministry vide its letter dated 24.04.2024 requested the Regional Office, Bhubaneswar to submit Site Inspection Report including detailed violation report. Further, RO was also requested to submit old proposals, which are now out of purview of REC as per Van (Sanrakshan Evam Samvardhan) Rules, 2023 and are falling are to be placed before FAC, with the Site Inspection Report as per sub rule (4) of rule 10 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023.
- xix. The Regional Office, Bhubaneswar vide their letter no. 5-ORC487/2021-BHU dated 23.10.2024 submitted revised Site Inspection Report in response to Ministry's letter dated 24.04.2024.
- xx. Regional Office, Bhubaneswar vide their letter no. 5-ORA487/2021-BHU dated 30.07.2024 submitted Site Inspection Report in response to Ministry's letter dated 24.04.2024. However, it was observed that a similar format of SIR is being used by all the Regional offices and the observations of the Ministry in the instant matter were not related to the format of SIR. Further, the Regional Office, Bhubaneswar was again requested to do the needful.

xxi. The Regional Office, Bhubaneswar vide their letter no. 5-ORC487/2021-BHU dated 23.10.2024 submitted Site Inspection Report in response to Ministry's letter dated 24.04.2024. The DDGF (Central) RO Bhubaneswar has recommended the proposal subject to the following observations:

- a. The area of violation by construction of 67 towers needs to be ascertained by the State Government. Since this is a repeated and perpetual violation by the user agency, 5 times CA on non-forest land/revenue forest land, 5 times NPV with correct area calculation of violation of all 67 towers (after a joint re-verification) needs to be imposed. Strict action against the erring officials of the user agency as well as those who failed to stop the misuse of forest land for non-forestry activity without proper clearances, as mandated by law, needs to be taken up at an early date.

Since, this is a public utility project, this is recommended with the aforesaid condition.

xxii. The RO has not inspected the CA sites however, they have examined the CA site on DSS and reported that the CA site was viewed in DSS and found to be free from any encroachment or encumbrances.

4. **Decision of the Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and Nodal Officer, Govt. of Odisha, the Committee recommended '*in-principle*' approval for non-forestry use of 48.782 ha of forest land for construction of 220 KV LILO Transmission line from existing LoC No. 70 of 220 KV Malkangiri – Balimela Transmission line to existing 220/33 KV Grid S/S Khairput, Gobindapalli under Malkangiri Forest Division in Malkangiri District by OPTCL, EHT Construction Division, Jeypore, Odisha subject to the General, Standard and following specific conditions:

- i. The State Govt. shall take action against the erring official under section 3A/3B of the Adhinyam.
- ii. The State Govt. shall realize Penal NPV of forest land per ha per each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to 5 times the NPV plus 12% simple interest from the date of raising of such demand till the deposit is made.
- iii. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.

Policy Issues

Agenda No. 1

Subject: Request to reinstate the guidelines relating to construction of ropeways in hilly areas for in Himachal Pradesh – reg. (11/137/2024-FC)

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 6.11.2024. The DDGF (Central), from the various Regional Officers, and Nodal Officers of the States also attend the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
3. The Advisory Committee, after deliberations noted the following:
 - i. Hon'able Chief Minister, Government of Himachal Pradesh, vide his D.O dated 21st October, 2024 has requested Ministry to reinstate the guidelines dated 5.08.200109 related to construction of ropeways in hilly areas.
 - ii. The Ministry, based on the recommendation of the Advisory Committee dated 27.06.2019, issued guidelines dated 5.08.2019 for Himachal Pradesh wherein the forest land below the RoW below the ropeways, except land to be utilized for construction of foundation towers, was exempted from the purview of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - iii. The Ministry, in suppression to all previous guidelines, has issued Consolidated Guidelines on 29.12.2023, wherein guidelines dated 5.08.2019 were dropped in view of the fact of fragile Himalayan ecology and also the fact that it was granted to Himachal Pradesh only not to other States of the country.
 - iv. The matter was also deliberated in the Ministry wherein keeping in view the eco-friendly nature of the activity besides catering to the movement and connectivity of the remote hilly areas, it was desired that further deliberation may be held to extend such facility for construction of public ropeway project in Hilly areas of the country.
 - v. Hon'ble Minister, RT&H vide his DO dated 24.10.2024, addressed to Hon'ble Minister, EFCC, adverting to the submissions made by the Hon'ble Chief Minister, Himachal Pradesh, has also requested to reinstate the guidelines dated 5.08.2019 related to ropeways. Hon'ble Minister in his DO dated 24.10.2029 has inter-alia mentioned that passenger ropeways are an extremely useful mode of transport that improves connectivity and contributes to sustainable development with the least carbon footprint and minimal damage to the flora and fauna in hilly States like Himachal Pradesh, Uttarakhand, North Eastern States, etc.
 - vi. The Committee further observed that ropeways projects in hilly area are a viable option of public utility to provide transport and connectivity to remote and difficult hilly areas. Further, the ropeway projects involves breaking of forest land only for erection of foundation towers which involves very small forest area and stringing of supporting wires and installation of trolleys of rope ways is done in such a way to maintain a clearance of 5 meters above the trees. No clearance or felling of trees in the RoW of the ropeways is required. Area of forest

land used for construction of foundation towers attracts the provisions of the Adhiniyam and accordingly, applied for the prior approval of the Central Government.

- vii. On the other hand construction of roads in hilly areas is relatively more detrimental to local ecological regimes as it involves earth cuttings which triggers the erosion, thereby making the hilly terrain more prone to erosion and landslides. Construction of roads augments the process of erosion and leads to ample destruction of natural resources whereas construction of ropeways is an alternate mode of connectivity with minimum destruction and without fragmentation of habitats.
 - viii. Ropeways involve relatively lesser invasion in the forest land thereby their impact on the forest and wildlife movement is relatively less as compared to roads which significantly impact the surrounding forests and movement of wildlife.
 - ix. Construction of ropeways in the hilly areas are an extremely useful mode of transport that improves connectivity and contributes to sustainable development with the least carbon footprint and minimal damage to the flora and fauna in hilly States like Himachal Pradesh, Uttarakhand, North Eastern States, etc. Therefore, construction of ropeways is always an environment friendly and economical activity which can cater to public interests in remote and forward hilly areas of the country. It will therefore, be more appropriate to extend such eco-friendly measures of transportation to all hilly States of the country besides Himachal Pradesh.
4. **Decision of Advisory Committee:** After detailed deliberations with the Nodal Officer and Regional Offices, the Advisory Committee observed that construction of ropeways in hilly areas is an eco-friendly activity, involving minimum invasion in the forest area and almost negligible earth cutting or felling of trees leading to negligible or no erosion, thereby buttressing the ecological regimes of hilly areas besides providing safe and economical means of transport to the people living in the remote hilly areas. Accordingly, the Committee recommended that keeping in view the larger public interests and eco-friendly nature of the activity, the Ministry may consider reinstating and applying the guidelines dated 5.08.2019 for construction of ropeway in the hilly areas of the country including in the State of Himachal Pradesh.

Agenda No. 2

Sub: Formulation of policy/guidelines for Penal Compensatory Afforestation (PCA) to ensure transparency, rationality and uniformity while imposing condition of raising penal CA in proposals involving violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (F. No. 8B/UP/06/34/2018-FC). (11/126/2024-FC)

Ref: Recommendation made by the Advisory Committee in its meeting held on 23.09.2024.

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 06.11.2024. The DDGF (Central), from the various Regional Officers, and Nodal Officers of the States also attend the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
3. The Advisory Committee, after deliberations noted the following:
 - (i) The Advisory Committee in its meeting led on 23.09.2024 considered the extant matter and after thorough deliberations with the DDGF (Central) of the various Regional Offices, Nodal Officers and officers of the Forest Conservation Division, decided that a committee with the following composition, may be constituted by the Ministry to prescribe the extent of area over which provisions of penal CA will be stipulated:
 - (a) DDG, Regional Office, Bhopal – Chairman
 - (b) DDG, Regional Office, Dehradun – Member
 - (c) DDG, Regional Office, Bhubaneswar – Member
 - (d) Nodal Officer, Himachal Pradesh – Member
 - (e) Nodal Officer, Rajasthan – Member
 - (ii) The Committee shall submit its report to the Ministry within a period of one month from the date of its constitution by the Ministry.
 - (iii) Consequent to the recommendations made by the Advisory Committee, the Ministry constituted a Committee and the same was conveyed to all concerned vide Ministry's OM dated 7.10.2024.
 - (iv) The PCCF & Nodal Officer Govt. of Rajasthan vide her letter dated 25.10.2024, adverting to Ministry OM dated 7.10.2024 mentioned that it would not be proper for her to give comments without the approval of the State Government. Accordingly, the Nodal Officer has requested that either her nomination in this committee may be made through the State Government or any other person in this committee may be nominated after exclusion of my name.
 - (v) Nodal Officer, Government of Himachal Pradesh has informed the Committee, there will no such reservations from the Government of Himachal Pradesh on the recommendations to be made by the Committee constituted by the Central Government and as a member of the Committee; he can provide his view to the Committee for the formulation of the policy.
4. **Decision of Advisory Committee:** After detailed deliberations with the Nodal Officer and Regional Offices, the Advisory Committee recommended that there is no requirement for changing the composition of the Committee. The Ministry may inform the State Government of Rajasthan about the constitution of the Committee to direct the Nodal Officer, Rajasthan to contribute her suggestions in the formulation of policy on Penal Compensatory Afforestation.

Agenda No. 3

Subject: Construction of residential projects in private forest lands in the State of Maharashtra – reg. (FC-II/MH-205/2022-NGP)

Due to model code of conduct, the extant policy agenda item was deferred by the Advisory Committee for its next meeting

(Not present)

Dr. Naveen Chandra Bisht
(non-official Member)

(confirmed through e-mail)

Shri S. D. Vora
(non-official Member)

(confirmed through e-mail)

Shri Manoj Pant
(non-official Member)

(Not present)

Dr. Mehraj Sheikh
Deputy Commissioner (NRM)
(Member)

(confirmed through e-mail)

Shri Sushil Awasthi
Additional Director General of Forests
(WL)
(Member)

(confirmed through e-mail)

Shri Anjan Kumar Mohanty
Additional Director General of Forests (FC)
(Member)

(Confirmed)

Shri Ramesh Kumar Pandey
Inspector General of Forests
(Member Secretary)

(Approved)

Shri Jitendra Kumar
(Director General of Forests and Special Secretary)
(Chairperson)