

**Recommendations made by the Forest Advisory Committee in its meeting held on
7th November, 2022**

Agenda No. 1

**(File no. 8-76/2007-FC Vol. &
FP/JH/THE/41384/2019).**

Sub:Proposal involving non-forestry use of 10.24 ha of forest land in favour of M/s NTPC Ltd. for construction of Ash dyke and water reservoir in Tandwa Block, of District Chatra (Jharkhand) - reg

1. The agenda item was considered by the Forest Advisory Committee in the meeting held on 7.11.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Jharkhand also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. Legal status of land proposed for diversion is Revenue Forest land. No non-forest land is involved in the project. Density of the area proposed for diversion is reported to be 0.1 with no project affected trees.
 - ii. Compensatory afforestation has been proposed over an area of 20.48 ha of degraded forest land in Chatra South Forest Division. CA scheme having financial provisions of Rs. 64,06,403/- has been submitted for a period of 10 years. Certificate from the DCF concerned certifying the suitability of land identified for CA has been submitted.
 - iii. Proposal does not form the part of any PA, Biosphere Reserve, Elephant corridor etc. No rare/endangered/unique species of flora and fauna have been reported in the area.
 - iv. Earlier, Ministry had granted approval on 3.11.2015 for non-forestry use of

97.2477 ha of forest land for construction of Thermal Power Plant. As per original proposal, an area of 333 ha was earmarked for ash pond which included 46.86 ha of forest land.

- v. The Committee was also apprised that State Government was requested by the Ministry to submit information establishing the site-specificity of the proposal. The State Government in their reply mentioned that 10.24 ha of GMJJ/deemed forest land, comprising of 5.79 ha for ash pond and 4.45 ha for reservoir, was left out from the first phase of project for which forest area of 97.2477 ha was approved by the Ministry. Area of 10.24 ha was dropped purely on technical ground as it was under the possession of Water Resource Department, Govt. of Jharkhand for construction of Garhi Dam/Reservoir Drinking Water Project. Since now construction of Garhi Reservoir has been abandoned by the State, therefore, the user agency has applied for diversion of forest 10.24 ha of forest land, being the part of the original design of ash pond and reservoir.
- vi. With regards to details of other alternatives, involving non-forest land, explored by the user agency as requested by the Ministry, no information has been furnished by the State and the user agency.
- vii. The Committee also observed that another proposal involving forest area of 689.835 ha of forest land, including 10.24 ha of forestland, for Garhi Jalashay Yojana applied by the Government of Jharkhand is still active in the Ministry. Said proposal has not been withdrawn by the user agency.
- viii. No violation of Forest (Conservation) Act, 1980 have been reported.
- ix. Authorities in the State Government have recommended the proposal suggesting a condition that User Agency should prepare and implement a Site Specific Wildlife Management Plan at their project cost.
- x. Committee also observed that had the Garhi Jalashay Yojana not been abandoned by the State, the user agency would have explored the alternatives for setting up the proposed facilities. Therefore, for want of exploration of alternatives, the submissions made by the user agency and the State Government citing the ash pond and reservoir part of the original plan, cannot be considered.

xi. Committee also noted that Ministry on 24.01.2022 has also issued guidelines providing clarifications about the non-site specific activities inter-alia stating that utilization of forest area for establishing industries, construction of residential institutes, disposal of fly ash, rehabilitation of displaced persons, etc. are non-site-specific activities and cannot be considered on forest land as a rule. For that matter, no non-site-specific proposal be entertained for considering approval under the FCA, 1980.

4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Jharkhand and Regional Officer, IRO, Jharkhand, the FAC observed that extant proposal is for a non-site specific activities for which no convincing justification has been submitted by the State Government and also as per guidelines dated 24.01.2022, non-site specific activities are not to be entertained in the forest area. Moreover, the proposal involving diversion 689.835 ha of forest land, including 10.24 ha of forestland, for Garhi Jalashay Yojana applied by the Government of Jharkhand is still active in the Ministry. Accordingly, the Committee decided to recommend that Ministry may not accede to the proposal for approval under the Forest (Conservation) Act, 1980.

Agenda No. 2

F. No. 8-62/2018-FC

Sub: Proposal for diversion of 126.72 ha (84.35 ha PF and 42.37 ha Jungle Jhari) of forest land for KDH Open Cast Mine in favour of M/s Central Coalfields Limited (CCL) in Ranchi District, Jharkhand.

1. The agenda item was considered by the Forest Advisory Committee in its meeting held on 7.11.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Jharkhand also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The Committee observed that the proposal was considered by the Forest Advisory Committee in its meeting held on 17.10.2022 wherein Committee

desired that PCCF & Nodal Officer (FCA), Government of Jharkhand will explain the circumstances leading to the violation of Forest (Conservation) Act, 1980 before the Committee in its next meeting.

4. PCCF & Nodal Officer (FCA) informed the Committee that to ascertain the exact nature and circumstances of ragging fires leading to the violation of Forest (Conservation), it will be appropriate to undertake a site visit of the area by the FAC. After the site visit and assessment of the situation, appropriate decision in the matter may be taken by the Committee.
5. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Jharkhand and Regional Officer, IRO, Jharkhand, the FAC decided that the Committee will undertake a site visit to the area. Time schedule of the meeting will be conveyed to the State in due course. After assessment of the situation, appropriate decision in the matter may be taken by the Committee in its next meetings.

Agenda No. 3

F. No. 8-35/2021-FC

Sub: Proposal for non-forestry use of 299.64 ha, comprising of 166.00 ha and 133.64 ha of forest land for Polpol Kalan PF of Khundri Range, Medininagar Forest Division for Relocation of Kujrum, Latu& other villages from Palamu Tiger Reserve, Daltonganj, Jharkhand-reg.

1. The agenda item was considered by the Forest Advisory Committee in its meeting held on 7.11.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Jharkhand also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. The Committee observed that the proposal was considered by the Forest Advisory Committee in its meeting held on 17.10.2022 wherein Committee decided the following:

- a. Rehabilitation of village Kurjum involving area of 166 ha proposed to be rehabilitated in Latehar Forest Division is recommended for grant of Stage-I approval.
 - b. With regards to the relocation site proposed for Latu village in Medininagar Forest Division, a clarification needs to be obtained from the State Government whether the site falls within the ambit of parameters fixed by Hon'ble Supreme Court in its order dated 3.06.2022 so that the matter may be decided in the next FAC meeting.
 - ii. PCCF & Nodal Officer (FCA) informed the Committee that proposed resettlement site of Latu village at Polpol, Medininagar Forest Division partially falls within 1 km radius of Palamu Wildlife Sanctuary while part of it (28.22 ha) falls beyond 1 km Boundary. A total of 21.35 ha of land is required for construction of homestead and community facilities, which will be done on the portion falling beyond 1 km from boundary of Palamu Wildlife Sanctuary's Eco-sensitive Zone.
 - iii. DSS analysis of the area revealed that proposed site is located at a distance of approximately 6 km from the boundary of Palamau Wildlife Sanctuary and the site is adjacent to the eco-sensitive zone of the Palamau WLS.
 - iv. Committee was further informed that rehabilitation has been proposed in the buffer area of the Tiger Reserve i.e. outside the core area of the Tiger Reserve, which will result into creation of substantial inviolate area inside the core area of Tiger Reserve. Further, since the construction activities have been proposed beyond a distance of 1 km from the boundary of WLS, therefore, provisions contained in the Hon'ble Supreme Court order dated 3.06.2022 are not being affected from the proposed relocation of Latu village at Polpol in Medininagar Forest Division
4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Jharkhand and Regional Officer, IRO, Jharkhand, the FAC observed that the construction activities have been proposed over 21.35 ha of forest land which falls beyond 1 km of distance from the Palamau WLS boundary and hence the proposed relocation of Latu village does not have any bearing on the Hon'ble Supreme Court order dated

3.06.2022. However, certain area falls within the buffer area of the Tiger Reserve. Moreover, creation of inviolate areas in the core area of the Tiger Reserve will further strengthen the protection and conservation measures of tigers and other wildlife of the area. Accordingly, the Committee decided to recommend the rehabilitation of village Latu involving area of 133.64 ha proposed to be rehabilitated at Polpol in Medninagar Forest Division for grant of Stage-I approval subject to following condition:

- i. Construction activities will be restricted to 21.35 ha of forest land located beyond 1 km of distance from the boundary of Palamau WLS.
- ii. The State Government shall ensure that directions contained in the Hon'ble Supreme Court order dated 3.06.2022 are complied with by the authorities concerned.
- iii. The State Government shall obtain approval of the Standing Committee of the NBWL as some portion of the area proposed for rehabilitation falls within the buffer area of the Tiger Reserve.

Agenda No. 4

F. No. 8-08/2022-FC

Sub: Proposal for non-forestry use of 1,006.17 ha, comprising of 633.19 ha and 372.98 ha of forest land for Kotre, Basantpur Open Cast Mining Project in favour of M/s Central Coalfields Limited in Ramgarh and Bokaro district of Jharkhand.

1. The agenda item was considered by the Forest Advisory Committee in its meeting held on 7.11.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Jharkhand also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The Committee observed that the proposal was considered by the Forest Advisory Committee in its meeting held on 17.10.2022 wherein Committee desired that Nodal Officer (FCA) Jharkhand and Regional Officer, IRO, Ranchi attend the next meeting of the FAC and convey their considered views on the site specificity of the various project components, specially area proposed for

OB dumping, and suitability of land identified for raising CA, before the Committee.

4. PCCF & Nodal Officer (FCA) made a submission before the Committee stating that to ascertain the site specificity of the various project components, including area proposed for OB dumping, it will be appropriate to undertake a site visit of the area by the FAC. After the site visit and assessment of the situation, appropriate decision in the matter may be taken by the Committee.
5. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Jharkhand and Regional Officer, IRO, Jharkhand, the FAC decided that the Committee will undertake a site visit to the area. Time schedule of the meeting will be conveyed to the State in due course. After assessment of the situation, appropriate decision in the matter may be taken by the Committee in its next meetings.

Agenda No. 5

File No: - 8-107/2014-FC

Subject: Proposal for diversion of 149.3002 ha of forest land for open cast Iron Ore Mining in favour of M/s Ojaswi Marble & Granite Pvt. Ltd. in District Sikar, Rajasthan (Online proposal No. FP/RJ/MIN/3869/2013) -regarding.

1. The subject cited proposal was considered by the Forest Advisory Committee in its meeting held on 07.11.2022.
2. The corresponding agenda note may be seen at www.parivesh.nic.in.
3. Member Secretary placed all the facts and background of the proposal along with examination of the proposal in the DSS before the FAC for consideration. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
4. The FAC after through deliberation and discussion observed that:
 - i. The instant proposal was earlier considered in FAC meetings held on 30.04.2015, 16.02.2016 and 16.03.2016.
 - ii. The FAC in its meeting held on 16.03.2016 had recommended the proposal for diversion subject to the standard conditions and specific condition that no mining will be done in a width of 150 mts on either side of the water course and regular monitoring of the silt levels in the water body will be done by the State Forest Department. However the file will be put up to the competent authority for approval only after receipt of revised Compensatory Afforestation (CA) scheme as per actual site conditions and certificate from the

- DFO that the Compensatory Afforestation site is free from all encumbrances.
- iii. The CA sites proposed earlier have been changed and now the CA has been proposed in two patches i.e. 135.03 ha non-forest land in Udaipur District and 14.27ha. in Pratapgarh District. Since the non-forest land cannot accommodate 1000 plants/ha therefore, in addition the State Govt. has also identified a total of 242.31 ha degraded forest land (DFL) [(226 ha DFL in Udaipur District) and (16.31 ha DFL in Pratapgarh District)] with a view to accommodate the balance seedlings.
 - iv. The certificates for suitability of CA land and land being free from all encumbrances and encroachment are given by the respective DCFs i.e. DCF, Udaipur and DCF, Pratapgarh.
 - v. On examination of CA land through DSS, Ministry had noticed that out of 149.30 ha. identified non-forest of CA, 58.77 ha. is falling on recorded Forest area of Rajasthan. The State Govt. and IRO Jaipur have verified that the land proposed for CA is non-forest land. Further, State Govt. has also intimated that the corrected digital state forest boundaries shall be furnished to Forest Survey of India, Dehradun for correction in DSS.
 - vi. The 0.15 ha Govt. land is located inside the non-forest land block designated for CA. The Forest Department had recommended that keeping in view the suitability from management point of view, the said land be notified as Forest along with the NFL proposed for Compensatory Afforestation. However, the Collector Udaipur has mentioned that the said govt land shall be kept reserved for future government diversions or allotments.
 - vii. 7.5-meter width of safety zone has been kept within the mining lease area.
 - viii. It is noted that a new MoU has been signed between the Govt. of Rajasthan and the user agency on 27.12.2021 for the establishment of Steel Plant with a validity for a period of two years.
5. **Decision of FAC:** The Committee after detailed discussion and deliberation deferred the proposal for the want of following information:
- i. The discrepancy in case of digital boundaries of forest land overlapping with that of the NFL proposed for CA shall be addressed immediately. The State Government shall submit the correct digital boundary of the forest land overlapping with the NFL in the instant case to the Forest Survey of India, Dehradun.
 - ii. The State Government shall furnish an undertaking that it will not have any right to claim the Right of Way (RoW) for the 0.15 ha Govt land in the Khasra No.3186/88, Vikas Nagar, Tehsil Khairwada, through the non-forest land block proposed for Compensatory Afforestation.

Agenda No. 6

Policy issue no-1

File No.FC-11/124/2021-FC

Sub: Backfilling of abandoned mines with Fly Ash and/or Red Mud - Forest (Conservation) Act, 1980 – reg.

1. The agenda item was considered by the Forest Advisory Committee in its meeting held on 7.11.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Representatives from the Central Pollution Control Board and Aluminium Association of India also attended the meeting.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. After detailed deliberations, the Committee observed that:
 - i. Reclamation of the abandoned mines has not been undertaken by the lessee and after cessation of mining operations, the mining voids were left abandoned without reclamation. Committee desired that it should therefore, be ascertained from the State, the Department responsible for carrying out reclamation of such abandoned mining leases.
 - ii. Representatives from the CPCB has briefed the Committee about the initiatives already been taken by the CPCB and Ministry regarding backfilling of mined out areas. Committee was apprised Guidelines have been issued on backfilling of mined out areas using fly ash, however, currently, no guidelines have been issued towards the use of red mud in backfilling the mined out areas. Committee was further apprised that no forest area specific studies have been conducted or available in the matter. CPCB also apprised the Committee that there are no legal impediments restraining dumping in mined out areas.
 - iii. The Committee was further informed that several issues needs to be taken into consideration while allowing backfilling of red in the abandoned mines located in the forest area. Red mud has the potential to increase the alkalinity of the area which in turn has negative impact in the surrounding flora and fauna

and hence efforts should be made to neutralize the alkalinity of the red mud proposed to be used for backfilling.

- iv. Representatives of the Aluminium Association of India informed that pilot study has been proposed to be completed under the aegis of the Indian Institute of Forest Management and in consultation with the State Forest Department, Government of Uttar Pradesh. An area of 0.5 ha abandoned mining void has been proposed to be selected for the pilot study. Parameters to be studied, before, during and after undertaking the backfilling of red mud will be finalized in consultation with the IIFM.
 - v. The Committee, with a view to ensure more scientific output from the pilot study, desired that existing dumping sites which are located at a distance of approx. 44 km from the proposed site of pilot study, may be used as control site and parameters to be studied in pilot sites may be analyzed for such control site also. Committee also desired that instead of proposing single site, one more site may be added to make the study more inclusive and to ensure comprehensive results.
 - vi. The Committee further observed that since the Study is to be led by the IIFM, Bhopal in consultation with the CPCB and State Forest Department, it will be appropriate that detailed methodology and work plan may be presented before the Committee in the next meeting of the FAC.
 - vii. The Committee was also apprised that view of TERI may also be obtained in the matter as they have experience to dumping red mud in the mined out areas.
4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the representatives of the CPCB, Aluminium Association of India and officers of the Forest Conservation Division, the FAC decided that a separate meeting may be convened in the Ministry under the chairmanship of the DGF&SS with the representatives of IIFM, Bhopal, Central Pollution Control Board, State Forest Department, Government of Uttar Pradesh, Aluminium Association of India and TERI to finalize the detailed methodology and work plan and finalization of the same, a presentation may be made before the Committee for further decision in the matter.

Policy issue no-2

F. No. 11/114/2021-FC (Part)

Sub: Repair/Maintenance/Replacement/Upgradation works in the Pipeline Network installed prior to Forest (Conservation) Act 1980- reg.

1. The agenda item was considered by the Forest Advisory Committee in its meeting held on 7.11.2022. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. After detailed deliberations, the Committee observed that:
 - i. Directorate of Hydrocarbon, MoPNG vide their letter dated 10.10.2022, has submitted a request to consider repair/maintenance/replacement/upgradation of pipeline network installed in the forest area prior to 1980 without attracting the provisions of Forest (Conservation) Act, 1980. DGH has made the following submissions in support of their request:
 - a. MoEF&CC vide their letter dated 6.09.2021 and 9th November, 202 permitted the repair and maintenance works for the road and transmission lines that were installed and constructed prior to 1980s without prior approval under FC Act, 1980.
 - b. Oil and Gas Sector, National Oil Companies (NOCs) have been operating in the country since 1960s. Several pipeline networks have been installed with vested RoWs prior to 1980s for the transportation of O&G products. The existing pipeline network needs repair and maintenance work to be done at regular basis.
 - c. Since pipelines are linear projects as the transmission lines and roads, their repair maintenance and upgradation may be allowed without prior approval under FC Act 1980.
 - ii. The Committee was apprised that the guidelines dated 6.09.2021 and 9.11.2020

allows repair and maintenance of transmission lines and roads, constructed prior to 1980 with the prior permission of the State Forest Department. Repair and maintenance has been restricted within the RoW of the road/transmission line without involving fresh breaking of forest land. Moreover, the road and transmission lines are above ground facilities which have continuously been in use and therefore, there is no perceptible damage to the vegetation of land by allowing their repair and maintenance.

iii. The Committee was further apprised that after laying such lines, the land use is restored to its original state. In most of cases, vegetation comes over the pipelines and the land use is restored to its original forest land use. Committee apprehended that repair and maintenance of such lines may not be possible without breaking of forest land and accordingly, during the repair and maintenance of such pipelines, disturbance may be caused to the surrounding vegetation and fauna due to breaking of forest land.

iv. The Committee further observed that incidences have also been noticed where under emergency situations, cropped up due to leakages, damage due to accident or due to other similar reasons, quick action and remedial measures are needed to be taken by the concerned authorities. Handling of such situations in forest areas become difficult due to requirement of statutory permissions. It is therefore desirable to streamline the process to deal with such emergent situations arising in forest areas in respect of pipelines which have been laid before 1980.

4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the IROs and Officers of the Forest Conservation Division, the decided the following:

- i. Repair/maintenance/upgradation and widening of such hydrocarbon pipelines may not be possible without breaking of forest land, which may result into felling of trees as well as damage to the surrounding vegetation and fauna due to breaking of forest land. Therefore, such works should be undertaken with the prior approval of the Central Government under the Forest (Conservation) Act, 1980.
- ii. To deal with the emergency situations, cropped up due to leakages, damage

due to accident or due to other similar reasons, quick action and remedial measures for repairing such damaged pipelines may be undertaken, where no felling of trees is involved and with the prior permission of the DCF concerned subject to following:

- a. The permission shall be granted for a short period only which will not exceed the period of three months.
- b. Damage caused to flora, fauna of the surrounding forest will be compensated by the user agency, and the forest land will be restored to its original state at the cost of user agency.
- c. To ensure minimum disturbance to the wildlife, repair work shall be done during day time only.
- d. All infrastructural facilities, including setting up of labour camps, shall be established out the forest area.
- e. Relevant rules, regulations, standards and guidelines made by OISD (Oil Industry Safety Directorate) and PNGRB (Petroleum and Natural Gas Regulatory Board) under Ministry of Petroleum & Natural Gas; and PESO (Petroleum and Explosive Safety Organisation) under DPIIT shall be strictly followed and monitored at the appropriate level.
- f. Any other condition, the local Forest Department may stipulate in the interest of conservation and protection of flora and fauna of the area.

Policy issue no-3

File No 8-01/2020-FC

Sub: Proposal for non-forestry use of 783.275 ha of forest land in favour of M/s Singareni Collieries Company Limited for Naini Opencast Coal Mining Project in Angul Forest Division, District Angul (Odisha) - modification in the conditions regarding.

1. The agenda item was considered by the Forest Advisory Committee in its meeting held on 7.11.2022. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions

of other Acts & Rules relevant to the proposal and their significance.

3. After detailed deliberations, the Committee observed that:
- i. Proposal for non-forestry use of 783.275 ha of forest land in favour of M/s Singareni Collieries Company Ltd for Naini Opencast Coal Mining Project in Angul Forest Division of District Angul (Odisha) was granted Stage-II approval on 12.10.2022 inter-alia stipulating the following condition:
The State Government shall ensure that details of the finalized WLMP, SMC Plan and disposition of monies. Payment of deficit amount, etc. shall be intimated to and concurred by the concerned IRO of the Ministry before actual breaking/ non-forestry use of the forest land.
 - ii. Similarly other conditions viz. A(2), A (5) and A(7) were also stipulated, which relate to preparation of WLMP and SMC plan and compliance of which is to be ensured before handing over of forest land to the user agency. Said conditions was stipulated in accordance with the provisions of guidelines dated 7.06.2022 issued by the Ministry wherein inter-alia, the following has been stipulated.
(i)(b) The provisions provided in the WLMP or SMC Plan shall be approved by the competent authority in the State and accordingly, the deficit amount, if any, from the money already realized to the tune of 2% and/Or 0.5% of project cost, shall be paid by the user agency, and same shall be deposit in the CAMPA account prior to actual working on the Forest area.
(ii) The State Government shall ensure that details of the finalized WLMP, SMC Plan and disposition of monies, payment of deficit amount, etc. shall be intimated to and concurred by the concerned IRO of the Ministry before actual breaking/Non forestry use of the forest land.
 - iii. Committee was further apprised that despite Stage-II approval, the State Government is unable to handover the land to the user agency due to restriction imposed in condition no. A(1), A(2), and A(5) of Stage-II approval mandating preparation of Wildlife Management Plan, Soil and Moisture Conservation Plan before actual breaking of the forest land. Accordingly, the State Government of Odisha has requested to amend the relevant conditions of the Stage-II approval.
 - iv. The Committee noted that in order to convey the intent of guidelines to allow the process of approval continuing, provisions of the guidelines dated 7.06.2022 needs to be amended slightly. Said Guideline provides that implementation of such WLMP and SMC Plan should not be delayed beyond a period of 2 years from the date of Stage-II approval, therefore, time of one year for preparation of such plans may be considered to be stipulated.
 - v. Committee further noted that basic intent of the guidelines dated 7.06.2022

was to continue the process for grant of Stage-II approval which were held up for want of preparation of Wildlife management Plan or SMC Plan, preparation of which is beyond the control of user agency and the State Government. Therefore, guidelines need rectification to allow the States to handover the land to the agency.

4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the IROs and Officers of the Forest Conservation Division, observed that similar situation may arise in respect of other development project such as road, transmission lines, railways, etc. where provisions of working permissions have also been provided, therefore to address the issue, the Committee recommended the following:

i. Guidelines dated 7.06.2022 may be rectified as under:

- a. *(i)(b) The provisions provided in the WLMP or SMC Plan shall be approved by the competent authority in the State and accordingly, the deficit amount, if any, from the money already realized to the tune of 2% and/or 0.5% of project cost, shall be paid by the user agency, and same shall be deposit in the CAMPA account.*
- b. *The State Government shall ensure that details of the finalized WLMP, SMC Plan and disposition of monies, payment of deficit amount, etc. shall be intimated to and concurred by the concerned IRO of the Ministry within a period of one year from the date of issue of Stage-II approval.*

ii. Relevant condition no. A(1), A (5) and A(7) of the Stage-II approval dated 12.10.2022 granted to Naini Coal Block may be amended as under:

- a. A(1): The State Government shall ensure that details of the finalized WLMP, SMC Plan and disposition of monies, payment of deficit amount, etc. shall be intimated to and concurred by the concerned IRO of the Ministry within a period of one year from the date of issue of Stage-II approval;
- b. A(5): The provisions to be provided in the WLMP or SMC Plan shall be approved by the competent authority in the State and accordingly, the deficit amount, if any, from the money already realized to the tune of 2% and/or 0.5% of project cost, shall be paid by the user agency, and same shall be deposit in the CAMPA account;
- c. A (7): State Government shall ensure that under no circumstances, implementation of such mitigating measures envisaged in WLMP and SMC or other similar Plans/Schemes should be delayed beyond a period of 2 years from the date of grant of Stage-II approval to ensure commencement of

rejuvenation of ecosystem services lost from the forest area allowed for non-forestry use of forest land at the earliest possible time.

(Confirmed through email)

(Sh S. D. Vora)

Non-official Member

(Confirmed through email)

(Dr Sanjay Deshmukh)

Non-official Member

(Confirmed through email)

(Sh Anmol Kumar)

Non-official Member

(Not present)

(Sh Om Prakash Sharma)

Member

(Confirmed)

(Sh SP Yadav)

Addl. Director General of Forests (FC)

Member

(Confirmed through email)

(Sh Bivash Ranjan)

Addl. Director General of Forests (WL)

Member

(Confirmed)

(Sh Ramesh Kumar Pandey)

Inspector General of Forests (FC)

Member-Secretary

(Approved)

(Sh. C.P. Goyal)

Director General of Forests & Special Secretary

Chairperson