

Agenda No. 1**File No. 8-16/2021- FC**

Sub: Regularization of 330.33 ha. (330.1826 ha as per DGPS Survey) of forest land in Upperlakesaram Forest Block in Manthani Range of Peddapalli Division for Open Cast Mining Operations and Other Activities of SCCL in Peddapalli District in favour of M/s SCCL. (Online proposal No. FP/TG/MIN/47899/2020)

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 20.10.2023. The corresponding details of the agenda 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 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 IGF (C) Sub-office, Hyderabad and Nodal Officer (FCA), Government of Telangana were present in the meeting.

4. The Advisory Committee (AC) after thorough deliberation and discussion observed that:

(i) The present proposal is for regularization of 330.33 ha. (330.1826 ha as per DGPS Survey) of forest land in Upperlakesaram Forest Block in Manthani Range of Peddapalli Division for Open Cast Mining Operations and Other Activities of SCCL in Peddapalli District. Legal Status of the proposed forest land is Reserved Forest.

(ii) The proposed 330. 1826 is part of RG Coal Mine and RG OC III and forms part of 6848.00 Ha of South Godavari Mining Lease which has been renewed for 3rd time for a period of 20 years from 01.01.2015 to 31.12.2034, vide G.O Ms. No.02 dated 12.01.2015 by the State Government.

(iii) The detailed land-use plan of 330.1826 ha is as below: -

SL No.	Description	RG Coal mine (Ha)	RG OC-III (Ha)	Total (ha)
1.	Quarry	257.996	22.055	280.0561
2.	Dump	0	0	0
3.	Safe Barriers	4.905	3.1987	8.103
4.	Nalah	0	4.326	4.326
5.	Bund	0	4.5556	4.5556
6.	Roads	0	0	0
7.	Other Infrastructures (Roads, HT lines , office buildings, Quarters etc	27.929	5.218	33.147
	Total	290.83	39.3526	330.1826
	Grand total			330.1826

I/56889/2023 (iv) Following mines form part of 6848.00 Ha of South Godavari Mining Lease (with Forest land of 606.5826 and 6241.4174 Ha of Non-Forest land). Individual Mining Plans have been approved by the Ministry of Coal and the same is mentioned below.

S. No.	Name of Mine	Reference of the Ministry of Coal
1	GDK No.1&3 Inclines	F.No.13016/2/2006-CA II, dt.17.10.2014
2	GDK No.2&2A Incline	F.No.13016/2/2006-CA II dt. 17.10.2014
3	GDK No.5 Incline	F.No. 13016/6/2013-CA II, Dt.25.11.2014
4	GDK Coal mine	F.No. 38011/12/2017-PCA, dt. 22.04.2019
5	GDK No. 10 Inclines	Part of RG Coal Mine approved Vide MoC, Gol, F.No.55026/1/2020-CPAM, dt.08.08.2020
6	Vakilpalli Mine,	Part of RG Coal Mine approved Vide MoC, Gol, F.No.55026/1/2020-CPAM, dt.08.08.2020
7	GDK No.11 Incline	F.No. 13016/3/2016-CA II,dt. 31.08.2016
8	RGOC-1 Exp.	F.No. 13016/2/2006-CA II,dt. 17.10.2014
9	RGOC-II Ext,	F.No.13016/3/2009-CAII/Pt1, dt.06.09.2016
10	RGOC-III Exp.II	F.No. 38011/12/2017-PCA, dt. 17.06.2019

(v) The SCCL had taken over the possession of 448.90 Ha land in Upperlakesaram as Government land from the Revenue Department and since 1973 the company has been doing Mining Operations in this land. The present proposal for regularization of 330.1826 Ha land for Upperlakesaram mining in Ramagundam is part of this 448.90 ha under possession of SCCL.

(vi) SCCL submitted two surface diversion proposal i.e 308 ha and 104 ha in Manuguru area. Total area applied for diversion was (308+104=412.40 ha). In lieu of this diversion of 412.40 ha in Manuguru area SCCL handed over 412.40 ha of NFL (patta and govt. land) in Ramagunda (part of Upperlakesaram block and part in other village)

(vii) In 2000, SCCL submitted application of diversion of this 412.40 ha (which was handed over to forest dept. as CA land wrt to diversion of 308 ha and 104 ha mentioned above and notified as RF) for underground mining and 247 ha on same piece of land for open cast. This proposal was accorded Stage-II dt 02.05.2008.

(viii) Further, SCCL submitted another application for diversion of (from UG rights to surface rights) 147.42 Ha of forest land (out of 165.40 Ha having UG rights which) OC-II expansion project leaving 17.98 Ha under UG right. While processing this proposal, it came to the notice that mining operations are being carried out in the adjoining area since 1973 presuming it as Revenue land but found to be part of Upperlakesaram Forest Block and notified as RF in the year 1944 and this fact was not updated in the Maps of Forest Department.

(ix) This 448.90 Ha land in Upperlakesoram is now discovered to be forest land and not revenue land & notified as RF during 1944 under the Hyderabad Forest Act u/s 7 in the Gazette no. 3 dated 19th Azoor 1353 F and U/S 10 dated 98th Bahman 1353 F (to an extent of 1109 Ac & 22 Guntas).

(x) In this regard this proposal was granted Stage-II dt 01.08.2013 with the following condition No. stating that:

2 (ix) The State Govt. shall create and maintain penal CA on additional non-forest land twice in extent to the 118.57 ha forest land located in the Upperlakesaram

1/56889/2025 Reserved Forest which was utilized for creation of CA treating it as non-forest land from funds realized from the User Agency

2(xi) State Government shall create and maintain penal compensatory afforestation from funds realized from the user agency over degraded forest land twice in extent to the portion of the 448.90 Ha of forest land in the Upperlakesaram Reserved Forest Block kept under possession by the SCCL without obtaining approval under the Forest (Conservation) Act, 1980, after excluding the 118.57 ha (overlapped in 412.40 ha) of forest land which was utilized by SCCL for creation of compensatory afforestation (CA) considering it as non-forest land for which penal CA has separately been stipulate. {i.e. $2 \times (448.90 - 118.57 = 330.33) = 660.66 \text{ ha}$ }

(xi) Accordingly, the balance area of 330.33 Ha (448.90 – 118.57) is under utilization with SCCL without approval of diversion.

(xii) The SCCL after taking over from the Revenue Department, a part of this 448.90 ha, ie., to an extent of 118.57 Ha was actually furnished to state government as C.A land (NFL) by for another project of PKOC-II, Manuguru and this was accepted by the Forest department as non-RF for C.A purpose.

(xiii) The MOEF & CC, GOI vide letter No. F.N.8-109/2005-FC (vol) dated 01.08.2013 had accorded final approval for diversion of 147.42 Ha of forest land which included the 118.57 ha of land which was earlier part of this 448.90 ha which was (118.57 ha) in turn had been given by SCCL against NFL for an earlier diversion proposal and accepted by the State Government. (xiv) Thus, while according approval for diversion of 147.42 ha of forest land a part of which was the 118.57 ha land which was earlier offered as CA, SCCL was directed to regularize the remaining 330.1826 Ha of the 448.90 ha. Hence the proposal for regularisation.

(xv) The Environment Clearances have also been obtained for these mines in 330.1826 and details are furnished below:

S. No	Name of the Mine	Environment Clearance Ref. No. & Date	Total project area (Ha)	Extent (out of 330.1826Ha)
1	RG Coal Mine (Amalgamation of RGOC-1, Vakalpalli Mine, GDK 10)	i) Vakalpalli Under Ground Mine No.J1105/29/68/LA –II, Dated 14.08.1989 ii) RG OC I No. 13016/2006-CA-II Dated 17.10.2014 iii) Godavarikhan i 10 Under Ground Mine No. 11015/7/84.EN. 5 Dated 11.07.1985	4326.08	290.83
2	Ramagunda m OC-II	No. 38011/12/2017-PCA Dated 17.06.2019	2070.10	39.3526
	Total			330.1826

(xvi) The breakup of the forest land within the South Godhavari Mining Lease (SGML) is as follows:

S. No	Forest Land	South Godavari Mining Lease
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1	330.1826	330.1826
2	412.4000 (inclusive of 118.57Ha)	276.4000
Total	742.5826	606.5826

(xvii) The MoEF &CC, GOI, has accorded forest diversion orders for 412.00 Ha. Details are as follows:

S.no	FL Diversion ref no	Date	Total Area	Surface rights	UG Rights
1	MOEF &CC, GOI vide letter No. F.N.8- 109/2005-FC	02.05.2008	412.00	247.00	165.40
2	MOEF &CC, GOI vide letter No. F.N.8- 109/2005-FC (Vol)	01.08.2013	165.40	147.42	17.98
3	Ref No.RG3/EST/FL/104-G/124 dated 09.07.2020 & online proposal no. FP/TG/MIN/47657/2020	Proposal submitted	17.98	Proposal submitted for Underground rights to surface rights was considered in AC meeting held on 17.07.2023 and the same was rejected by this Ministry on 21.08.2023.	

(xviii) The SCCL has handed over 237.45 Ha of Non-Forest land, against the diversion of 118.57 ha of forest land which was part of the 448.90 ha (330.1826 + 118.57) mutated in favor of the Forest Department and non-encumbrance certificate has already been submitted as informed during the inspection. This 237.45 double in extent to the diverted 118.57 ha was in compliance of Ministry's approval vide dt 19th July 2012 for diversion of total 147.42 ha.

(xix) SCCL has also paid C.A charges of Rs. 5,96,04091/- for raising C.A in 237.45 Ha, into CAMPA A/C through RGTS. These lands were taken over by the Forest Department.

(xx) The SCCL has already paid against of diversion of 412.00 ha the complete NPV (Rs.1729 lakhs) for surface use area of 247 Ha and 50% NPV (Rs.578.90Lakhs) for underground use area of 165.40 Ha. Out of this area of 165.40 Ha (underground) an area of 147.42 Ha was again diverted to surface use and balance NPV of 50% has been paid. This was confirmed in the report of the State Government.

(xxi) However, No NPV has been paid for 330.1826Ha by SCCL. But, SCCL has paid an amount of Rs.14, 47, 81,601 (Rs Fourteen crores fort seven lakhs eighty-one thousand and six hundred one only) through RTGS into CAMPA account (No-SBHYHI3067304841) for raising the compensatory afforestation in 660.66 Ha of degraded forest land against the present proposal for diversion of 330.1826 ha.

(xxii) The Compensatory Afforestation areas on degraded forest land have been identified in Bhupalapally Division and so far 32 patches have been raised with years of planting ranging from 2014-15 to 2021-22.

I/56889/2025. AC observed that an area i.e. 17.94 ha adjacent to this instant proposal which was already given UG rights were submitted for approval of Surface rights. This proposal for diversion of 17.994 ha of forest land in Upperlakesaram RF of Manthani Range of Peddapalli Forest division for grant of Mining lease for surface use (From underground rights to Surface rights) was considered in the AC meeting held on 17.07.2023 and the AC has recommended to reject the proposal. The Ministry had already rejected this proposal on 21.08.2023.

6. AC also observed that, the State Govt. was requested to identify the areas outside notified forests for the CA purpose as per the decision taken in FAC meeting held on 27.01.2021. Further, the State Government is also requested to submit the KML files, CA suitability certificate and CA scheme. In this regard the State Govt. has informed that MOEF, while granting Stage- I for 147.42 Ha of Surface rights from UG vide F. No.8-109/2005-FC (vol), dated 19.07.2012, and amended on 23.07.2013. Subsequently granted stage-II vide F.No- 8-109/2005-FC(vol), dtd 01.08.2013. While granting Stage-I the MoEF, imposed penal clause regarding 448.90 Ha (118.57+330.33) for penal C.A.

7. AC observed that the instant area proposed for diversion is already under mining without approval. It was informed by the Nodal Officer, Govt. of Telangana that the status of this area was not known to Revenue Dept, Forest Dept and SCCL that it is a forest land.

8. The instant proposal was earlier discussed in the AC meeting held on 21.08.2023. The AC after going through the facts of the proposal and submissions made, the Committee desired that the IGF(C), Sub-office Hyderabad to provide clear recommendation with regard to the applicable penal provisions (CA & NPV) in consultation with the State Nodal Officer and also check the compliance wrt the CA land and plantation in the overlap/related matters within next 15 days and IGF (C), Sub-Office Hyderabad shall present before the AC for further consideration of the instant proposal.

9. As desired by the AC on 21.08.2023 the IGF(C), Sub-Office Hyderabad submitted the report and recommended the following: -

- i. NPV for 330.33 ha may be imposed.
- ii. 330.33 ha Non-Forest land shall be imposed against the diversion of 330.33 ha.
- iii. 14.04 ha of DFL wrt Safety zone
- iv. Penal CA in 237.45 Ha DFL may be imposed as 660.66 Ha is already imposed earlier.
- v. It was stated that Penal NPV may be decided by the Advisory Committee please. Since Panel NPV was not imposed earlier

10. IGF(C), Sub-Office Hyderabad also informed that the State Govt. has not complied with the CA conditions imposed by this Ministry in two proposals adjoining to the instant mine of the same UA. The details of the proposals are as below: -

- I/56889/2023 i. Proposal for diversion of 412.4 ha of forest land for underground mining in which 247 ha for surface use for GHDK-9,10 & 10 A inclines in Ramagundam-II and OC Project-I expansion in favour of M/s SCCL was accorded Stage-II approval on 02.05.2008 with a condition that:

2(d) The NFL identified for raising Compensatory afforestation shall be notified by State Govt. as RF under section-4 or PF under section -29 of IFA 1927 or under the relevant sections of local forest Act, as the case may be, within a period of six months. The Nodal Officer (FC) shall report the compliance in this regard.

In this proposal 247.00 ha of Non-forest land was identified for CA and even after the lapse of 15 years the same is not notified as RF/PF as per the condition imposed.

- ii. Further wrt proposal for diversion of 147.42 ha of forest land in RF of Karimnagar east division for expansion of Ramagundam OCP- II in RG-III area located in Adrial RF of Karimnagar east division in favor of M/s SCCL was accorded Stage-II approval on 01.08.2013. In the instant proposal CA land of 237.45 ha was identified for CA purpose.

In compliance to above mentioned conditions, out of 237.45 ha only 86.727 ha is notified and remaining 150.723 ha of CA identified is not yet notified even after the lapse of 10 years.

11. AC further noted that during the monitoring carried by IGF(C), sub-office, Hyderabad it was observed that the State Govt. has revised the CA land as identified earlier and also CA schemes submitted wrt proposal for diversion of 412.4 ha of forest land for underground mining in which 247 ha for surface use for GHDK-9,10 & 10 A inclines in Ramagundam-II and OC project-I expansion and proposal for diversion of 147.42 ha of forest land in RF of Karimnagar east division for expansion of Ramagundam OCP- II in RG-III for which approvals were accorded by this Ministry in 02.05.2008 & 01.08.2013 respectively. It was also deliberated that the approval of this Ministry is required for revision of the CA land if any.

12. AC also observed that the non-compliance of the conditions-imposed amounts to violation/ non-compliance of condition as per para 1.21 (iii) this Ministry handbook of guidelines issued in 2019.

12. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with IGF (C), Sub-office, Hyderabad and Nodal officer (FCA), Govt. of Telangana. After going through the facts of the proposal and submissions made, the committee recommended the proposal for grant of in-principle/ Stage-I approval, subject to the general, standard, and following specific conditions:

- i. The State Govt. shall impose NPV for 330.33 ha as per the prevailing rates.
- ii. The State Govt. shall impose a penalty of five (5) times the NPV for 330.33 ha which is the area under violation, plus 12 percent simple interest on the total amount so calculated from 01.08.2013 till the actual date of deposit as penalty for violation of FCA 1980.

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- iii. Compensatory afforestation shall be taken up by the Forest Department over 330.33 ha of Non-forest land for the CA purpose at the cost of the User Agency. The non-forest land identified for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval.
 - iv. The CA land identified and mutated in the name of Forest department w.r.t. the two proposals adjoining to the instant mine shall be notified as RF/PF under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be within three months and the compliance in this regard shall be submitted to the Ministry.
 - v. The State Govt./User Agency shall identify 14.04 ha of degraded forest land w.r.t. the CA against Safety Zone as recommended by the RO and State Nodal Officer.
 - vi. The State Govt. shall also undertake penal CA of 237.14 Ha DFL ($2 \times 118.57 = 237.14$) as recommended by the RO and State Nodal Officer.
 - vii. The State Govt. shall forward the details of the CA land and CA scheme (if revised) pertaining to the proposals (diversion of 412.4 ha of forest land for underground mining in which 247 ha for surface use for GHDK-9,10 & 10 A inclines in Ramagundam-II and OC Project-I expansion and diversion of 147.42 ha of forest land in RF of Karimnagar east division for expansion of Ramagundam OCP- II in RG-III for which approvals were accorded by this Ministry in 02.05.2008 & 01.08.2013 respectively). Further the State Govt. shall take approval of this Ministry wrt the revised CA lands within a period of three months.
 - viii. State and Regional Office, must monitor the compliance of the proposals granted FC clearances to the User Agency and take appropriate action.

Agenda No. 2

File No. 8-05/2021-FC

Sub: Proposal for diversion of 649.3014 ha forest land in Ramavaram RF of Ramavaram Range of Kothagudem forest division for grant of mining lease for proposed Venkateshkhani OCP from underground rights to surface rights in Kothagudem area in Bhadradi Kothagudem District in favor of M/s. SCCL (Online proposal No. FP/TG/MIN/44798/2020).

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 20.10.2023. The corresponding details of the agenda 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 Member Secretary before the AC. Committee was also apprised of the relevant provisions

1/56889/2023 Under other Acts, Rules and Guidelines relevant to the proposal and their significance.

3. The IGF (C) Sub-office, Hyderabad and Nodal Officer (FCA), Government of Telangana were present in the meeting.

4. The AC after thorough deliberation and discussion observed that:

- i. The instant proposal is for diversion of 649.3014 Ha. is part of 1174.18 Ha diverted with UG rights granted by MoEF&CC, GoI, vide Letter No.8-277/85-FC, dtd.17.02.2009 (under F.C. Act, 1980) valid upto 26.04.2029.
- ii. The total number of trees to be felled is 349423 out of which 87682 are of below 30 cm diameter.
- iii. The user agency has provided the equivalent Non-forest land (reclaimed dump area) for compensatory afforestation (CA) against the proposed diversion of 649.301 ha forest land for Venkatesh Khani Coal Mine as per the decision taken in FAC held on 17.02.2021 and on DSS analysis it was observed that the proposed reclaimed OB Dump (CA-NFL) is already having plantation.
- iv. The IRO Hyderabad has inspected the rehabilitated OB dump and provided the information that an extent of about 155 Ha is having less than 1000 plants per hectare and 10cm girth in size at DBH. The remaining area of 495.51 Ha is having more than 1000 plants of more than 10 cm girth at DBH.
- v. To compensate this area of 155 Ha, State Govt has proposed CA of 200 Ha in Degraded Forest Land at Mahboobabad in 13 patches.
- vi. The identified Non-forest land (reclaimed dump area) is as per the guideline issued by this Ministry vide its letter dt 17.10.2019 wherein it was decided that non-forest mined out land which have been reclaimed technically and restored biologically shall be accepted for raising CA.
- vii. The proposal was considered before Advisory Committee in its meeting held on 21.09.2022. The Committee after having detailed discussion and deliberation with the Nodal Officer, Telangana and Regional Officer, IRO, Hyderabad deferred the proposal in want of-
 - a. A study to be carried out by IIFM Bhopal on the Cost-Benefit analysis on conversion of underground Mines to open cast mines and the cost of the study will be borne by User Agency. The Cost-Benefit Analysis shall account for the ecological/ecosystem services provisions from the proposed mining area/landscape.
 - b. The details/KML files of the DFL identified for carrying out one half times CA w.r.t the safety zone may be provided.
 - c. The State govt. may comment on the dumping of the material in Goutham Khani Open Cast Mining and its impact on the approved Mining closure plan/R&R plan based activities.
 - d. Considering the area to be diverted is very large a biodiversity impact assessment study may also be carried out by reputed institution. The cost for the study will be borne by the User Agency and the study report shall be submitted to this Ministry as early as possible.

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viii. With respect to the query of FAC the State Government submitted the following:

- a) IIFM Bhopal has carried out a study wrt Cost-Benefit analysis on conversion of underground Mines to open cast mines. The revised C:B Ratio is 1:12.53 against the previous of 1:20.10. The UA is willing to work with this cost: benefit ratio and it is favourable to them.
- b) The details/KML files of the DFL identified for carrying out one half times CA w.r.t the safety zone was submitted by the State Govt. The same were analysed by DSS team and as per the DSS report CA land in lieu of 1.5 times of safety zone has been identified in Penagadapa RF and its software calculated area is found to be 12.26 ha.
- c) Venkatesh Khani Coal Mine is amalgamation of Venkatesh Khani No.7 (VK-7) Incline, Padmavathi Khani No. 5 (PVK-5) Incline & Goutham Khani (GK) OC Mine. The Mining lease area of Venkatesh Khani Coal Mine is 2403.17 ha (1568.22 ha is Forest Land and 834.95 ha is Non Forest Land). The area of GK OC mine is 902.00 ha which includes 540.27ha forest land. The VK-7 Incline (UG) mine is spread over an extent of 580.20 ha which involves total forest land of 346.66 ha.

The PVK-5 Incline (UG) mine area is 916.48 ha, out of which 768.99 ha is forest land and remaining 147.49 ha is non-forest land. Forest land of 768.99 ha is part of 1174.18 ha forest land for which Forest Clearance was obtained in 2009. At the time of submission of Mining Plan of GK OC Mine, there was no proposal of conversion of VK-7 and PVK-5 Incline UG coal mines into Open Cast.

Subsequently, as the coal was exhausted in GK OC, without further scope of extraction of coal by UG method in VK No.7 Incline, these 2 mines were closed in 2022 and 2021 respectively. SCCL further obtained approval of Mining Plan (Including Mine Closure Plan) from MoC, Gol, vide 38011/12/2017-PCA, Dt.27.01.2020 for VK Coal Mine which involves 787.14 Ha of GK OC area.

Therefore, in this regard sequential mining is selected for optimization of land by converting: VK No.7 Incline to OC initially & dumping OB in GK OC void (area 221.64 ha). PVK No. 5 Incline to OC after 11 years (from 2019-20) of UG mining and dumping OB in VK No.7 area voids. Utilizing voids of GK OC & VK-7 area for OB dumping from 2021-22 & 2030-31 respectively & Utilizing infrastructure (Office buildings, Workshop, CHP & Railway Siding) of GK OC Mine up to 2021-22 & establishing new infrastructure at VK Coal Mine area from 2022-23.

Out of 503.60 ha OB dump of GK OC Mine, 100 ha rehabilitated area was surrendered to Forest department. Therefore, for Venkatesh Khani OC Mine, it is proposed to utilize remaining 403.60 Ha of dumping area, 221.64 Ha void area, 75.98 Ha of safety zone all along

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the boundary & 56.28 Ha of infrastructure area of GK OC in the instant proposal as part of sequential mining.

As per the mining plan of Venkatesh Khani OC Mine, rehabilitation of OB dump area will be in 1307.356 Ha (403.60 Ha of GK OC dumping area + 903.756 Ha of new OB dumping area). The void area will be in 386.334Ha with standing water upto 300 meters' depth as against 221.64 Ha area of GKOC mine upto 240 meters.

Further, the existing safety zone all along GKOC in 75.98Ha will be maintained and increased up to 160.80 Ha area in VKOC, thus reducing the impact, if any on the nearby wild life.

- d) The State Govt. has submitted the biodiversity report carried out by the EPTRI (Environment Protection Research & Training Institute, Hyderabad). As per the recommendation of the study:
 - i. Restoration and reclamation process during and after mining in the proposed study area and compensatory measures of SCCL with the forest department in the adjoining forests will provide alternate habitats for these species without much competition in resource partition with other existing species around the study area.
 - ii. These processes should be monitored by a wildlife expert from the beginning of the mining Operations, in a long-term period continuously without fail. The long- term monitoring will provide inputs and advisories to maintain and sustain the ecological balance of the study area. One wildlife expert at least for 10 years to monitor the impact of mining in adjoining forest area in the buffer may be engaged.
 - iii. The monitoring will help in creating a database by conducting the research throughout the mining project covering all seasons as these may also lead to the management of the proposed study area and the adjoining forest areas. Such studies may also raise questions on urban wildlife conservation and its importance in and around the mine operational areas.
 - iv. A Wildlife Conservation/Mitigation plan was prepared was approved by the Chief Wildlife Warden, TS, vide reference 5694/2021/WL-I Dt. 12.10.2021 for Rs.4.78 Crores. This plan shall be implemented within 3 years from the start of mining
- ix. AC also noted that a meeting with Nodal Officer, Telangana, IRO Hyderabad and representative from UA was held on 02.05.2023 at 03:30 PM and in the meeting the following were decided: -
 - a) The State Nodal Officer and the User Agency shall submit the compliance w.r.t. conditions imposed in all the cases wherein Forest Clearance has been sought by the UA.
 - b) The State Nodal Officer and the User Agency shall submit the KML files and maps of the safety zone.

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- c) The State Nodal Officer may forward the compliance report wrt the approvals (GK OCP and VK OCP) involved to the IRO, Hyderabad. IRO may analyze the compliance report and submit a report to this Ministry.
- d) The State Nodal Officer may offer its comments w.r.t. plantation visible in many parts of the proposed forest area for Venkatesh Khani OC Mine. Whether this plantation has been carried out under any CA scheme. If yes, details thereof

x. AC observed that Venkatesh Khani Coal Mine is amalgamation of Venkatesh Khani No.7 (VK-7) Incline, Padmavathi Khani No. 5 (PVK-5) Incline & Goutham Khani (GK) OC Mine. The Mining lease area of Venkatesh Khani Coal Mine is 2403.17 ha (1568.22 ha is Forest Land and 834.95 ha is Non Forest Land).

xi. AC also noted that respect to the instant proposal there is a revised Mining plan for conversion of underground mine to open cast Mine to and the same has been submitted by the UA to this Ministry.

xii. AC observed that in an another proposal of the same user agency i.e. 1st Renewal for diversion of 124 ha. of forest land for coal mining in GKOC Phase-II, Kothagudem, the identified CA land was encroached and an area of out of 124 ha identified for CA only 42.96 ha is available and rest CA area i.e., 81.04 ha is under encroachment by the local tribes.

xiii. Further AC also noted that user agency i.e. SCCL has handed over the Non-forest land to an extent of 233.77 Ha in Sy.No.116 of Rasannagudem (V), Mulkalapally (M) of Bhadradi Kothagudem district and Mutated in favour of the forest department, vide Mandal Revenue Officer Lr.No (M) Rc. No B/912/98 DT.07.07.1991 in lieu of forest area diverted for various projects of M/s Singareni Collieries Company Limited. Later after DGPS Survey the area reduced to 210 Ha and there was also an over lapping of is overlap in the non-forest CA lands handed over by M/s SCCL and that handed over by I&CADD officials for SRLIP project, for which the I&CADD officials have been requested to provide the alternate non-forest CA land.

xiv. Advisory Committee on 18.05.2023 deferred the proposal, seeking the following information: -

- i. The State Govt. and IRO may reanalysis the C:B ratio study report and the biodiversity report submitted and offer its comments.
- ii. The State Government and IRO and may analyze and verify why the instant proposal was applied for Under Ground Mining earlier and what are the reasons why the instant proposal is proposed for Open cast mining.
- iii. The User Agency may handover the land identified CA purpose to the State Government wrt the proposal for 1st Renewal for diversion of 124 ha. (Surveyed 124.065 ha.) of forest land for coal mining in favour of M/s SCCL for GKOC Phase-II, Kothagudem in Ramavaram RF of Kothagudem Division, Bhadradi, Kothagudem District, Telangana.

5. The State Govt. vide letter dt 31.07.2023 forwarded the additional information which was asked by the AC vide this Ministry's letter dated 29.05.2023.

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6. The IGF (C) sub-office, Hyderabad vide letter No.4-TSA284/2022-HYD/675 dated 20.09.2023 forwarded the analyses report on Cost benefit ratio and Biodiversity report with comments. The following were informed in the report: -

i. C:B ratio: -Old rate of NPV is taken into consideration in calculating the CB ratio. Revised NPV as per Ministry's guidelines F.No. 5-3/2011- FC (Vol-1), dated 06.01.2022 and the clarification dated 19.01.2022 and 22.03.2022 is to be considered in the calculation.

ii. Biodiversity Report: -

- a) There is certain ambiguity as regards to the area of study whether it carried out in core zone or buffer zone.
- b) The study has failed to include impact of mining on all the existing flora and fauna instead of selected species as proposed in the objective.
- c) The report concluded that there is no impact on "migration of Wildlife" but not commented on the impact of mining on the wildlife present over the area.
- d) No mitigation plan for species and habitat is furnished.

iii. Wildlife conservation / Mitigation plan: -

- a) The plan is prepared for conservation of Indian Monitor Lizard and Indian Peafowl only. Other measures such as soil moisture conservation-works, fire control etc. are provided in the plan.
- b) The plan has not taken into consideration other important wildlife such as Leopard, Wild Dogs, Bison, Tiger, Sloth Bear, lesser fauna etc. which are reported to be prevalent in the adjoining forest area of the Venkatesh Khani coal mine.

7. IGF(C), Sub-Office Hyderabad has suggested that: -

- a) The wildlife mitigation plan may be made co-terminus with the mining operations as mining activities will have some impact on the wildlife in the area.
- b) Continuous monitoring on the impact of mining and the impact of mitigation measures implemented shall be studied by engaging one expert in the field of forestry/ wildlife (Forestry/ Agricultural graduate or post graduate) throughout the life of the mine. Periodical report on such impact study may be of use in future management of forest area.

8. AC also observed that the amount w.r.t wildlife conservation plan is deposited in Biodiversity Conservation Society of Telangana (BIOSOT) account of Chief Wildlife Warden, Telangana. This amount needs to be deposited in CAMPA account as per provisions.

9. AC noted that there was non-compliance of FC conditions were noticed during monitoring of projects associated with the proposed diversion of 649.3014 Ha Forest Land in Ramvaram RF of Ramavaram Range of Kothagudem Forest Division. This amounts to violation/ non-compliance of condition as per para 1.21 (iii) wrt this Ministry handbook of guidelines issued in 2019. The details of non-compliance noted are reproduced below: -

S. No.	Project Title	Status of compliance
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1.	<p>Diversion of 124.00 ha of Forest land for OCP GKOC Phase-II, Kothagudem in Ramavaram RF, Kothagudem Division of Bhadradi Kothagudem District.</p> <p>Stage-II clearance letter & date: No. 8-17/1998-FC, dated 08.02.99.</p> <p>Proposal No.: FP/TG/MIN/393/1998</p>	<ul style="list-style-type: none"> • The User agency had handed over 124.00 ha of non-forest land in Sy No. 116 of Rasannagudem village, Paloncha Forest Division during 1990 and also paid Rs.49, 60,000/- lakhs towards Compensatory Afforestation charges. The State Forest Department informed that an area of 61.66 ha out of this NFL is overlapping with the CA land given for diversion of forest land for SRLIP (Irrigation project). Further, 81.04 ha of this NFL land is under encroachment DIGF (Central) during inspection of this area noticed that the encroachments are mainly by way of cultivation of Eucalyptus by the locals. The area is also not demarcated and there are no display boards indicating that this is a CA-NFL Land. It appears that the State Forest Department had not raised any CA plantation in this area. The State Forest Department could not furnish any details on the action taken on the encroachments. It appears that the already encroached forest land has been accepted while considering SRLIP project by the State Forest Department. NFL land handed over to the Forest department is not notified as RF/PF by the State Government. • The boundary demarcation pillars in the mine area are not intact and contiguous. 14 nos.of pillars are found to be constructed freshly by the User agency on the OB Dump area. • The User agency had transferred Rs 3.66 Lakhs towards plantation in the safety zone area and afforestation on one and half times of safety zone area. During monitoring, it was noticed that there is no safety zone maintained and the DFO could not show the one and half times of DFL on which Safety Zone Afforestation was carried out.
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		<ul style="list-style-type: none"> Reclamation of mined out area is not done and informed that the reclamation will be done as per the revised plan of the VKOC project. However, OB dump and mined out area of Phase-1 is reclaimed partially and plantation raised.
2.	<p>Diversion of 154.96 ha of Forest land in Kothagudem Forest Division (Ramavaram RF Compt.11,12&13) for Gauthami Khani OCP, Phase-III in Kothagudem District in favour of M/s Singareni Collieries Company Limited.</p> <p>Stage-II clearance letter & date: No.8-62/2005-FC, dated 15.07.2008.</p> <p>Proposal No.: FP/TG/MIN/970/2005</p>	<ul style="list-style-type: none"> CA land is reported to be given in Mulapet village, Ranasthalam Mandal, Srikakulam district, Andhra Pradesh. The status of CA plantation is not available. The User agency had transferred Rs. 2.89 Lakhs towards one and half time safety zone area afforestation in DFL Rs. 7.690 Lakhs towards fencing of safety zone and 0.220 Lakhs towards regeneration of safety zone area. However, there is no safety zone of 7.5m width noticed in the field during monitoring. The details of one and half times safety zone area afforestation carried out on DFL was not shown during monitoring. Information regarding notification of NFL as RF/PF is not available as the NFL land falls in Andhra Pradesh. Out of 42 boundary pillars reported to be fixed, only 26 pillars are existing in the field. Detailed reclamation plan and annual report about the progress of reclamation is not furnished to the R.O by the User agency, as per the Stage-II conditions.
3.	<p>Diversion of 261.31 ha of forest land for renewal of Gauthami Khani Opencast Mining Project (Phase-I) for surface use in Bhadradi Kothagudem District-Kothagudem Division in favour of M/s Singareni Collieries Company Limited.</p> <p>Stage-II clearance letter&date:</p>	<ul style="list-style-type: none"> Only 14 demarcation pillars are available in the field, out of the 35 pillars reported to be fixed. CA land is given in two patches at Rasannagudem (V). Paloncha Forest Division, Kothagudem District: Part of the CA-NFL land is under encroachment (exact extent can be known after detailed survey only) by way of cultivation of agricultural crops.

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	No.8-117/2002-FC, dated 01/02/2010. Proposal No.: FP/TG/MIN/492/2002	Eucalyptus, Cashew nuts etc. The hilly portion of the CA-NFL is devoid of encroachment and is having natural forestry vegetation. It appears that the State Forest Department had not raised any plantation in this area except some plantations on the bund of the trenches dug. <ul style="list-style-type: none"> Reclamation of the mined out area will be carried out as per the revised Mine Closure Plan/EMP for the VKOC project as per the information given by the User agency during the monitoring.
4.	Renewal of Mining Lease of 1174.18 Ha of Forest Land in Kothagudem Forest Division of Khammam Circle for Underground mining in favour of SCCL Stage-II clearance letter date: F.No.8-277/85-FC, dated 17/02/2009. Proposal No.: FP/TG/MIN/19481/2007	<ul style="list-style-type: none"> The Underground mining is completed and the diverted land was not handed over to the State Forest Department. Reclamation of the mined out area will be carried out as per the revised Mine Closure Plan/EMP for the VKOC project as per the information given by the User agency during the monitoring.

10. AC also noted that as per the monitoring report by IGF(C) no safety zone is visible around the proposal of diversion of 124 ha forest area of the same user agency and which is under consideration in this Ministry for renewal. Further, it was also observed that while analysing KML files, it was learnt that the DFL area i.e. 9.31 Ha. in which plantation was done wrt the one and half times for safety zone area pertaining to the proposal for diversion of 124.00 ha is falling inside 649.3014 ha forest area proposed for Venkateshkhani OCP in the instant proposal (from underground rights to surface rights)

11. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with IGF (C) Sub-office Hyderabad and Nodal officer (FCA), Govt. of Telangana. After going through the facts of the proposal and submissions made, the committee decided that there are many shortcomings/lacking information in the present proposal and the same cannot be acceded to in present proposition.

Further, on being informed that different User Agencies whose proposals are processed under FCA, 1980, are depositing amounts related wildlife conservation

1/56889/2023 plan w.r.t. their respective proposals in the *Biodiversity Conservation Society of Telangana (BIOSOT)* account of Chief Wildlife Warden, Telangana. AC decided that State Govt. shall deposit such entire amount in CAMPA immediately as the process adopted by State Government is not as per rules. AC also decided that the State Govt. shall comply with all the condition and submit the report to this Ministry w.r.t. the four proposals (linked with the instant proposal) as per observations noted in the report submitted by the IGF (C) Sub-office Hyderabad within a period of two months.

Agenda No. 3

File No. 8-08/2023-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 Rungta Mines Ltd. for non-forestry use of 156.978 ha of forest land (147.803 ha in Bonai Forest Division & 9.175 ha in Keonjhar Forest Division) for Iron Ore Mining and ancillary activities with in Jumka Pathiriposhi Pahar Iron Ore Block under Forest Division and District Sundergarh and Keonjhar of Odisha State-reg.

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 20.10.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Govt. of Odisha, DDGF (central) and DIGF (Central) MoEF&CC's RO at Bhubaneswar attended the meeting through VC.
2. Earlier the proposal was discussed in the AC meeting held on 21.08.2023 and the Committee decided to defer the proposal and recommended sub-committee to visit the area, examine the proposal holistically, and give recommendations in view of the area being in High Conservation Zone as per Decision Rule 1 and 2 of DSS, and human animal conflict situation. As per extant Rules and guidelines a comprehensive proposal including the road and transmission line was required to be submitted, whereas the state has mentioned that separate proposals are being submitted for road and transmission line. The committee was therefore also examine the necessity and justification of the separate proposals for road and transmission line. The committee comprised of the following members:
 - i. Shri Manoj Pant, Non-official member of the Advisory Committee.
 - ii. Shri AT Mishra, DDGF (Central), MoEF&CC's RO Bhubaneswar.
 - iii. Shri Sushant Nanda, PCCF cum Nodal Officer (FCA). Government of Odisha.
 - iv. Dr. Dheeraj Mittal, AIGF, MoEF&CC, New Delhi.
3. The committee was to submit its report with a period of 15 days.
4. The sub-committee of the AC has submitted their report through PCCF cum Nodal officer (FCA), Government of Odisha dated 21.09.2023 and informed

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that the sub-committee visited the site on 05.09.2023 along with RCCF, Rourkela, DFO, Keonjhar and DFO, Bonai.

5. The proposal was also placed before the AC meeting held on 11.10.2023 and was deferred for the next meeting.
6. During the meeting, all the facts and background of the proposal, along with report of the Sub-Committee were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
7. Advisory Committee after through deliberation and discussion observed that:

The Government of Odisha vide letter no. 10F (Cons)-12/2023 dated 03.03.2023 submitted the proposal online for the diversion of 156.798 ha of forest land (147.803 ha in Bonai Forest Division & 9.175 ha in Keonjhar Forest Division) in respect of Jumka Pathiriposhi Pahar Iron Ore Block of M/s Rungta Mines Ltd. of Bonai Forest Division and Keonjhar Forest Division under Sundergarh and Keonjhar district of Odisha.

- i. The State Government and other authorities have recommended the proposal for approval under FCA, 1980.
- ii. Government of Odisha, pursuant to the Mines and Minerals (Development and Regulation) Act, 1957 and the Mineral (Auction) Rules, 2015 as amended from time to time, issued notice inviting tender dated 07.07.2021 to commence the auction process for grant of mining lease for Jumka Pathiriposhi Pahar Iron Ore Block over an area of 158.509 ha for Iron Ore located in Koira Mining Circle. District-Sundargarh and Keonjhar Mining Circle. District-Keonjhar, Odisha. The e-Auction process was conducted in accordance with the tender document for the said mineral block on 24.09.2021 and Rungta Mines Ltd. was declared as the Preferred Bidder' under Rule 9(9)(ii) or Rule 10 (1A) of Auction Rules, having quoted highest Final Price Offer vide letter No. MXIII(b) 46/2021/7738/DM Dated 05.10.2021 issued by Director of Mines, Government of Odisha. Accordingly, pursuant to Rule 10(2) of the Auction Rules and the terms of the Tender Document, the Government of Odisha issued Letter of Intent (LoI) bearing No. IV(B)SM-49/2021/8716/SM, Bhubaneswar dated 28.10.2021 for grant of Mining Lease for Jumka Pathiriposhi Pahar Iron Ore Block for Iron Ore located in 20 km south of Koira town in Kedeshala village, Koira Tahasil, Sundargarh district on 158.509 ha area to Rungta Mines Ltd. for a period of 50 (fifty) years
- iii. The validity of LoI is for a period of 3 (Three) years from the date of its issuance on 28.10.2021, within which all the conditions stipulated therein need to be fulfilled and the Mining Lease deed has to be executed between the Rungta Mines Ltd. and the Government of Odisha Mining plan along with progressive Mine Closure Plan of Jumka Pathiriposhi Pahar Iron Ore Block over an area of 158.509 ha

has been approved by Indian Bureau of Mines (IBM), Bhubaneswar vide letter No. MP/A/18-ORI/BHU/2021-22 dated 24.11.2021

- iv.** Total land involved in the grant of Lol for mining lease over 158.509 ha which includes 147.803 ha of PRF in Bonai Division and 9.175 ha revenue forest land & 1.531 ha non-forest land in Keonjhar Forest Division.
- v.** Density of vegetation is 0.6 and Eco-Value Class-1 in both Divisions. The prevailing vegetation in the forest land proposed for diversion includes Sal and its associates. The geological formation of this area is quite suitable for growth of Sal constitutes around 70 to 75% of the top canopy.
- vi.** This applied area does not form part of any National Park/ Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve. There is no archaeological monument or defence establishment within the applied area.
- vii.** Total nos. of trees in Both Divisions has been enumerated above 30 cm girth is 36342 and below 30 girth is 6368. Member Secretary informed the committee that the number of the trees does not seem commensurate with the vegetation density referred in the proposal.
- viii.** The proposed site is about 0.5 Km distance from the Sarkunda and Nagaria PRF under Bonai Division. The applied area does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. However, movement of wild elephants occasionally in the proposed forest blocks applied for diversion is noticed. The project area is 20.95 Km distance from the Karo-Karampada Elephant Corridor.
- ix.** An extent of 3.746 ha of land comes under the Safety Zone area of the project which comprises with 5.748 ha of forest land & 0.268 ha of non-forest land.
- x.** Terms of Reference (ToR) has been issued by Ministry of Environment, Forest and Climate Change, Impact Assessment Division vide No IA-J-11013/2/2022-1A-11 (NCM) dated 18.02.2022 with production capacity of 3.35 million TPA Iron ore with a total excavation of 3.98 MTPA (0.63 million TPA of waste).
- xi.** As per Mining Plan, the mining operation will be fully mechanized opencast with development of benches of height up to 10m and width upto 20m. The conventional opencast method with utilization of excavator of capacity upto 4.5m, dumpers of capacity up to 50 MT, rock-breakers, deep-hole drilling blasting will be adopted. During mining operation period from 2026-27 (27.10.2026 to 31.03.2027) to 2028-29, mining operation will be done in one quarry.
- xii.** Compensatory Afforestation area has been identified over equivalent non forest land i.e. 156.978 ha of non-forest Govt. land in village Deri under Banspal Tahasil, BJP Range of Keonjhar Forest Division. The proposed non-forest area having provision for ANR Plantation @500 plants per hectare over 50.00 ha and @1600 plants per ha over 5 ha

with 10 years maintenance. Further, for balance area 9.175 ha of non-forest land in the same village and Khata No. has also been identified with required certificates and due verification by both forest and revenue authorities.

- xiii.** As the identified non-forest land have not sufficient space to accommodate the $156.978 \times 1000 = 1,56,978$ plants, therefore the State has provided addl. CA land in Keonjhar Division over an area of 183.722 ha. of degraded Forest land which have the provision of AR Plantation @1000 seedlings/ ha over 92.946 ha. ANR Plantation @ 500 seedlings/ha over 74.237 ha and ANR Plantation @ 200 seedlings/ha over 8.00 ha. In the scheme there is a provision for soil & moisture conservation over the entire area of 183.722 ha.
- xiv.** The financial outlay of CA scheme over 156.978 ha non-forest Govt. land is ₹3,16,01,200/- (Rupees Three Crore Sixteen Lakhs One Thousand Two hundred) and the financial outlay of Addl. CA scheme over 183.722 ha degraded forest land is ₹5,57,79,500/- (Rupees Five Crore Fifty-seven Lakhs Seventy-nine Thousand Five hundred) only as per approved one-time cost norm with 10 years maintenance.
- xv.** The total benefit due to the proposed project comes to ₹4,59,445.601 Lakhs. The total loss due to proposed forest diversion has been calculated to be ₹4,034.53859 Lakhs. The total loss due to proposed forest diversion has been calculated to be ₹1,124.25389 Lakhs. Hence, the Cost-Benefit Ratio is coming to 1:89.06.
- xvi.** The Mining Plan has been approved by the Indian Bureau of Mines. The Mining plan with progressive mine closure plan is given with the proposal.
- xvii.** No violation has been reported by the State in this proposal.
- xviii.** FRA Certificate under the Forest Rights Act, 2006 over 156.978 ha of forest land along with Gram Sabha Resolution and proceeding of SDLC and DLC meeting have been provided.
- xix.** There is no displacement of people due to the project Hence, no rehabilitation plan has been envisaged as reported by both the DFOs of Bonai & Keonjhar Division.
- xx.** The applied forest land in village Jumka Pathinposi Pahar under Bauspal Tahasil of BJP Range of Keonjhar Division is the dwelling habitat for Elephant, Bear, Barking Dear, Hyena, Porcupine etc. Wild Elephants often visit nearest Sarkunda and Nagaria PRF under Bonai Division and the adjoining Forest Blocks.
- xxi.** As per the DSS analysis, felling of trees is visible in the proposed forest area and it can be verified with the help of GE images dated April, 2020 onwards. But, the state has intimated that no tree felling has been noticed inside the forest area proposed for diversion. Moreover, During the visit of sub-committee has also it has also been reported that some anthropogenic interferences were observed in this area. There is a road going inside the proposed area which is being used by the people. There are few villages in and around the

proposed site. In a patch of about 0.3 Ha shifting cultivation was found. Old stumps of about 5 to 10 years were found which indicate that there are felling of few trees in the past. However, no fresh felling of trees observed.

xxii. The State was asked as to how the requirement of water, electricity and road will be met in the instant case as both rail and road heads seem far from the proposed area. The State has informed that for drinking purpose (97 KLD), and surface water (0.15 cusec) for different purposes - water sprinkling on haulage road for dust suppression, horticultural and other plantations, Dry screening & crushing plant for dust suppression & Miscellaneous, the project proponent has obtained permission for allocation of surface water from DOWR, Govt. of Odisha, vide Letter No.736/WR, dated 09.01.2023 and permission to extract groundwater from Central Ground Water Authority (CGWA), vide Letter No. CGWA/NOC/INF/ORIG/2023/18140 dated 11.04.2023. Further the state has also informed that the UA has already applied two different proposals for additional area for diversion of 3.104 ha of forest land for Transmission line and 13.077 ha of forest land for road. A comprehensive proposal has not been submitted by the State Government.

xxiii. The area falls in Habitat Zone-2 as per the Remote sensing application for characterization of elephant habitat and corridor in Odisha and part of Bihar. The study done by the Odisha Remote Sensing Application Centre (ORSAC), Bhubaneswar and reported during September,1999. The HEC data of last 5 years in the both the divisions as given below:

Sl.No	Division	Human kill	Human injury	Crop depredation (Acres)	Damage to houses	Cattle Kill
1	Bonai	28	15	458.95	717	4
2	Keonjargar	44	49	11431.937	870	0
3	TOTAL	72	64	11890.887	1587	4

xxiv. The State has given Regional Wildlife Management Plan and Site Specific Wildlife Conservation Plan which have the provisions of @82,000/- per hectare. The AC observed that the rate of RWMP /SSWCP was revised by the State Govt. vide letter dated 05.12.2018. There is a need to further revise these rates.

xxv. On the Human Elephant Conflict (HEC) issues the report of the sub-committee was also examined and the data given below:

Last Five Years Human Wildlife Conflict details in 10 Km. Impact Zone of influence of Jhumka Pathriposhi Iron Mines M/s Rungta Pvt. Ltd.		
	Bonai F.D.	Keonjhar F. D.
Human Death due to Elephant Attack	3	2
Human Death due to other Wildlife Attack	Nil	Nil
Elephant Death	1	Nil

Any other Wildlife Death	Nil	Nil
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Shows only 1 elephant death and 5 human death.

- xxvi.** As the area proposed for diversion is falling in High Conservation Zone as per the decision Rule 1 and 2 of DSS. The SIR of the DDG(C) was not clear regarding the inviolate condition of the DSS report and no clear recommendation was given in the report as observed by the Advisory Committee in the last meeting.
- xxvii.** Regarding dense forest area, the sub-committee during its visit has observed that the soil of this proposed site is largely lateritic with poor soil depth. Erosion has exposed laterite rocks in some place. The proposed site consists of both precipitous slopes as well as levelled ground. The forest of the site is classified as Tropical Moist Deciduous Forest as per Champion Seth's clarification. The predominant species is Sal (*Shorea robusta*). The growth of Sal trees in most of the areas were not good with clean bole. There were associates of Sal like Kasi (*Bridelia retusa*), Jamun (*Syzigium cumini*), Kendu (*Diospyros melanoxylon*), Mango (*Mangifera indica*), Sidha (*Lagerstroemia parviflora*), Char (*Buchanania lanjan*), Kumbhi (*Careya arborea*) etc. Young coppice shoots of Sal Ann nrorimprn regeneration or jai in nianics were onserveci Holorrinna spp, Partheniurn spp, Ageratum spp etc. were found in the lower canopy. During inspection, it was found that major part of the site is moderately dense forest with patches of very dense forest as well as blanks. As per the current working plan made available by the DFO, Bonai the forest of the proposed site has been kept in the following Working Circle:

Selection Working Circle-	21.860 Ha
Protection Working Circle & Rehabilitation Working Circle	125.943 ha
Total	147.803 ha

Thus, from the present working plan of Bonai Forest Division, it is evident that the most part of the proposed site i.e. 125.943 Ha has been kept under Protection and Rehabilitation Working Circle.

- xxviii.** The report of the sub-committee on the observation of the submission of separate proposals is that the linear proposals for road and transmission line are in the non- lease area comprising of forest, private and Govt. non-forest land. The report of the sub-committee said that the concerned officials of the User Agency insist 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 the Govt. land, subject to necessary clearance. The report also re-iterated that the Nodal Officer (FCA), Odisha present also endorsed this. The sub-committee's report endorsed the statement made by the User Agency and Nodal officer (FCA), Govt. of Odisha. It was submitted by the Member Secretary that this is not in consonance with FCA, 1980 comprehensive Guidelines 2019 under Para 7.8 (e)

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wherein it has been mentioned that "Approach road/conveyor belt and other ancillary activities related to mining shall be considered as part of the mining project and should therefore be processed accordingly". However, such proposals have been considered in certain cases for approval.

- xxix. ADG(WL) observed that the rate for preparing of Wildlife Management Plan was decided by the State of Odisha in the year 2018, therefore the Wildlife Management Plan should be made as per the revised rate, for which rates should be revised keeping in view the inflation and other factors such as wage rates etc.
- xxx. Member Secretary explain to the AC that the report of the sub-committee was not clear about inviolate area as per the decision rule 1 and 2 of DSS and status of the area as a high conservation value and therefore the report of the sub-committee is inconclusive. In the ensuring discussion Member of the AC who was also the part of the sub-committee submitted that the sub-committee had holistic examined all aspects of the proposal during the visit and recommended the proposal for diversion of 156.978 hectare of forest land may be considered under the Forest (Conservation) Act, 1980. Further, the DDGF (Central) RO Bhubaneswar informed the committee that the area is not inviolate and have several huge opening and sparsely vegetated patches. The view of the member Advisory Committee and DDGF (Central) was re-iterated by the Nodal officer (FCA), Govt. of Odisha as well. This was taken on record by the members of the Advisory Committee and agreed upon by the Chair.

8. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with DDGF (Central), DIGF (C) Regional Office Bhubaneswar and Nodal officer (FCA), Govt. of Odisha. After going through the facts of the proposal and submissions made by the Nodal Officer DDGF (C) and Sub-Committee, the Committee has recommended the proposal for grant of 'in-principle'/Stage-I approval of the Central Government under Section 2 (ii) of the forest (Conservation) Act, 1980 in favour of M/s Rungta Mines Ltd. for non-forestry use of 156.978 ha of forest land (147.803 ha in Bonai Forest Division & 9.175 ha in Keonjhar Forest Division) for Iron Ore Mining and ancillary activities with in Jumka Pathiriposhi Pahar Iron Ore Block under Forest Division and District Sundergarh and Keonjhar of Odisha State subject to the General, Standard and following specific conditions:

- i. Since a holistic proposal indicating the ancillary facilities i.e. road and transmission line was not submitted by the State Government and the proposal for road and Transmission are applied for by the User Agency and under process, the same can be processed by Regional Office but final approval will be given after grant of final approval in the instant case. Further, the State government shall submit only

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holistic proposals in future including of all linear and ancillary proposals w.r.t. to main proposal in future.

- ii. Total number of the trees affected will be enumerated and report will be submitted at the time of the compliance. With regard to the illegal felling and shifting cultivation observed at the project site, committee shall be constituted by the State Government under an officer not below the rank of APCCF level to enquire the matter and take appropriate action. A report shall be submitted to the Ministry in this regard.
- iii. As per the recommendation of the NEERI report the State Government shall explore the possibility for transportation of iron ore through conveyer belt and take a reasoned decision.
- iv. The State Government shall ensure that the rate of RWMP /SSWCP which was revised by the State Govt. vide letter dated 05.12.2018, will be further revised in view of the factors such as wage rates and inflation etc. and accordingly the revised Wildlife Management Plans having long term mitigation strategy, plan and monitoring mechanism with respect to Human-elephant conflict in the landscape, duly approved by the CWLW will be submitted at the time of compliance.
- v. A green strip of 100 meters including safety zone of approximately five hectares on the southern tip of the mining lease area will be kept intact as green belt for shelter, cover and movement of the wildlife.

Agenda No. 4

File No. 8-06/2023-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 Mahanadi Coalfield Ltd. for non-forestry use of 125.24 ha of forest land for Subhadra OCP Coal mining under Forest Division and District Angul of Odisha State-reg. (online proposal No. FP/OR/MIN/150133/2021).

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 20.10.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Govt. of Odisha, DDGF (central) and DIGF (Central) MoEF&CC's RO at Bhubaneswar attended the meeting through VC.
2. Earlier, the proposal was also placed before the AC meeting held on 11.10.2023 and its deferred for the next meeting.
3. 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 for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
4. Advisory Committee after through deliberation and discussion observed that:

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- i. The Government of Odisha submitted a proposal for the non-forestry use of 125.24 ha of forest land for Subhadra OCP Coal mining project in favour of M/s MCL, Angul district of Odisha through online PARIVESH portal on 04.02.2023.
- ii. The proposal belongs to the Mahanadi Coalfield Limited (MCL) which is a subsidiary Company of Coal India Limited, a Public Sector unit owned by Government of India. It engaged for Coal mining in the State of Odisha. The activities of MCL are spread over Angul, Jharsuguda and Sundargarh districts. Total sanctioned Coal mining projects till date of MCL are 53 including three exhausted projects.
- iii. The present proposal is known as Subhadra project which is an Opencast mine combining Utkal-A and Gopalprasad (west) part Coal block and located in Talcher and Chhendipada Tahasil of Angul District of Odisha State. The Government of India, Ministry of Coal has proclaimed that Utkal-A block mentioned in Sch.1 of CM(SP) Act, 2015 also include Gopalprasad (west) part Coal block allocated to joint venture company in Nov 2005 as per judgment of Hon'ble Supreme Court of India dt. 25.08.2014 and d1. 24.09.2014. Accordingly, the present allotment of Utkal-A Coal mine to MCL includes Gopalprasad (west) part also and the nominated authority was requested to prepare the allotment Agreement and allotment order in respect of the aforesaid Coal mine.
- iv. Nominated Authority, Ministry of Coal, Government of India has issued allotment order vide order No.NA-1031112021-NA dt. 18.11.2021.
- v. The total mining lease area of the project is 1111.85 ha. Out of which 125.24 ha is forest land and 986.61 ha is non-forest land.
- vi. The item wise break up of total land involved in this project is as follows:

Sl. No.	Pattern of utilization	Forest Area (in ha)				Non-Forest Area (in ha)	Grand Total (in ha)
		R.F.	Revenue Forest	DLC Forest	Total Forest		
1.	Mining excavation	0.71	33.82	55.00	89.53	791.75	881.28
2.	Safety Zone	0.04	0.77	0.66	1.47	10.32	11.79
3.	Infrastructure (*)	0	13.00	21.24	34.24	184.54	218.78
Total		0.75	47.59	76.90	125.24	986.61	1111.85

- vii. The total Forest land involved in the Subhadra OCP is 125.24 ha. The legal status of the forest land within the Coal blocks is R.F, Revenue Forest and DLC Forest. The details of different legal status forest land are as below:

Sl. No.	Division	Forest land (ha.)	Legal Status
1	Angul	0.75	Reserved Forest
2	Angul	47.59	Revenue Forest

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33	Angul	76.9	District Level Committee (DLC) Forest
Total		125.24	

- vii. The density of vegetation is 0.35 and Eco-class-III.
- viii. Tree enumeration has been carried out in both forest and non-forest land adopting sampling method. Total 10,925 trees have been enumerated in forest area proposed for diversion. By extrapolating the figure for non-forest private land total 37,688 trees have been enumerated.
- ix. The proposed area is Sal dominated species and also with associated species.
- x. The proposed area does not form a part of National Park, Wildlife Sanctuary, biosphere reserve, Tiger Reserve, Elephant corridor and ESZ etc. No rare/ endangered/ unique species of flora and fauna in the area. No protected archaeological/ heritage site and defense establishment or any other important monuments located in the area. The requirement of forest land for the project is unavoidable and bare minimum.
- xi. ToR has been granted by MoEF & CC, Gol vide File No. J-1101517212021-IA-II (M) dtd.22.11.2021. Further, separate application has been for amendment of ToR vide proposal No. IA/OR/CMIN/232524/2021 dtd.11.12.2021 and EAC in its 24th meeting held on 30.12.2021 considering the application by MoEF &cc, Gol granted amended ToR vide File No IA/OR/CMIN/232524/2021 IA-II (M) dtd 28.02.2022. The user agency has undertaken to furnish the required EC and other clearance from State Pollution Control Board after Stage-I clearance.
- xii. The mining plan including Mining closer plan has been approved by the Board of Directors of MCL in its 242nd Board meeting held on 13.01.2022 vide letter dtd. 13.01.2022. Mining plan and Mining closure plan for Subhadra OCP (Modification-1) comprising western part of Gopalprasad west-664.71 ha & Utkat-A- 480.19 ha is given.
- xiii. A detailed scheme on progressive & final mine closure plan to reclaim and stabilize the mined out undulating areas and the saturated dumps adopting different measures are proposed in the mining closure plan with financial outlay. Heavy plantation and other biological measures are proposed too. Phased Reclamation Plan is given.
- xiv. As per the approved mining plan, the total area of safety Zone in forest and non-forest land comes to 11.79 ha. It is the area prohibited for mining operation along the inner side of lease boundary. The details of safety zone are given below:

Components	Land involved in the ha		Total land in ha
	Forest	non-forest	
Safety Zone	1.47	10.32	11.79

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- xv. CA has been proposed over non-forest Govt. land over 110.705 ha and degraded revenue forest land over 40.249 ha in village Baghuapat in Angul Tahasil of Angul District has been identified. The identified non- forest land and revenue degraded forest land has been jointly verified by the revenue and forest officials and duly countersigned by the DFO, Angul & Tahasildar, Angul. As per the CA scheme, it is envisaged that the plots identified for CA has been demarcated in the field through DGPS survey for individual sites. Separate CA scheme has been prepared for all the 05 nos. identified villages in Bantala and Jarpada Range of Angul Division and compiled.
- xvi. Site suitability certificate for each site has been furnished by the DFO, Angul for each individual site identified for CA. The details of the model adopted for planting, watering, protections and SMC works are given. species chosen for plantation are Khair (*Acacia catechu*), Simili (*Bombax cerba*), Amla (*Embllica officinalis*), Bahada (*Terminalia belerica*), Asan (*Terminalia tomentosa*), Amba (*Irilingifera indica*) (*Pterocarpus marsupium*), Jamu (*syzygium cumini*), Neem (*Azarirchta indica*), Harida (*Terminalia chebula*), Karanja (*pongamia pinnata*) etc.
- xvii. The CA scheme has been prepared on the basis of approved one-time cost norm circulated from PCCF, Odisha. The total financial outlay duly approved by Nodal Officer of the CA scheme comes to ₹6,71,64,6001.
- xviii. The identified CA land on SOI Topo Sheets and DGPS survey maps of the identified patches are provided.
- xix. The Cost Benefit Analysis has been calculated. The Cost-Benefit ration comes to 1:25.97.
- xx. The committee observed that 1853 families will be displaced due to Subhadra OCP, therefore the State has informed that the rehabilitation and resettlement plan will be implement as per the Rules and Guidelines issued time to time by the Central government and State in this regard.
- xxi. As the movement of elephant is there in the applied area and cases of Man- elephant conflict is being witnessed in Talcher and Chhendipada area. Therefore, the State has proposed that the Regional Wildlife Management Plan will be implemented in this area. Moreover, as the area is also characterized by presence of variety of flora and fauna. Protection and monitoring of Wildlife, Wildlife habitat management, mitigation of Human-Wildlife conflict, support to local forest dependent communities through proper eco-development measures etc. need specific attention, therefore, the state has also a Site Specific Wildlife Conservation Plan is suggested to be prepared and implemented after getting the same approved by the PCCF (WL) & CWLW, Odisha. The UA has furnished the undertaking to born the cost of these plans.
- xxii. The State has given Regional Wildlife Management Plan and Site Specific Wildlife Conservation Plan which have the provisions of @82,000/- per hectare. The AC observed that the rate of RWMP

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/SSWCP was revised by the State Govt. vide letter dated 05.12.2018. There is a need to further revise these rates.

- xxiii. There is no violation under the Forest (Conservation) Act, 1980 has been committed by the user agency in the applied area.
- xxiv. All undertakings regarding payment of CA levied have been furnished.
- xxv. The User agency has furnished an undertaking duly countersigned by the DFO, Angul to obtain and produce certificate required under 'The scheduled Tribes & other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for Subhadra OCP.
- xxvi. The State authorities have recommended the proposal. However, the PCCF & HoFF, Odisha has intimated that the area to be diverted is mainly prone to sheet erosion and at some place gully erosion. Mine lease is bound by Singada stream in the North and Ghoradia nala passes through the mine lease boundary. Singada Jhor stream particularly has very large catchment area. Hydrology including subsurface drainage should be studies and measure should be incorporated during the operation of mine in the North and Ghoradia nala passes through the mine lease boundary.
- xxvii. The committee observed that the proposed area was also inspected by the DIGF (Central) RO Bhubaneswar on 25.04.2023 along with the Divisional Forest Officer, Angul Forest Division and officials of the user agency. The committee observed that 34.24 ha of forest land has been proposed for infrastructure. The details of forest land required for infrastructure is furnished below:

Sl. No.	Infrastructure falling under forest area	Area (in ha)
1.	Part of Electric Store	2.21
2.	Part of Mechanical Store	4.09
3.	Project office, approach road to Bux cut Trench cutting area, STP, Part of Railway siding	4.60
4.	Rest shelter, Coal storage Bunker-20,000 tones, Project sub-station, CHP Dump station, CHP substation, Part of railway siding.	23.34
	Total	34.24

- xxviii. The committee observed that a Singada Jhor stream has large catchment area along with two other streams. As per the condition of ToR, No.IA-J-11015/72/2021-IA-I (M) dated 28th February, 2022, in Condition No. (iv) which states that "PP shall not divert the Singhada Jhor stream and will not disturb the forest area or green patch located towards North Eastern boundary for next 20 years of the mine life. Adequate protection measures shall be proposed in EIA Report. Accordingly, a distance of about 60 mts along Singhhada stream shall be left to avoid any pollution, thus the mine plan shall be revisited/relocked. In the final recommendation of the EAC dated 28th February, 2022, it is mentioned that "PP shall protect the green patch and Singhada Jhor for initial 10 years and accordingly fencing will be laid down all along the boundary". This has to be strictly adhered to.

Gurudia nalla comes from the west south part of the proposed area and flows through the area which is proposed for diversion. Hence, it is said to be diverted along the western boundary to merge with Singada Jhar in the north western corner. Masina seasonal stream entered the proposed lease area in the eastern side. During discussion, it was learnt that the stream is proposed for diversion along the eastern boundary to merge with Singada Jhar on the north east corner of the proposed diversion area. In the ToR issued to Subhadra Open mine vide Ministry's letter No.J-11015/72/2021-IA_I (M) dated 22th November, 2021, in the Specific Condition No. v, wherein it is stipulated that "A detailed hydrological survey of the Ghurdia nallah/stream, regarding its catchment area, flow volume and length of the stretch to be diverted to be provided with proper diversion plan in EIA/EMP report". Accordingly, the user agency should conduct hydrological study and implement a proper scientific diversion plan of the natural water courses after obtaining necessary approval from the competent authority. The proposal for diversion has been submitted by the user agency to Water Resources Department, Govt. of Odisha for approval.

- xxix. The committee observed that a small portion of High School boundary is coming inside the lease area. The school area should be left undisturbed. The DIGF (Central) has informed to the Committee that some portion of the wall of the playground of the *High School* within the lease area of the project.
- xxx. The committee observed that the State Government was asked that the detail of the other mining leases of the User Agency in close proximity to the area proposed for diversion shall be submitted. The state has provided 13 no. of approved proposals in close proximity of the proposed mines. Out of these 13 proposals 3 are under process for fresh diversion/expansion. These 3 proposals are pending with State and UA.
- xxxi. The Committee observed that Subhadra and Hingula are adjoining mines, therefore there is a requirement to maintain of cluster safety zone.

5. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with DDGF (Central), DIGF (C) Regional Office Bhubaneswar and Nodal officer (FCA), Govt. of Odisha. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee has recommended the proposal for grant of 'in-principle'/Stage-I approval of the Central Government under Section 2 (ii) of the forest (Conservation) Act, 1980 in favour of M/s Mahanadi Coalfield Ltd. for non-forestry use of 125.24 ha of forest land for Subhadra OCP Coal mining under Forest Division and District Angul of Odisha State subject to the General, Standard and following specific conditions:

- i. The State Government shall ensure that the Singada Jhor stream shall not be disturbed and will not be used for mining in future.

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- ii. The safety zone along the water streams falling within the lease area shall be protected by 50-meter buffer zone on both sides. There shall be no discharge to any of the streams.
 - iii. The State Government shall ensure that a cluster safety zone shall be maintained between the adjoining mines.
 - iv. The State Government shall ensure that the boundary of high-school falling within the boundary shall not be disturbed due to mining activities. Appropriate safeguards such as raising the boundary wall of the school, greening the school premises, regular medical check-ups of the students and other mitigation measures of mining hazards that can affect the health of school children shall be taken by the User Agency.
 - v. The State Government shall ensure that the rate of RWMP /SSWCP which was revised by the State Govt. vide letter dated 05.12.2018 will be further revised and accordingly revised plans will be submitted.

Agenda No. 5

File No. 8-60/2005-FC

Sub: Diversion of 77.87 ha of forest land for establishment of Gas Based Thermal Power Project in Udaipur Forest Division of South Tripura District of Tripura –Proposal for change in land use -regarding.

1. The agenda item was considered by the AC in its meeting held on 20.10.2023. 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 for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DIG (Central), RO, Shillong attended the meeting and participated in the deliberations.
4. While deliberating on the proposal, AC observed that:
 - i. The present Proposal is for change in land use in case of an earlier approved forest land diversion proposal.
 - ii. The State Government vide their letters No. F.6-477/FC/2005/76-78 dated 19.05.2005 submitted a proposal for diversion of 77.87 ha. forest land for establishment of Gas Based Thermal Power Project in Udaipur Forest Division of South Tripura district of Tripura in favour of Tripura Power Development Company Private Limited for seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
 - iii. The proposal for diversion of 77.87 ha of forest land for establishment of Gas Based Thermal Power Project was considered in Advisory Committee meetings held on 25.06.2005, 25.08.2005 and 28.09.2005. After due consideration of the proposal and with the recommendation of FAC on 28.09.2005 and its acceptance by the

competent authority, In-Principle/ Stage-I approval under the FCA, 1980 was accorded by this Ministry on 18.10.2005 for the said diversion. After receipt of satisfactory compliance report from the State Government, Stage-II/ final approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 was granted for the said proposal on 25.04.2006 subject to certain conditions prescribed therein.

- iv. Now the Govt. of Tripura vide their letter No.F-6-477/FC/For-2005/Part-I/938-40 dated 20.10.2022 submitted a request to the Regional Office (RO), Shillong of this Ministry for issuance of NOC for installation of Gas Drying Unit (GDU) in the 0.1 ha forest land within already diverted 77.87 ha forest land, which was forwarded to this Ministry for the issuance of NOC.
- v. ONGC Tripura Power Company Limited intends to install a Gas Drying Unit (GDU) to supply natural gas to Tripura Natural Gas Company Limited for city gas distribution purpose within Palatana Thermal Power plant premises whose possessed forest land is already diverted (77.87 ha).
- vi. The request of the State Govt. for No Objection Certificate for installation of Gas Drying Unit (GDU) with all the details submitted was earlier processed in RO, Shillong.
- vii. The land requirement for the Gas Drying Unit is 1000 m² or 0.1 ha.
- viii. The KML/Shape file has been submitted to RO by the State Govt. The said KML file has been examined through DSS software by RO. As per report the computed shape file is 77.8701 ha. with the proposed GDU is 0.1 ha and Not Inviolate.
- ix. As intimated by the State the compensatory afforestation plantation area under this particular project has already been completed.
- x. RO, Shillong had carried out monitoring of the conditions of approval in case of diversion of 77.87 ha of forest land and reported the compliance by the State/UA to be satisfactory.
- xi. The request of State Govt. forwarded by RO Shillong through e-file has been examined in the Ministry and after due consideration and with the approval of competent authority, the file was returned with the direction to submit a proper proposal of land use change along-with requisite information.
- xii. The ONGC Tripura Power Company Limited (User Agency) in its letter addressed to Dy. Conservator of Forests has stated that OTPC had already obtained Environment Clearance (EC) vide EC No. J-13011/11/2006-IA. II (T) dated 07.02.2007 for installation of 2 x 363.3 MW combined cycle power plant at Palatana village. During the EC approval process OTPC had submitted all relevant component wise and purpose wise land use details as required and as per the prevailing system & format being followed at that time. However, regarding the submission of KML file pertaining to component wise and purpose wise land use is not available presently. For this purpose, necessary survey needs to be conducted which may take considerable amount of time and the same may be submitted in due course of time.
- xiii. As per DSS report, the proposed 0.1 ha forest for installation of gas drying unit (GDU) is located at a distance of 9.98 Km from the Trishna Wildlife Sanctuary. In this regard, the Nodal Officer FCA Tripura submitted a copy of letter dated 07.07.2023 from Addl. PCCF & CWLW

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- informing that the minimum shortest aerial distance calculated for the Gas Drying Unit from the nearest boundary of Eco-Sensitive Zone for Trishna Wildlife Sanctuary is 7.687881 Km. and the minimum shortest aerial distance calculated for the Gas Dry Unit from the nearest Trishna WLS is 8.493471 Km. The Gas Drying Unit as per record is falling outside the Eco-Sensitive Zone of Trishna Wildlife Sanctuary.
- xiv. As per the monitoring report of RO, Shillong with regard to condition no. (vii) of approval dated 25.04.2006, it is noticed that the balance 50% of the schemes for bio-diversity conservation and livelihood support as well as that for creation of green belt had been deposited by the user agency on 17.03.2009, which was to be deposited within six months from the date of handing over the forest land to the user agency.
 - xv. APCCF-cum-Nodal Officer(FCA), reported that the as per the clarification regarding the deposition of the balance 50% of the scheme for bio-diversity conservation as submitted by User Agency the approval was granted vide letter 25.04.2006, however the actual transfer of land happened much later i.e. FY 2008-2009. Upon completion of land related formalities and receipt of demand letter from the office of PCCF, Agartala, the final payment was deposited in March 2009.
 - xvi. The DIGF(Central) informed that the payment was done for above mentioned components, with only a slight delay of few months only.
 - xvii. Certain conditions were mentioned as partly complied in the monitoring report and RO Shillong was asked vide Ministry's letter dated 19.06.2023 and subsequent reminders dated 27.07.2023 and 22.09.2023 requested for submission of the detail of partly complied conditions of approval dated 25.04.2006 for instant proposal. Regional Office vide their letter dated 18.09.2023 clarified the details of the stipulated conditions which were given as "Partly complied" as below:

Condition no. 8. (iv): The CCF (Central), Regional Office, Shillong, shall monitor the progress made by the State Government in this regard every six months, and send a report to the Central Government.

The compliance on the part of the Regional Office was written as partly complied as no records of submission of six monthly report by the Regional Office to the Central Government are found. It may however be mentioned that this office has monitored this project on the 29.11.2013 in which all the conditions have been complied with by the State Government as per its report.

Conditionno. 9: Additional amount of the Net Present Value (NPV) of the diverted forest land, if any, becoming due on finalisation of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The State Government shall utilise all the funds received from the User Agency under the project other than NPV till a direction is given by the Central Government in respect of forest land.

This condition stands complied as 'partly complied' has inadvertently written and the compliance to this condition may please be read as complied.

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- xviii. Examination of latest KML file/ shape file submitted by the state revealed that the approximately 1.1 ha area has been excluded from the boundary 77.87 ha diverted land boundary without specifying the legal status of excluded area (1.1 ha). Further, the State Govt. submitted a Map in which it has been shown that the part of proposed GDU is falling on the Non-forest land. As per said Map, 0.06 ha of proposed GDU area is falling on the Non-forest land and 0.04 ha is falling on the forest land whereas the instant proposal has been submitted for land use change within already diverted forest land of 77.87 ha and a GDU is proposed to be established in 0.1 ha forest land.
 - xix. The component-wise lay out plan/purpose-wise break-up for entire diversion of 77.87 ha of forest land for establishment of Gas Based Thermal Power Project has not been provided. Further, as per DSS analysis certain discrepancies were observed in the area proposed for land use change, however the committee observed that keeping in view the very small area of 0.1 ha, the errors in measurement and creation of kml file cannot be ruled out and therefore the facts intimated by the state can be accepted and considered.
5. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DIGF (Central), RO, Shillong. After going through the facts of the proposal and submissions made by the DIGF (Central), the Committee recommended to allow the land-use change for the establishment of Gas Drying Unit over 0.1 ha forest land situated within the 77.87 ha of forest land already diverted for establishment of Gas Based Thermal Power Project in Udaipur Forest Division of South Tripura District of Tripura, subject to the following condition:
- i. The interest amount (if any) due on the late payment of the balance 50% amount of the schemes for bio-diversity conservation and livelihood support as well as that for creation of green belt shall be deposited by the User agency.

Agenda No. 6

File No. 8-78/2010-FC

Sub: Diversion of 7.3722 ha of forest land as additional forest land requirement in already approved diversion in favour of Shongtong Karchham Hydro Electric Project, HPPCL under the jurisdiction of Kinnaur Forest Division, Distt. Kinnaur, Himachal Pradesh (Online Proposal No. FP/HP/HYD/40611/2019).

1. The agenda item was considered by the AC in its meeting held on 20.10.2023. 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 for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.

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3. The Nodal Officer, FCA Himachal Pradesh attended the meeting online and participated in the deliberations.
4. While deliberating on the proposal, AC observed that:
 - i. The Government of Himachal Pradesh has uploaded the proposal No. FP/HP/HYD/40611/2019 on Parivesh portal on 21.02.2023 for seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980.
 - ii. The proposal was earlier considered by Advisory Committee (AC) in its meeting held on 17.07.2023.
 - iii. Regional Office, Shimla vide their letter No. FC/HPC/44/2023 dated 09.03.2023 informed Govt. of Himachal Pradesh that the said proposal is linked with already approved HEP Project vide File No. 8-78/2010-FC dealt by this Ministry (HO). Further, FC Division vide their letter dated 16.03.2023 requested NIC Cell of this Ministry to change the status of the proposal from IRO, Shimla to Head Office of this Ministry.
 - iv. The final approval under FCA,1980 for earlier diversion of 63.5015 ha of forest land for construction of 402 MW Shongtong Karchham Hydro Electric Project in favour of Himachal Pradesh Power Corporation Limited (HPPCL) in Kinnaur Forest Division, Distt. Kinnaur, Himachal Pradesh was accorded by this Ministry on 14.11.2012.
 - v. It is reported by the State Govt. that the meandering of river and occurrence of landslides and glaciers is common and natural phenomenon to this area which has been causing damage to already diverted dumping sites & removal of debris from land slide & road widening from the NH-05 (which is of importance from Defence point of view) towards valley side.
 - vi. The additional forest land is required due to enhancement in the existing capacity of HEP 402 to 450 MW due to change in the river course during flood and also usage of already diverted dumping site used by BRO and restriction imposed by the Army Authorities for construction activities within the boundary of 1200 yards.
 - vii. A violation of 0.5883 ha. in Khasara No.854/823/1& 1/1, near barrage site same portion of Intake excavation and approach road Aprox. (100x5) mt. to the SFT has been reported. It is reported by the State Govt. that no activities were going on after the issuance notice and Project is committed to pay the penalty towards damage caused as per MoEF&CC norms.
 - viii. It is reported by the State Government that the components of the project fall outside the Rakchham Chitkul Wildlife Sanctuary and its Eco Sensitive Zone.
 - ix. Out of 08 CA sites for 128 ha in lieu of earlier diversion for which approval was accorded on 14.11.2012, no plantation work has been started in 4 sites i.e., C-169, C-170, C-172, C-241, and nil survival percentage was recorded in C-176, and there is no matching with Plantation General of the particular CA sites. In this regard, Govt. of Himachal Pradesh has intimated vide their letter No.Ft 48-4019/2019(FCA) dated 16.07.2023 submitted that the detail report shall be submitted separately.
 - x. Govt. of Himachal Pradesh vide their letter dated 16.07.2023 has reported that a committee has been formed to assess the capacity of all the designated dumping sites and the revised muck management

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plan will be finalized after finalization of land and the same shall be submitted to MoEF&CC.

- xi. In compliance to the condition no. 8 of forest land diversion approval dated 14.11.2012, the entire reservoir created due to submergence has not yet been declared as Reserve Forest under Indian Forest Act. 1927.
- xii. There was no clarity in the dumping sites (DS) used in earlier diverted forest land and
in the proposed area of diversion since the component wise breakup shows 5 dumping sites whereas 8 number of dumping sites found during site inspection by Sub-office of this Ministry, Shimla. Moreover, the muck is not being carried out in the designated site of DS-4, and some quantity of muck has been dumped opposite to DS-4 on the other side of the highway of the bank of river.
- xiii. The proposal was considered by the Committee in its meeting dated 17.07.2023 and after detailed deliberations the committee sought the following details from the State:

The State Govt. shall provide the details of approved dumping sites in earlier diverted area along-with the details of dumping sites proposed in the instant diversion proposal. A comparative list of dumping sites along with kml files shall be submitted.

- a. The State Govt. shall submit justification for non-dumping of muck in the designated site of DS-4.
- b. Govt. of Himachal Pradesh vide their letter dated 16.07.2023 reported that a committee has been formed to assess the capacity of all the designated dumping sites and the revised muck management plan will be finalized after finalization of land. Accordingly, the approved muck management plan shall be submitted.
- c. The State Govt. shall submit the details of funds deposited towards revised CAT plan in National Authority and its confirmation which is not available with the Ministry. The reason for slow progress in implementation of CAT plan shall be given.
- d. The State Govt. shall submit a detailed report in connection with compliance of condition no. 15 of approval dated 14.11.2012 regarding regeneration of equivalent area of degraded forest land.
- e. There is a violation over an area of 0.5883 ha. as reported by the State. The justification and action taken report in this regard shall be submitted by the State.
- f. The reservoir to be created due to submergence is required to be declared as Reserve Forest under Indian Forest Act. 1927. A copy of notification for the same shall be submitted.
- g. The area of 1.8248 ha. for the components of instant diversion [Adit-I (0.5883 ha), Dumping site below Adit -I (1.1005 ha) and Road to RBM Site (0.136 ha)] is overlapping with the 'Barrage' component of earlier approved forest area (63.5015 ha.) which need clarification with correct KML file.
- h. The KML file of earlier diversion of 63.5015 ha shall be uploaded on PARIVESH.

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iv. The Government of Himachal Pradesh vide their letter No.Ft.48-4019/2011 (FCA) dated 04.10.2023 has uploaded their reply on PARIVESH wherein the State Nodal Officer has intimated that that in the earlier approved proposal of 63.5015 ha there were 6 Nos. dumping sites. Whereas in the instant diversion proposal for 7.3722 ha. there are 4 Nos. proposed dumping sites, the comparative list is as under: -

Approved dumping sites in the earlier diverted 63.5015 ha.			Proposed dumping sites in additional FC case 7.3722 ha.		
Dumping site	Kh. No.	Area in ha.	Dumping site	Kh. No.	Area in ha.
D.S. 1	470	1.1383	DS-A	2/2	2.3813
D.S. 2	301, 648, 805	0.3794	DS-B	2/1	1.1005
D.S. 3	724/576/1, 571/1	0.8928	DS-C	561/1, 568, 569	1.4470
D.S. 4	4/1,	1.2450	DS-D	3/2	0.2960
D.S. 5	303/2	0.8626			
D.S. 6	24/1/242	0.5819			
Total		5.1			5.2248

- xv. Further it has been informed that the project proponent has dumped 48,401.0 cum of muck in designated Dumping Site No. 4 as per the actual quantity/capacity of dumping site. This position is also stated earlier. Further, DS-4 could not be used fully for dumping. Due to landslide in and around the dumping site, the capacity of designated site reduced drastically. To make up for above deficit HPPCL has dumped muck on private land on specific request of the local people. In addition to above, forest land measuring 5.2248 ha. at four locations have been requested for diversion in present proposal for dumping of muck.
- xvi. The State Nodal Officer(FCA) reported that as per user agency Muck Management Plan has been sent to H.P. State Pollution Control Board (HPSCB) for seeking approval, the State Nodal Officer(FCA) reported that the total outlay of revised CAT Plan in respect of Shongtong Karcham HEP is for Rs.70,19 57,500/- which is 2.5% of total project cost i.e. Rs.2807.83 Crore. The cost of CAT has been deposited in two instalments.
- xvii. The State Nodal Officer(FCA) reported that to comply with the Stipulation No 15 of GOI dated 14.11.2022 project proponent had deposited an amount of Rs. 1,36,73,737/- vide demand Draft No 630174 dated 21.04.2011 with HP Forest Department. Accordingly, in Kinnaur Forest Division during the year 2016-17 & 2017-18 plantations were raised over 125 ha and also expenditure of Rs.1,36,74,200/- incurred to regenerate the equivalent area of degraded forest land.
- xviii. The State Nodal Officer(FCA) intimated that the Shongtong Project is a flagship project as conveyed by Project proponent and the largest one undertaken by GoHP so far. Due to various reasons project has got delayed. The stated violation has happened in silt flushing area which is critical for the commissioning of the Project and is getting completed as a last activity of the project. In the instant FCA proposal which seeks diversion of this patch of land was submitted way back in October 2019; however, due to repeated objections at different levels the proposal is still not approved. HPPCL had

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started the work with the hope that proposal will get through in due course. So the work was started with greater public interest in mind and not due to any vested interest. As per DFO Kinnaur no damage report etc was issued against the project authorities for the violation in the Silt Flushing Area measuring 0.5883 ha. The Silt Flushing Component measuring 0.8595 ha including violation area measuring 0.5883 ha has also been included in the present proposal for seeking approval of GOI under FCA, 1980.

- xix. DFO Kinnaur has calculated Penal NPV in this case for Rs. 41,21,058.0 with 12% interest from the date of reporting violation. The bill of NPV has been uploaded in Part-II as Additional information at Sr. No.6 Further also intimated by DFO Kinnaur that the works on area in question has also been completely stopped and no construction activities are going on.
- xx. The State Govt. has now reported that there are six (6) approved dumping sites in earlier diverted area and accordingly submitted the area details of these six dumping sites but the said KML file includes eight (patches) out of which six are dumping sites and Two (2) Job facility sites. Thus, it is not clear whether these two patches of Job facility have been mistakenly included in the KML file of approved dumping sites of earlier diverted area or being currently used for dumping sites.
- xxi. There is a pending writ petition i.e. CWP 3915/2023 in the matter of Durga Chand & Others vs. Uol & Ors. pending before Hon'ble High Court of Himachal Pradesh, Shimla pertaining to this project.

5. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Nodal Officer, FCA Himachal Pradesh. After going through the facts of the proposal and submissions made by the State Nodal Officer the Committee decided to defer the proposal and sought the following information from the State:

- i. The copy of the approved muck management plan shall be submitted.
- ii. The State Govt. shall submit a detailed report regarding the slow progress in implementation of CAT plan and the failure of Compensatory Afforestation plantations.
- iii. There is a violation over an area of 0.5883 ha. as reported by the State. The detailed justification for violation and action taken report against those responsible for violation shall be submitted by the State.
- iv. The reservoir to be created due to dam construction and subsequent submergence is required to be declared as Reserve Forest under Indian Forest Act. 1927. A copy of notification for the same shall be submitted.
- v. The State Government shall examine the writ petition pertaining to the instant project which is pending before the Hon'ble High Court and ensure that the same has no bearing on the instant proposal for diversion of additional forest land.
- vi. The State Govt. has reported that there are six (6) approved dumping sites in earlier diverted area and accordingly submitted the area details of these six dumping sites but the said KML file includes eight (patches) out of which six are dumping sites and two (2) Job facility sites. Thus, it is not clear whether these two patches of Job facility have been mistakenly included in the KML file of approved dumping sites of earlier diverted area or being currently used for dumping sites. The same shall be clarified by the state government.

Agenda No. 7**F. No. 8-21/2021-FC**

Sub: Proposal for seeking prior approval of the Central Government under Section 2 of Forest (Conservation) Act, 1980 for non-forestry use of 406.79 ha. of forest land in favour of HPPCL for the construction of Thana Plaun Hydro-Electric Project (191 MW), within the jurisdiction of Mandi & Jogindernagar forest Divisions, District Mandi, Himachal Pradesh (Online proposal No. FP/HP/HYD/8255/2014)- regarding.

1. The agenda item was considered by the AC in its meeting held on 20.10.2023. 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 for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Nodal Officer, FCA Himachal Pradesh attended the meeting online and participated in the deliberations.
4. While deliberating on the proposal, AC observed that:
 - i. The project is for construction of Thana Plaun Hydro-Electric Project (191 MW) in Mandi Distt., Himachal Pradesh.
 - ii. The legal status of the forest land is protected forest (123.59 ha), Unclassed State Forest (112.65 ha) and DPF/UPF (170.55 ha). The density of vegetation in the area proposed for diversion is 0.26. Total number of trees to be affected from the project is 57877.
 - iii. This project is proposed to be located at Kotli, downstream of the confluence of Beas River and Rana Khad. Beas is the only tributary of the Indus system confined to India. The total catchment area of Beas river is 29500 Km². Out of total catchment area, 7378 Km² is under the Thana Plaun dam site. The immediate upstream project Pandoh is an existing project on Beas River located approx. 43 km upstream of Thana Plaun HEP. The downstream proposed project is Triveni Mahadev HEP whose FRL 592 m is sufficiently below the TWL of Thana Plaun HEP (El. 634 m). A major tributary Uhl river joins downstream of Pandoh dam. There are three Hydro-Electric projects existing /proposed on this river by intercepting its flows (370 Km²) together with the flows of Rana Khad (CA- 98.9 Km²) and Neri Khad (CA-16 Km²).
 - iv. Thana Plaun Hydro-electric Project (191MW) is conceived as storage cum run-of-the-river scheme. The project envisages the construction of concrete gravity dam across river Beas 85m high above river bed level in the Mandi District of Himachal Pradesh, with a live storage capacity of 44.93 MCM to enhance the peaking benefits during the lean months. Length of the reservoir is 16.5kms long along with Beas River, 4.5 kms along the tributary- Rana Khad along with tributary-Arnodi Khad from Dam site. The total cost of project as per the concurrence accorded by Central Electricity Authority (CEA) under Section 8 of Electricity Act, 2003 on dated 07.09.2021 is Rs.1530.13 Crores (at September 2019 price level). The proposed layout has a dam toe type of arrangement.

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- v.** The project layout comprises of a very short water conductor system on the right bank leading to an underground power house cavity located just downstream of the toe of the dam. The live storage capacity is proposed to be created up by constructing a 106.70 m high (from deepest foundation level) and 225.93m long Concrete Gravity Dam near village Thana. The head works are located approximately 40 km downstream of Pandoh Dam in Mandi district of Himachal Pradesh, about 1 km downstream of Kunkatar bridge. The design discharge is diverted through power intakes to 2 nos. of headrace tunnels (108.17m and 146.89m), leading to an underground power house through steel lined pressure shafts which are bifurcated near the power house. The power house cavity comprises of 3 nos. of main units of 50.33 MW each and 2 nos. of environmental units of 20 MW each with a total installed capacity of 191MW. The water coming out of the turbines is discharged back into the Beas river through 2 nos. of short tail race tunnels of length 27.50m and 69.50m respectively.
- vi.** The total forest land involved in two Forest Divisions (Mandi and Joginder Nagar) is 406.79 ha. Joginder Nagar Forest Division constitutes 170.55 ha diversion area (i.e. Components proposed in above ground area is 165.48 ha + 5.075 ha components proposed underground) and Mandi Forest Division constitutes 236.24 ha diversion area (i.e. components proposed in above ground is 233.6825 ha+ 2.5511 components proposed underground).
- vii.** There are five Quarry Sites (Son Khad, Thodu Nallah, Malot Khad, Sakrain Khad and Prain in Beas River) wherein the mining in an area of 45.94 ha. forest land (4.096 ha. in village Riyur, 9.503 ha in in Village Sidhpur, 7.726 ha. in village Malot Khad, 20.496 ha. near village Bahri and 4.127 ha.near village Prain) is proposed to be carried out.
- viii.** The component wise breakup of the proposed area reported by the state is as under:

S.No.	Component Name	Forest Land (ha.)	Non-Forest Land (ha.)
1	Quarry Sites Q1 (Son Khad)	45.94	0
2	Quarry Sites Q2 (Saklain Khad)		
3	Quarry Sites Q3 (Malot Khad)		
4	Quarry Sites Q4 (Thodu Khad)		
5	Quarry Sites Q5 (Beas River (Prain))		
6	Dumping Sites 1	10.35	0
7	Dumping Sites 2		
8	Project Colony	0	6
9	Submergence Area	309.43	27.46
10	Road & Job facility Area	30.87	1.07
11	Dam Body, Components and requisite job facility area	10.2	2.97
Total		406.79	37.5

- ix.** It has been informed by the user agency that the Environment Clearance has been recommended by the Expert Appraisal Committee, MoEF&CC, based on the Environment Management plan (EMP) prepared. Following is the abstract of the components and financial allocation related to major Reclamation Plan which is a part of EMP:

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S.N.	Reclamation Activity	Financial Allocation (₹ Lakh)
i.	Muck Management Plan	176
ii.	Catchment Area Treatment Plan	5560.00
iii.	Reservoir Rim Treatment	200.00
iv.	Restoration Plan for Quarry Sites and Landscaping	35.00
v.	Road Management Plan	21.00

- x. Regional Office Shimla in SIR, has recommended that the CAT Plan size should be based on the actual extent of work to be done in the catchment but shall not be less than 2.5% of the project cost. The CAT Plan cost of Thana Plaun HEP is ₹56,00, 31,925/- or say (₹56.003 crores).
- xi. The Regional office with respect to the Quarry sites has inter-alia mentioned that the Mining in scientific manner as per approved mining plan needs to be ensured. Proper technical and scientific mechanism is required to be adopted to reclaim the Quarry sites. It is recommended that to minimize the impact of mining on the aquatic flora and fauna, mining in this area shall be carried out without interfering with the main flow of River/Khad/Nallah. Some monitoring mechanism is required to be established by the User Agency to monitor the mining as per approved mining plan. All the quarry sites are adjacent to the habitation and are in River/Khad/Nallahs, therefore, a study regarding impacts of mining on general environment of the nearby area as well as riverine ecosystem' its reclamation etc, along with Mitigation plan is required to be carried out by user Agency. The user Agency informed that Temporary crusher units will be established at proposed Dumping sites. No additional land is proposed for crusher units. These temporary crusher units may also cause pollution, Therefore, environmental impacts of the same also needs to be carried along with Mitigation plan.
- xii. With respect to the dumping sites it has been mentioned in the SIR that, keeping in view the sloppy terrain, it is recommended that scientific and engineering measures are required to be established and put-in place before beginning the dumping of muck so that muck would not roll down beyond the boundary of dumping sites.
- xiii. The submergence area of the diversion area of the proposed project is spreading over 16.5 Kms in length along the river Beas. There are total 709 affected landowners but only 08 families are likely to be displaced due to loss of their land and houses. These affected landowners and families are proposed to be compensated as per the proposed Resettlement and Rehabilitation Plan
- xiv. 08 families are likely to be displaced due to establishment of this project. There are 38 Gharats (traditional Atta Chakkis/Flour Mill), out of which 19 numbers are in running/working condition and 12 numbers of Pashushalas (Cattle-Sheds) are also going to be affected due to its location in the submergence area of this project.
- xv. No violation of FC Act 1980 has been reported and the requirement of land is barest minimum and unavoidable.
- xvi. RO Shimla was asked by the Ministry to study the impact of the proposed Thana Plaun Hydro project on other HEPs namely Pandoh, Dehar Power Plant, Kol Dam, Suket Dam and any other nearby HEP downstream of the proposed project. The IRO expressed its inability in carrying out the study on

account of lack of resources and man power and informed that this exercise requires experts from diverse fields like Geology, Hydrology, Environment, Fishery, Forestry and Wildlife etc.

- xvii.** However, State Govt. in this regard informed that there is only one nearest project i.e. Pandoh Dam about 40 Kms Upstream of the project. Dehar Power Plant is associated project of Pandoh Dam wherein the water from Beas River has been diverted to Dehar power house on Sutlej River. Both Pandoh Dam and Dehar Power House are being run by Bhakhra Beas Management Board (BBMB). NOC from the BBMB in this regard has been obtained. Kol Dam is on Sutlej River Basin and no NOC is required. As far as the effects of these projects are concerned it is submitted here that Directorate of Energy, Government of Himachal Pradesh undertook the task of conducting Cumulative Environmental Impact Assessment (CEIA) Study for Beas river basin in Himachal Pradesh with an objective to assess the cumulative impacts of hydropower development in the basin. In the meantime, MoEF&CC took over all the river basin/carrying capacity studies being conducted by Central/Study agencies and therefore, all reports were submitted directly to MoEF&CC. RS Envirolink Technologies Pvt, Ltd, (RSET), Gurgaon was awarded the study based on techno-commercial bidding. Expert Appraisal Committee (EAC) for River Valley and Hydroelectric Projects of Ministry of Environment & Forests (MoEF&CC) approved the Terms of Reference (TOR) for the study.
- xviii.** The Study was initiated during February 2016, an inception report was submitted in June 2016 to capture the progress made during first four months of the study period and a Rapid CIA report was submitted in November 2016, which captured progress in first 8 months. The draft report was discussed and appraised in 4th meeting of the Expert Appraisal Committee for River Valley and Hydroelectric projects held on 12th April 2017, wherein a visit to the study area by a sub-committee of EAC was suggested, which was made during April 2018 and post visit the outcome was discussed in EAC meeting during the same month. Recommendations were discussed in detail and it was decided to share the recommendations with the State Government and thereafter the final report to be discussed in EAC. Matter was discussed in subsequent EAC meetings of October and November 2018. EAC finally concluded all the discussions on Beas River Basin study and directed the Consultant to update/finalised by EAC in consultation with State Government of Himachal Pradesh in 2019. The final report on Cumulative Impact and Carrying Capacity Study (CIA&CCS) of Beas Sub Basin can be viewed. Furthermore, the water availability of each project is diligently ascertained by and Central Water Commission and Central Electricity Authority (its directorates) before granting concurrence to the projects DPR in any basin under Section-8 of Electricity Act, 2003. The same was accorded to Thana Plaun Project on dated 07.09.2021 already submitted to MoEF&CC. It is submitted here that as such there is no Hydro Power Scheme namely Suket Dam on Beas Basin.
- xix.** Three forest area in case of proposed roads in the project from Kandapattan Bridge to Dam Site, Dam site to Village Ropru in Joginder Nagar Forest Division and Mahan Village to Dam site in Joginder Nagar Forest Division. Misc. species with dense invasive undergrowth. The Road from Kandapattan Bridge to Dam site is proposed to be constructed along the river Beas

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having sloppy terrain. It is recommended in the SIR that it should be ensured to prevent any debris from entering into the river stream or harming the nearby vegetation outside the Right-of-Way (RoW) while excavating the ground. Scientific and engineering measures are required to be established/adopted during the execution of work. Additionally, it is recommended that efforts to be made to avoid the possibility of green felling in the proposed RoW for the road.

- xx.** A road including a bridge at Kunkatar on Kotli to Joginder Nagar road is also coming under submerged area. User Agency informed that new road will be constructed by HPPWD at the cost of Project Proponent of Thana Plaun HEP and separate proposal for land diversion will be submitted to Ministry by HPPWD.
- xxi.** Transmission Line is not proposed in the extant proposal. User Agency in this regard informed that Transmission component for transmission of power of Thana Plaun HEP will be taken up separately by Himachal Pradesh Power Transmission corporation Limited(HPPTCL).
- xxii.** The Chief Wildlife Warden (CWLW), Govt. of HP vide letter dated 27.12.2021 informed that the aerial distance of proposed site from the boundary of Nargu WLS is 14.500 Kms and from its proposed Eco-Sensitive Zone is 13.500 Kms.
- xxiii.** The road and a bridge at Kunkatar on Kotli to Joginder Nagar road are coming under submergence zone.
- xxiv.** The proposal was considered by the Advisory Committee in its meeting dated 27.01.2023 wherein the Committee observed that the Himalayan region is a fragile landscape and therefore, before execution the risk and impact of the Hydroelectric projects in any area must be thoroughly examined keeping in view the geological status of the underlying strata. The proposal was deferred and the Committee sought the following details from the State:
 - a. A study of the project area, impact of the proposed project and feasibility shall be conducted by the Wadia Institute of Himalayan Geology (WIHG), Dehradun at the cost of the user agency.
 - b. The approved mining plans in case of the proposed quarry sites shall be submitted.
 - c. The State Govt. shall explore and make effort to locate the dumping sites on non-forest land.
 - d. Crusher Units are proposed to be established, however as per SIR received from the IRO, their location has not been given in the proposal. The location plan for the crusher units shall be submitted.
 - e. The road/bridge from Kotli to Jogindernagar is coming under submergence zone. In this regard, the NOC from the concerned agency shall be submitted.
 - f. Out of 45 patches for CA, 22 CA patches have some discrepancies as reported by the IRO in Site inspection report. The proposed Compensatory Afforestation areas shall be revisited keeping in view the observations of the IRO and areas suitable for plantation and free from all encumbrances shall be provided for the purpose of Compensatory Afforestation.
- xxv.** The State government thereafter informed that the study of the project area, impact of the proposed project and feasibility has been conducted by the Wadia Institute of Himalayan Geology (WIHG), Dehradun. It is inter-alia

concluded in the report that the different studies have been undertaken to complete the detailed project report of the Thana Plaun HEP. The reviewing and vetting of these studies, along with the observations of the site visit indicate the following:

- a. The entire layout of the project along with the dam site was selected based on the favourable topography and geometry of the gorge. Explorations have revealed nominal stripping and thus it is considered the best option for a concrete gravity dam.
 - b. Geological mapping at the project site exhibits favourable geology and does not indicate any adverse structural unit, like a major fault or shear zone. Further, the powerhouse cavity orientation has been planned in a favorable orientation with respect to the geological discontinuities and keeping _____ in _____ view the engineering obligations.
 - c. Subsurface drilling and drifting in the underground powerhouse area have not revealed any major adverse geological features, thereby minimizing the possibility of geological surprises during construction. Nevertheless, geological surprises are common in the Himalaya.
 - d. The rim of the reservoir has been evaluated to be stable, however, there are a few isolated slope failure locations as in Himalayan hills. The landslide susceptibility map of the upper Beas Valley indicates the possibility of the occurrence of landslides, however, the formation of the major landslide dam in upstream of the dam and subsequently its cascading effect in terms of its breaching is minimal. The rim protection measures as depicted in the environment management plan (EMP) should be adopted.
 - e. There are about 36 major & minor hydropower projects upstream of the proposed Thana Plaun HEP and in the past > 40 years no major disaster has been reported.
- xxvi.** Distt. Collector, Mandi has given a certificate for non-availability of NFL for dumping sites.
- xxvii.** The Public Works Department of Himachal Pradesh has furnished an NOC mentioning that they have no objection if during the execution of this Project whatever assets fall under the submergence of the reservoir basin are to be rehabilitated i.e. existing bridge situated on Sadhapattan Bharol Kun-Ka-Tar Kotli road at RD 70/600, due to the construction of the said project the reservoir level will rise to 724.00 mtrs resulting in the submergence of the bridge situated at level 665.00 mtrs as well as road length approximate 1.50 km between RD 70/600 to 72/0.
- xxviii.** The CA have been proposed in 42 patches. Out of which 29 CA patches are located under Mandi Forest Division and 13 CA patches are located under Joginder Nagar Forest Division of Himachal Pradesh State. The State Govt. has proposed 839.49 ha forest land for CA against the requirement of 813.58 ha (406.79 x twice the area of degraded forest land). Further, KML file have been uploaded for an area of 852 ha degraded forest land. Out of 852 ha (DSS calculated) forest land for CA, 9 ha of land is classified as very dense forest, 23 ha as moderately dense forest, 94 ha as open forest, 15 ha of land as scrub and remaining 711 ha of land as Non- Forest/ Non-wooded (land without tree cover) in terms of forest classes (as per the ISFR 2021).
- xxix.** The Committee observed that the certain patches proposed for Compensatory Afforestation are on notified forest land, for which a certificate of District Collector and Divisional Forest Officer has been submitted which mentions that no non-forest government land is available for Compensatory

Afforestation in Mandi District, whereas as per guidelines issued by the Ministry, such certificate is required to be given by the State Government for non-availability of suitable non-forest land in the state.

- 5. Decision of the Advisory Committee:** - The Committee had detailed discussion and deliberation with Nodal officer (FCA), Himachal Pradesh and Regional Officer, IRO, Shimla. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee recommended the proposal for Stage-I/In principle approval with General. Standard and the following specific conditions: -
- (i) The Compensatory Afforestation areas on notified forest land shall be revised and the State shall provide for the purpose of Compensatory Afforestation suitable wastelands which come under the category of Protected Forests but have neither been demarcated on ground nor transferred and mutated in the name of forest department. The Compensatory Afforestation over degraded notified forest areas will be accepted only when no suitable wasteland or non-forest land is available and a certificate to this effect is given by the State Government.
 - (ii) Proposed project is located on river Beas and the adjoining areas are also covered with diverse multi-storied vegetation with presence of wildlife. Therefore, an Ecological Monitoring Unit with a dedicated expert to monitor the impacts of flora, fauna and ecosystem services of the landscape by the proposed project activities needs to be established by the User Agency so that possible adverse impacts can be minimized.
 - (iii) The CAT Plan size should be based on the actual extent of work to be done in the catchment but shall not be less than 2.5% of the project cost.
 - (iv) In order to minimize the impact of mining on the aquatic flora and fauna, mining in the quarry sites of the project shall be carried out without interfering with the main flow of River/Khad/Nallah. All the quarry sites are adjacent to the habitation and are in River/Khad/Nallahs, therefore, a study regarding impact of mining on general environment of the nearby area as well as riverine ecosystem' its reclamation etc, along with Mitigation plan shall be carried out by user Agency through a reputed institute within a period of one year from the handing over of the forest land to the user agency and additional mitigation measures shall be taken up accordingly.
 - (v) Keeping in view the sloppy terrain, the user agency/state government shall ensure that scientific and engineering measures are put-in place by the user agency before beginning the dumping of muck so that muck would not roll down beyond the boundary of dumping sites.
 - (vi) Various reclamation/mitigation strategies in the EMP like Muck Management Plan, Reservoir Rim Treatment, Restoration plan for quarry sites and landscaping and Road Management Plan shall be implemented and an annual compliance report in this regard shall be submitted to the State Forest Department and the Regional Office of the Ministry.
 - (vii) The reservoir created due to the construction of dam and subsequent submergence shall be declared as a Reserve Forest under the Indian Forest Act,1927 or state specific forest laws.

Sub: Proposal for diversion of 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 (Online No. FP/JH/FVC/46701/2020) –regarding.

1. The agenda item was considered by the AC in its meeting held on 20.10.2023. 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 for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Dy. DGF (Central), RO, Ranchi and Dy. Director, O/o Nodal Officer (FCA), Government of Jharkhand attended the meeting and participated in the deliberations.
4. While deliberating on the proposal, AC observed that:
 - i. The Government of Jharkhand vide their letter No. Van Bhumi-20/2021-3641/ V.P. dated 22.12.2021 and letter No. Van Bhumi-27/2021-354/ V.P. dated 10.02.2022 has submitted two proposals pertaining to relocation and rehabilitation of Lato and Kurjum villages from the core area of the Palmau Tiger Reserve to Polpol Protected Forests in Medininagar Forest Division and Lai- Pailapathal Reserved Forests in Latehar Forest Division involving forest areas of 133.64 ha and 166 ha, respectively.
 - ii. Both the proposals pertain to the same project of the user Agency and with a view to process these two separate proposals holistically both the proposals have been processed as a consolidated proposal for non-forestry use of 299.64 ha (166.00 ha forest land + 133.64 ha of forest land) forest land under Forest (Conservation) Act, 1980 for Polpol Kalan PF of Khundri Range, Medininagar Forest Division for Relocation of Kujrum, Latu& other villages from Palamu tiger Reserve, Daltonganj, Jharkhand.
 - iii. However, the Ministry vide its letter dated 29.11.2022 and letter dated 07.08.2023 has granted Stage-I and Stage-II approval respectively for 166 ha of forest land only.
 - iv. Further the Ministry vide letter dated 14.12.2022 granted Stage-I approval for 133.64 ha of forest land subject to fulfilment of conditions prescribed therein including condition no. A (ii) which states as *"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"*.
 - v. The Government of Jharkhand vide their letter No. Van Bhumi-20/2021-1536/ V.P. dated 27.04.2023 submitted compliance report of conditions stipulated in Stage-I approval dated 14.12.2022 and with regard to condition no. A (ii) of Stage-I approval dated 14.12.2022 the State Government reported that the area proposed for diversion (133.64 ha) at Polpol Kalan PF, Kundari Range, Medininagar Forest Division falls entirely outside the notified boundary of the Buffer area of the Palamau

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- Tiger Reserve. It also does not fall within any other Protected Area. Hence, permission from NBWL is not required.
- vi. The Member Secretary informed the committee that after examination of compliance report, the Ministry vide its letter dated 24.05.2023 sought additional information/documents from the State Government on certain points including "As per the Tiger reserve boundary of NTCA there is a minor overlap between the boundaries of PTR and proposed forest area. The State Govt. shall therefore re-examine the matter and comply with the Condition A(ii) of the Stage-1 approval".
 - vii. The Government of Jharkhand vide their letter No. Van Bhumi-20/2021-2745/ V.P. dated 21.07.2023 submitted their reply in response to Ministry's letter dated 25.05.2023 and reported that the area proposed for diversion (133.64 ha of Polpol Kalan PF) lies in Medininagar Territorial Forest Division. So the proposed area is part of a territorial division and doesn't fall within any protected area. Hence permission from NBWL is not required.
 - viii. After examination of information/documents as submitted by the State Government in response to Ministry's letter dated 25.05.2023, Ministry vide its letter dated 17.08.2023 sought following information from the State Government:
 - a) *As per the Tiger reserve boundary available on the website of NTCA, there is a minor overlap between the boundaries of PTR and proposed forest area. In this regard, the State Government vide letter No. Van Bhumi-20/2021-2745/ V.P. dated 21.07.2023 informed that the area proposed for diversion (133.64 ha of Polpol Kalan PF) lies in medininagar territorial forest division and the proposed area is part of a territorial division and doesn't fall within any protected area. Hence permission from NBWL is not required. The State Govt. shall therefore take necessary action for the correction of the boundaries of Tiger Reserve and submit the revised KML file for correction on the website by NTCA.*
 - b) *The State Govt. vide letter no. 1289 dated 22.10.2021 reported that the proposed area for diversion falls under Eco-Sensitive Zone (ESZ). In this regard, the State Government shall clarify whether the proposed activity in the ESZ area is permissible as per Hon'ble Supreme Court vide order dt. 26.04.2023 and Ministry O.M no. FC-11/119/2020-FC dt. 17.05.2022.*
 - ix. Thereafter, the State Government vide their letter No. Van Bhumi-20/2021-3480/ V.P. dated 12.09.2023 forwarded a copy of letter of Deputy Director, Palamau Tiger Project letter no. 707 dated 19.08.2023 wherein it has been mentioned as under:
 - a) *The revised KML file of Palamau Tiger Reserve has been submitted to NTCA vide letter no. 706 dated 19.08.2023.*
 - b) *Polpol Kalan PF of Kundri Range, Medininagar Forest Division, is not a part of any Protected Area or Tiger reserve notified under the Wildlife (Protection) Act, 1972. However, it is included as a part of the Eco Sensitive Zone (ESZ) of the Palamau Wildlife Sanctuary, .Betla National Park and Mahuadanr Wolf Sanctuary vide. MoEF&CC notification S.O. 2989(E) dated 09-08-2019.*
 - c) *The relocation of a village from Palamau Tiger Reserve to Polpol Kalan PF of Kundri Range, Medininagar Forest Division, does not come under the prohibited activities as per the said ESZ notification.*

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- d) *Activity such as the relocation of villages does not come under the list of projects requiring Prior Environmental Clearance as per the ETA notification, 2006.*
- e) *Based on the aforesaid facts, the relocation of village Latu from Palamau Tiger Reserve to Polpol Kalan PF of Kundri Range, Medininagar Forest Division (Jharkhand) does not require consideration by the NBWL/SCNBWL as per the direction issued by MoEF&CC in O.M. No. FC-11/119/2020-FC dated 17.05.2022.*
- f) *Hence, the proposed activities in the ESZ area is permissible as per Hon'ble Supreme Court vide order dated 26.04.2023 and Ministry O.M. No. FC-11/119/2020-FC dated 17.05.2022.*
- x. In addition to above, FC Division vide letter dated 17.08.2023 requested the NTCA to examine the matter and provide comments and the NTCA vide their OM No. 7-94/2023—NTCA dated 19.09.2023 furnished their comments in response to FC Division OM dated 17.08.2023 and 25.09.2023 as follows:
 - a) *As informed by AIG, MoEFCC (FC Division) [vide letter dated August 17, 2023], there was a minor overlap between the boundaries of Palamau Tiger Reserve as available on NTCA website and the proposed forest area identified for relocation.*
 - b) *Deputy Director, Palamau Tiger Project, South Division in letter no. 706 dated 19-08-2023 has submitted a revised correct KML file for the boundaries of Palamau Tiger Reserve.*
 - c) *On perusal, it has been observed that the proposed forest area identified for relocation of the villages falls outside the boundaries of Palamau Tiger Reserve with no overlap. The area is neither part of any least cost pathway tiger dispersal corridor delineated by NTCA and WII.*
 - d) *Currently, Palamau Tiger Reserve faces high level of anthropogenic disturbances by presence of eight villages (Ramandag, Latu, Kujrum, Henar, Bijaypur, Ghutuwa, Gopkhanr and Pandra) in the core zone. Such high level of human disturbances within the Tiger Reserve have resulted in complete decimation of tiger population and other wildlife within Palamau.*
 - e) *In order to ensure recovery of tiger population and other wildlife in Palamau Tiger Reserve, it is imperative to create inviolate space by incentivized voluntary resettlement of villages from core zone of the Tiger Reserve as per extant NTCA Guidelines. This would assist in consolidating a larger chunk of habitats into inviolate area devoid of human disturbances.*
 - f) *In light of this, diversion of forest land in Polpol Kalan PF under territorial Medininagar Division may is recommended for approval.*
 - g) *The AC observed that the area proposed for diversion (133.64 ha of Polpol Kalan PF) lies in Medininagar territorial forest division and the proposed area is part of a territorial division and doesn't fall within any protected area and also the revised correct KML file of Palamau Tiger Reserve has been submitted to NTCA and on perusal of same by NTCA, it has been observed that the proposed forest area identified for relocation of the villages falls outside the boundaries of Palamau Tiger Reserve with no overlap. The area is neither part of any least cost pathway tiger dispersal corridor delineated by NTCA and WII.*

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5. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Ranchi and Dy. Director, O/o Nodal Officer (FCA), Government of Jharkhand. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Ranchi and Dy. Director, O/o Nodal Officer (FCA), Government of Jharkhand the Committee recommended to delete the following condition at sr no A(ii) of the Stage-1 approval dated 14.12.2022 for diversion of 133.64 ha of forest land:

- i. A (ii) *"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. 9

File No: 8-37/2022-FC

Sub: Proposal for the non-forest use of 455.1108 ha of forest land for Pachwara South Coal Block project in favour of M/s Neyveli Uttar Pradsh Power Ltd. (NUPPL), District Dumka, Jharkhand (Online No. P/JH/MIN/59823/2020) – regarding.

1. The agenda item was considered by the AC in its meeting held on 20.10.2023. 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 for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Dy. DGF (Central), RO, Ranchi and Dy. Director, O/o Nodal Officer, FCA, Government of Jharkhand attended the meeting.
4. While deliberating on the proposal, AC observed that:
 - i. The Government of Jharkhand vide their letter No. Van Bhumi-19/2022-3464 V.P. dated 29.11.2022 submitted a proposal seeking prior approval of Central Government under Section 2 of Forest (Conservation) Act, 1980 for the non-forest use of 455.1108 ha of forest land for Pachwara South Coal Block project in favour of M/s Neyveli Uttar Pradsh Power Ltd. (NUPPL), Jharkhand.
 - ii. Legal Status of Forest land involved is 455.1108 ha Reserved forest (Sec-4 of IFA) and the density of the proposed area is 0.7 having Eco class 3.
 - iii. Density of vegetation has been given as 0.7 with 91,564 project affected trees comprising of 74736 trees of below 60 cm girth and 16,828 trees above 60 cm girth. As per DSS analysis, out of total forest area of 455.1108 ha, 204 ha is classified as Medium Dense Forest, 72 as Open Forest and 180 as non-wooded land.
 - iv. Compensatory afforestation has been proposed over 910.23 ha of double degraded forest land identified under Dumka, Devghar and

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Sahibganj districts in Jharkhand in lieu of 455.1108 ha of forest land proposed to be diverted.

- v. The Pachwara South Coal Block has been allotted to NUPPL vide Allotment Order No 13016/26/2044-CA-I/CA-III(Pt) Vol.II) dated 3.10.2016 by the Ministry of Coal. Pachwara South Coal Block falls into the Rajmahal Coalfield. Coal from the Pachwara South Coal Block is proposed to be used for captive purpose i.e. linked to Ghatampur Thermal Power Plant of 1980 MW capacity. Coal based TPP is being set by the Neyveli Uttar Pradesh Power Ltd. Which is a joint venture company of NLC India Ltd (Central PSU) and Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited (Govt of UP PSE). Total lease area of the Coal Mining Project is 715 ha comprising of 455.1108 ha of forest land and 259.7445 ha of non-forest land. The land has been acquired under the CBA, 1957.
- vi. The prospecting in the forest Block has been carried out by the user agency. Permission for prospecting was granted by the RO, Ranchi on 23.07.2019 and transportation of Coal from the Pachwara Coal mine has been proposed through conveyor belt to nearest Railway siding named Pachwara Railway Siding. Till construction of conveyor belt is completed the transportation will be undertaken through road.
- vii. The state has informed that the transportation of coal through conveyor belt will start in the 7th year of coal production phase. It is proposed to construct an overhead conveyor up to railway siding in Pachwara village, after crossing the Pachwara Central Coal Block. The conveyor will cover the areas of 2 coal blocks. Pachwara South, Pachwara central Land schedules of Pachwara South Coal Block is already approved and submitted in Form I, showing the forest land details. But the forest land of Pachwara Central is not under the jurisdiction of M/s NUPPL. Hence, details of the forest land falling in this block cannot be included in the extant proposal.
- viii. Further, for transportation of coal from the 3 coal blocks- Pachwara Central, Pachwara North and Pachwara South a Special Purpose vehicle (SPV) is formed. It will be jointly run by 3 coal block and State Government will act as the fourth member of this joint venture. Therefore, a separate land schedule as a whole will be prepared including the construction of the overhead conveyor belt as well.
- ix. The Mining plan along with Mine Closure Plan has been approved by the Ministry of Coal vide their letter no. 34011/2/2020-MPS dated 11.11.2020 for an area of 715 ha with capacity of 13.5 MTPA for a period of 38 years.
- x. The analysis of the area proposed for diversion, using DSS tools, revealed occurrence of road in the area proposed for diversion and the State Govt. has informed that the said road connects the three villages namely Mahuldabar, Kundapahari and Chirudih and are under active consideration for resettlement and within the leasehold area of Pachwara South Coal Block (PSCB). These villages will be resettled in due course of the mining operations of Pachwara South Coal block. Project proponent has proposed a diversion road from the western part of mine boundary, moving along the northern boundary and will connect the eastern most part of the block in Chirudih village.

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- xi. The CF, Dumka in his inspection report has mentioned that proposed area, situated at the North Eastern Boundary of Dumka Forest Division, is a connecting link between Dumka and Pakur Forest Division. The landscape provides connectivity to wildlife habitats and maintains rich biodiversity. It is mentioned that the proposed area is a path for wildlife movement including Elephant from Dumka to Pakur and Godda. The landscape is also significant in terms of hydrological functions since Bansloi river is called lifeline flows in the area. Proposed mining site is located just on the right bank of Bansloi River. On the left bank of Bansloi River, two other coal blocks viz Pachwara North and Pachwara Central are operation. Proposed diversion will further lead to the fragmentation of wildlife habitat. CCF in his inspection report among other facts, mentioned the following:
- a. Area is visited by wild elephants and there has been incidences of human-wildlife conflicts.
 - b. Proposed project will lead to further fragmentation of wildlife habitat.
 - c. Project will have adverse impact on the general ecosystem, water regime, and soil conditions.
 - d. Many mining operations in the area have started merely on the basis of undertakings without implementation of Wildlife Conservation Plan/Biodiversity Conservation Plan/Soil Conservation Plan
 - e. CCF has recommended the proposal subject to certain strict compliance of mitigating measures suggested therein.
- xii. The PCCF & Nodal Officer (FCA) recommended the proposal inter-alai subject to fulfilment of general and standard and following specific conditions:
- a. Development of in-house capacity for sustaining the eco-restoration activities with qualitative assurance over the entire project period.
 - b. Period of diversion will be 30 years.
 - c. A site specific wildlife management plan of a radius of 10 km from the proposed lease area at the project cost will be prepared. Besides this, migration path for elephant's passage if present beyond 10 km then such migration route shall be developed with plantation of suitable species at the project cost.
 - d. User agency shall prepare a Digital Elevation Model of 10 Km radius using LIDAR technology before commencement of mining operation and shall be repeated on 3rd, 5th, 10th, 15th, 20th, 25th and 30th year in consultation with the PCCF. On the basis of DEM user agency shall prepare a CAT and SMC plan of 10 km radius including Chatua nala other nearby nalas. These plans will be approved by the PCCF (HoFF) and will be implemented by the Forest Department at the project cost. A team, to be finalized by the PCCF, comprising of officials of user agency, Forest Department subject matter specialist shall be constituted to study and monitor the soil erosion, water conservation, ecological restoration activities during the implementation of the project.

- e. Water security plan prepared by the group of experts shall be adhered to.
- xiii. The PCCF Wildlife in his comments dated 4.08.2022 has concurred the observations of DFO and CF and inter-alia recommended the following:
- a. A comprehensive Regional Wildlife Management Plan should be prepared after carrying put detailed inspection of the area by experts to mitigate the adverse impact of mining activities on the biodiversity and ecology.
 - b. A comprehensive Site Specific Wildlife Management Plan, which should be part of Integrated Regional Wildlife Management Plan should be prepared by the user agency and implemented in a time bound manner at project cost.
 - c. An assessment of likely impact of the project on the ecology, flora and fauna should be undertaken by the subject matter experts based on the collection of data on flora and fauna of the area at the landscape at the project cost so that data pertaining to endangered species of the State can be generated and maintained for better mitigating measures.
 - d. To minimise the wildlife-human conflicts, the user agency should cooperate the State Forest Department in social welfare initiative.
- xiv. The Advisory Committee observed that the forest area proposed for diversion is situated within the Elephant Migration route along the contiguous landscape of Damin-i-Koh from Kathikund & Gopikandar Forests (biggest forest block, the Old Reserve Block) to the Amrapara Forest of Pakur Forest Division & Sundarpahari Forests of Godda Forest Division and at the confluence of Bansloi River. The proposed diversion may cause hindrance to the free movement of elephants from one forest tract to another. The advent of Open Cast Mining may not only further disturb the ecological stability and landscape continuity but also lead to the dissection of contiguous patches. Thus, there should be adequate measures to safeguard the traditional migration route of wild elephants.
- xv. As per the details submitted by the state, the component wise breakup of the proposed area and the NFL in the proposal is not commensurate with the approved mining plan and there are discrepancies in the quantum of land proposed to be used for various components. Further, a forest area of 10.313 ha is earmarked for infrastructure which is a non-site specific activity.
- xvi. The Regional Office, Ranchi in its Site Inspection Report has reported that a Comprehensive Bansloi River Catchment Area Treatment Plan with Soil & moisture conservation measures in the watershed to ensure water –security as well as eco- restoration during & post project period may be considered as part of the proposed project. Similarly, a comprehensive Wildlife Management Plan well before commencement of mining operations which should have provision for continuous study to decide about the impact of mining on biodiversity indices of the region during project period should also be an indispensable part of the project.
- xvii. The State Govt was asked the details of the shareholding pattern in case of the user agency to decide the applicability of DFL/NFL for the

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purpose of Compensatory Afforestation. In this regard the state has informed that NUPPL is a joint venture firm of Neyveli Lignite corporation of India Ltd (NLCIL a Central PSU which holds 51% shares and the Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited (Govt of UP PSE), which holds 49% of shares. Further it has been informed that NUPPL is listed as a CPSU as per the Annual report of the Department of Public Enterprises(DPE).

- xviii. The Committee observed that keeping in view the shareholding pattern as above and the submission of the state that NUPPL is itself a CPSU, the Compensatory Afforestation (CA) against the above proposal can be accepted over degraded forest land. In the instant case the CA is proposed on around 967.053 ha. of Degraded Forest Land (DFL) in Deoghar, Dumka and Sahibganj, districts. However, agricultural activities/encroachments have been observed in some of the CA patches and the same do not appear to be free from all encumbrances. Further, there are some CA patches whose area is below 5 ha.
- xix. The Advisory Committee observed that with regard to current status of progress of the settlement proceedings after notification under section 4 of the IFA, the State Government has informed that the section 4 notification is of the year 1944 and status of settlement proceedings is not available with the State Government.

5. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Ranchi and Dy. Director, O/o Nodal Officer, FCA, Government of Jharkhand. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Ranchi and Dy. Director, O/o Nodal Officer, FCA, Government of Jharkhand, the Committee deferred the proposal for non-forest use of 455.1108 ha of forest land for Pachwara South Coal Block project for want of following information:

- i. The components of the area proposed are not commensurate with the approved mining plan. The State shall ensure that the proposal is in conformity with the approved mining plan and submit the revised mining plan/proposal accordingly.
- ii. The forest area proposed for diversion is situated within the Elephant Migration route. The State govt was asked to submit the detail of the existing and proposed elephant corridors in the landscape which has not been provided. A detailed report in this regard shall be submitted.
- iii. Out of the total proposed forest land an area of 10.313 ha forest land is earmarked for infrastructure which is a non-site-specific activity. Therefore, the State Govt. shall explore the possibility to shift the 10.313 ha infrastructure development to non-forest land and revise the requirement of forest land accordingly.
- iv. The details of the special purpose vehicle created for the purpose of conveyor belt and requirement of additional forest land for the transportation of the coal shall be submitted along with a KML file showing the proposed route and involvement of forest land.
- v. The Compensatory Afforestation areas shall be revisited and the State shall ensure that the same are free from encroachments and all encumbrances. Smaller patches with an area of less than 5 ha will not be appropriate for management and therefore the same needs revision. Therefore, in such cases revised CA patches along with revised CA Scheme and other details shall be submitted.

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- i. The correct KML file indicating the different components of the project including those proposed to be taken on non-forest land shall be submitted.
 - vii. With regard to current status of progress of the settlement proceedings after notification under section 4 of the IFA, the State Government has informed that the section 4 notification is of the year 1944 and status of settlement proceedings is not available with the State Government. In this regard, the State shall submit a copy of the notification as asked by the Ministry earlier.

Agenda No. 10

File No. 6- MPC018/2021-BHO

Sub: Proposal for diversion of 12.8042 ha (previous proposed area 13.1959 ha) of Protected Forest land in Survey No. PF-112 of forest range, Sirmour in Rewa division for construction of Hydro Power Project in favour of Manager, Marshal Small Hydro Power Private Limited, in Rewa District of Madhya Pradesh (Online No. FP/MP/HYD/42686/2019) – regarding.

1. The agenda item was considered by the AC in its meeting held on 20.10.2023. 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 for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Dy. DGF (Central), RO, Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh attended the meeting. They had participated in the deliberation.
4. While deliberating on the proposal, AC observed that:
 - i. The Government of Madhya Pradesh vide their letter No. F4/49/2021/10-11/673 dated 11.02.2021 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 12.8042 ha (previous proposed area 13.1959 ha) of Protected Forest land in Survey No. PF-112 of forest range, Sirmour in Rewa division for construction of Hydro Power Project in favour of Manager, Marshal Small Hydro Power Private Limited, in Rewa District of Madhya Pradesh.
 - ii. The proposed diversion area is 12.8042 ha and a total of 2,938 no. of trees are marked for felling at FRL.
 - iii. The proposal envisages construction of Hydro Electric Project of 24.75 MW capacity in village Chachai of Rewa District of Madhya Pradesh. Entire land proposed for the project is forest land (Protected Forest). No non-forest land is involved in the project.
 - iv. Compensatory afforestation has been proposed over equivalent nonforest land in a single patch. A small patch is observed to be sandwiched between the CA patch identified for CA. The User Agency

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- has provided access by way of an approach road to the said small patch. Suitability of the area has been certified by the Nodal Officer.
- v. The Regional Empowered Committee discussed and recommended the proposal in its meeting held on 03.03.2021 for approval under the Forest (Conservation) Act, 1980. Hydel projects involve earth cutting and quarrying requiring scientific disposal of muck generated from such activities. All hydel projects are invariably accompanied with the Muck Disposal Plan and Techno-economic clearance (TEC). No such plan/TEC has been submitted along with the proposal. The Muck Disposal Plan was neither demanded by the IRO nor this issue was deliberated in the REC meeting. Keeping in view the importance of Muck Disposal Plan, the IRO was asked to ensure that a detailed plan in this regard is provided by the State Government.
 - vi. The RO Bhopal vide letter dated 02.08.2021 and 18.04.2022 requested the Government of Madhya Pradesh for sending details regarding muck disposal plan. Govt. of Madhya Pradesh vide letter dated 28.12.2021 and letter dated 23.09.2022 informed as below:
 - a) The Nodal Officer submitted a muck disposal plan on 0.42 ha non- forest land and informed that the muck will be disposed on private land which is acquired by UA on lease.
 - b) The Nodal Officer, Govt. of MP also requested that the UA had demanded 0.3917 ha area in the original proposal for disposal of muck. Further as per revised proposal the muck would be disposed on private land, hence requested to revise the proposed diversion area to (13.1959 ha - 0.3917 ha) 12.8042 ha only and the vacant area (previous proposed muck area 0.3917 ha) may be used as Green Belt.
 - c) The IRO, Bhopal observed that the area indicated in the muck disposal plan is 42026 Sq. m. = 4.20 ha but the covering letter of the Nodal Officer indicated that the area is only 0.42 ha which is not supported by any documentary proof.
 - d) Muck Disposal Plan with revised non forest area (3.48 ha) and countersigned by DFO Rewa is submitted.
 - e) The UA submitted an undertaking that no muck shall be disposed on forest land.
 - vii. The proposed forest area for diversion has been revised from 13.1959 ha to 12.8042 ha and the proposal was again discussed in REC Meeting held on 18.11.2022. The REC examined the proposal for diversion of forest land under the Forest (Conservation) Act, 1980 and recommended the proposal for diversion of 12.8042 ha on usual terms and conditions.
 - viii. This proposal was considered by the Advisory Committee (AC) in its meeting held on 25.04.2023 wherein the AC observed that a patch of thick forest is existing between the water body and area proposed for diversion and no precautions as such have been proposed for saving this while construction. Moreover, the REC while recommending the proposal for diversion of 12.8042 ha has not taken this important aspect into consideration and the Committee decided that the proposal cannot be accepted in its present proposition due to following reasons:
 - a) A patch of thick forest is existing between the water body and area proposed for diversion. The measures to safeguard the said forest patch while construction have not been submitted.

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- ix. The Member Secretary informed the AC that in view of the decision taken by Advisory Committee in the meeting held on 25.04.2023 and with the approval of competent authority, the proposal was returned back to Regional Office Bhopal and information was asked from State Government vide RO, Bhopal letter dated 10.06.2023.
 - x. The Government of Madhya Pradesh vide their letter dated 04.07.2023 informed as below:
 - a) हाईड्रो पावर प्लांट बनाने के लिए जो जमीन चाही गई है वह तीव्र ढलान की वनभूमि है। इस भूमि के नीचे लगभग 0.75 हेक्टेयर की भूमि बचती है, जो कम्पनी द्वारा प्रस्तुत प्रस्तावित भूमि तथा नदी के बीच में आती है। वनभूमि की सुरक्षा के लिये आवेदक कम्पनी द्वारा पत्थर की दीवार/ चैनलिंग फेंसिंग जो भी भारत सरकार द्वारा निर्देशित किया जायेगा वह कार्य आवेदक कम्पनी के व्यय पर पूर्ण कराये जाने की सहमति प्रस्तुत की गयी है।
 - b) हाईड्रो पावर प्लांट का निर्माण होने के उपरांत इसके संचालन के लिए बहुत ही कम संख्या में कर्मचारियों की आवश्यकता होगी। इस प्रकार से क्षेत्र में आवागमन नगण्य रहेगा।
 - xi. The proposal was placed before the Advisory Committee for discussion in the meeting held on 11.10.2023 and same was deferred for discussion in the present meeting.
 - xii. The AC observed that the State Govt. has informed that the Entire land proposed for diversion and required to construct the hydro power plant is forest land (Protected Forest) with a steep slope and about 0.75 hectares of land will be left between the water body and area proposed for diversion. The State govt. has informed that a stone wall fence or chain link fence as decided by the central govt. will be constructed at the cost of the user agency.
5. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF, RO Bhopal and the Nodal Officer (FCA), Madhya Pradesh. After going through the facts of the proposal and submissions made by the Dy. DGF, RO Bhopal and keeping in view the location of the proposed area the committee observed that mere construction of fencing may not be sufficient to safeguard the said forest area and state should have submitted a detailed plan for the same keeping in view the ground situation as well as presence of labour/staff during the construction and operation phases. The Advisory Committee therefore recommended that the proposal cannot be considered in its present proposition.

Agenda No. 11

File No. 8-04/2020-FC

Sub: Proposal for diversion of 530.85 ha (instead of 505.5 ha) of forest land for Construction of Banda Irrigation project in favour of M/s Water Resources Department in Sagar District, Madhya Pradesh State (Online No. FP/MP/IRRIG/33882/2018) - regarding.

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1. The agenda item was considered by the AC in its meeting held on 20.10.2023. 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 for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), RO, Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh attended the meeting and participated in the deliberations.
4. While deliberating on the proposal, AC observed that:
 - i. The Government of Madhya Pradesh vide their letter No. F-3/97/2018/10-11/12/332 dated 20.01.2021 submitted the above proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980.
 - ii. The instant proposal was discussed in Advisory Committee (AC) in its meeting held on dated 25.06.2021 wherein the Committee observed that *"There are six transmission lines passing through the proposed submergence area of the project and will need shifting due to future submergence after pounding of the reservoir. Shifting of these transmission lines has brought up a fait accompli situation where additional forest land having extent of 233.05 ha will be needed. Nodal Officer, FCA, Department of Forest, Madhya Pradesh accepted the fact and submitted that a separate diversion proposal in consultation with all user agencies involved will be framed and requested for delinking the issue of further forestland diversion with the instant proposal"*.
 - iii. Further the AC in its meeting held on dated 25.06.2021 recommended the proposal for Stage-I approval with certain specific conditions which also included the following regarding the shifting of transmission lines:
 - i. *Condition no. A (i): In order to minimize the extent of forest land diversion arising out of the fact due to shifting of transmission lines, the State Govt. will ensure that either all the transmission lines are merged into a single line or the same tower is used for mounting all lines, thereby reducing the total requirement of forest land. State Government will also ensure that the 'fait accompli' diversion proposal for shifting of transmission lines should not be passing over the non-forest land (NFL) pledged for Compensatory Afforestation.*
 - iv. The Ministry vide letter of even no. dated 28.07.2021 issued Stage-I/In-principle approval subject to conditions prescribed therein.
 - v. The Member Secretary informed the AC that as per the Condition A(i) of Stage-I/In-principle approval dated 28.07.2021, the State Govt. had to ensure that either all the transmission lines are merged into a single line or the same tower is used for mounting all lines, thereby reducing the total requirement of forest land. In this regard, the State Govt. repeatedly submitted that the same is not possible and instead of one, four transmission lines have been proposed.
 - vi. The Member Secretary informed the AC that keeping in view the fact that the condition imposed is a specific condition of the Stage-I

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approval, the Ministry vide letter dated 28.08.2023 requested the State Govt. to explore available options to reduce the total requirement of forest land as stipulated therein and comply with the above mentioned condition.

- vii. The state in this regard has submitted that the same is not feasible and instead of one, four transmission lines have been proposed. Also a detail technical report have been obtained by the user agency from the Power Grid Corporation of India Limited (PGCIL) and Jabalpur Transmission Company Limited (JTCL). PGCIL has informed in its report that the existing 05 transmission lines will be merged into 03 transmission lines and after the merger of transmission lines, the number of towers will be reduced from 243 to 176 and the length of forest land involved will be reduced from 92 km to 66.45 km. Also the JTCL has reported that there is only one line of JTCL in the forest area and it is not possible to amend it due to the route selected for diversion being minimal.
- viii. The State Govt has submitted a copy of the letter dated 13/10/2021 from the Power Grid corporation of India Limited wherein it has been mentioned that:
 - a. Individual voltage ratings transmissions lines are designed for nominal voltage rating. maximum system voltage, Impulse BIL, Power frequency withstand voltage (Wet), Switching surge withstand voltage (Wet), Minimum corona extinction voltage (dry) & Radio interference voltage (dry).
 - b. As per CEA guidelines issued, wherever, any two 400kV lines are to be laid inside the forest corridor, as per the design availability, 400kV Multi circuit towers are to be made. Further, wherever, two 765kV D/C transmission lines are to be laid, as per the design, 765kV D/C transmission line are to made. In 765kV voltage level, there is no multi circuit tower design allowed. Diverted lines are configured as per the referred guidelines.
 - c. If existing transmission line configuration is laid through the diversion line corridor, the involvement of forest shall be 60% more than the now/current optimized forest corridor involvement.
- ix. In another letter dated 16.09.2023 the Power Grid corporation of India Limited has submitted a comparative statement showing the present configuration and the proposed configurations wherein it has been clarified that the forest land requirement for the proposed alignment of three new transmission lines of PGCIL would be less than the area which is presently occupied by the five existing transmission lines.
- x. The State has also submitted a letter dated 26/09/2013 from the Jabalpur Transmission Company limited(JTCL) wherein it has been mentioned that the JTCL has only one line i.e. 765 KV S/C Jabalpur-Bina line and on the other hand PGCIL has already done the modification in there 400 KV & 765 KV line as per there feasibility. Therefore, having further modification shall not be possible as we have only one line in the forest area, for which we have selected route for diversion/ shifting where the minimum forest needs to be diverted.
- xi. The AC observed that the Power Grid corporation of India Limited and JTCL are technical organizations and as per their report, the compliance of the condition A(i) stipulated in the Stage-1 approval is

not feasible. Further, it has been mentioned that new transmission lines are proposed as per the guidelines of CEA.

5. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Nodal Officer (FCA), Madhya Pradesh and Dy. DGF (Central), RO, Bhopal. After going through the facts of the proposal and submissions made by the Nodal Officer (FCA), Madhya Pradesh, the committee recommended that:
 - i. Keeping in view the technical report from the Power Grid Corporation of India Limited (PGCIL) and Jabalpur Transmission Company Limited (JTCL), the committee decided to amend the condition no. A (i) of the Stage-1 approval as under:

In order to minimize the extent of forest land diversion arising out of the fact due to shifting of transmission lines, the State Govt. will ensure that the requirement of forest land should be bare minimum. State Government will also ensure that the 'fait accompli' diversion proposal for shifting of transmission lines should not be passing over the non-forest land (NFL) pledged for Compensatory Afforestation.

- ii. The number of transmission lines shall not be more than four as proposed by the State government. Further, the forest land within the RoW of the transmission lines proposed to be abandoned due to submergence (outside the submergence area, if any) shall be handed over back to the forest department once the transmission lines are shifted.

Agenda No. 12

File No: 8-19/2023-FC

Sub: Diversion of 166.41 ha forest land (150.31 ha Reserve Forest and 16.10 ha Protected Forest) in the forest compartment No. RF-720, RF-721 & PF-720-B of Parasia Range under West Chhindwara Forest Division for the Mahadeopuri Underground Coal Mining Project in favour of M/s Western Coalfield Limited (WCL) in Chhindwara District of Madhya Pradesh State (Online No. FP/MP/MIN/37580/2018) - regarding.

1. The agenda item was considered by the AC in its meeting held on 20.10.2023. 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 for their examination and analysis.

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Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.

3. The Dy. DGF (Central), RO, Bhopal and Nodal Officer, FCA, Government of Madhya Pradesh attended the meeting and participated in the deliberations.
4. While deliberating on the proposal, AC observed that:
 - i. The Principal Chief Conservator of Forests (Land Management) under Forest (Conservation) Act, 1980, Government of Madhya Pradesh, vide their letter No. F-1/828/2021/10-11/1942 dated 12.05.2023 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 166.41 ha forest land (150.31 Ha. Reserve Forest and 16.10 Ha. Protected Forest) in the forest compartment No RF-720, RF-721 & PF-720-B of Parasia Range under West Chhindwara Forest Division for the Mahadeopuri Underground Coal Mining Project by M/s Western Coalfield Limited (WCL) in Chhindwara District of Madhya Pradesh State.
 - ii. Legal Status of Forest land involved is 150.264 ha Reserved Forest land, 16.146 ha Protected Forest land and the density of the proposed area is 0.5 having Eco class 3.
 - iii. The compensatory afforestation (CA) has been proposed on the degraded forest land comprising an area of 4 ha because out of 166.41 ha forest land for under-ground mining, surface rights are required for an area of 1.832 ha forest land only.
 - iv. The Government of Madhya Pradesh vide their letter No. F-1/828/2021/10-11/1942 dated 12.05.2023 forwarded the proposal for diversion of 166.41 ha forest land for Mahadeopuri under-ground coal mining project as a fresh diversion proposal without any reference to the renewal of the existing mine, whereas, the user agency has mentioned the mining rights over an area of 865.824 ha including 1.832 ha surface right. The state Govt was accordingly asked to clarify the same.
 - v. In this regard, the State govt informed that the approval for the 30 years lease of Mahadevpuri mine over 865.824 hectare forest land to Coal Company was given by the Government of India, Ministry of Environment Forest and Climate Change, New Delhi vide letter no 8-372/87-FC dated 11/10/1988. For the renewal of this mine, the applicant organization had to apply in Form-B on the online portal. However, due to lack of mapping of the approval issued by Government of India vide letter no. 8-372/87-FC dated 11/10/1988 on the portal, the renewal proposal could not be uploaded in Form-B. Therefore, the applicant organization was asked to submit a new proposal. Accordingly, the applicant has uploaded the proposal on online form A for diversion of a forest area of 166.41 ha.
 - vi. Further it was noticed during the examination of the proposal that the approval under FCA,1980 in case of the instant proposal was accorded for a period of 30 years whereas the proposal was submitted by the user agency/state after the expiry of the said period of 30 years from the date of issue of approval under Forest(Conservation) Act,1980.
 - vii. In this regard, the State informed that the State Government in view of the permission accorded by Central Govt. gave permission to the User agency vide letter number 53/87/10/3/89 dated 13/01/1989, wherein land was allowed to be given for a period of 30 years after the signing

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- of the lease. The mining lease for this mine was granted by the State Government on 20/08/1993. Since the mining lease was approved on 20.08.1993, it seems appropriate to consider it valid till 19/08/2023.
- viii. The Environmental clearance (EC) dated 17.05.2007 has been submitted against instant proposal for Mahadeopuri underground coal mine project wherein it has been mentioned that total lease area is 172.87 ha out of which 170 ha is forest land whereas as per the records submitted, entire lease is comprising of 865.824 ha. forest land, and the proposal has been submitted for diversion of an area of 166.41 ha forest land.
 - ix. In this regard, the State has informed that the Government of India, Ministry of Environment, Forest and Climate Change, New Delhi, vide Letter No./J-11015/434/2006-I.A. dated 17/05/2007 accorded Environmental clearance wherein an area of 172.87 hectares has been mentioned which included 170 hectares of forest land and 2.87 hectares of government land. However, after verification the forest land was found to be only 166.41 ha, and this area is included in the forest area mentioned in the environmental clearance.
 - x. The State Govt submitted the chronology of the mining lease wherein it has been mentioned that approval for diversion of 865.824 forest land in Mahadevpuri mine was accorded by the central govt. vide letter no./8-372/87-FC dated 11.10.1988 wherein the mining lease for forest land coal excavation was approved for 30 years. In this forest area, the area of 1.832 hectares of forest land was also included for the surface rights. For this mine, the lease period of 30 years was allowed to the applicant organization by the State Government vide letter number / F-5 / 63/87/10/3/89 dated 13/01/1989 in view of the approval of the Government of India dated 11/10/1988. The mining lease for this mine was granted by the state govt for a period of 20 years on 20/8/1993 under Mineral Concession Rules 1960.
 - xi. State Government, Mineral Resources Department, Bhopal vide Circular No. / 5046 / 1031/2013/12/2 dated 01/08/2013 clarified that under the Mineral Concession Rules 1960, such mining leases which have not been renewed by the State Government will be considered extended till the resolution of such mining leases. The period of this mining lease has been validated for 50 years vide Collector Chhindwara's Office (Mining Branch) letter number / 462 / Mining Branch / 2019 dated 12/03/2019.
 - xii. The state was asked to intimate the present status of the remaining 699.414 ha forest land and in this regard it has been informed that the Divisional Forest Officer, West Chhindwara has reported that out of the Mahadevpuri mine area of 865.824 hectares, the forest land measuring 699.414 hectares has been taken into the possession by the Forest Department.
 - xiii. The committee observed that there is a need to have an Integrate Wildlife Management Plan for the area in the surrounding of the proposed Mines.
 - xiv. The Site inspection report of DIGF, RO, Nagpur has been forwarded by Dy. DGF, RO, Bhopal vide their letter dated 16.10.2023 and as per Site inspection report it has been reported as under:

The site inspection was conducted and it was informed by the User Agency that it has used only about 1.00 ha surface rights area and about 100 ha area was used for underground mining and rest of the area is yet to be mined out. As per the User Agency, till date only about 24 Lakh ton coal has been excavated and rest of the coal (about 17 Lakh Ton) will be extracted from remaining area in after obtaining approval. As per the MoEF, New Delhi approval letter dated 10.10.1988, the period of the lease is 30 years only. However, the State Govt. of MP letter dated 03.01.1989 stated that the period of lease will be 30 years after the handing over of forest land after obtaining valid mining lease. The User Agency obtained the mining lease four years after the grant of permission in 1993 and operated for 30 years until the letter from DFO, Chhindwara West dated 28/07/2023.

Observation Regarding the Mining Plan

The Ministry of Coal (GoI) has issued the guidelines for the preparation of Mining Plan for the Coal and lignite blocks vide letter no. F.No. 34011/28/2019-CPAM Dated- 16/12/2019. As per this guidelines All coal (including Lignite) mining operations in India shall henceforth be governed as per these modified guidelines listed below and henceforth, the Mine Closure Plan and Final Mine Closure Plan shall be integral part of Mining Plan." There is also change in lease area (from 865.82 ha in previous phase to 166.41 ha in present proposal, so as per the said Guidelines 1.3, modification of Mining Plan is required. The User Agency has submitted the approved scheme dated: - 25/11/2019 but the Guidelines were issued by Ministry of Coal (GoI) dated - 16/12/2019. The clarification from the User Agency is needed in this regards.

- xv. The State Govt was asked to submit the copy of the revised mining plan for the revised lease area of 172.87 ha., to which the state govt vide letter dated 06.10.2023 replied that the copy of the revised mining plan submitted by the user agency is enclosed with the reply as annexure. In this regard the User agency has submitted a document wherein it has been mentioned that it is a scheme in addition to previous scheme for further extraction of reserves within 172.87 ha boundary at Mahadeopuri UG mine.
- xvi. The Committee observed that the Ministry vide letter no. 8-372/87-FC dated 11/10/1988 issued approval for Mining over an area of 865.824 hectares of forest land wherein it was mentioned that the "Period of lease shall be 30 years". The mining lease for this mine was granted by the state government on 20/08/1993. Since the mining lease was approved on 20.08.1993, it seems appropriate to consider the validity of approval under FCA,1980 till 19/08/2023.
- xvii. The Member Secretary informed the committee that the Divisional Forest Officer, West Chhindwara has reported that out of the total mine area of 865.824 ha of forest land, an area of 699.414 ha of forest land has been handed over back to the State Forest Department.
- xviii. The proposal was submitted in Form-A as a fresh proposal and the area of the proposal. However, the ministry had earlier issued the approval for diversion of 865.82 ha forest land in the year 1988. The area proposed has now been reduced to 166.41 hectares. Thereafter the Ministry sought clarification from the State government to clarify

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- whether the User Agency is seeking approval for fresh permission or for renewal of the permission under FCA,1980 as approval for the same land was accorded in 1988.
- xix. The State Govt. has informed that the proposal should be treated for the renewal of the FC and has also informed that "The validity of this mine is for a period of 50 years or till 31/03/2030, whichever is later as per the Gazette Notification No. 575 dated 01/10/2021 issued by the Ministry of Coal.
 - xx. The AC observed that the Ministry vide letter no. 8-372/87-FC dated 11/10/1988 issued approval for Mining over an area of 865.824 hectares of forest land which was for a period of 30 years from the date of execution of lease. Also the State Govt. has informed that the proposal should be treated for the renewal of the FC.
 - xxi. The para 7.6 of the handbook of guidelines dated 28.03.2019 mentions that in case of coal mining the validity of clearance granted under FC shall be coterminous with the life of the mine as per the approved mine plan subject to a maximum of 30 years as provided in the MMDR Act, 1957 as amended up to Mines and Minerals (Development and Regulation) Amendment Act, 2015.
 - xxii. The Committee further observed that the site inspection in the case has been done by the Regional office and no other violation has been reported. Further, an area of 699.414 ha has been handed over back to the forest department.
 - xxiii. Further, the extension of permission/renewal has been sought for a forest area of 166.41 ha. only. In the permission accorded by the ministry vide letter no. 8-372/87-FC dated 11/10/1988, it has been mentioned that the period of lease shall be 30 years.

5. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal and Nodal Officer, FCA, Government of Madhya Pradesh. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Bhopal, and the Nodal Officer, the Committee recommended to extend the validity of the approval accorded by the Central Govt. vide letter no. 8-372/87-FC dated 11/10/1988 under FCA,1980 for a reduced forest area of 166.41 ha subject to general, standard and following specific conditions:

- i. The User agency shall make the payment of NPV as per the guidelines issued by the Ministry if not already done.
- ii. The period of validity of the approval shall be coterminous with the life of mine as per approved mining plan subject to a maximum period of 50 years from the date of initial assignment of lease by the state govt. i.e. w.e.f. 20.08.1993.
- iii. Since, the lease area has now been reduced to 172.87 ha, therefore the State govt. shall ensure that the scheme for further extraction of reserves within 172.87 ha boundary at Mahadeopuri UG mine is prepared as per the guidelines issued by the Ministry of coal for the revised mining plans in such cases. The revision in scheme required, if any, shall be commensurate with the proposal submitted to MoEFCC and the same be carried out before commencing the mining operations.
- iv. The State Govt. shall prepare an Integrated Wildlife Management plan for the area in the surrounding of the proposed mine and implement the same at the cost of User Agency.

Agenda No. 13**F. No. 8-08/2021-FC**

Sub: Diversion of 139.86 ha forest land in compartment No. RF276 & PF-277, 278, 279 of Village- Muhair and Padri, Range Baidhan of Singrouli Forest Division for Block-B Expansion Opencast Coal Mining in favour of M/s Northern Coalfield Limited in Singrauli District of Madhya Pradesh State (Online No. FP/MP/MIN/44294/2020) - regarding.

1. The agenda item was considered by the AC in its meeting held on 20.10.2023. 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 for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. The Dy. DGF (Central), RO, Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh attended the meeting. They had participated in the deliberation.
4. While deliberating on the proposal, AC observed that:
 - i. Originally the Government of Madhya Pradesh, vide their letter no. F-1/823/2021/10-11/912 dated 09.03.2021 submitted the proposal for diversion of 631.39 ha (instead of 622.783 ha) forest land of Survey No. RF-276, 281 & PF -277, 278, 279, Village- Muhair and Padri, Range Baidhan in Singrouli Forest Division for Block-B Expansion Opencast Coal Mining in favour of M/s Northern Coalfield Limited in Singrauli District of Madhya Pradesh seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 wherein it has been found that:
 - a. As per the Site Inspection Report (SIR) of DFO and the CCF, Singrouli Forest Division it is reported that "the Forest Compartment No. RF 276, 281, PF-277, 278 and 279 which are proposed for diversion under Singrouli Forest Division are falling in the Elephant Corridor as per the Forest Division prevailing working scheme ".
 - b. The State Govt. has intimated that in another proposal of 467.809 ha pertaining to Dudhichua mine and 390.264 ha pertaining to Bina Kankri the Chief Wildlife warden has opined that the said corridor has been fragmented and the proposed area is also a part of the same landscape. Further the NCL had earlier deposited an amount of 2134 lakhs for wildlife management in the given landscape. The Project Elephant Division of this Ministry has also submitted the comments stating

that, there are no elephant corridors located in the above mentioned compartments as per the document "Right of Passage" in which elephant corridors have been identified and listed across the country.

- c. The DSS analysis also revealed that the proposed area falls in a landscape wherein a 'W' shaped area is already broken/worked out and eastern side of this landscape is flanked by the Renusagar Dam.
 - d. The State Govt. has clarified that the safety zone on the boundary of adjoining mining leases has not been maintained because when exposed from both sides, the coal deposits are burnt up due to exothermic reaction which eventually damages the vegetation as well.
- ii. The said proposal was considered by FAC in its meeting on 13.06.2022 wherein the FAC after thorough deliberation and discussion observed that the proposal in its present form is not site specific as more than 78% of the reserve forest area which involves about 2,10,164 trees is proposed for dumping the overburden, which can be done over non-forest land. Keeping this in view the the proposal was rejected with the approval of the competent authority.
 - iii. The Government of Madhya Pradesh vide their letter no. F1/823/2021/10-11/4380 dated 29.12.2022 submitted that the user agency intends to reduce the area of forest land from the earlier proposed 622.783 ha to 139.86 ha and requested that the proposal be removed from the Rejected category so that the State can submit revised documents against the initial proposal instead of preparing a fresh one and the said request of State Government was approved by the competent authority in the Ministry.
 - iv. Thereafter the Government of Madhya Pradesh vide their letter No. F1/823/2021/10-11/806 dated 21.02.2023 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 (ii) of the Forest (Conservation) Act, 1980 for diversion of 139.86 ha forest land in compartment No. RF-276 & PF-277, 278, 279 of Village- Muhair and Padri, Range Baidhan of Singrouli Forest Division for Block-B Expansion Opencast Coal Mining in favour of M/s Northern Coalfield Limited in Singrauli District of Madhya Pradesh State.
 - v. The density of the proposed forest is reported as 0.3 under the Eco class 3.
 - vi. The Compensatory Afforestation has been proposed over Degraded Forest land (twice in extent to the forest land proposed to be diverted) in 5 patches located under Singrouli forest division of Madhya Pradesh State comprising an area of 335 ha.
 - vii. After preliminary scrutiny of the proposal, certain shortfalls regarding accuracy of the KML file of forest land proposed for diversion, accuracy of the Mining lease boundary and proposed Safety zone, updated

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details of Mining lease area, Mining plan etc. as per revised diversion proposal and CA land free from all encumbrances was noticed and same was communicated to the State Government vide Ministry letter dated 21.03.2023 and the State Government vide their letter dated 26.05.2023 has submitted the information.

- viii. Examination of same revealed that the State Government has not submitted the complete information and same was requested vide Ministry letter dated 26.06.2023 and the Nodal Officer (FCA), Government of Madhya Pradesh vide their email dated 31.07.2023 has provided the required/relevant information/documents.
- ix. The proposal was again considered by the Advisory Committee in its meeting held on 21.08.2023 wherein the AC after thorough deliberation and discussion observed that more than 66% of the reserve forest area which involves about 46,571 trees is proposed for dumping the overburden. The dumping of the overburden is not a site specific activity therefore the State Govt. shall explore the other alternatives over non-forest land for the same. Since, only bare minimum forest land can be allowed to be diverted therefore the State Govt shall examine this aspect in detail and give its recommendations along with a detailed report accordingly.
- x. The same was communicated to the State Government vide Ministry letter dated 01.09.2023.
- xi. The committee observed that the following activities are proposed as per the component wise breakup mentioned in present proposed area of 139.86 ha as under:

Sr. No.	Component	Forest Land (ha.)	Non Forest Land (ha.)
1.	For External Over burden dumping	92.536	0
2.	Mine coal excavation Area	43.77	203.35
3.	Forest land as Safety zone in proposed dumping	1.464	0
4.	Forest land as Safety Zone in proposed excavation	2.09	0
	Total	139.86	203.35

- xii. The committee further observed that the following activities were proposed as per the component wise breakup mentioned in present proposed area of 631.39 ha:

Sr. No.	Component	Forest Land (ha.)
1.	Mine coal excavation Area	71.976

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2.	For External Over burden dumping	559.416
	Total	631.392

- xiii. That based on the recommendation of AC, the Ministry vide letter dated 01.09.2023 requested the State Govt. to explore the other alternatives over non-forest land for the same. Since, only bare minimum forest land can be allowed to be diverted therefore the State Govt. was required to examine this aspect in detail and give its recommendations along with a detailed report accordingly. However, the State Govt. vide their letter dated 04.10.2023 has forwarded the reply of User Agency which is very similar to as submitted earlier and already considered by Advisory Committee.
- xiv. The AC observed that out of 139.86 ha proposed forest area an area of 92.536 ha forest land is proposed for External Over burden dumping and a total 66% of the forest area is proposed for dumping the overburden, which is a non-site specific activity. Also a total of 46,571 numbers of trees are marked for felling proposed diversion of 139.86 ha forest land.
- xv. During the discussion AC observed that still a huge chunk of forest land i.e. 92.536 ha is proposed for diversion for overburden dump and the number of trees required to be felled is very high. Further, financial viability cannot be the criterion for using forest land when non-forest land is available for dumping in the vicinity of the mining lease.

5. Decision of the Advisory Committee: The AC after thorough deliberation and discussion observed that the proposal in its present form is not site specific as more than 66% of the reserve forest area which involves about 46,571 trees is proposed for dumping the overburden, which can be done over non-forest land. Keeping this in view the Committee recommended to reject the proposal.

Agenda No. 14

File No: 8-28/2021-FC

Sub: Diversion of 1305.142 ha (instead of 1248.821 ha) forest land for the construction of Maa Ratangarh Multipurpose Project in favour of Executive Engineer, Dabra under Datia and Gwalior Districts of Madhya Pradesh State (Online No. FP/MP/IRRIG/40397/2019) - regarding.

1. The agenda item was considered by the AC in its meeting held on 20.10.2023. 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

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Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.

3. The Dy. DGF (Central), RO, Bhopal and Nodal Officer, FCA, Government of Madhya Pradesh attended the meeting.
4. While deliberating on the proposal, AC observed that:
 - i. The Government of Madhya Pradesh vide their letter No. F-3/50/2019/10-11/6/3729 dated 11.11.2021 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 on the above-mentioned subject.
 - ii. The AC noted that the present project is spread over two Forest Divisions Datia (T) and Gwalior(T) and total of 51,121 no. of trees are marked for felling at FRL-4-meter Level.
 - iii. Legal status of land proposed for diversion: 651.135 ha is Protected Forest land, 654.007 ha is Reserved Forest land and 1840.11 ha non-forest land is also involved in the project. Density of the area proposed for diversion is reported to be 0.3, Eco-class-03.
 - iv. Proposal does not form part of any PA, Biosphere Reserve, Elephant corridor etc. No protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.
 - v. Wildlife like Wolf, Wild bear and other wild animals such as Hyna, Chital, Nilgai, wild pig etc. are reported in the forest land proposed for diversion under Datia District and Blue Bull, Jackal, chinkarka, rabbit, crocodile etc. are reported under Gwalior district.
 - vi. The Nodal Officer, FCA, Government of Madhya Pradesh attended the meeting and informed that the main purpose of this project is irrigation of the areas having medium to low rainfall in Bundelkhand Region.
 - vii. The State has informed that due to the non-forest land given for compensatory afforestation being a ravine area, it is not possible to plant 1000 saplings per hectare on it, this note has been given by the Chief Conservator of Forests. However, in the past years, ravine areas have been used for afforestation in Morena forest division. The plantations done on these non-forest lands have been successful. Approximately 250 to 300 saplings per hectare have been planted on these non-forest lands and a large number of trees have also been grown by constructing contour trenches, contour bunds and check dams and planting seeds on them. In this regard, at the state government level on 27.09.2021, in the meeting of senior officers under the chairmanship of Principal Secretary, Forest, a committee of senior officers was proposed to be constituted to inspect the plantation done in the past years in the ravine area and give their opinion.
 - viii. Accordingly, by order of Principal Chief Conservator of Forests, Madhya Pradesh dated 05.10.2021, a team of officers of the level of Additional Principal Chief Conservator of Forests was constituted. The committee presented its report on 12.10.2021, in which the proposed CA areas were recommended as suitable for plantation of 200 to 300 plants per hectare.
 - ix. The Regional Officer, Integrated Regional Office, Bhopal who has conducted the Site Inspection for this proposal attended the meeting. The Site inspection report inter-alia mentions the following with regard to forest land for diversion:

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- a) **Gwalior Division:** soil is highly prone to erosion causing formation of ravine which is expanding on either side of the river with passage of time. Due to erosion the river is also having large quantity of Sand in it.
 - b) **Datia Division:** the ravine formation on the banks on either side of the river is expanding inlands. Therefore, it is suggested to provide strong bunds with suitable culverts all regular intervals with silt traps to allow the rain water to drain in with minimum silt load. This would also prevent spread of ravines further in the plain lands and also siltation of the project would be minimised.
- x. The AC observed that the Compensatory afforestation has been proposed over non forest land (Ravine land) in Bhind and Shivpuri District, Madhya Pradesh. The issue of raising plantation on ravine land was deliberated. The concerned CCF had earlier recommended that ravine areas should be avoided for raising the Compensatory Afforestation. The State thereafter constituted a committee of the senior officers, which recommended that the ravine areas can be used for planting 200-300 plants per hectare. The Regional Office has also mentioned that the areas proposed for CA are suitable for plantation.
- xi. The Nodal Officer, FCA, Govt. of M.P. informed that the plantation in the Ravine areas proposed for CA may not be possible at the rate of 1000 plants/ha but the area may accommodate about 200 to 300 plants/ha. The balance no. of plants will be planted on Degraded Forest Land.
- xii. The Member Secretary informed the committee that this proposal was considered by the Advisory Committee(AC) in its meeting held on 25.04.2023 wherein after going through the facts of the proposal and submissions made by the Nodal Officer, the Committee deferred the proposal for diversion of 1305.142 ha forest land for the construction of Maa Ratangarh Multipurpose Project and sought the following details:
 - a) The details of distribution network like canals and pipelines, which may further have required diversion of forest land etc. has not been given. A holistic proposal is required to be submitted as forest land may be required for laying of underground pipelines as well. The State Govt. shall therefore provide the complete lay out plan indicating all the components like canal, pipelines etc. The detail of the area requirement for these components shall also be submitted.
 - b) Sindh is a Tributary of Chambal River and therefore the impact of the proposed project on Chambal Wildlife Sanctuary and its surrounding water regimes shall be provided by the State Govt. along with the recommendations of the Chief Wildlife Warden of the State.
 - c) The detailed Compensatory Afforestation scheme for the proposed non forest land (Ravine land) and degraded forest land shall be submitted.

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- xiii. The Member Secretary informed the committee that based on the recommendation of AC, the Ministry vide letter dated 15.05.2023 requested the State Government to submit the information and the State Government vide their letter dated 25.08.2023 has submitted the information.
- xiv. The State Govt. has uploaded a plan in the form of Map wherein it has been reported that an area of 6.98 ha forest land is required for laying of transmission line. However, the component wise breakup for instant proposal revealed that the said forest land has not been included in the proposal.
- xv. The Chief Wildlife Warden Madhya Pradesh in its recommendations dated 25.07.2023 has mentioned that a large population of Crocodiles are found in Sindh river and the construction of proposed dam the possibility of Human-Crocodile conflict will increase. Further the State Govt. has informed that a wildlife Management Plan is under preparation which will be submitted before final approval.
- xvi. The AC observed that the proposed area is around 45 km away from the National Chambal Gharial Wildlife Sanctuary which is a narrow eco-reserve co-administrated by the Government of Uttar Pradesh and considering the recommendations Chief Wildlife Warden comments from the Government of Uttar Pradesh are required and mitigation measures may be decided accordingly.

5. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal and Nodal Officer, FCA, Government of Madhya Pradesh. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Bhopal, the Committee recommended the proposal for diversion of 1305.142 ha (instead of 1248.821 ha) forest land for the construction of Maa Ratangarh Multipurpose Project with General, Standard and following specific condition:

- i. The proposed area is about 45 kms away from the National Chambal Gharial Wildlife Sanctuary, therefore keeping in view the recommendations of Chief Wildlife Warden, the comments from the Government of Uttar Pradesh shall be obtained and incorporated in the Wildlife management plan.
- ii. A site specific CA scheme shall be prepared meticulously looking into the site specific requirement of raising successful plantation.
- iii. The reservoir created due to the construction of dam and subsequent submergence shall be declared as a Reserve Forest under the Indian Forest Act,1927 or state specific forest laws.

Agenda no. 15

Proposal No: FP/UP/Pipeline/412799/2023

Sub: -Proposal for diversion of 1.9034 ha forest land in Gumra Range of Kaimur Wildlife Division for Kadara Group of Villages Water Supply Scheme by

I/56889/2023 **Uttar Pradesh Jal Nigam (Rural) under the Sonbhadra District of Uttar Pradesh State-Reg**

1. The agenda item was considered by the AC in its meeting held on 20.10.2023. 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 for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Dy. DGF (Central), RO, Lucknow and Divisional Forest Officer, Kaimur Wildlife Sanctuary, Government of Uttar Pradesh attended the meeting.
4. While deliberating on the proposal, AC observed that:
 - i. The Govt. of Uttar Pradesh vide their letter No. P-99/81-2-2023-800(72)/2023 dated 28.03.2023 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 (received in the Ministry on 11.08.2023) for diversion of 1.9034 ha forest land in Gumra Range of Kaimur Wildlife Division (Mirzapur) for Kadara Group of Villages Water Supply Scheme by Uttar Pradesh Jal Nigam (Rural) under the Sonbhadra District of Uttar Pradesh State.
 - ii. The total forest area involved in the instant proposal is 1.9034 Ha Reserved Forest land and it's component wise break-up as per online part-I is given as under:

Sr. No.	Components proposed	Forest (Ha)	Non-Forest (Ha)
1	Water Pipeline	1.8373	5.8159
2	Water treatment plant, overhead tank, Jack well plant and intake well	0.0661	1.1875
	Total Land in Ha	1.9034	7.0034

- iii. Kadara Group of Villages Water Supply Scheme, District Sonbhadra is aimed to provide water connection to each household for clean drinking water which is connected from Jackwell Plant located in Rijul and its water intake is from Son river in Shili Village. Since villages named above are having forest areas and the same could not be avoided, hence Pipeline has to be located within forest.
- iv. The complete project involving area of 8.9068 ha (1.9034 Ha forest and 7.0034 Ha non forest) is located within Kaimur Wildlife Sanctuary.
- v. The Compensatory Afforestation has been proposed on the Non-Forest Land and the CA site has been proposed in single patch comprising 2

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ha area falling under the Dumar Diha village under Sonbhadra District of Uttar Pradesh State.

- vi. The Member Secretary informed that the proposal for Wild life clearance is recommended with certain condition in 74th meeting of standing committee of NBWL held on 29th August, 2023.
- vii. The AC observed that the user agency has made unauthorised use of forest land for non-forestry purposed and the action as per guidelines Para No. 1.21 (ii). The issue of violation was discussed in detail and the DFO, Kaimur Wildlife Sanctuary, Government of Uttar Pradesh informed that the construction activity was carried out in 0.1425 ha in the year 2022 and the project manager of Kadra GOVWSS has been found responsible for execution of work in wild life area without permission. For this negligence his services were terminated with immediate effect and a H-2 Case R.C. No- 8 & 9/2022-23 was registered against the offences and legal action was taken.
- viii. The Advisory Committee observed that as per Forest (Conservation) Rules, 2022 clause d of sub-rule 5 of Rule 9 the Site inspection for the instant proposal need to be carried out by the concerned Regional office and though the Site Inspection Report of Regional Office, Lucknow was not submitted in the proposal the condition of Site Inspection Report was waived off for this particular case given the fact that the proposal is for public good of provision of potable drinking water to rural areas under the Jal Jeevan Mission.

5. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Lucknow. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Lucknow, the Committee recommended the proposal for diversion of 1.9034 ha forest land for non-forest purpose with General, Standard and following specific condition:

- i. Keeping in view the Para 1.21(ii) of the Handbook of guidelines, the Penal NPV shall be paid as per the recommendation of the DFO concerned in his violation report.

Agenda no. 16

F. No. 8-30/2022-FC

Sub: Proposal for ex-post facto approval for diversion of 96.868 hectare of forest land outside Mining Lease area (M.L. No.2396) of Donimlalai (DM) Block Forest (Near Narsinghap Village) in favour of Executive Director, M/s NMDC

I/56889/2023 **Limited, Donimalai Township, Sandur Taluk, Ballari, Karnataka. (Online Proposal No. FP/KA/Others/17464/2016). –regarding**

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 20.10.2023. The corresponding details of the agenda 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 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 DDGF, Regional Office, Bangalore and Nodal Officer (FCA), Government of Karnataka were present in the meeting.
4. The Advisory Committee (AC) after thorough deliberation and discussion observed that:
 - i. The instant proposal is for ex-post facto approval for diversion of 96.868 hectare of forest land outside Mining Lease area (M.L. No.2396) of Donimlalai (DM) Block Forest (Near Narsinghap Village) in favour of Executive Director, M/s NMDC Limited, Donimalai Township, Sandur Taluk, Ballari, Karnataka.
 - ii. The legal status of the forest land is Reserved forest. The density of vegetation in the area proposed for diversion is 0.01. Total number of trees to be affected from the project is 17631.
 - iii. Leopard, Sloth Bear, Jackal, four-horned antelope, Hares, wild pig, Indian porcupine, Monitor lizard, State Tortoise, Pangolin, Grey Partridge, painted bush quail and Peafowl etc. are present in the area proposed for diversion.
 - iv. No rare/ endangered/ unique species of flora and fauna found in the area proposed for diversion.
 - v. The user agency has been done the work without FC approval from the Central Government. The details of violation are as below: -
 - a) Period of work done: 44 years
 - b) Area of forest land involved in violation: 98.87 ha.
 - c) Name of person responsible for violation: NMDC
 - d) Designation: Chief General Manager
 - e) Action taken against the person responsible for violation: No
 - f) Whether work in violation is still in progress: Yes
 - vi. The user agency has identified C & D land (Non-Forest land) Sy. No.295 of Appenalli Village, Gudekote Hobli, Kudligi Taluk, Ballari District over an extent of 235.648 hectares. About 16% (38.04 ha) of the said area is suitable for afforestation. The remaining area adjacent to the Gudekote Sloth Bear Sanctuary and falls within the Gudekote Eco-sensitive zone. These rocky patches which are not suitable for afforestation may be used as buffer zone/wildlife corridor for the Gudekote Sloth Bear Sanctuary. Therefore, the CA amount may be used for afforestation in the degraded forest area to be identified and proposed i.e. area of 197.608 ha of DFL for balance seedling plantation.
 - vii. Component wise area of the proposed forest land is given below:

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S. No.	Component	Area in ha. (as per given information on PARIVESH)
1	Power Lines	10.49
2	Tunnel	0.57
3	Conveyor	2.74
4	Water Pipeline	0.85
5	Railway Line	0.39
6	Tailing Dam Area	43.69
7	Water Treatment Plant	2.57
8	Valley Store Area	3.42
9	Autogarage	2.32
10	Mechanical Office	2.97
11	Water Tank Area	5.17
12	Screening Plant Area	4.55
13	Borewell Area	0.33
14	Stock Yard	1.5
15	Control Room	0.15
16	Roads	15.16
17	Interlocked area between infrastructures	138.778
Total		235.648

- viii. Actual forest area required for regularization/diversion is only 96.87 which was occupied by NMDC without FC. Further, it was informed by the State Govt. that a large number of irregular shaped polygons which are not included in the 96.87 ha area but remain islands and leading to honey-combed situation. Such a situation is not advisable from forest protection and management point of view and is likely to result into confusion in future. It is also not in the interest of the User Agency from their management perspective. Thus, it was found better to include the 235.648 ha with the condition imposed on User Agency for maintaining the balance area (other than the actual component area) as a natural/virgin forest during the entire lease period. It will not only help in smooth processing of the proposal but also better management of the forest area.
- ix. Based on the above submission made by State Govt. the Ministry vide its letter dt 07.12.2022 sought certain additional information like: -
- It is not clear that the additional area proposed for diversion is for which type of site-specific activities. The state government is requested to provide the rationale w.r.t. the site specificity of the proposed additional diversion of 138.78 ha of forest land.
 - The State Govt. may also offer its comments on how the management of the forest area (138.778 ha) will be better when the forest land will be in possession of the User agency instead of Forest Department.
- x. In response to this Ministry letter dt 07.12.2022, the State Govt. vide letter dt 15.10.2023 informed that as per the discussion with the Principal Chief Conservator of Forests, (Forest Conservation) & Nodal Officer (FCA), Bangalore it is decided that, it is better to keep the landlocked area of forest

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land having extent of 138.778 hectares with the forest Department, instead of giving it to the User Agency. However, considering the fragmented nature of this interlocked forest area and vulnerability of the forest from incidence of forest fires, it is advisable to rope in the M/s NMDC in fire management in these forest patches during summer season. Thus, in nutshell protection and management of these interlocked forest patches will primarily be done by the forest debarment with assistance of M/S NMDC Limited whenever required. Accordingly, the effective area for regularization is 96.868 hectare of forest land.

- xi. The RO Bangalore vide letter No. 4-KRA1403/2022-BAN/334 dated 22.02.2023 submitted the Site Inspection Report and recommended the proposal.
- xii. The State Govt. has not provided any information/report on the action taken against the officials who were responsible for the violation. From the additional information forwarded, it is learnt that the State Govt. has not taken any action against violation of FCA 1980.
- xiii. State Govt. has recommended to impose penalty on NMDC in the instant proposal on the similar lines as imposed in another proposal of the NMDC i.e. Proposal for diversion of 53.67 ha. (originally proposed 75.92 ha of forest land) of forest land (near M.L. No.2396 of NMDC) in Donimalai (Proposal No. FP/KA/Others/14576/2015).
- xiv. The State Govt. has recommended that on account of the failure of NMDC to declare and obtain clearances at various stages of FC approvals, it will be appropriate to impose suitable penalty on NMDC from the date of 1st renewal in 1997 (or any other date to be decided by MOEF & CC) wrt forest area 96.868 ha.

5. AC observed that there is a presence of wildlife as reported by the concerned DFO in and around the forest area proposed for diversion. In view of the same, the committee observed that there is a need to have an Integrate Wildlife Management Plan for forest area proposed for diversion.

6. AC deliberated that an additional condition may be imposed for protection of 138.778 Ha of forest land considering the fragmented nature of this interlocked forest area and vulnerability of the forest from incidences of forest fires. Accordingly, it is deliberated that the protection and management plan shall be prepared wrt 138.778 Ha of interlocked forest land and the cost of the implementation of same shall be borne by the User Agency.

6. AC noted that for the purpose of CA land both Non-Forest land (NFL) and Degraded Forest land (DFL) was identified in the instant proposal. NFL of 235.648-hectare C & D land Sy. No.295 of Appenalli Village, Gudekote Hobli, Kudligi Taluk, in Ballari District. Since 38.04 ha out of 235.648 hectare of NFL identified was suitable for plantation, 197.608 ha of DFL was identified for balance seedling plantation. However, the area now recommended for diversion has been reduced to 96.868 ha, therefore the balance CA land may be kept as land bank for other proposals of the user agency.

I/56889/2023 **7. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with DDGF, RO, Bangalore and Nodal officer (FCA), Govt. of Karnataka. After going through the facts of the proposal and submissions made, the committee recommended the proposal for grant of in-principle/ Stage-I approval for diversion of 96.868 hectare of forest land outside Mining Lease area (M.L. No.2396) of Donimlalai (DM) Block Forest, subject to the general, standard and following specific conditions:

- i. The State Govt. shall impose a penalty of five (5) times the NPV plus 12 percent simple interest till the deposit is made from the year 1997 as penalty for violation of FCA 1980 (i.e 96.868 ha area under violation) as proposed by the State Government.
- ii. Compensatory afforestation shall be taken up by the Forest Department over 96.868 ha of Non-forest land for the CA purpose at the cost of the User Agency. The State Govt. shall submit the details of CA land (i.e. 96.868 ha) and submit the revised CA Scheme along with KML files. The State Govt. shall make balance seedling plantation in the suitable DFL as identified and submit the KML files.
- iii. A protection and management plan shall be prepared wrt 138.778 Ha of interlocked forest land and the cost of the implementation of same shall be borne by the User Agency. The protection and management plan duly approved by the State Govt. shall be submitted to this Ministry.
- iv. Considering the fragmented nature of the interlocked forest area (i.e. 138.778 Ha) and vulnerability of the forest from incidence of forest fires, M/s NMDC is to be involved in the fire management in these forest patches during summer season. The protection and management of these interlocked forest patches will primarily be done by the forest department with assistance of M/s NMDC Limited whenever required. In this regard an undertaking must be submitted by the M/s NMDC.
- v. The State Govt. shall prepare an Integrated Wildlife Management plan, in the surrounding of the forest area proposed for diversion and implement the same at the cost of User Agency.

(Confirmed through email)

(Dr. Naveen Chandra Bisht)
(non-official Member)

(Not Present)

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

(Confirmed through email)

Shri Manoj Pant
(non-official Member)

(Confirmed through email)

Dr. Mehraj Shaikh
Deputy Commissioner (NRM)

(Member)

(Confirmed through email)

Shri Bivash Ranjan

Additional Director General of Forests(WL)

(Member)

(Confirmed)

Shri S. P. Yadav

Additional Director General of

Forests(FC)

(Member)

(Confirmed)

Shri Ramesh Kumar Pandey

Inspector General of Forests

(Member Secretary)

(Approved)

Shri C. P. Goyal

(Director General of Forests and Special Secretary)

(Chairperson)