

**Recommendations made by the Forest Advisory Committee in its meeting held on
17th October, 2022**

Agenda-1

F.No. 8-85/2011-FC

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

1. The above stated agenda item was considered by FAC in its meeting on 17.10.2022. 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 were presented and explained by Member Secretary before the FAC 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 Nodal Officer (FCA), Government of Arunachal and IRO, Guwahati attended the meeting through video conference.
4. FAC after through deliberation and discussion observed that:
 - i. The Government of Arunachal Pradesh submitted the proposal on 18.08.2011.
 - ii. The proposal was considered in the FAC meeting held on 22nd and 23rd sept 2014. The FAC recommended the diversion of 4577.84 ha (originally proposed 5056.5 ha) of forest land with general, standard and five specific conditions as mentioned below: -
 - a. *User agency will contribute towards implementation of Wild Life Management Plan of Mahao Wildlife Sanctuary. In case management plan for the sanctuary is not ready or State Government intends to review the Management plan after assessing the likely impact of the project on this sanctuary the user agency will contribute towards preparation and implementation of Wild Life Management Plan.*
 - b. *A zonal Wildlife conservation plan to be prepared and implemented by the state Government at the project cost. In case state Government intends to take up critical species Conservation Programme the user agency will bear the cost of the programme.*
 - c. *Detailed CAT plan prepared/ to be prepared as part of Environment Management Plan in the Process of seeking Environment Clearance shall be submitted and cost of the CAT plan will be deposited in CAMPA account.*
 - d. *A revised CA scheme has to be submitted after fresh identification of the land, if required, along with the DGPS maps of the identified CA land, Land suitability certificate from competent authority and recommendation of the regional office after site inspection.*
 - e. *In case CA land is identified in Unclassed State Forest or Community Forest land the same should be mutated and transferred to the State Forest Department. Such mutated land will be declared as RF/PF under Indian Forest act/local forest act or AFR/VFR under local Forest Act.*

The committee also recommended that the above recommendations will be placed before competent authority only after receipt of compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 from State Government. The committee further recommended that the state Forest department should initiate the process to declare the right bank of the reservoir up to the ridgeline bordering the basin boundary between the Siang and Dibang up to Dri River to the north as a National Park for future preservation of ecological diversity in the River Basin.

iii. Based on the recommendation of FAC, the in-principle approval was granted to this proposal on 15.04.2015. In this approval letter the above mentioned recommendation of FAC regarding declaring the area as National park was not mentioned.

iv. Further the State Govt. on 20.09.2019 submitted the compliance report of Stage-I approval. After examination of the compliance certain shortcomings were observed and the same were communicated to the State Govt vide letter dt 16.10.2019 along with the EDS letter Ministry also inquired the status w.r.t. the FAC recommendation i.e.

"the State Forest Dept. should initiate the process to declare the right bank of the reservoir up to the ridgeline bordering the basin boundary between the Siang and Dibang up to Dri River to the north as National Park for future preservation of ecological diversity in the River Basin"

v. In response to this query, the State Govt. informed that this query is not a stipulated condition of in-principle approval. However, on the recommendation of the FAC, the State Govt. is taking up the issue by directing the PCCF (WL &BD) to initiate the process.

vi. Further the Stage-II approval for the instant proposal was granted on 12.03.2020 based on the submission that State has directed PCCF(WL) to initiate the process.

vii. Now the Government of Arunachal Pradesh vide letter dated 17.08.2022 informed that matter has been examined by the Divisional Forest Officers having jurisdiction over the area and it has found that the legal status of the land in question is unclassed Forest/community Forests on which the local people are enjoying customary rights since time immemorial and therefore not will to part away with their land by declaration of National Park.

viii. FAC also noted that **The Hon'ble Tribunal suo motu took the matter for alleged** Noncompliance of EC conditions by 3000 MW Dibang Multi-purpose Project. The same was based on Newspaper Report of Indian Express. The Tribunal vide order 09.02.2022 directed all the respondents to file replies. All the respondents filed the replies and based on this NGT dismissed the application as having become

infructuous on 22.09.2022.

ix. FAC members opined that the said area may be considered for declaration as community reserve or conservation reserve and the same was discussed with Nodal Officer (FCA), Govt. of Arunachal. In this regard the Nodal Officer (FCA), Govt. of Arunachal informed that the matter of declaring the area as community reserve or conservation reserve has to be consulted with the local community and then the decision can be taken.

5. Decision of FAC: - The Committee had detailed discussion and deliberation with Nodal officer (FCA) of Arunachal Pradesh. After going through the facts and submissions made by the Nodal Officer and IRO, FAC opined that the said land may be considered for declaration as Community Reserve or Conservation Reserve under Wildlife Protection Act 1972 in consultation with the local people to safeguard the rights of indigenous community and the Nodal officer may submit the report within three weeks to this Ministry for further perusal.

Agenda No. 2

F. No. 8-65/2018-FC

Sub: Proposal for non-forestry use the diversion of 383.37 ha of balance virgin forest land in favour of M/s Tata Steel Ltd. within total mining lease area of 1160.06 a of Nowamundi Iron Ore Mine falling under the jurisdiction of the Chaibasa Forest Division, West Singhbhum District, Jharkhand -reg.

1. The agenda item was considered by the FAC in its meeting held on 17.10.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Jharkhand also attended the meeting through video conference.
2. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. The proposal was earlier considered by the FAC in its meeting on 28.03.2019 and the FAC, after deliberation, desired additional information from the State. The State Government vide their letter dated 1.09.2022 replied to the observation of the FAC.
 - ii. Examination of additional information submitted by the State revealed the following:
 - iii. The total lease area is 1160.06 ha out of which 762.43 ha is recorded/notified forest while 397.63 ha is non-forest land. Out of total forest land, an area of 370.92 ha has already been approved under the FC Act in 2014 and the extant proposal pertains to the balance forest land of 383.37 ha. An area of 8.14 ha of

forest land though form the part of proposal but not applied for diversion. Same also needs to be diverted under the FC Act as per the relevant guidelines of the MoEF&CC.

- iv. The State Government has justified that discrepancy in the applied area of 383.37 ha and area of 338.42 ha estimated from the KML/Shape stating that discrepancy is due to the error in records of rights prepared on the basis of old surveys. It has also been advocated that area referred by the Regional Office, Ranchi may be considered as final which is reported as 383.37 ha.
- v. A total area of 132.89 ha falls under the Conservation Zone and out of total 132.89 ha, an area of 27.87 ha forms the part of extant proposal while remaining area of 105.02 ha forms the part of already diverted area of 370.92 ha. Nodal Officer (FCA), Jharkhand informed the Committee that said area has already been broken while the 27.87 ha is unbroken area that can be considered to be kept intact. Committee was further informed that as per the provisions provided under para 13 (D) of the Mining Plan for Sustainable Mining (MPSM), in such cases where part of the lease area falls into conservation zone and part area into the mining zone, the sanctity of existing lease boundary will be maintained.
- vi. Area proposed for diversion forms the part of Singhbhum Elephant Reserve and to address the issues related to wildlife found in the area, a Site Specific Wildlife Management Plan with financial out lay of Rs. 25.26 crores have been approved by the PCCF (Wildlife) on 28.08.2020 and the said plan is under implementation. User agency has deposited Rs. 14.98 crores into the account of CAMPA for the activities to be implemented by the Forest Department. Committee opined that keeping in view the occurrence of elephant in the area, a mitigation measures to reduce Human Elephant Conflict should also be provided and the Plan should accordingly be modified and approved by the PCCF (Wildlife) and CWLW.
- vii. Committee was also apprised that an Integrated Wildlife Management Plan for the Saranda forest areas has also been prepared by the State Government. The user agency should contribute on proportionate basis towards the cost of implementation of the said plan.
- viii. As per fresh tree enumeration details project affected trees estimated per ha is 297.2 trees totalling to 1,14,086 for the entire area of 383.87 ha.
- ix. An area of 5 ha of forest land has been used for construction of school buildings. Approval was obtained for construction of school in 1987 over an area of 0.735 ha while the no approval is available for 4.265 ha. The State Government has recommended penal NPV should be levied in respect of remaining area used in violation of the Forest (Conservation) Act, 1980.
- x. An area of 22 ha of non-forest land which is well forested, the State Government has mentioned that legal status of the said land is Pahar (Mountain) on which provisions of FC Act are not applicable, however, the user agency has submitted an undertaking to maintain the said area as intact without breaking it for future mining. Similarly, in respect of another three patches, two of which are forest land and one is non-forest land, the UA agency has agreed to maintain them as intact areas.
- xi. CA has been proposed over equivalent non-forest land of 389 ha (961 acres). The user agency has identified and procured non-forest Govt land and private

land for compensatory afforestation Suitability of the non-forest land identified for CA has been re-confirmed by the State. Since the private areas have also been procured for raising CA, certain patches seem to have been observed under cultivation in the DSS analysis.

xii. Mining Plan, along with approved Progressive Mine Closure Plan has been granted approval by the IBM on 13.02.2021 over an area of 1160.06 ha.

xiii. A monitoring report indicating satisfactory compliance of various conditions stipulated in the Stage-II approval dated 4.09.2014 has been submitted by the DCF concerned.

xiv. Authorities in the State Government and the State Forest Department have recommended the proposal for diversion of forest land.

4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Jharkhand and Regional Officer, IRO, Jharkhand, the FAC decided to recommend the proposal for diversion of forest land subject to following conditions:

i. An area of 22 ha of non-forest land and 7.97 ha of forest land (two patches) which is well forested, should be kept intact without breaking it for future mining.

ii. An area of 8.14 ha of forest land though form the part of proposal but not applied for diversion. As per the extant guidelines of the Ministry, the safety zone should be included in the diversion proposal and hence total area considered for diversion is 391.51 ha including 8.14 ha of safety zone.

iii. An area of 27.87 ha of falling into the Conservation Zone as per recommendations made in the Management Plan for Sustainable Mining shall not be used for mining and the user agency shall take appropriate measures for its conservation and protection, as per recommendation made in the MPSM.

iv. A Site Specific Wildlife Management Plan has been approved by the PCCF (Wildlife) and the said plan is under implementation. Keeping in view, the occurrence of elephants in the area, mitigation measures to reduce Human Elephant Conflict shall also be provided and the Plan shall accordingly be modified and approved by the PCCF (Wildlife) and CWLW. Copy of Plan so approved, along with details of cost of implementation deposited into the account of CAMPA, shall be submitted to the Ministry along with the Stage-I compliance for its vetting by Project Elephant Division.

v. An Integrated Wildlife Management Plan has also been prepared by the State Government for the Saranda forest areas. The user agency shall contribute on proportionate basis towards the cost of implementation of the said plan.

vi. An area of 5 ha of forest land has been used for construction of school buildings for which approval was available only for 0.735 ha while an area of 4.265 ha has been used in violation of Forest (Conservation) Act, 1980. The User Agency shall pay the following penalties:

a. The user agency shall pay penal NPV to the extent of 5 times of normal rates, in respect of forest land used in violation of Forest (Conservation) Act, 1980

b. Penal Compensatory Afforestation over non-forest land to the extent of 5 times the forest land used in violation of Forest (Conservation) Act, 1980 shall be raised at the cost of user agency. Detail of the same along with supporting attributes shall be submitted along with the Stage-I compliance.

Agenda No. 3

F. No. 8-62/2018-FC

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

1. The agenda item was considered by the FAC in its meeting held on 17.10.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Jharkhand also attended the meeting through video conference.
2. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. Proposal was earlier considered by the FAC in its meeting held on 31.07.2019 and 13.06.2022. The FAC in its last meeting desired from the IRO, Ranchi in-depth examination of the issue relating to violation of Forest (Conservation) Act, 1980 by allowing mining operations without obtaining the prior approval of the Central Government. State Government was also requested to re-confirm the suitability of CA land and comments on the applicability of FC Act on the forest areas that have been broken prior to 1980 and were acquired under CBA Act, 1957.
 - ii. State Government in their reply dated 22.08.2022 reconfirmed the suitability of CA land and also conveyed that the provisions of Forest (Conservation) Act, 1980 are applicable in respect of forest land acquired under the CBA and which are under the possession of User Agency.
 - iii. IRO furnished their detailed report on the reported violation of Forest (Conservation) Act, 1980. Regional Officer apprised the Committee in the matter as under:
 - a. Relevant documents were examined in consultation with state authorities by holding dedicated meetings to ascertain the circumstances that led the violation. Show-cause notices has also been issued to the concerned officers.
 - b. In order to extinguish the coal seams under self-combustion at the periphery, user agency repeatedly requested the then DFO to give them permission to carve out the burning coal by digging into areas under extant proposal citing diversion proposal already in processing phase and NPV already paid for the applied area.
 - c. IRO also informed that there has been delay in processing the extant case by the DFO concerned and no cogent justification could be provided by the DFO in this regard.
 - iv. IRO concluded that considering the fact that the forest land under examination is already within the lease of more than 700 ha of user agency (CCL) acquired under CBA Act 1957 for which the user agency has already paid the NPV, the DFO's act of giving them permission to dig-out around

10.51 ha out of total applied 126.72 Ha for preventing an imminent threat is although reprehensible but certainly not criminal. IRO, Ranchi has already issued notices under the relevant act to all the related officials of Jharkhand State Forest as well as project proponents who were related with case.

4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Jharkhand and Regional Officer, IRO, Jharkhand, the FAC observed that although from the report of the IRO it may be ascertained that permission was granted by the DFO under the compelling circumstances to control ragging fire. The FAC, accordingly, decided that PCCF & Nodal Officer (FCA), Government of Jharkhand will explain the circumstances leading to the violation of Forest (Conservation) Act, 1980 before the Committee in its next meeting.

Agenda No. 4

F. No. 8-08/2022-FC

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

1. The agenda item was considered by the FAC in its meeting held on 17.10.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Jharkhand and Regional Officer, IRO, Ranchi also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. Government of Jharkhand vide their letter dated 24.05.2022 and 31.05.2022 submitted two separate proposals involving forest areas of 633.19 ha and 372.98 ha, respectively for the respective forest areas falling in Ramgarh and Bokaro Forest Divisions. Said two proposals have been consolidated by the Ministry to examine them holistically.
 - ii. Legal status of the land proposed for diversion is Protected Forest and Jungle jhari land
 - iii. Density of vegetation has been reported to be 0.6 with 2,04,951 trees to be affected from the project comprising of 1,59,481 trees in Ramgarh Forest Division and 45,470 trees in Bokaro Forest Division.
 - iv. Compensatory afforestation has been proposed over an area of 2019.0 ha of degraded forest land in Giridih East Forest Division comprising of **1269.69 ha** in lieu of 633.19 ha and **749.31 ha** in lieu of 372.98 ha of forest land. Detailed CA scheme of 10 year duration has been submitted along with suitability

certificate. Analysis of the CA area using DSS analysis revealed that CA has been proposed in 157 patches, 75 patches have area smaller than 5 ha (as small as 0.21 ha). Further, in 22 villages either cultivation, settlement, plantation, etc. are visible. PCCF & Nodal Officer informed the Committee that patches having smaller area are not isolated as they are located within the forest land and areas selected for CA are fit for afforestation and will be cleared of encroachment before undertaking afforestation. Committee was further apprised that in lieu of 3 ha and 26 ha observed to falling under VDF and MDF category alternate area of 37.20 ha has been identified which is suitable for afforestation. In addition to this, an area of 15.87 ha has also been identified for raising afforestation in lieu of safety zone.

- v. Area not form a part of any National Park, Wildlife Sanctuary, Biosphere Reserve and Tiger Reserve etc. Movement of elephants has been reported in the area. Nodal Officer (FCA), Jharkhand apprised the Committee that a Wildlife Management Plan is under preparation as per the recommendation of the PCCF (Wildlife) and CWLW, Jharkhand.
 - vi. Proposal involves displacement of 1000 families, including scheduled caste, scheduled tribe and other families. It is proposed to rehabilitate the displaced families in re-settlement colonies. Detail of R&R Plan is given.
 - vii. Compliance of Forest Rights Act, 2006 has been submitted along with the documentary evidences as per relevant guidelines of the Ministry.
 - viii. IRO in its inspection report has mentioned that non-site specific components proposed in the forest areas, especially OB areas, should be dropped from the forest area. IRO also suggested preparation of SMC Plan and to ensure protection of the CA sites for better survival.
 - ix. Nodal Officer informed the Committee that within the lease area non-forest land is scattered and no cluster of non-forest land is available in the adjoining area. Hence, to ensure execution of mining operations safety and smoothly, the infrastructure has been proposed in the forest as well as non-forest area.
 - x. Nodal Officer also informed that for diversion of nallah flowing through the lease area of the agency, a DPR is being prepared by the IIT Roorkee and once the DPR is ready, the same will be submitted to the Water Resource Department for their comments and suggestions of the Water Resource Department will be incorporated in to the Plan.
 - xi. The Committee was further apprised that evacuation of coal in crushed form has been proposed through a conveyor belt to Kedla coal washery and washed coal from Kedla washery will be transported via railway line (under construction).
4. **Decision of FAC:** After detailed discussion and deliberation with the Nodal Officer (FCA), Jharkhand and Regional Officer, IRO, Ranchi, the FAC observed that issue related to site specificity of the various project components, specially area proposed for OB dumping, and suitability of land identified for raising CA, as indicated by the IRO report needs more deliberations. Accordingly, FAC decided that Nodal Officer (FCA) Jharkhand and Regional Officer, IRO, Ranchi attend the next meeting of the FAC and convey their considered views in the matters.

Agenda No. 5

F. No. 8-280/1989-FC-(Vol)

Sub: Proposal for non-forestry use of 417.073 ha & Re-diversion (Change of Land use) of 171.774 ha forest land in respect of Integrated Lakhanpur-Belpahar-Lilari Opencast Project of Lakhanpur area in district Jharsuguda in Odisha, Mahanadi Coalfields Limited.

1. The agenda item was considered by the FAC in its meeting held on 17.10.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting through video conference.
2. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. Proposal was earlier considered in the meeting of FAC held on 13.06.2022 wherein the FAC desired that a joint team comprising of officers from the IRO, Ranchi, O/o Nodal Officer (FCA), Odisha and MoEF&CC, New Delhi may visit the area and submit an unambiguous report on detail of forest area involved in the project/lease area vis-à-vis area approved in the Mining Plan, approval granted under the FC Act, 1980 and updated status of compliance of conditions stipulated therein, suitability of CA (NFL) area in terms of its manageability by the State Forest Department, reclamation measures, etc.
 - ii. The team visited the area during 14.07.2022 to 15.07.2022 to ascertain the various facts as per the observations of the FAC made in its meeting held on 13.06.2022
 - iii. Report of the joint team concluded the following:
 - a. Compensatory afforestation has been proposed over equivalent non-forest land and additional degraded forest land has also been proposed for CA to accommodate the surplus trees. Area identified for raising afforestation are suitable from the management view point.
 - b. Three leases viz. Lakhanpur, Belapahar and Lilaru have been proposed to be integrated into a single lease.
 - c. Total project area is 4742.877 ha, including 996.388 ha of forest land. Out of the total project area, an area of 4399.426 ha is proposed for integrated project after eliminating 343.631 ha of area falling outside the lease. The total area of individual leases is 4133.33 ha.
 - d. Out of total forest land, approval under the Forest (Conservation) Act, 1980 has been obtained for an area of 541.622 ha of forest land.

- e. Mining Plan, for Integrated Lakhanpur-Belpahar-Lilari Opencast Project of 40 MTPA has been approved by MCL in the year 2018 and the project components proposed in the extant proposal are in conformity with the components proposed in the approved Mining Plan
 - f. Reclamation detail of the area are satisfactory and the same is being taken up as per the approved Mining Plan. So far, an area of 366.15 has been reclaimed by the user agency.
- iv. Committee further observed a comprehensive detailed report on the status of compliance of conditions stipulated in the approvals granted also needs to be in place to take further decision on the proposal.
5. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Odisha and Regional Officer, Bhubaneswar, the FAC observed that comprehensive detailed report on the status of compliance of conditions stipulated in the approvals granted also needs to be in place to take further decision on the proposal. Accordingly, FAC decided that IRO of the Ministry at Bhubaneswar will submit a detailed report on the status of the compliance of various conditions stipulated in the approvals granted for an area of 541.622 ha of forest land and after receipt of the said compliance report, the proposal will be again submitted before the Committee for further consideration.

Agenda No. 6

F. No. 8-17/2022-FC

Sub: Proposal for non-forestry use of 697.979 ha of forest land for Pottangi Bauxite Mining Lease in village Pottangi of Koraput Forest Division under Pottangi Tehsil of Koraput District, Odisha by M/s NALCO Ltd.

1. The agenda item was considered by the FAC in its meeting held on 17.10.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting through video conference.
2. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. Legal status of the forest land is Proposed Reserved Forest (PRF) comprising of 491.042 ha in Pottangi and 206.937 ha in Galiabaada in Koraput Forest Division.
 - ii. Vegetation density of 0.1 has been reported with 721 project affected trees.
 - iii. Compensatory afforestation has been proposed over an area of 1400 ha of degraded forest land in Koraput Forest Division comprising of 1400 ha in lieu of 697.979 ha of forest land. Out of the 1400 ha, 139 ha was found to be MDF by DSS analysis of MoEF&CC. The CA scheme was further revised by identifying additional 140.548 ha of degraded forest land in Godmark PRF-II.

Detailed CA scheme of 10-year duration has been submitted. Site suitability certificate has been submitted by the DFO concerned.

- iv. Proposal does not form a part of any National Park, Wildlife Sanctuary, Biosphere Reserve and Tiger Reserve etc. With regards to occurrence of Schedule-I species in the area, a site-specific Wildlife Management Plan has been recommended by the PCCF (Wildlife), Odisha and the same has been stated to be prepared and will be submitted for the approval of the PCCF (Wildlife). User agency has submitted an undertaking to bear the cost of Wildlife Management Plan.
 - v. Proposal does not involve any human settlement or displacement of people. R&R policy is not applicable for the project.
 - vi. Compliance of FRA, 2006 has been submitted by the State. District Collector, Koraput have issued certificates dated 11.11.2021 for an area of 697.979 ha certifying all clauses of Part-II annexed to MoEF&CC advisory dated 5.07.2013. Documentary evidences in support of settlement of rights under the FRA, 2006 viz. records of meetings and consultations of Gram Sabha (s). Record of meeting and consultations of Sub-Divisional Level Committee and District Level Committee have also been submitted along with the compliance.
 - vii. Mining Plan, along with Progressive Mine Closure Plan, approved by the Regional Controller of Mines, Bhubaneswar over an area of 697.979 ha, has been submitted. Committee, after examination of the land use proposed in the proposal observed that project component especially concerning infrastructure needs to be examined in details with regards to legitimacy and indispensability for the project.
 - viii. No violation of Forest (Conservation) Act, 1980 have been reported. Authorities in the State Government as well in the State Forest Department have recommended the proposal.
 - ix. With regards to occurrence of a kuccha road passing through the lease area, the Nodal Officer informed the Committee that said road was constructed for the purposed of carrying out exploratory drilling in the area by GSI and MECL during 1972 to 1978.
6. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Odisha and Regional Officer, Bhubaneswar, the FAC observed that before taking further view on the proposal information on with regards to legitimacy of projects components and comments on Kuccha road traversing through he lease area of the user agency needs to be in place. Accordingly, the FAC decided that IRO of the Ministry at Bhubaneswar will visit the area to ascertain the following:
- i. Project component in general and infrastructure in particular need to be examined in details with regard to their legitimacy and indispensability for the project.
 - ii. A kuccha road passing through the lease area, is said to be constructed during 1972 to 1978. The FAC opined that during the period of more than 44 years, the road should have been covered with vegetation, therefore, all facts pertaining to said road needs to be examined in depth and a report on the same shall be submitted by the State Government before the Committee for further consideration.

Agenda No. 7

F. No. 8-18/2022-FC

Sub: Proposal for assignment of forest land on lease under section 2 (iii) of the Forest (Conservation) Act, 1980 involving forest area of 575.16 ha of forest land in favour of M/s Dalmia Cement (Bharat) Limited) (DCBL) for Kottameta Limestone mining in Katamateru village under Malkangiri Tehsil of Malakangiri District, Odisha -reg.

1. The agenda item was considered by the FAC in its meeting held on 21.09.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting through video conference.
2. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. The mining lease of Kottameta Limestone Block over an area of 802.255 ha in Malkangiri district, Odisha has been allotted to User Agency through the e-auction.
 - ii. Total lease area of 802.255 ha comprised of 575.160 ha of forest land and 227.095 ha of non-forest Government and Private land. Composition of forest land includes 186.22 ha of PRF and 388.94 ha of Revenue Forest land. Exact legal status of non-forest land involved in the project has not been provided in the proposal.
 - iii. Vegetation density has been reported as 0.35 with 86570 project-affected trees. Committee further observed that as per Decision Rule-I of DSS, the area falls into the High Conservation Value Zone area due to its close proximity to Kolab river.
 - iv. Provisions of compensatory afforestation are not applicable in the instant case as the proposal is only for assignment of lease involving no physical breaking of forest land.
 - v. Area does not form the part of any Protected Area. No rare/endangered/unique species of flora and fauna have been reported in the area.
 - vi. Letter to intent in favour of the user agency was issued by the State Government on 27.01.2017. Mining Pan has been approved by the Indian Bureau of Mines vide their letter dated 8.06.2017 for an area of 801.171 ha. As per progressive Mine Closure Plan an area of 2.584 ha has been used for roads.
 - vii. No violation of Forest (Conservation) Act, 1980 has been reported to be committed by the user agency. DCF in his site inspection report dated 7.05.2022 also observed no violation of Forest (Conservation) Act, 1980.
 - viii. Authorities in the State Government and Forest Department have recommended the proposal under section 2 (iii) of the Forest (Conservation) Act, 1980 for grant of mining lease.

- ix. Integrated Regional Office, Bhubaneswar has carried out the inspection and recommended the proposal for assignment of lease under section (iii) of the Forest (Conservation) Act, 1980.
- x. Committee also observed that grant of approval under section 2 (iii) is likely to create a *fait accompli* situation as such approval are granted without considering the complete merits of the proposals and approval is granted merely after realizing the applicable NPV. Provisions of raising compensatory afforestation are also not applicable in such cases. Committee, therefore opined that though approval under section 2 (iii) does not result into breaking of forest land but its impacts is carried forward to the proposal submitted/to be submitted under section 2 (ii) of the same or different agency and hence such proposals also deserve in-depth examination to the extent possible.
4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Odisha and Regional Officer, Bhubaneswar, the FAC observed that since the area falls into High Conservation Value Zone due to its close proximity with river Kolab, therefore before taking further view on the proposal, to ensure in-depth examination and to avoid *fait accompli* situation in the matter, following detail will be furnished by the concerned IRO.
- Likely impact of mining on the river Kolab and mitigating measures required to be undertaken to minimise the impact on hydrological regimes of the area.
 - As per progressive Mine Closure Plan an area of 2.584 ha has been used for roads, the IRO may ascertain if the use of road in the past was with prior approval or otherwise and factual position may be intimated to the Ministry.
 - Exact nature and legal status of non-forest land involved in the project may be ascertained by the IRO and informed to the Ministry.

Agenda No. 8

F. No. 8-17/2021-FC

Sub: -Proposal for diversion of 75.92 ha. of forest land (near M.L. No.2396 of NMDC) in Donimalai (DM) forest Block, Sandur, Taluk, Ballari District for construction of new Screening Plant-II, Two Tailing dams (I & II) and laying of Water pipeline in favour of NMDC Limited Donimalai Township, Sandur, Taluk, Ballari District. (Online Proposal No.FP/KA/Others/14576/2015).-regarding.

- The above stated agenda item was considered by FAC in its meeting on 17.10.2022. The corresponding details of the agenda may be seen at www.parivesh.nic.in.
- During the meeting, all the facts and background of the proposal were presented and explained by Member Secretary before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
- The Nodal Officer (FCA), Government of Karnataka and IRO, Bangalore attended the meeting through video conference.
- FAC after through deliberation and discussion observed that:

i. The Government of Karnataka on 25.06.2021 submitted the proposal for construction of new Screening Plant-II, Two Tailing dams (I & II) and laying of Water pipeline.

ii. Legal status of forest land is Reserved Forest land. Vegetation density of the area is 0.01 with 26099 project affected trees in forest land.

iii. Compensatory afforestation has been proposed over both Non-Forest land and Degraded Forest land. The CA land has been identified in equivalent Non-Forest land (NFL) and Degraded Forest land (DFL). Since the identified NFL was not suitable for plantation, the DFL of 151.84 Ha in Boppalapura Village, Huvinahadagali Range, Ballari has been identified.

iv. Proposal does not form part of any Protected Area. No unique/endangered/rare species of flora and fauna have been reported.

v. Component wise use breakup of the proposal as below: -

S. No.	Component/Land use proposed	Area Proposed (in ha.)
1	Screening Plant-II	12.96
2	Tailing Dam-I	40.25
3	Tailing Dam-II	22.25
4	Water Pipeline	0.46
	Total	75.92

vi. FAC also observed that both the State Government and IRO, Bangalore confirmed that the User Agency has carried out the Violation of FC Act 1980 and the below mentioned structures has already been established: -

- The User Agency has already laid pipeline about 400 mtrs (i.e. 0.08 Ha) length in the proposed screening Plant-II Area.
- The User Agency has already established washing plant about 0.1 ha in the proposed Screening plant-II area.
- The User Agency has already established Conveyor belt about 363 mtr length in the proposed screening plant-II area and about 376 mtrs length in tailing Dam-I area.
- The User Agency has already established cheek dam, silt settling tank and rainwater harvesting pit in the proposed tailing dam-II area. Further, these are all related to R&R activities implemented by the User Agency with respect to ML No.2396.

vii. A total area of 4.78 ha is under use, without regularization. Out of which 2.57 ha is being used for mining allied activities and reaming 2.21 ha is under use for non-mining activities.

viii. The details of violation are given in below mentioned tables.

Table 1: Showing area in use for mining allied activities

Sl. No.	Component	Area Proposed (in ha)	Area in use for mining allied activities (in ha)	Mining allied activities
1	Screening plant-II	12.96	1.72	Roads Conveyor pipe line & Thickners
2	Tailing Dam-I	40.25	0.85	Roads, Conveyor, pipeline & Thickners
3	Tailing Dam-II	22.25	-	-
4	Water pipeline	0.46	-	-
	Total	75.92	2.57	

Table 2: Showing area in use for non-mining activities

Sl. No.	Component	Area Proposed (in ha.)	SMC works (R&R activities)	Encroachment by Public (ha)	Total In ha
1	Screening Plant-II	12.96	-	-	-
2	Tailing Dam-I	40.25	-	-	-
3	Tailing Dam II	22.25	0.38	1.83	2.21
4	Water pipe line	0.46	-	-	-
	Total	75.92	0.38	1.83	2.21

* If we exclude R&R works and encroachment, it comes to 2.57 ha.

ix. Based on the violation and encroachments reported the Ministry sought the Action Taken report from the State govt. The State govt. on 13.10.2022 informed that the forest offence case was registered against Sri. Pujari Ganesh vide FOC No. 12/2020-21 dated 14-07-2020 who have encroached over an extent of 1.63 Acres (0.659 Ha) and investigation is under progress. The remaining area of 1.171 ha is encroached by the fanners, Sri. Pujar Dodda Tayappa and Sri. Pujar Sanna Tayappam since last 30-40 years. They have applied under Forest Rights Act, 2006 and these FRA applications are pending for verification.

x. FAC further noted that there is an FRA Certificate submitted by the DC, Bellary on 13.09.2019 over an area of 75.92 ha stating that all the rights have been settled.

xi. Further IRO Bangalore informed that the user agency has proposed two tailing

dam involving diversion of 62.50 ha. of forest land. It was informed that the user agency is presently resorting to dry screening only due to shortage of water and therefore, the tailing dam associated with Donimalai Iron ore mine is not put to use. Since the user agency is facing water shortage, there is no justification for establishment of two new tailing dams in forest area. Alternatively, the User Agency may be directed to make use of existing tailing dam connected with Donimalai Iron ore mine.

xii. The Nodal Officer (FCA), Government of Karnataka was enquired up on the justification for proposing two tailing dam in the same forest land. In this regard the Nodal Officer (FCA), Government of Karnataka informed that he will be submitting the reply after studying the issue.

5. Decision of FAC: - The Committee had detailed discussion and deliberation with Nodal officer (FCA) of Karnataka and IRO, Bangalore. After going through the facts of the proposal and submissions made by the Nodal Officer and IRO, the proposal was deferred in want of the below mentioned information: -

- i. The State Government shall submit the justification for creation of two tailing dams in the forest land in view of the observations made by IRO Bangalore.
- ii. The State Government shall clarify regarding rights claimed under FRA 2006 as per the submission made vide letter dt. 13.10.2022 vis a vis certificate dt. 13.09.2019 submitted by the DC, Bellary earlier with the instant proposal.

Agenda No. 9

F. No-8-17/2001-FC

Sub: Proposal is for grant of change in the land use pattern over an area of 371.192 ha of forest land already diverted on 22.04.2004 in favour of M/s JSW Steel Limited-reg.

And

Proposal is for adjustment of Rs.899.198 lakhs (SSWLCP Demand note dtd.11.03.2022) and Rs.9,34,88,270/- (CA and NPV) demand note dtd.05.04.2022 and 07.04.2022 against the already deposited amount of Rs. 48,71 ,31 ,000/- towards lumpsum amount @ 7.50 lakh/ha (for total forest area within the ML) in respect of Nuagaon Iron Ore Mines of M/s JSW Steel Limited - Clarification reg

1. The agenda item was considered by the FAC in its meeting held on 21.09.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting through video conference.
2. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions

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

3. The FAC after through deliberation and discussion observed that:
 - i. Proposal was earlier considered in the meeting of FAC held on 21.09.2022 and the desired re-assessment of involvement of forest land, status of FC approval and change in the land use proposed therein. The issue related to payment of NPV has been decided wherein the State Government can take appropriate action.
 - ii. As per assessment made by the FC Division, based on the facts available in the proposal, total lease area is 776.969 ha including 639.823 ha of forest land. Forest land comprises of 481.004 ha of Khesra forest, 4.613ha of DLC forest, 32.578 ha of Govt forest land, 7.167 ha of tenanted forest land and 114.061 ha of sabik kism forest land as on 25.10.1980.
 - iii. Change in land use has been proposed over 371.792 ha of forest land which has already been approved i.e. no change in the land use has been proposed in the forest land which has not been diverted so far.
 - iv. As per component provided in the Mining Pan, it is difficult to perceive that change in the land use is restricted to 371.792 ha of forest land only. It may involve non-forest land also for which adequate detail are not available.

4. Decision of FAC: After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Odisha and Regional Officer, Bhubaneswar, the FAC decided the following:

- i. Issue related to adjustment to NPV is purely an administrative matter and Ministry, in its guidelines dated 31.03.2020 and subsequent clarification dated 12.10.2021 has already been clarified that such adjustment can be undertaken at the State Government level only. Therefore, the State Government may take appropriate action in such matters related to adjustment of NPV in accordance with the relevant guidelines and clarification issued by the Ministry.
- ii. With regards to proposal involving change in the land use, the following details, based on a site-visit, needs to be informed by the IRO:
 - a. Site-specificity of the component proposed in the change of land use proposal.
 - b. Confirmation of the components proposed in the proposal vis-à-vis approved in the Mining Plan

Policy issue No -1

Sub: Forest Conservation issues likely to be examined which originates from the inclusion of new mineral to be mined out from the already approved area without changing land use of forest land (F. No. FCA-16/1/AP-45/Min)

1. The policy agenda item was considered by FAC in its meeting held on 17.10.2022. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, Member Secretary explained all the facts and background of the matter to the FAC for their examination and analysis.
3. After through deliberation and discussion, the FAC observed that:
 - i. Proposal has been granted Stage-II approval by the Integrated Regional Office, Chennai Office vide letter dated 12.09.2017 for mining of mica over an area of

- 16.19 ha. Government of Andhra Pradesh vide their letter dated 18.01.2022 submitted a request to include Quartz and Feldspar also in the approval dated 12.09.2017 which was granted for mining of mica.
- ii. A copy of the mining plan approved by the Department of Mines and Geology, Government of Andhra Pradesh on 2.07.2019 showing the details of minerals and other mining details incorporated therein has been submitted. Mining plan is for a period of 5 years.
 - iii. Compliance of Stage-II approval dated 12.09.2017 has been submitted by the State. No violation of Forest (Conservation) Act, 1980 and conditions stipulated in the approval has been reported by the State and IRO.
 - iv. Proposal for inclusion of quartz and feldspar was considered and recommended by the REC in its meeting held on 18.03.2022. IRO, Vijayavada has also concurred the recommendation of REC.
 - v. The proposal of the State does not involve change in the land use and area of the project i.e. mining for winnowing of new minerals has been proposed within the same lease area without changing the forest area allowed for non-forestry use under the Forest (Conservation) Act, 1980.
 - vi. Provisions provided under the Forest (Conservation) Act, 1980 mandates prior approval of the Central Government for a non-forestry activity only and the user agency in this case has already obtained the prior approval of the Central Government.
 - vii. Moreover, Hon'ble Supreme Court in its order dated 7.05.1985 has also directed that by inclusion of additional mineral in the mining scheme, it cannot be said that the State Government has violated Section 2 of the Act because thereby no permission for fresh breaking up of forest land is being given.
 - viii. IRO had recommended the proposal for grant of Stage-I approval i.e. area which has already been given final approval has again been proposed for grant of Stage-I approval which does not seem to be appropriate i.e. approval of the Central Government cannot be granted twice for the same piece of forest land.
 - ix. Committee opined that such addition of minerals may not have direct infringement on the provisions of the Forest (Conservation) Act, 1980 but impact on surrounding environment cannot be denied due to increased pollution loads, re-handling of OB areas, for which environment clearance may be required to be undertaken by the agency. Since addition of such mineral may impact the surrounding environment, such activities should also be appraised in terms of provisions of the Forest (Conservation) Act, 1980.
- 8. Decision of FAC:** After detailed discussion and deliberation on the matter with the Regional Officers and official of the Forest Consecration Division, the Committee was of the view since there is no change in the land use and forest area involved in the proposal, revised Stage-I approval needs not be obtained in such cases, however, addition of minerals may have incremental impact on the surrounding vegetation, the Committee, therefore, decided the following:
- i. Since addition of minerals to the mining scheme may result into increased pollution loads which may have impact on the surrounding vegetation, therefore such proposal needs to be examined on case to case basis by the Ministry and accordingly, modification in the Stage-II approval should be

considered by the Ministry.

- ii. The user agency should accordingly approach the Ministry for modification in Stage-II approval in such cases subject to Environmental Clearance, in case required.

Policy issue No -2

Sub: - Charging of a lump sum amount of the project cost towards the cost of implementation of the Wildlife Management Plan and lump sum amount of the project cost towards the cost of implementation of Soil and Moisture Conservation Plan for consideration of tree felling permission - reg.

1. The policy agenda item was considered by FAC in its meeting held on 17.10.2022. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, the Member Secretary explained all the facts and background of the matter to the FAC for their examination and analysis.
3. After through deliberation and discussion, the FAC observed that:
 - i. A request has been received from the NHAI to allow tree felling in respect of road project after making payment of lump sum amount of 2% and 0.5% of the project cost towards the cost of implementation of Soil and Moisture Conservation Plan proportionate to the forest area falling in the project.
 - ii. Ministry, with a view to streamline the process of approval under the Forest (Conservation) Act, 1980, in respect of proposals where preparation of Wildlife Management Plan or Soil and Moisture Conservation Plan is delayed considerably due to technical and scientific considerations, vide its guidelines dated 7.04.2022 provided the provisions of depositing 2% of total project cost towards the cost of implementation of the Wildlife Management Plan and/or 0.5% of the project cost towards the cost of implementation of Soil and Moisture Conservation Plan, as the case may be, for the purpose of obtaining approval under the FC Act, 1980.
 - iii. Adverting to above guidelines, NHAI has informed that given the huge cost of road project the 2% and 0.5% cost of Wildlife Management Plan and SMC Plan is too large in comparison to meagre forest area involved in the project. Citing this situation, NHAI has requested revisiting of Ministry's guidelines to make 2.5% cost applicable in proportion to the forest area involved in the project. NHAI has also requested that tree felling permission may also be allowed after making the lump sum payment of SMC and WLMP.
 - iv. Provisions provided by the guidelines dated 7.06.2022 are optional i.e. not a mandatory requirement for the user agency. NHAI, if so desire, may get the Wildlife Management Plan and Soil Conservation Plan, wherever applicable, prepared from the institute of repute, approved by the competent authority of the State, and may accordingly deposit the actual cost of implementation of such plans.
 - v. The Committee was also apprised that in a similar case pertaining to

Ganeshpur-Dehradun Road, similar issue of charging 2% amount of total project cost towards the cost of implementation of the Wildlife Management Plan was considered by the Standing Committee of the NBWL.

4. **Decision of FAC:** After detailed discussion and deliberation on the matter with the Regional Officers and official of the Forest Conservation Division, the Committee decided that since the National Board of Wildlife has already considered and taken a decision in a similar matter while dealing with the proposal pertaining to Dehradun - Ganeshpur Road. Therefore, to have uniformity in such decision, it will be prudent to obtain comments from the Wildlife Division of the Ministry and after receiving their comments, a complete and holistic proposal may be presented before the Committee in line with decision taken in the Ganeshpur-Dehradun Road.

(Confirmed through email)

(Sh. S. D. Vora)

Non-official Member

(Confirmed through email)

(Dr. Sanjay Deshmukh)

Non-official Member

(Confirmed through email)

(Sh. Anmol Kumar)

Non-official Member

(Not present)

(Sh. Om Prakash Sharma)

Member

(Not present)

(Sh. S.P. Yadav)

Addl. Director General of Forests (FC)

Member

(Not present)

(Sh. Bivash Ranjan)

Addl. Director General of Forests (WL)

Member

(Confirmed)

(Sh. Ramesh Kumar Pandey)

Inspector General of Forests (FC)

Member-Secretary

(Approved)

(Sh. C.P. Goyal)

Director General of Forests & Special Secretary

Chairperson