

Government of India
Ministry of Environment & Forests
Forest Conservation Division

MINUTES OF THE FOREST ADVISORY COMMITTEE (FAC) MEETING HELD
ON 22nd March, 2018

Sandeep Sharma, AIG

Agenda-1

F. No. 8-10/2018-FC

Sub.: Proposal for diversion of 46.04 ha of forest land under Forest (Conservation) Act, 1980 for Penganga Open Cast Mining Project at village-Danoda and Borgaon, Tal-Korpana, District Chandrapur, Maharashtra.

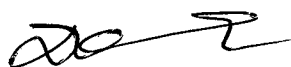
The above stated agenda item was placed before FAC on 22.03.2018. FAC observed that:

1. The State Government of Maharashtra vide their letter No. FLD-36/CR-295/F-10 dated 14.02.2018 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. As per the documents submitted, it is observed that the total lease area is 743.83 ha and it is acquired under Coal Bearing Areas (Acquisition and Development) Act, 1957 on 06.11.2010. Out of this 743.83 Ha land acquired for Penganga Opencast Mine, 46.04 Ha (30.89 Ha Govt land & 15.15 Ha Tenancy land) has been claimed to be under Compartment No 194 of Forest Department, Chandrapur. The proposed 46.04 Ha forest land is required for diversion of a seasonal nallah and construction of embankment for Penganga Opencast Mine of Wani Area. The distribution of the forest land provided is as under

Item of Work /Purpose	Village	Taluka	District	Survey No. / Gut No.	Area (ha.)	Legal Status	
Penganga Open Cast Project	Borgaon	Korpana	Chandrapur	46	16.020	Deemed Reserve Forest	
				60	0.246		
				46P	1.965		
				46/2	2.00		
				52	6.464		
				53	3.416		
		54	0.200				
	Total Area (A)					30.311	
	Danoda Rith	Korpana	Chandrapur	10	0.200		
				23	13.534		
Total Area (B)					13.734		
Total Area (A)+(B)					44.045		
Safety Zone	Borgaon	Korpana	Chandrapur	46	0.190		
				60	0.034		
				46P	0.035		
				46/2	0.436		
				53	0.434		
	Danoda	Korpana	Chandrapur	23	0.866		
				Total Area (C)			
Total Area (A)+(B)+(C)					46.040		



3. The life of the project is proposed to be for 14 years.
4. The EC granted by MoEF & CC dated 31.01.2013 has been attached with application form. The EC refer to the EIA submitted by WCL in August 2012. According to the EIA report, the Penganga OC also called Mungoli Extension Block, is located south of existing Mungoli OC/ Kolgaon OC Mines, which forms the south-western most coal bearing area of western limb of Wardha Vally Coalfield. The Penganga OC is basically an extension of Mungoli block across the Penganga River. Hence on 05.03.2008, it was decided by WCL that the proposed project may be re-named as Penganga OC (Mungoli Extn.). The nearby working opencast mines are Kolgaon OC and Mungoli OC.
5. The prospecting in this area was done in 1998-99 by MECL and subsequently during 2005-2008 by CMPDI.
6. After the decision of the WCL on 5th march 2008, the application for TOR was submitted and the Terms of Reference (TOR) was issued by MOEF vide its letter no J – 11015/46/2009- IA. II(M) dated 15.04.2009. The TOR was issued for the area of **781.0 ha**. As per the TOR, **670 ha** of the total **781 ha** consists of agriculture land. It was directed in TOR to submit detailed map showing the core zone delineating the agricultural land (irrigated and unirrigated, uncultivable land (as defined in the revenue records), forest areas (as per records), along with other physical features such as water bodies, etc. should be furnished. It was directed to submit detailed Site plan of the mine showing the various proposed break-up of the land for mining operations such as the quarry area, OB dumps, green belt, safety zone, buildings, infrastructure, CHP, ETP, Stockyard, township/colony (within and adjacent to the ML), undisturbed area and if any, in topography such as existing roads, drains/natural water bodies are to be left undisturbed along with any natural drainage adjoining the lease /project and modification of thereof in terms of construction of embankments/bunds, proposed diversion/rechannelling of the water courses, etc., approach roads, major haul roads, etc.
7. WCL prepared the Environment Impact Assessment and Environment Management Plan and submitted to the Ministry for Environment Clearance as per the TOR vide letter dated 21.07.2012. In the EIA report it was claimed that no forest land is involved.
8. Based on the EIA report dated 21.07.2012 the Environment Clearance was granted to WCL for Penganga OC mining project vide No. J-JHJI5/4G/2009-IA.II (M) dated 31.01.2013. According to the EC, the total ML area is **781 ha**, **out of which 670.61 ha is agriculture land** (655.61 ha is within ML area and 15 ha is outside ML area), **110.39 ha is Government land**. The land use during mining of 781 ha area. 240.10 ha for excavation area, 208.60 ha is for external dump, 22 ha is for infrastructure. 95.30 ha is for approach roads/embankment, 200 ha for blasting zone and rationalization Area. The life of the project was reported as 19 years. Out of the total 208.60 ha area for external OB dump, 175 ha area would be reclaimed with plantation, 60 ha area undisturbed area (brought under plantation), 272.30 ha area around buildings and infrastructure including internal roads of the total 351.10 ha area covered with total 877750 no of plants.
9. According to EC, there is no forest land involved in project area and there are no ecologically sensitive areas such as Biosphere Reserves/National Parks/WL Sanctuaries. There are no endangered or endemic species arc reported in the area.
10. From the analysis of the area on DSS it has been found that the forest area in the lease area is around 112 ha instead of 46.04 ha. The shape files of the lease area is only for 722 ha and the shape and area of lease depicted on topo sheet and constructed through shape file do not match each other. It is further observed that MoEF&CC had accorded Environment Clearance to the project on 31.01.2013 on the presumption that no forest land is involved. In EC approval the total lease area is shown as 781 ha and it is reported that no forest area is involved.
11. The mining started in the Penganga OC as per the mining plan without forest clearance. As per the existing guidelines (F.N.11-599/2014-FC and F.N 11-52/2015-FC dated



01.04.2015) of the Ministry on FC Act no mining can be started in the mining lease area involving forest as well as non-forest area without depositing NPV and obtaining forest clearance for the entire forest land involved in the mining lease area.

12. It is evident that the WCL and the local forest department did not surveyed the entire area of 781 ha in the Moguli Extension Block acquired in 2010 under CBA as reported by the WCL while submitting the present proposal for Forest Clearance for 46.0 ha. This condition was stipulated in the TOR issued in 2009 by MoEF under Environment Protection Act 1986 but the WCL conveniently ignored and submitted the EIA in 2012 stating that the area does not involve forest land and secured EC on 31.01.2013.
13. According to the EIA report the area of Mungoli Extension Block (Penganga OC) falls in the Korpana tehsil of Chandrapur district of Maharashtra state. The area is bounded by Latitude $19^{\circ} 48' 19''$ and $19^{\circ} 49' 27''$ and Longitude $79^{\circ} 13' 48''$ and $79^{\circ} 15' 36''$. The block is covered in the survey of India Topo-sheet No-56 M/1 and as per national grid the coordinated of the area is Latitude N-1060992.510 & 1063065.889 and Departure E-3024069.419 & 3027212.719.

The geographical location of the Penganga OC for which the EC was granted has Latitude: $19^{\circ} 50' 33''$ to $19^{\circ} 51' 44''$ N and Longitude : $79^{\circ} 07' 40''$ to $79^{\circ} 08' 21''$ E with total mining lease area of 781.00 ha.

However according to the map and topo-sheet submitted with the present proposal, the geographical location of the Penganga OC is different with total coal mining block of 743.83 ha. A closure examination of the map suggests that the forest land in the proposed diversion proposal is east of the existing Penganga OC for which EC was obtained on 31.01.2013. The fact was not clarified by the representative of the WCL in the FAC meeting. It is, therefore, important to re-examine the location and extent of the entire Penganga OC mining project area and the forest land falling within the Penganga OC project area by the state Government and the Regional office of the Ministry before final decision is taken of diversion of forest land. The topo-sheet submitted by WCL suggests that larger forest area is involved in the entire Mungoli Extension Block (Penganga OC mining project) is larger than applied for.

14. Recommendation of FAC:

FAC is of the considered view that the entire area under the Mungoli Extension Block need to be estimated and mapped and georeferenced map of forest and non-forest land should be submitted before further mining activities in the Mungoli Extension Block. The Environment Clearance was secured by WCL by providing wrong information to the MoEF&CC regarding status of forest land involved in the entire 781.0 ha of Penganga OC mining project. The matter should be reported to the IA division of the Ministry for further necessary action. After the delineation of entire forest area within the Mungoli extension Block renamed as Penganga OC mining project, the application for the forest clearance for the entire forest land within the Penganga OC project should be submitted for consideration of the FAC and the NPV for the entire forest land as per the guideline dated 01.04.2015 should be deposited by WCL. FAC further recommends that the in-principle approval will be effective after the payment of entire NPV which becomes due after assessment of forest land in the Mungoli Extension Coal block and other outstanding dues with WCL in CAMPA account.

The FAC recommends for in principle approval of the area applied for **46.04 ha** of forest land with general and specific conditions as under:

1. It is observed that there is discrepancy in total lease area. The area shown in the proposal is 743.83 ha, whereas the area mentioned in environment clearance is 781 ha.



2. On analysis through DSS it is observed that the forest area within the lease area is 112 ha and not 46.04 ha. The entire area under the Mungoli Extension Block should be estimated and mapped and georeferenced map of forest and non-forest land should be submitted before further mining activities in the Mungoli Extension Block. A committee under Nodal Officer of the dealing with FCA, the representative of the WCL dealing with land records Revenue authority of the district and Conservator of Forests in the Regional office, Nagpur as representative of the Ministry should be constituted to prepare the geo-referenced map of Mungoli Extension Block and all type of forest lands (as per the definition of supreme Court order dated 12.12.1996 in T.N.Godavarman vs UoI) falling within the Penganga OC mining project and submit the report to the Ministry for consideration of FAC along with compliance report for final approval.
3. After the delineation of entire forest area within the Mungoli extension Block developed as Penganga OC mining project, the application for the forest clearance of whole forest land within the coal block should be submitted for consideration of the FAC and the NPV for the entire forest land, as identified by the Committee, and as per the guideline dated 01.04.2015 should be deposited by WCL along with the compliance report for final approval.
4. The state government and the WCL will inform the IA division for the amendment in EC by stating facts about the existence and extent of forest land in the Penganga OC mining project and its proposed land use.
5. The forest area of 46.04 ha shall be used for diversion of a seasonal nallah and construction of embankment for Penganga Opencast Mine project of Wani area including the development of safety belt (1.994 ha) as proposed in the application form. No non-forestry activities related to mining will be carried out till the clarification related to status of land is submitted by the State Government.
6. The user agency shall submit detail revised land use plan of the total mining area and a copy of approved mining plan.
7. The state government will examine the details of the relocation of persons from the forest area under diversion and if required will submit approved R&R plan.
8. Compensatory afforestation will be raised over 92.50 ha of degraded forest land identified by the state government (Comptt. No. 152 Rampur area 25.00 ha; Comptt. No. 166 Somthana area 25.00 ha; Comptt. No. 170 Area Tulana 25.00 ha; Comptt. No. 163 Area Tulana 17.50 ha) and at least 1000 plants per hectare of diverted forest land (46040 plants of native tree species) will be planted. The CA cost will be revised accordingly and CA cost shall be deposited in the Compensatory afforestation Fund of Maharashtra State managed by adhoc CAPMPA.
9. 25% of the Cost of CA will be deposited in addition to the CA cost for soil and moisture conservation works at CA site.
10. Since as per the EC the life of the mine is 19 years, the forest clearance section 2(ii) of FCA, 1980 will be valid for 20 years or the period for which area is mined whichever is earlier w.e.f from the date of issue of environment clearance (31.01.2013).



11. The WCL will pay Rs. 30 lakhs for Wildlife Mitigation purpose as recommended by Chief Conservator of Forests (Territorial), Chandrapur as per plan approved by Principal Chief Conservator of Forests (Wildlife), Maharashtra.
12. The state Government will ensure complete compliance of the FRA 20016 and WCL will submit the compliance of the Schedule Tribes and other traditional Forest Dwellers (Recognition of Forest Rights) Act in format prescribed by Government of India vide /letter dt. 5/7/2013 before final approval.
13. The area will be reclaimed as per approved Mining Plan and handed over back to the Forest Department.
14. The conditions imposed in the EC dated 31.01.2013 will be complied regarding reclamation of mine and development of green area within the mine.


Agenda No. 2

F. No. 8-24/2017-FC

Sub: Diversion of 209.807 ha of reserved forest land for construction of Bhaunrat Dam in Lalitpur District, Uttar Pradesh.

The above stated agenda item was placed before FAC on 22.03.2018. FAC observed that:

1. The Bhaunrat Dam project is proposed on river Jamini, a tributary of river Betwa with a gross storage capacity of 45.08 MCM and live storage of 40.55 MCM near Bhaira Village in Lalitpur District of Uttar Pradesh (U.P.). This project envisages construction of a dam of height 19.93 m above river bed level and about 49 Km. downstream of existing Jamini Dam **to provide irrigation and drinking water**. The project is planned to irrigate a command area of 9850 ha with annual irrigation of 16,000 ha in drought prone areas of Lalitpur district in Bundelkhand region. Besides this the project has a provision of drinking water to the tune of 1 MCM.
2. The administrative approval to the project was granted by the State Government on 1st February 2008 and financial sanction was granted on 11th February 2013 by the State Government for **Rs. 40954.85 lakh** (which has been revised now to **Rs. 59,971.94 lakhs**) with direction to complete the work by March 2016.
3. The environment clearance to the project was granted by State level Environment Impact Assessment Authority Uttar Pradesh on 27th November 2015. According to the EC report:
 - 1) The Jamini Dam irrigation project already exists on Jamni River which is approximately 20 km upstream of the proposed dam. However the catchment area of 335 sq. Km is untapped which will act as catchment by the proposed project. Land requirements for the project are 1266.78 out of which 201 Ha is forest land. The villages Satlinga, Bharnarat, Chaprat, Kisarda, Mudia and Vedpur are impacted due to submergence.
 - 2) 311 families, 78 Pucca and 347 Kachcha houses will be affected and to be rehabilitated. Appropriate compensation packages according to the R & R policy, 2007 will be provided to those families who are identified by the committee formed by govt. for R & R work of this project.
 - 3) A minimum environmental flows will be maintained/released for downstream users.




- 4) Compensatory afforestation programme shall be taken-up in consultation with State Forest Department. For compensatory afforestation programme, preference will be given to native plant species. Green belt shall be maintained on minimum 33% of the project area.
 - 5) Bio-diversity conservation & Management Plan should be implemented with State Forest Department from the allocated budget for this purpose shall be fully utilized and not to be diverted for any other Purpose. The Catchment Area Treatment (CAT) Plan shall be strictly implemented in consultation with the Forest Department. Major works shall be completed before impounding of reservoir. The financial allocation for CAT Plan implementation shall be fully utilized and not to be diverted for any other purpose. Catchment Area Treatment Plan as proposed should be completed in five years.
 - 6) To enhance the natural environment quality & aesthetics of project site, greenbelt, as proposed in the EMP Report shall be undertaken. Allocated grant for this purpose shall be utilized and not to be diverted for any other purpose.
4. According to the proposal for forest clearance (FC) submitted by the State Government, the proposed Bhaunrat Dam is to be constructed on Jamini River with an earthen embankment of 4.750 km length and concrete spillway. The project is located in village Bhaira of Tehsil Mehrouni in, Dist. Lalitpur. The main objective of this proposal is irrigation of tail end Command of Banpur Rajwaha of Jamini Dam Irrigation System. Project proposal is a medium irrigation project catering to dry & rain fed areas of Bundelkhand Region.
5. Project proposal will cater to one objective of irrigation with a Culturable Command Area of 9,850 ha which caters to 7,000 ha of Rabi and 9,000 ha of Kharif crop providing irrigation intensity of 162%. Left flank of the earthen dam will feed to Bhaunrat Feeder Canal 18.200 km having maximum discharge of 4.00 cumecs and on right flank will feed to Right main feeder having length 4.100 km with maximum discharge of 0.500 cumecs.

The proposal requires 209.807 ha of forest land in seven patches falling within submergence after construction of reservoir.

Village	Forest Land (Ha)	Non Forest land (Ha)
1 Bhaunrat	45.228	155.351
2 Sakroni	67.431	92.361
3 Chhaprat	50.650	132.850
4 Gagniya	45.023	0.000
5 Digwar	1.475	0.000
6 Bamhorighat	0.000	175.370
7 Vedpur	0.000	61.850
8 Mudia	0.000	92.150
9 Kisarda	0.000	170.253
10 Pachoda	0.000	17.875
11 Bhaira	0.000	39.904
12 Satlinga	0.000	118.909
Total	209.807	1,056.873

6. State Government of Uttar Pradesh vide their letter No. P-187/14-2-2016-800(195)/2016 dated 20.01.2017 submitted the above mentioned proposal seeking prior approval of the Central Government under Section 2(ii) of the Forest (Conservation) Act, 1980.



7. Site inspection of the proposal was carried out by Shri Brijendra Swaroop, CF (Central), Regional Office, MoEF&CC, Lucknow from 25th August 2017 to 27th August 2017. According to the Site Inspection Report (SIR):

1. Total land requirement for construction of Bhaunrat Dam-1,266.68 ha
2. Reserve Forest proposed for diversion- 209.807 ha
3. Non-forest land required for the project- 1056.873 ha
4. Percentage of forest land required for the project – 16.56%
5. Seven reserve forest patches are falling in the submergence of the proposal.
6. The estimated cost of the proposal was Rs 40,954.89 lakhs which has been revised to **Rs. 59,971.94 lakhs**.
7. the proposed forest land for diversion is not significant from wildlife point of view. The proposed forestland for diversion is not part of national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor, eco sensitive zone (ESZ) etc. During site inspection also, proposed seven patches of forest land for diversion are not found significant from wildlife point of view.
8. The average vegetation density of forest is 0.4 which comes under both open forest and moderately dense forest. As per site inspection the forest proposed for diversion may be considered as moderately dense forest. The forest is Eco-class III – mainly consisting of South Northern Dry Mixed Deciduous Forests (5A/C3-5B/C2), Dry Teak Forest (5A/C1B) and Dry Deciduous Forest (5D/S3-5B/C2). Total number of trees enumerated to be felled is **25326** (girth >30 cm =9,062 and girth < 30 cm= 16,264)
9. **Important species** are Delbergia sissoo, Terminalia arjuna, Accacia catechu, Accacia lucephala, Azadirachta indica, Madhuca indica, Albizia lebbeck, Sygium cumini, Mangifera indica, Bombax ceiba, Holoptelia integrifolia, Dendrocalamus strictus, Tectona grandis, Pterocarpus marsupium, Anthocephalus cadamba, Lagerstroemia parviflora, Eucalyptus hybrids etc.
10. **Effect of removal of trees on the general ecosystem in the area:** The forest area falling in submergence of reservoir are seven patches of reserve forest falling along Jamini River. The removal consists of 9,062 (35.7%) mature trees having girth more than 30 cms out of 25,326 trees & poles proposed to be felled. These riparian patches of RF are at the upstream side of river and will be submerged partially during submergence reaching FRL. Enumeration lists for FRL-2 and FRL-4 have not been provided with the proposal. There will be adverse effect of on general ecosystem due to removal of trees. These forest patches provide ample cover, food, checks soil erosion and other eco-system services to the all life form existing in the area.
11. In order to mitigate the adverse impact provision of compensatory afforestation is incorporated in the proposal on equivalent non forest land being made available by the user agency.
12. **Compensatory afforestation:** Compensatory afforestation is proposed on equivalent non forest land having extent 209.807 ha. There are four patches of Gram Panchayat Land with following details are proposed to compensate diversion of forest land for construction of Bhaunrat Dam.

Sr No.	Proposed Area	District	Legal Status	Area in ha.
1	Narahat	Lalitpur	Gram Panchayat Land	54.00
2	Raipur	Lalitpur	Gram Panchayat Land	71.340

3	Myau	Lalitpur	Gram Panchayat Land	8.881
4	Mainwar	Lalitpur	Gram Panchayat Land	75.586
			Total	209.807

13. Site suitability certificate has been submitted by the concerned Divisional Forest Officers along with the forest land diversion proposal. During inspection proposed compensatory afforestation two sites Narahat and Mainwara were visited. Both the sites were found appropriate for compensatory afforestation. Only issue is both the patches are deficient in soil depth and require special efforts while raising compensatory afforestation. As per the DFOs report compensatory afforestation sites are appropriate for afforestation, management point of view and free from encroachment & other encumbrances.
14. Though a report from CCF (Central Zone), Regional Office, MoEF&CC, Lucknow mentioning violation of FCA 1980 has been sent to Principal Secretary (Forest) vide letter no. 8A/UP/01/1168/2013/402 dated 9th September 2013 with endorsement to MoEF&CC. The report mentions that 90% of construction work of Bhairot Dam which is proposed on non- forest land has been completed and the user agency has not submitted forest diversion proposal of 200.926 ha after passing of more than 5 years. The report is factually incorrect and with anomalies. This report mentions date of inspection 12th October 2012 and inspection report was submitted after a lapse of almost one year on 9th September 2013. Apart from forest areas, dam site (proposed on non -forest land) was also visited during site inspection to check the contention of 90% completion of construction work as per earlier report which was found incorrect.
15. The SIR has reported on whether proposal involves rehabilitation of displaced persons and if yes, whether rehabilitation plan has been prepared by the State Government or not that no rehabilitation is not applicable with this proposal.
16. Details on catchment and command area under the project it has been reported in SIR that a catchment area of 749.40 sq km is associated with Jamini River out of which 414 sq km was utilized by existing Jamini Dam. Therefore, free draining catchment of the project is 335.40 sq km for which a Catchment Area Treatment (CAT) plan has been prepared and placed with the proposal from page 119 to 136. The CAT plan submitted with the proposal has following issues which require rectification:
- The CAT plan is without details of treatment proposed of the free draining catchment and physical and financial implications of treatment are also missing from the document.
 - CAT plan has not been approved by the appropriate authority.
17. Cost benefit Analysis: The proposal contains Benefit Cost Analysis enclosed. As per the guidelines and parameters fixed by MoEF&CC various parameters have not been quantified and environmental losses have been calculated on crown density of forest crop as 0.45 whereas the part II of the proposal mentions it as 0.4. This issue needs rectification. Benefit cost ratio on other normal parameters have been worked out as 32.34.
18. Whether lands being diverted have any socio-cultural/religious value: Not reported as well as not observed during the site inspection.
19. Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion: Not reported as well as not observed during site inspection.
20. Whether the land under diversion forms part of any unique eco-system: No.



21. Situation with respect to any protected area: The proposed forest land diversion is not part of national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor, eco sensitive zone (ESZ) etc.
22. Recommendations of the site inspecting officer: The proposal is recommended with following conditions which Forest Advisory Committee may consider while according forest clearance:
 - a) Two forest nurseries having area 0.4046 ha and 2.48 ha are getting submerged which forms part of forest land proposed for diversion, the proposal does not include compensation of the creation of nurseries which is base of forestry. Compensation for creation of forest nursery may be one of the conditions of approval.
 - b) Forest Offices falling within submergence shall be adequately compensated and located in area which will be suitable as per forest management point of view.
 - c) Revised CAT plan duly approved from the competent authority with details of management interventions along with physical and financial targets year wise may be asked from the user agency.

Recommendation of FAC:

FAC after through deliberation and discussion with APPCF, Regional Office, Lucknow, FAC recommended the proposal with General, Standard and following specific conditions:

- i. The conditions imposed by the State Level Environment Impact Assessment Authority (SEIAA) vide dated 27th November 2015 should be complied and treated as part of FC conditions.
- ii. A minimum environmental flow will be maintained/released for downstream users.
- iii. Compensatory afforestation programme shall be taken-up in consultation with State Forest Department. For compensatory afforestation preference will be given to native plant species. Compensatory afforestation will be raised over 209.87 ha of non-forest land identified by the state government and at least 1000 plants per hectare (209870 plants of native tree species) will be planted. The CA cost has been estimated to be Rs. 668.22 lakh. The CA cost may be revised accordingly, if required, and CA cost shall be deposited in the Compensatory afforestation Fund of Uttar Pradesh State managed by adhoc CAPMPA.
- iv. 25% of the Cost of CA will be deposited in addition to the CA cost for soil and moisture conservation works at CA site.
- v. Green belt shall be maintained on minimum 33% of the project area.
- vi. Bio-diversity conservation & Management Plan should be implemented with State Forest Department from the allocated budget for this purpose shall be fully utilized and not to be diverted for any other Purpose. The Catchment Area Treatment (CAT) Plan shall be strictly implemented by the Forest Department. Major works shall be completed before impounding of reservoir. The financial allocation for CAT Plan implementation shall be fully utilized and not to be diverted for any other purpose. Catchment Area Treatment Plan as proposed should be completed in five years. CAT plan duly approved from the competent authority with details of management interventions along with physical and financial targets year wise should be implemented and the cost shall be deposited in Compensatory afforestation Fund of Uttar Pradesh State managed by adhoc CAPMPA. Though the CAT plan submitted provides that 2% of the project cost will be deposited for implementation of activities under CAT plan, the actual cost not less than 2% of project cost will be provided by the project proponent for intensive plantation in the catchment area and soil and moisture conservation works

- vii. To enhance the natural environment quality & aesthetics of project site, greenbelt, as proposed in the EMP Report shall be undertaken. Allocated grant for this purpose shall be utilized and not to be diverted for any other purpose.
- viii. Two forest nurseries having area 0.4046 ha and 2.48 ha are getting submerged which forms part of forest land proposed for diversion. Compensation for creation and shifting of forest nursery may be provided by the user agency.
- ix. Forest Offices and other assets belonging to Forest Department falling within submergence shall be adequately compensated and located in area which will be suitable as per forest management point of view.
- x. State Government should ensure complete compliance of provisions of the FRA 2006 before start of the work.

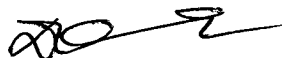
Agenda No. 3

File No. 8-14/2018-FC

Sub: Diversion of 32.56 hectare [revised from 33.80 hectare] of forest land for iron ore mining [erstwhile 'C' category M.L. No. 2621 of M/s. Rama Rao Poal] allocated through auction sale to M/s. JSW Steel Ltd., Toranagallu in Ramanamalai Block Reserve Forest, Sandur North Range, Ballari District .

The above stated agenda item was placed before FAC on 22.03.2018. FAC observed that

1. The State Government of Karnataka vide letter No. FEE 6 FFM 2018 dated 24/01/2018 has submitted a proposal for iron ore mining (erstwhile 'C' category M.L.No. 2621 of M/s. Rama Rao Poal) allocated through auction sale to M/s. JSW Steel Ltd., Toranagallu in Ramanamalai Block Reserve Forest, Sandur North Range, Bellari District
2. The proposal for diversion of 32.56 ha. (Revised from 33.80 ha.) of forest land for iron ore mining was earlier forwarded to Regional Office, Bangalore and placed before Regional Empower Committee(REC) meeting held on 06.03.2018.
3. As per the details given in the proposal, the mining lease was originally sanctioned vide M.L.No.2621 during the year 2009 (18.07.2009) over an area of 70 acres or 28.34 ha in R.M. Block, Sandur Taluk for a period of 20 years & valid upto 3.2.2030 in favour of M/s. Ramarao Paol.
4. The entire area as per the lease deed was revenue land.
5. Later the Range Forest Officer, Sandur vide letter dated 17.8.2010 and ACF, Ballari vide letter dated 26.8.2010 directed the lessee to stop mining operations since the entire lease area was deemed to be forest land notified under Section 4 vide notification No.FFD 29 FAC 84 dated 28.2.1985. Accordingly, the mining operations were stopped w.e.f 04.10.2010.
6. Consequently, the lessee challenged the stoppage notice before the Hon'ble High Court of Karnataka in W.P. No.41376/2010.
7. The Hon'ble High Court of Karnataka stayed the stoppage notice and directed to continue the mining operation and had also directed the lessee to obtain Forest Clearance under Forest (Conservation) Act, 1980.
8. This mining lease was subsequently categorized as Category 'C' mine by Central Empowered Committee and the lease was cancelled by the Supreme Court order. The Supreme Court has ordered that mining leases under category 'C' should be auctioned and the existing statutory clearances for the cancelled mines should be transferred to the new allottee. In the auction the mine was allocated to M/s. JSW Steel Ltd.



9. The Mines & Geology Department, Government of Karnataka has issued a letter of intent for grant of mining lease to the User Agency for a period of 50 years.
10. It is reported that the user agency had applied for diversion of 33.80 ha. of forest land as per CEC sketch and after joint survey by Forest, Revenue and Mines Department. It was observed that 1.24 ha is overlapping with Hurricane Bungalow and accordingly, the proposal is recommended by State authorities for diversion of 32.56 ha [(33.80-1.24) ha].
11. Since the FC was not granted to M/s.Rama Rao Paol, the same could not be transferred but EC was granted earlier to M/s.Rama Rao Paol with an EC capacity of 0.50 MTPA has been transferred in favour of the User Agency vide letter dated 4.2.2017. As a matter of fact, the EC should not have been transferred till the grant of FC by the central government as per the Supreme Court order in Lafarge judgement of 2011.
12. The M/s. JSW Steel Ltd has submitted application on 05.07.2017 to the Director IA division MoEF&CC for TOR for increase of production from existing 0.5 MTPA to 0.95 MTPA.
13. New Mining Plan has been approved by Indian Bureau of Mines, Bengaluru vide letter No.279/1092/2017/BNG/223 dated 31.05.2017.
14. FRA compliance certificate is not furnished as per MoEF&CC guidelines.
15. The proposed area was inspected by DCF (C) on 15/02/2018 and reported the following:-
16. The unbroken area has higher canopy density whereas the broken area has very less canopy. Broken area comprises *Tecoma stans*, *Eucalyptus* and *Prosopis*, while the unbroken area has degraded dry deciduous forests referred in Eco-class III. Since the mine was abandoned for 8 years, grasses such as *Cenchrus ciliaris* and *Cymbopogon coloratus* were abundant. The major species in the overstorey are *Terminalia tomentosa*, *Terminalia chebula*, *Lagerstroemia parviflora*, *Terminalia bellerica*, *Holoptelia integrifolia* and *Syzygium cumini*. The middle storey is very diverse as the forest is regenerating and majorly composed of *Emblica officinalis*, *Wrightia tinctoria*, *Dalbergia latifolia*, *Pterocarpus marsupium*, *Grewia teliafolia*, *Cassia fistula* and *Holoptelia integrifolia*. The understory has a wide variety of species like *Canthium dydimum*, *Fluggea spp*, *Seurinega*, *Zizyphus oenoplia*, *Carissa spp* etc which forms the major food plants for birds and mammals including sloth bears.
17. Wild board, leopard, sloth bear, jungle cat and jackal are few prominent mammals found in this area. Birds such as *Indian peafowl*, *Painted partridges*, *Indian spurfowl* and *Savannah night jar* were spotted during the inspection.
18. The area is rich in wildlife and the vegetation in the unbroken area is a good dry deciduous forests. The R and R plan needs to be revisited wherein the back filling and species to be planted should be native and not exotics like Eucalyptus, Acacia etc. There is a danger of invasion by *Prosopis juliflora* in these areas leading to increased Man –animal conflict in the future.
19. Purpose wise breakup of the forest area required for diversion

Purpose	Extent (in Ha)	District /Division
Area for mining (Existing land use)	10.85	Bellary, Sandur Division
ROM Stock Pile (Existing land use)	0.95	
Roads (Existing land use)	1.32	

Safety Zone (Existing land use)	2.2	
Virgin /Unbroken Area (Existing land use)	18.48	
TOTAL:	32.56	

20. A total of 1890 trees present in the proposed area. Out of this 1370 are below 60 cms. The major species reported in the area are *Terminalia tomentosa*, *Terminalia chebula*, *Lagerstroemia parviflora*, *Wrightia tinctoria*, *Ficus religiosa*, *Terminalia bellerica*, *Dalbergia latifolia*, *Emblca officinalis*, *Grewia tiliacfoia*, *Holoptelia integrifolia* and *Syzygium cumini* etc.
21. The above facts of the proposal were placed before the Regional Empowered Committee in its meeting held on 06.03.2018 for its consideration and recommendation and REC noted that another proposal for diversion of 15.981 ha. of forest land was submitted by user agency for approach road, downhill pipe conveyor and feed & transfer points for his mining projects and the same is presently pending at DCF/DFO level and the total area required for the project will become 48.541 ha (32.56 ha+ 15.981 ha) and the same is not within the purview of the REC. Therefore, REC decided to advise the State Government to submit a consolidated proposal to MOEF&CC, New Delhi for consideration. Accordingly Regional Office vide their letter no 4-KRC 1138/2018- BAN/1544 requested to State Govt. that a consolidated proposal may be prepared and submitted to the appropriate authority and returned the proposal.
22. M/S JSW has given a representation dated 12.03.2018 addressed to DGF&SS stating that as per the directions of the Hon'ble Supreme Court of India, Government of Karnataka had invited tender for fourteen C-category mines, including M/s. Rama Rao Paol (ML-2621) and they participated in the said e-Auction held on 2nd October 2016 and emerged as the Successful Bidder at a bid Premium of 90.82%. It was further informed by the Project Proponent that the Hon'ble Supreme Court in their Order dated 30-07-2015 in WP No. 562/2009 has directed:
"the existing statutory approvals/clearance in favour of the lessee of the erstwhile category "C" mining leases will be transferred in favour of the new lessees. The concerned authorities will take expeditious action for the grant of the statutory approvals such as the Environmental Clearance and approval/TWP under the Forest (Conservation) Act, 1980;"
23. It is also stated in the said representation that the other statutory approvals like Environmental Clearance, approval for Mining Plan from IBM, R & R Plan from CEC, etc. have already been obtained. They also mentioned if the proposal is combined both the proposals as directed by the REC, it would take **another one-year or even more** to reach the present stage. M/s JSW has, therefore, requested to consider the proposal by the Forest Advisory Committee.
24. Taking into consideration the representation of M/S JSW and recommendation of REC, the Ministry decided to consider the proposal at MoEF &CC level in New Delhi.
25. It was reported that the user agency has not applied for diversion of forest land for construction of road required for extraction of mineral out of the proposed mine. It was reported by the representative of user agency that the company will use the existing road which was being used by the erstwhile lessee. It is reported that the road has already been diverted in favour of Jeenat Transport Company which is

mining in the area. No documents related to diversion of the road to the Jeenat Transport Company was produced by the state government and user agency. State government shall submit the relevant documents along with DGPS co-ordinates and alignment of the existing road. The user agency shall also produce NOC from the Jeenat Transport Company for usage of road diverted in its favor prior to stage II approval.

26. As per DSS analysis the area is falling under inviolate category as the mining is not working for last five to seven years. Presence of wild life is also reported in the area. State government should prepare a wild life management plan for the area and the same shall be implemented by the forest department. The cost of implementation and preparation of plan shall be borne by the user agency. The copy of approved wild life management plan by Chief wild life warden shall be submitted to MoEF&CC prior to stage II approval.
27. The proposed area is prone to soil erosion because of high slope & poor vegetation. Hence, the user agency is required to take up soil & moisture conservation works such as check dam, gully checks, retaining wall etc.
28. User agency has identified non-forest land in Lingasuguru Taluk, Raichur District as detailed below for the purpose of compensatory afforestation:-

Village	Sy.No.	Extent in ha.
Halabhavi	39, 140 & 142	21.22
Thimmapura	74/2/1p, 74/1p & 74/5A/1	12.58
	TOTAL	33.80

29. Recommendation of FAC:

FAC after through deliberation and discussion with In-charge Regional Office Bangalore, and user agency, recommended the proposal with General, Standard and following specific conditions:

1. Since the user agency has not applied for the use of existing road used by M/s. Rama Rao Paol, which was actually diverted in favor of Jeenat Transport Company, State government shall submit the relevant documents along with DGPS co-ordinates and alignment of the existing road. The user agency may use the existing road by obtaining NOC from the Jeenat Transport Company for usage of road diverted in its favour and submitting the NOC prior to final approval.
2. From the analysis through DSS it is observed that part of road which is informed to be diverted in favour of Jeenat transport Company is passing through the proposed mining lease area of M/s JSW Steel Ltd. It may be clarified that the portion of road which is passing through lease area of JSW Steel Ltd is already diverted under Forest (Conservation) Act 1980 in favour of Jeenat Transport company or not. If the portion of the road is already diverted than the same need to be deducted from the proposed lease area or a NOC shall be provided by the Jeenat transport company to avoid twice diversion of same area in favour to two different project proponents.
3. Compensatory afforestation programme shall be taken-up in consultation with State Forest Department. For compensatory affortstation preference will be given to native

plant species. Compensatory afforestation will be raised over 33.8 ha of non-forest land identified by the state government and at least 1000 plants per hectare (33800 plants of native tree species) will be planted. The CA cost may be revised accordingly, if required, and CA cost shall be deposited in the Compensatory afforestation Fund of Uttar Pradesh State managed by adhoc CAMPA.

4. 25% of the Cost of CA will be deposited in addition to the CA cost for soil and moisture conservation works at CA site.
5. Since the proposed area is prone to soil erosion because of high slope & poor vegetation. Hence, the user agency shall undertake adequate soil & moisture conservation works such as check dam, gully checks, retaining wall etc. whether inside or outside the lease area, in consultation with the forest department before starting mining works preferably within three years.
6. Presence of wild life has been reported in the area. State government shall prepare a wild life management plan for the area and the same shall be implemented by the forest department. The cost of implementation and preparation of plan shall be borne by the user agency. The copy of approved wild life management plan by Chief wild life warden shall be submitted to MoEF&CC and the cost of the plan should be deposited in CAMPA fund prior to final approval.
7. It is reported that proposal for diversion of 15.981 ha Forest land for construction of pipe conveyer by the user agency is pending at state level. State government may be advised that, so far as technically possible, the alignment of pipe conveyer shall primarily follow the area of road which is already under non forestry use so that there is minimum demand for change of land use of fresh forest area for construction of pipe conveyer.
8. The user agency will start production only after depositing all NPV and other compensatory levies imposed for FC clearance and obtaining final approval under FC Act even though the existing EC of 0.5 MTPA has been transferred in favor of M/s. JSW Steel Ltd.
9. State Government will ensure complete compliance of FRA 2006.

Agenda No. 4

F. No. 8-13/2018-FC

Sub: Diversion of 50.00 ha Reserved Forest land for Leopard Park with rescue centre at S. No. 673, village Khodamba Ta. Mandvi of Surat District in favour of Deputy Conservator of Forests, Surat Forest Division, Surat.

The above stated agenda item was placed before FAC on 22.03.2018. FAC observed that

1. The State Government of Gujarat submitted online application (FP/GJ/Others/31240/2018) for diversion of forest land for establishment of Leopard Park and rescue center at Khondaba Mandavi Taluka District Surat. The State Government forwarded the application vide their letter No. FCA-1018/10-51/17/S.F-38/F dated 12.03.2018 seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land measuring 50.0 ha in Surat District.
2. The State Government has earlier submitted another online application (FP/GJ/Others/30517/2017) for diversion of 32.0 ha of forest land in dang district for Leopard Park and rescue center at Waghahi, Dang district.



3. Leopard Park and rescue center at Khondaba Mandavi Taluka District Surat is being established to mitigate the rising challenge of human wildlife conflict, to create awareness and show care the need for construction of animal in the region.
4. The layout plan is divided into 2 parts.
 - A. First part will have following facilities within 5 ha area out of total 50 ha area
 - a. Visitors facility
 1. Theme based gate
 2. Parking area
 3. Reception center and ticketing counter
 4. Rest Shed
 5. Amphitheater
 6. Canteen
 7. Souvenir shop
 8. Toilets
 9. Landscaped garden
 10. Interpretation center
 11. Safari bus bay
 - b. Office administration building
 - B. Second part will have following facilities within 45 ha area out of total 50 ha area;
 - c. Safari area
 1. Chain linked fencing at periphery
 2. Safari area entrance gate
 3. Three big closed enclosures to house leopards
 4. Open enclosure with design specific leopard behavior (to keep 10 leopards)
 5. Open safari area with freely roaming ungulates with water holes
 6. Road network well connected with enclosures
 7. Water towers
 - d. Restricted area
 1. Animal houses and required cage structures
 2. Feeding & water facilities
 3. Veterinary hospital
 4. Quarantine room
 5. Postmortem room
5. It was reported by the nodal officer Gujrat that the non-forestry activities within the proposed facilities will be restricted to only 5.0 ha only. No trees are required to be cut in the demanded area.
6. The area involved has been declared as a Reserved Forest land vide Government of Bombay Notification No. S-35/17/19431, dated 05.11.1934. The Project area is not a part of Protected area /Sanctuary/National Park and the project area is 125.00 Km. away from the Vansada National Park.
7. There is no violation of Forest (Conservation) Act, 1980 as Certified by the concerned Deputy Conservator of Forest.
8. Project authority has submitted undertakings regarding willingness to pay the cost of CA, NPV and any increase thereof and CA has been proposed at 15 ha forest land at Comp. NO. 12, village-khodamba, Tahsil Mandvi, Dist. Surat. Scheme of CA has been provided with the proposal.

9. Recommendation of FAC: The FAC examined the proposal and it is evident that the activities inside the entire project area involves construction activities for housing the animals and for display to the public. Accordingly these activities are non-forestry activities. The detailed land use plan has not been prepared and approved by the Central Zoo Authority (CZA). The proposal is general in nature and lists various possible land use for developing leopard park and rescue center referred at para 4 above. Construction of building for animal houses / enclosures, roads etc. referred at para 4 are non-forestry activities because the same is being developed for display purposes. The exact area actually under construction activities need to be calculated based on the approved land-use plan and approved by CZA. The actual area under construction/structure will be taken for the purpose of estimating NPV and compensatory afforestation. CA shall be raised over double the degraded forest land preferably around the proposed leopard park and rescue center. FAC is of the opinion that some activities within these facilities which are for developing basic amenities for the visitors are non-forestry in nature. The area requirement for such activities shall normally not exceed 15 per cent of the total forest area proposed for the diversion. However actual area required for these facilities need to be estimated and considered for diversion under section 2(ii) of FC Act.

FAC after through deliberation and discussion with Nodal officer Gujrat recommended the proposal with General, Standard and following specific conditions:

1. The detailed land use plan has not been prepared and approved by the Central Zoo Authority (CZA). The proposal is general in nature and lists various possible land use for developing leopard park and rescue center referred at para 4 above. Construction of building for animal houses / enclosures, roads etc. referred at para 4 are non-forestry activities because the same is being developed for the purposes of rescue and display of animals. The construction activities should be restricted to minimum and not less than 50% of the project area should be maintained as green area. State government shall take massive plantation work inside the area proposed to be kept as forest.
2. 15% of the project area may be permitted for construction activities for development of Leopard Park and rescue center. The exact area actually under construction activities need to be calculated based on the approved land-use plan and approved by CZA and submitted. The actual area under construction/structure will be taken for the purpose of estimating NPV and compensatory afforestation.
3. CA shall be raised over double the degraded forest land preferably around the proposed leopard park and rescue center.
4. The basic facilities for regulating tourists such as ticketing kiosks, parking, washrooms, souvenir shops, cafeteria etc. may be developed at the entry gate of the forest provided the forest land does not exceed 2.00 hectare.
5. State government shall submit the copy of CZA approval and approved management plan along with the details of the construction area for the estimation of NPV and CA.
6. NPV and CA cost for plantation over double the forest area diverted to be undertaken over degraded forest land will be based on the Leopard Park and Rescue Center approved by CZA and details of compliance should be submitted before final approval.



Agenda No. 5F. No. 8-8/2018-FC

Sub: Diversion of 402.966 ha of forest land for Kusmunda & Laxman Opencast Mining of Coal in favour of SECL in Korba District of Chhattisgarh.

1. The above stated agenda item was placed before FAC on 22.03.2018. FAC observed that the proposal is for *post facto* approval under Forest (Conservation) Act, 1980 for non-forestry use of revenue forest area since 1996.
2. The user agency SECL had applied in 2005 for diversion of 402.966 ha of forest land (FP/CG/MIN/22244/2005). The State Government of Chhattisgarh vide their letter F-5-4/07/10-2 dated **25.04.2007** had earlier submitted the proposal for diversion of 324.84 ha of forest land for Kusmunda & Laxman Opencast Mining of Coal in favour of SECL in Korba District of Chhattisgarh seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980.
3. The proposal was discussed in the different FAC meetings on 28.11.2014 and 30.09.2015.
4. **FAC after detailed deliberations in its meeting held on 30.09.2015 recommended:**
 1. The State Government may furnish Government of Madhya Pradesh's letter dated 12.09.1991 vide which directions were issued stating that in the matters related to the revenue forests land, provisions of the Forest (Conservation) Act, 1980 are not applicable.
 2. The State Government may submit documentary evidences in favour of area broken prior to 25.10.1980, after 25.10.1980 to 12.12.1996.
 3. State Government of Chhattisgarh may examine the issue related to submission of the proposal in two part i.e. proposal for 324.837 ha and proposal for 72.424 ha and submit a report on reason for breaking the proposal in two part. Further, a consolidated proposal for diversion of land after combining the revenue forest land of Kusmunda OCP (185.353 ha) and Laxman OCP (118.879 ha + 72.424 ha land under other miscellaneous non-forestry use) may be submitted afresh by the State Government to obtain clearance from the Central Government in accordance with the Forest (Conservation) Act, 1980.
 4. The State Government may submit a factual report on allocation of forest land by providing Patta in the project area.
 5. The recommendation of the FAC were communicated to the State Government vide this Ministry's letter dated **12.11.2015**. Now, Government of Chhattisgarh vide their letter no. F-5-4/2007/10-2 dated 07.02.2018 has submitted their reply in response of Ministry's letter dated 12.11.2015.
5. Point wise reply is as under:

Observation of MoEF&CC	Reply from the State Government
The State Government may furnish Government of Madhya Pradesh's letter dated 12.09.1991 vide which directions were issued stating that in the matters related to the revenue forests land, provisions of the Forest	In compliance to this observation, the State Government has submitted a copy of Government of Madhya Pradesh's letter dated 12.09.1991 with regard to applicability of Forest (Conservation) Act, 1980 on recorded Revenue Land as Chhota Jhar and Bade Jhar ke Jungle stating any land

(Conservation) Act, 1980 are not applicable.	recorded as forest land irrespective of Ownership attract the Forest (Conservation) Act, 1980 whether the land is being used for in any purpose and the approval of Central Govt. is required for non-forestry use.												
The State Government may submit documentary evidences in favour of area broken prior to 25.10.1980, after 25.10.1980 to 12.12.1996.	In compliance to this observation, the State Government has informed that mining area of Kusumunda OCP before 25.10.1980 is 20.671 ha and after 25.10.1980 to 12.12.1996 is 382.295 ha.												
State Government of Chhattisgarh may examine the issue related to submission of the proposal in two part i.e. proposal for 324.837 ha and proposal for 72.424 ha and submit a report on reason for breaking the proposal in two part. Further, a consolidated proposal for diversion of land after combining the revenue forest land of Kusmunda OCP (185.353 ha) and Laxman OCP (118.879 ha + 72.424 ha land under other miscellaneous non-forestry use) may be submitted afresh by the State Government to obtain clearance from the Central Government in accordance with the Forest (Conservation) Act, 1980.	In compliance to this observation, the State Government has informed that SECL was submitted 3 separate proposals i.e. 324.840 ha, 72.424 ha and 5.702 ha respectively. Out of which proposal of 324.840 ha was forwarded by State Government in MoEF&CC for prior approval. After that a supplementary proposal was prepared for the forest land which was granted to the farmers for patta. Due to this the proposal was submitted in parts. As per direction of FAC, now the three parts proposals consolidated into one proposal i.e. 402.966 ha.												
The State Government may submit a factual report on allocation of forest land by providing Patta in the project area	<p>In compliance to this observation, the State Government has informed that DFO, Kathghora has reported that proposal forest land is Revenue Forest land. Proposed area is not involve any Reserved/Protected forest land. Detail of distribution of Patta is mentioned in the Tahsildaar, kathghora's letter no. K/Tah/Vachak-1/2017/11 dated 09.11.2017. According to the said letter, details of Patta is as under:</p> <table border="1" data-bbox="783 1787 1289 2056"> <thead> <tr> <th>Village</th> <th>Nos of Patta holder</th> <th>Rakba (in Acre)</th> </tr> </thead> <tbody> <tr> <td>Gevra</td> <td>54</td> <td>135.59</td> </tr> <tr> <td>Manganv</td> <td>7</td> <td>15.75</td> </tr> <tr> <td>Total</td> <td>61</td> <td>151.34</td> </tr> </tbody> </table>	Village	Nos of Patta holder	Rakba (in Acre)	Gevra	54	135.59	Manganv	7	15.75	Total	61	151.34
Village	Nos of Patta holder	Rakba (in Acre)											
Gevra	54	135.59											
Manganv	7	15.75											
Total	61	151.34											



6. The brief contained in the proposal of 402.966 ha as reported by the State Govt. is as under:
- i. Fresh proposal for diversion of 402.966 ha of forest land for Kusmunda & Laxman Opencast Mining of Coal in favour of SECL in Korba District of Chhattisgarh. It is reported that coal mining had already done in the pointed area by the SECL.
 - ii. It is reported that the vegetation density of the proposed area is 0.4 ha and area and **there are 22,82, 694 number of trees of mixed vegetation are involved in the proposed area.** The DFO, Kathghora has reported that the no felling of trees is proposed in the area.
 - iii. In their SIR, the DFO, Kathghora has reported that:
 - a. There is no alternative non- forest land is available for the proposed non-forestry purpose.
 - b. the requirement of land is unavoidable and barest minimum for the project.
 - iv. The proposed area does not fall under any Ecological sensitive zone (Biosphere Reserve, Natural Lake/Water Body, ST settlement Religious area) within the 10 km.
 - v. No protected archaeological/ heritage site/defense establishment or any other important monuments is located in the area within 10 kms.
 - vi. NOC from the gram sabhas for this project is submitted.
 - vii. The Compensatory Afforestation has been proposed over 806.252 ha of double the degraded forest land with total financial outlay of @Rs. 6,00,222.00/ha. In Mahasumund forest block.
 - viii. Cost benefit ratio of the project has been calculated as 1:4.81.
 - ix. It is reported that no work of violation of the Forest (Conservation) Act, 1980 has been carried out.
 - x. No protected archaeological/ heritage site/defense establishment or any other important monuments is located in the area.
 - xi. Undertaking for depositing NPV is submitted.
 - xii. The compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 along-with resolution of Gram Sabha has been submitted.
 - xiii. User agency has obtained Environment Clearance vide Ministry's letter no. J/11015/372/2005-IA-II (M) dated 16.02.2006.
 - xiv. With regard to Rehabilitation of oustees, 1134 nos. families displaced due to Kusmunda project and 354 nos. families displaced due to Laxman project.
 - xv. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for 402.965 ha forest land signed by the Collector, Korba has been submitted.
7. The Regional Office, Nagpur had earlier carried out the Site Inspection for an area of 324.84 ha of forest land for Kusmunda & Laxman Opencast Mining of Coal in favour of SECL in Korba District of Chhattisgarh and now the proposal is for diversion of 402.966 ha., therefore Regional Office, Nagpur was requested by this Ministry's letter dated 27th February, 2018 to carry out site inspection.

8. The Regional Office, Nagpur vide their letter no. FC-Ministry-02/RON/2018-NGP dated 19.03.2018 has submitted the site inspection report. The site inspection of the proposal was undertaken on 7.03.2018 in pursuance to directions received from the FC Division of the MoEF&CC, New Delhi vide its letter no. 8-5/2011-Fc (Pt) dated 9.03.2016. The SIR is reproduced below:

- i. **Legal status of the forest land proposed for diversion:** Legal status of the land proposed for diversion is Revenue Forest land. Entire Revenue Forest land is under the possession of the User Agency.
- ii. **Item-wise break-up details of the forest land proposed for diversion.**
The details of existing land use of Kusmunda OCP:

S N.	Particulars	Tenancy land (Ha)	Revenue Forest land (Ha)	Government Land (Ha)				Grand Total (Ha)
				Grazing land	Waste land	Water body	Total	
1	Quarry Area	644.502	54.00	98.408	0.00	14.092	112.50	811.002*
2	Area for Top Soil	3.00	0.00	0.00	0.00	0.00	0.00	3.00
3	External dump	239.00	3.00	80.00	0.00	3.00	83.00	325.00
4	Infrastructure, etc	75.173	59.461	142.00	0.00	8.00	150.00	284.634
5	Roads	5.00	0.00	2.517	0.00	0.00	2.517	7.517
6	Residential Colony	7.00	30.00	0.00	0.00	2.00	2.00	39.00
7	R & R site	19.05	49.00	0.00	0.00	0.95	0.95	69.00
8	Explosive magazine	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	Nala Diversion, if any	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	Safety Zone / Green Belt	29.00	10.50	50.30	0.00	3.00	53.30	92.80
Total Land (in Ha)		1021.725	205.961	373.225	0.00	31.042	404.267	1631.953

*Includes Area to be Excavated, ETP, undisturbed land, etc.

The details of existing land use of Laxman OCP:

S. No.	Name of Village	Mining Lease Area (in ha)			Total
		Revenue Forest Land	Govt. Land	Agricultural/ Tenancy Land	
1.	Gevra	145.395	0.00	149.404	294.799
2.	Mangoan	51.610	0.817	199.976	252.403
3.	Naraibodh	0.00	0.00	8.822	8.822
	Total	197.005	0.817	358.202	556.024

Break up of Revenue Forest Land of Laxman OC Mine (197.005 Ha):

S. No.	Particulars	Area (ha)
1.	Quarry Area	30.59
2.	Area for top soil storage	0
3.	External Dump	3.64
4.	Infrastructure	50.95
5.	Roads	0.2
6.	Residential Colony	88.18
7.	R&R site	0.57
8.	Explosive Magazine	0
9.	Nala Diversion, if any	0
10.	Safety Zone/ Green Belt	22.875
	Total	197.005

- iii. **Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:** Yes. As per detail given above. Residential Colony, Office/Administrative Buildings, schools, hospitals, etc are situated on the Revenue Forest land only. The User Agency has informed that such structure have been constructed prior to 1996 and no new construction in the form of buildings and other similar structure was undertaken by them after 1996.
- iv. **Total cost of the project at present rates:** Initial cost of Kusmunda Project for realizing production of 10 MTPA was estimated at 675.47 crores. Current cost of the project for the enhanced production level to 50 MTPA has been estimated as Rs. 7612.35 crores. Similarly, initial cost of Laxman OC Project for realizing production of 2.5 MTPA was estimated at 50.76 crores.
- v. **Whether forest area proposed for diversion is important from wildlife point of view or not.**
 There are no notified forests land contiguous to the Revenue Forest land proposed for regularization. It was reported that greenery in the area was developed by the User Agency by undertaking plantation over a period of almost 30 years. No wildlife belonging to category of Schedule-I and Schedule-II of the Wildlife Protection) Act, 1972 have been reported in the area. Major wildlife inhabiting in the plantation area created by the User Agency in their lease area included, wild boar, cats, snakes, hare, common mangoose, etc.
 Further, as per the detail provided in the proposal, the DFO, Forest Division, Katghora has certified that area proposed for diversion does not form part of National Park, Wildlife Sanctuary, Elephant Corridors and no PAs are located within a distance of 10 km from the boundary of area proposed for diversion. Nearest PA is Achanakmar Tiger Reserve which is located at a distance of approximately 110 Kms from the lease area of the User Agency.
- vi. **Vegetation:** The User Agency has considerably created green areas in their premises by undertaking plantation of indigenous as well exotic species. Plantations in the residential colony, office premises, dump area, road sides etc have been planted by the User Agency. Important species found in the area, as observed during the inspection include Dalbergia sisso, magifera indica, Bombax ceiba, Ficus religiosa, Syzizium cumini, Tamrindus indica, Butea monosperma, Terminalia arjuna, Acacia arabica, Azadirachta indica, *Eucalyptus pp*, *Acacia leucocephala*, *Tectona grandis*, *Moringa oliefera*, *Terminalia alata*, etc.
- vii. **Total number of trees to be felled.** No tree felling is involved in the project. It was reported that proposal being a regularization proposal does not involve felling of trees. All trees planted by the User Agency shall be kept intact by the User Agency.
- viii. **Effect of removal of trees on the general ecosystem in the area:** It may also be mentioned that the User Agency that PP has been undertaking plantation of native as well exotic species on dumps, plain areas, avenue plantation through Chhattisgarh Rajya Van

Vikas Nigam (CGRVVN). Till date the PP has planted 22.82 lakhs plants. However, enumeration of trees, so far, planted by the User Agency was not done by the User Agency/State Forest Department. The representative of the Forest Department informed during the inspection, since no tree felling is involved in the proposal, enumeration of trees was not carried by the State Forest Department. However, as per DSS analysis, the density of plantation in the premises of the UA was observed to be 0.4 or more. Further, with a view to monitor the claim of the User Agency to have planted 22.22 lakh trees and also in accordance with the provision of the Rule and Guidelines issued under the Forest (Conservation) Act, 1980, the enumeration of trees should be done by the State Forest Department.

ix. Background note on the proposal.

The mining lease areas of Kusmunda and Laxman OC were acquired under the Coal Bearing Areas (Acquisition and Development) Act, 1957 in the year 1960, 1978 and 1981. Total area acquired under the aforementioned Act was 2187.977 ha comprising of 1631.593 ha acquired for Kusmunda OC and 556.024 ha for Laxman OC. Aforementioned leases are perpetual leases as per the provisions contained in the CBA. Mining operations of Kusmunda OC were started w.e.f. January, 1979 while mining in Laxman OC mining operations were commenced from May, 1988. Currently mining operations are being continued in the Kusmunda OC while in Laxman OC mining operations were stopped since 2013 as the Laxman OC was planned to mine out upper seam only with 57 Million tones of reserve. Subsequently, entire area of Laxman OC was transferred to Gevra OC and Kusmunda OC. An area of 358.0 ha of Laxman OC now stands transferred to the Gevra OC project to mine out lower Laxman Seam. Remaining area of Laxman OC is transferred to the Kusmunda Project.

Further, total mineable reserves in Kusmunda OC have been estimated to be 887.726 MTPA (as on 1.04.2017). Additional coal reserves of approximately 500 MT are to be added in the future after diversion of Right Bank Canal for which feasibility study is being done Central Water Commission, thereby making total mineable reserves to be 1387.726 MT. Mine operations at the annual production capacity of 50 MTPA may be sustained for a period of another 20 years with the existing proven reserve. Currently, peak production capacity of 26.0 MTPA is being realized by the User Agency from the Kusmunda OC. Further, coal extracted from Laxman OC from 1988-89 to 31.03.2013 was 57.022 MT. Balance reserves of Lower Kusmunda Seam (LK Seam) are to the tune of 120 MT which will be extracted by Gevra OC in due course.

x. Compensatory afforestation:-

Compensatory afforestation has been proposed over degraded forest land, double in extent to the forest land being diverted, in Mahasumund Forest Division and Janjgir-Champa Forest Divisions. As per the certificates of the DFO, Mahasumund Division and DFO, Janjgir Champa Forest Division, the land identified for raising CA is suitable for plantation. Detail could not be verified as the land for CA has been identified in approximately 17 sites. However, examination of the CA sites over DSS revealed that many patches of CA have been identified in moderately dense and dense forests, which may not be fit for taking up plantation @ 1000 tree per ha. Plantation of surplus tree needs to be undertaken on the other degraded forest land in accordance with the MoEF&CC's Guidelines dated 8.11.2017. No encroachment was observed in the degraded forest land identified for raising CA. However, at certain sites viz. Katra and Pakaria in Janjgir Champa Forest Division, plantation activities were observed to be undertaken in the sites. Similarly, plantation activities were observed in the compartment no. 281 of Pithora range and Saraipalli Range of Mahasumund Forest Division.

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No information has been provided in the proposal. However, representative from the Forest Department has informed that CA land is not important from the religious/archaeological view point.

Land for compensatory afforestation has been identified over an area of 805.0 ha in 10 sites in Mahasumund Forest Division and 7 sites in Janjgir Champa Forest Division. Detail is given as under:

S.N.	Range	Compartment No	CA Area (Ha)	Area reported suitable for CA (Ha)
Details of CA Land of Mahasamund Forest Division				
1	Pithora	281	80.00	80.000
2		271	100.000	44.429
3		268	150.000	110.343
4		270	100.000	NIL
5		289	50.000	38.973
6		307	70.000	70.000
7		267	100.000	59.489
8		274	74.848	74.848
9	Basna	300	70.000	49.465
10	Saraipali	494	11.404	11.404
		Sub Total	806.252	538.951
Details of CA Land of Janjgir- Champa Forest Division				
1	Baloda	153 OA	15.051	15.051
2		147 OA	19.442	19.442
3		74	42.389	42.389
4		131	35.956	35.956
5		65	41.504	41.504
6		55	85.204	85.204
7		54	61.672	61.672
		Sub Total	301.218	301.218
		Total		840.169

Total financial outlay of CA is estimated to be Rs. 48,47,96,811.00

- xi. No violations of the Forest (Conservation) Act, 1980 have been reported by the various authorities in the State Forest Department and State Government. However, the State Government in view of the fact that the User Agency has used the Revenue Forest land for non-forestry purposes before 12.12.1996, adverted that the provisions of the Forest (Conservation) Act, 1980 were not applicable in the area before 12.12.1996. The State Government has further advocated that judgment of Hon'ble Supreme Court of India in the matter of T. N. Godavaraman Thirumalpad vs. Union of India was enacted on 12.12.1996 and hence none of the officers of the SECL is responsible for violation as the alleged activities had taken place before 12.12.1996. Further, the State Government has also adverted to the Government of Madhya Pradesh's letter dated 12.09.1991 vide which clarification was issued stating that in the matters related to the revenue forests land, provisions of the Forest (Conservation) Act, 1980 are not applicable.

It was also informed that during the year 1974-1975, pattas were distributed on the Revenue Forest land by the State Government in the lease area of the User Agency. However, land accorded under patta was subsequently acquired by the User Agency under the CBA. Detail of pattas is given as under:

S. No.	Gram	No. of Pattas	Area in (Ha)
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		granted	
1.	Gevra	54	135.59
2.	Mangaon	7	15.75
	Total	61	151.34

- xii. The detail of forest area broken prior to 12.12.1996 and after 12.12.1996, as made available by the State Government is given as under:

S. No	Area broken by the User Agency over the Time Line	Proposal no. BLS/KOR/KTG/MJM/2005/007 (324.840 ha)	Proposal no. BLS/KOR/KTG/MJM/2005/008 (72.424 Ha)	Proposal no. BLS/KTG/MJM/2006/17 (5.702 Ha)	Composite Proposal FP/CG/MIN /22244/2005 (402.966 Ha)
1	Before 25.10.80	20.671	00.000	00.000	20.671
2	Between 25.10.80 to 12.12.96	304.169	72.424	5.702	382.295
3	After 12.12.96	00.000	00.000	00.000	00.000
	Total	324.840	72.424	5.702	402.966

Detail of structure constructed by the User Agency in the Revenue Forest land from 1980 onwards and before 12.12.1996 as made available by the User Agency. Further, since the User Agency is continuously enjoying the possession of land after 12.12.1996 without obtaining the prior approval of the Central Government, a view may be taken at the MoEF&CC level whether possession of land by the User Agency after 12.12.1996 amounts to the violation of the Forest (Conservation) Act, 1980 in accordance with the provisions of the recent guidelines dated 29.01.2018.

- xiii. Current proposal of regularization involved rehabilitation and PAPs have already been rehabilitated by the PP. It was informed that a total of 1488 families, comprised of 1134 families in Kusmunda OC and 354 families in Laxman OC were rehabilitated by the User Agency in the past. The representative of the User Agency have informed that rehabilitation in the past was undertaken over Government Revenue land and no forest/revenue forest land was used for rehabilitation.

It is also to mention that during the expansion of the project for 50 MT another 10 villages will be rehabilitated. The UA informed that rehabilitation of the villages is a continuous process and will be undertaken in accordance with the State R&R Policy. The PP has informed that an area of approximately 200 ha will be used for the rehabilitation of 100 villages. The State Government has been requested to allot 200 ha of land for the rehabilitation. No forest land/revenue forest has been proposed for rehabilitation.

- xiv. **Reclamation Plan:**

The representatives of the User Agency have informed that reclamation of the mined out area will be undertaken as per the approved Progressive Mine closure Plan. A copy of the same, along with the approved Mine Plan, has been submitted along with the proposal. As per detail made available by the User Agency, so far, the User Agency has reclaimed 433.942 ha biologically while an area of 564.182 ha has been reclaimed technically. Details of area excavated so far and area reclaimed, as per detail made available by the User Agency, is given as under:

Status of technical and biological reclamation of Kusmunda OC as on 31.12.2017:

Particulars of Lease Area	Approved EMP Capacity (MTY)	C	26.00 MTY
	Total area of the lease (ha)		1449.864
	Total Quarriable area of the project as per approved EMP (ha)		1600.00
	Void to be left at the closure of the project as per EMP (ha)		355.00
	Total Area excavated (ha)		635.484
Internal Dump/backfilled area details (in ha)	Total Quarriable area of the project as per approved EMP (ha)	D	1600.00
	Void to be left at the closure of the project as per EMP (ha)	E	355.00
	Total Area excavated (ha)	F	635.484
	Prorata area not required to be backfilled	$G = (E * F) / D$	140.998
	Total Area Technically Reclaimed/Backfilled	H	275.080
	Balance area to be technically reclaimed/backfilled	$I = F - G - H$	219.406
	Area already biologically reclaimed	J	165.00
	Balance area to be biologically reclaimed	$K = F - G - J$	329.486
External Dump details (in ha)	Total area of External dump	L	196.242
	Area of ext. dump technically reclaimed	M	196.242
	Balance area of ext. dump to be technically reclaimed	$N = L - M$	0.00
	Area already Biologically reclaimed	O	196.242
	Balance area to be biologically reclaimed	$P = L - O$	0.00
Total Reclaimed area (in ha)	Total tech. reclaimed area	$H + M$	471.322
	Total Biologically reclaimed area	$J + O$	361.242

Status of technical and biological reclamation details of Laxman OC as on 31.03.2013

Particulars of Lease Area	Approved EMP Capacity (MTY)	C	3.00 MTY
	Total area of the lease (ha)		357.741
	Total Quarriable area of the project as per approved EMP (ha)		87.45
	Void to be left at the closure of the project as per EMP (ha)		0.00
	Total Area excavated (ha)		81.00
Internal Dump/backfilled area details (in ha)	Total Quarriable area of the project as per approved EMP (ha)	D	87.45
	Void to be left at the closure of the project as per EMP (ha)	E	0.00
	Total Area excavated (ha)	F	81.00
	Prorata area not required to be backfilled	$G = (E * F) / D$	0.00
	Total Area Technically Reclaimed/Backfilled	H	38.13
	Balance area to be technically	$I = F - G -$	42.87

	reclaimed/backfilled	H	
	Area already biologically reclaimed	J	36.35
	Balance area to be biologically reclaimed	K = F- G-J	44.65
External Dump details (in ha)	Total area of External dump	L	57.05
	Area of ext. dump technically reclaimed	M	54.73
	Balance area of ext. dump to be technically reclaimed	N =L- M	2.32
	Area already Biologically reclaimed	O	36.35
	Balance area to be biologically reclaimed	P = L-O	20.70
Total Reclaimed area (in ha)	Total tech. reclaimed area	H+M	92.86
	Total Biologically reclaimed area	J+O	72.70

*Note- Production Laxman OC Mine has been stopped by Kusmunda Area since 31.03.2013.

- xv. **Catchment area treatment plan to prevent siltation of reservoir:** It is observed that User Agency has 4 major mines in the area viz. Dipka, Gevra, Kusmunda and Manikpur, currently, operational in the area in addition to underground mines operationed by the SECL in the area. All these mining lease of the User Agency falls in the catchment area of Hasdeo River. Combined production from all these mining leases of the User Agency is highest in the CIL and also in the country. Therefore, given the fact that entire 4 mining lease of the User Agency spread over an area of 9,504 sq km in the catchment area of Hasdeo river- a tributary of Mahanadi river, a catchment area treatment plan in the upstream and downstream should be implemented at the cost of User Agency with a view to arrest silt and augment infiltration of rainwater and also to improve the perennial water regime in the region.
- xvi. **Cost benefit ratio.** 1:9.02
- xvii. **Recommendations of the Principal Conservator of Forests/State Government.**
The Principal Chief Conservator of Forest, Government of Chhattisgarh has recommended the proposal with following conditions:
1. The User Agency shall ensure that construction of residential accommodation for workers will be undertaken separately on non-forest land to avoid pressure on forest land for temporary construction;
 2. The staff working in the mine should be provided cooking gas through pipeline to avoid pressure on forests for fuelwood;
 3. A Monitoring Committee with DCF as one of its member, should be constituted to monitor the compliance of various conditions stipulated by the Government of India and implementation of reclamation plan; and
 4. Safety zone shall be fenced with coiled barbed wire fencing of 6 feet high for the protection of forests
- xviii. **Situation w.r.t. any P.A:** As per the detail provided in the proposal, the DFO, Forest Division, Katghora has certified that area proposed for diversion does not form part of National Park, Wildlife Sanctuary, Elephant Corridors and no PAs are located within a distance of 10 km from the boundary of area proposed for diversion. Nearest PA is Achanakmar Tiger Reserve which is located at a distance of approximately 110 Kms from the lease area of the User Agency.
- xix. **Any other information relating to the project.**
- a. Compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted along with the proposal.
 - b. Expansion project for the 50 MT is under physical possession of the UA. In future on the way to achieve production level of 50 MT, a total area of 3510 ha, including

existing area of 1631.953 ha, will be used for mining by the User Agency. Additional area of 1878.047 ha will be acquired by the User Agency in different phases. Further, acquisition of the area by the User Agency during their expansion project will also revenue forest land of approximately 40.0 ha. The representative of the User Agency have informed that since the acquisition process has not been completed yet, exact area of Revenue Forest land has not been demarcated for sar. Once notification under Section 7 of the Land Acquisition Act is issued, the detailed survey will be undertaken to assess the exact Revenue Forest land and thereafter proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 shall be submitted.

- c. Several of CA lands have been identified in moderately dense and dense forests, which may not be fit for taking up plantation @ 1000 tree per ha. Plantation of surplus tree needs to be undertaken on the other degraded forest land in accordance with the MoEF&CC's Guidelines dated 8.11.2017. Further, at certain sites viz. Katra and Pakaria in Janjgir Champa Forest Division, plantation activities were observed to be undertaken in the sites. Similarly, plantation activities were observed in the compartment no. 281 of Pithora range and Saraipalli Range of Mahasumund Forest Division
- d. Tree enumeration of the area proposed for diversion should be taken up by the State Forest Department in accordance with the relevant provisions of the Guidelines and Rules issued under the Forest (Conservation) Act, 1980.
- e. At present there are 13 external dumps over an area of 352 ha out of which only 196.242 ha has been used by the PP and no additional area is required for the OB dumping as the PP has been taking up internal dumping now. All external OB dumps have been reclaimed technically and biologically. Selected OB dumps inspected during the visits were observed with fairly good vegetation cover. Revenue forest land of 3.0 ha is also involves in one external dump. The PP has informed that no re-handling of the dump involving revenue forest land is proposed. Re-handling of the dump, located near the CHP, is being done by the PP to accommodate the infrastructure facilities required for the expansion project.
- f. A Right Bank Canal of irrigation Department is flowing through the mining lease of the UA along the eastern boundary of the lease. Proposal for shifting the canal along 7 KM is under way. The PP has informed that shifting of the canal will add another 500 MT reserve to the mining lease. No forest land/Revenue Forest land has been reported to be involved in the canal and its proposed shifting by the User Agency.
- g. Safety zone along the lease boundary, as per the then guidelines in force, was not observed to be maintained earlier by the User Agency. However, it was observed during the inspection that now the User Agency has demarcated the area of safety zone by erecting concrete pillars with barbed wire fencing. No plantation activities in the demarcated safety zone have been observed to undertaken so far. It was informed by the User Agency that necessary funds to raise plantation in the safety zone have been provided to the Chhattisgarh Forest Development Corporation and plantation in the Safety Zone will be undertaken in the coming Monsoon season.
- h. In view of the fact that surrounding area of the mining lease of the User Agency has ample scope of plantation, the user agency should undertake comprehensive greening in the surrounding villages.
- i. Mined out forest area already reclaimed by the User Agency, should be handed over back to the State Forest Department with a view to bring it under the ambit of core forestry management.
- j. The UA should prepare a land surrender schedule for surrender of the mined out and biologically reclaimed forest land in accordance with the existing mine plan irrespective of progressive mine closure plan and submit an surrender schedule and an undertaking that mined out and biologically reclaimed forest land will be surrendered

to the State Forest Department as per this schedule. No further change in the schedule for surrendering of forest land should be allowed.

- k. Given the fact that mining lease, both UG and OC, of the User Agency area of 9,504 sq km in the catchment area of Hasdeo river- a tributary of Mahanadi river, a catchment area treatment plan in the upstream and downstream should be implemented at the cost of User Agency to arrest silt and augment in-filtration of rainwater and to improve the perennial water regime in the region.
- l. No forest land should be used for undertaking the diversion of district road, bifurcating the Revenue forest land proposed to divert by the User Agency. While undertaking diversion of the said road, the User Agency should select such alignment ensuring that accessibility/connectivity is maintained at the ease of the local residents.
- m. It is gathered during the inspection that measures for protection, conservation and development of wildlife in the area are being taken by the SECL. However, impact of such measures on the development of wildlife has not been quantified so far, therefore, a study should be undertaken at the project cost to assess the impact of intervention undertaken by the SECL, in consultation with the State Forest Department, for the protection, conservation and development of wildlife in the area. Based on the outcome of such study, the measures for protection, conservation and development of the wildlife, if needed may further be strengthened at the project cost.
- xx. **Observation of the inspecting Officer:** Major observations made during the inspection are given as under:
 - a. Safety zone along the lease boundary, shall be implemented by the User Agency in accordance with the guidelines issued by the MoEF&CC in this regard, shall be implemented by the User Agency;
 - b. Encroachment from the lease area of the User Agency should be evicted and in case eligible claimants are found in the area proposed for diversion, they should be rehabilitated as per the R&R policy of the State Government of Chhattisgarh in consonance with the National R&R policy.
 - c. Tree enumeration of the area proposed for diversion should be taken up by the State Forest Department in accordance with the relevant provisions of the Guidelines and Rules issued under the Forest (Conservation) Act, 1980.
 - d. The user agency should undertake comprehensive greening in the villages located in the surrounding of their lease area.
 - e. Mined out forest area already reclaimed by the User Agency, should be handed over back to the State Forest Department with a view to bring it under the ambit of core forestry management.
 - f. The UA should prepare a land surrender schedule for surrender of the mined out and biologically reclaimed forest land in accordance with the existing mine plan irrespective of progressive mine closure plan and submit an surrender schedule and an undertaking that mined out and biologically reclaimed forest land will be surrendered to the State Forest Department as per this schedule. No further change in the schedule for surrendering of forest land should be allowed.
 - g. With a view to enrich the water regime in the area, a comprehensive Catchment Area Treatment Plan in the area to arrest flow of silt in the Hasdeo River and to improve water regime should be implemented at the project cost should be implemented.
 - h. A study should be undertaken at the project cost to assess the impact of intervention undertaken by the SECL, in consultation with the State Forest Department, for the protection, conservation and development of wildlife in the area. Based on the outcome of such study, the measures for protection, conservation and development of the wildlife, if needed may further be strengthened at the project cost.

- i. No forest land/Revenue Forest land should be used for rehabilitation and diversion of Right Bank Canal of Irrigation Department during the course for future mining expansion programme of the User Agency.
- xxi. **Recommendations of the Regional office Nagpur:** Proposal of M/s SECL is for regularization of the Revenue Forest land of 402.966 ha involved in the Kusmunda OC. Detailed observations on the proposal have already been made in the inspection report. The User Agency is continuously enjoying the possession of land after 12.12.1996 without obtaining the prior approval of the Central Government, a view may be taken at the MoEF&CC level whether possession of land by the User Agency after 12.12.1996 amounts to the violation of the Forest (Conservation) Act, 1980. Given the fact that proposal is for regularization of the Revenue Forest land which is already put under non-forestry use by the User Agency before 12.12.1996, the proposal is recommended for diversion subject to fulfilment of following conditions:
- a. Safety zone along the lease boundary, shall be implemented by the User Agency in accordance with the guidelines issued by the MoEF&CC in this regard, shall be implemented by the User Agency;
 - b. Encroachment from the lease area of the User Agency should be evicted and in case eligible claimants are found in the area proposed for diversion, they should be rehabilitated as per the R&R policy of the State Government of Chhattisgarh in consonance with the National R&R policy.
 - c. Tree enumeration of the area proposed for diversion should be taken up by the State Forest Department in accordance with the relevant provisions of the Guidelines and Rules issued under the Forest (Conservation) Act, 1980.
 - d. The user agency should undertake comprehensive greening in the villages located in the surrounding of their lease area.
 - e. Mined out forest area already reclaimed by the User Agency, should be handed over back to the State Forest Department with a view to bring it under the ambit of core forestry management.
 - f. The UA should prepare a land surrender schedule for surrender of the mined out and biologically reclaimed forest land in accordance with the existing mine plan irrespective of progressive mine closure plan and submit an surrender schedule and an undertaking that mined out and biologically reclaimed forest land will be surrendered to the State Forest Department as per this schedule. No further change in the schedule for surrendering of forest land should be allowed.
 - g. With a view to enrich the water regime in the area, a comprehensive Catchment Area Treatment Plan in the area to arrest flow of silt in the Hasdeo River and to improve water regime should be implemented at the project cost should be implemented.
 - h. A study should be undertaken at the project cost to assess the impact of intervention undertaken by the SECL, in consultation with the State Forest Department, for the protection, conservation and development of wildlife in the area. Based on the outcome of such study, the measures for protection, conservation and development of the wildlife, if needed may further be strengthened at the project cost.

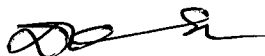
The EIA report submitted by SECL for EC for increased production to 50 MTPA was also examined. The followings were observed:

1. The present proposal is for Kusmunda Opencast Expansion Project. For the purpose of bridging the gap between demand and supply of indigenous coal, Kusmunda Opencast was identified as one of the project in the Emergency Coal Production Plan of CIL to augment production from a level of 10 MTPA to 15 MTPA. Accordingly,

Project Report for Kusmunda OC Expansion (10 to 15 MTPA) was formulated and approved with mine boundary extending further in the dip side. Expansion of this project has been planned to a targeted capacity of 50 MTPA. The additional production has been linked to various Thermal Power Stations.

2. Kusmunda Opencast is an existing project, hence most of residential buildings, service buildings, roads and culverts etc. are already existing. However, keeping in view, expansion of its existing capacity upto 50 MTPA, additional capital provision for service buildings, residential buildings, roads and culverts etc. have been made.
3. Kusmunda OC Expansion Project , a part of Eastern Sector of Jatraj, Resdi and Sonpuri Blocks, is located in the south-central part of Korba Coalfield in Korba district of Chhattisgarh. These blocks cover an area of 16.03 sq. km. and are bounded by latitudes 22°15'18" to 22°21'30" North and longitudes 82°38'39" to 82°42' 08" East and included in Survey of India Toposheet No. 64J/11.
4. Kusmunda OC is an ongoing project and the mine has been accorded with the environment clearance by MoEF:
 1. Vide no. J-11015 / 37 / 84-IA, Dated 10-07-1986 for a capacity 6.0 MTPA.
 2. Vide no. J-11015 / 372 / 2005-IA-II (M), Dated 16-02-2006 for 10.0MTPA.
 3. Vide no. J-11015/1205/2007-1A-II(M), Dated 3rd June 2009 15.0 MTPA. (increase in area from existing 1673.62 ha to 2536.656 ha)
 4. Vide no. J-11015/374/2013-1A.II (M), Dated 19th February 2014 for 18.75 MTPA.(total Project area 2301.167 ha (2536.656 ha - 235.489 ha of forest land = 2301.167 ha);
 5. Vide no. J-11015/176/2014-IA.II (M) Dated 3rd February 2016 for 26.0 MTPA (project area 1449.864 ha (1655.825 ha -205.961 ha of forest land = 1449.864 ha)
5. The project area acquisition increased with the above expansions. An area measuring 1621.953 Ha of land acquired for the Kusmunda OCP (6 MTPA), 10 Ha of land has been acquired for Kusmunda OC Expansion (6-10 MTPA), 750.813 Ha of land that has been acquired as per section 9 (i) of CBA Act (A&D) 1957 in Kusmunda OC (15 MTPA). The process is going on for acquisition of additional 1127.582 Ha land area for 50 MTPA Kusmunda OC Expansion Project. (total 3510.348 ha)
6. EC has already been given vide no. J-11015/374/2013-1A.II (M), Dated 19th February 2014 measuring to 1655.825 Ha. The project area was limited to 1655.825 Ha as it did not involve fresh forest land. The land use details for the project area without fresh forest land is provided below:

FOREST LAND:	205.961 Ha
GOVT. LAND:	404.267 Ha
AGRI./TENANCY LAND :	1045.597 Ha
TOTAL:	1655.825 Ha
7. The aforementioned forest land is revenue forest land (Chote jhar ka jangal/ Bade jhar ka jangal) in nature and has been broken in part since year 1978. It is evident that the forest land involved in the Kushmunda Expansion OC was **235.489 ha** which was worked since 1978 and the breaking continued as the capacity increased upto 18.75 MTPA. It is important to note that before the Lafarge judgement in 2011, the EC was granted independently without FC clearance by the SECL. But after 2011, the EC was



granted for lesser area deducting the forest land because the FC was not obtained. The SECL was required to obtain FC also. But SECL conveniently ignored the fact that mining in the project area involving forest land without forest clearance under section 2(ii) of FC Act is constitutes violation and the custodian of the land (SECL) is liable to be acted upon under section 3A/3B of FC Act.

8. Now the SECL has applied for further expansion and post 2011 the EC cannot be granted without in principle approval of the central government for diversion the forest land in the project area.
9. In case of proposal without fresh forest land, total 1655.825 ha is involved in the Kushmunda Extension OCP with already diverted 205.961 ha of revenue forest. In case of proposal with fresh forest land, 1854.523 Ha of additional land will be involved in Kusmunda OC Expansion (50 MTPA). As per field measurements, the project envisages 3510.326 Ha of land for quarry, industrial and residential complex, safety zone and external dumps etc. The basic pre-mining land use of the area for Kusmunda OC Expansion Project (50 MTPA) with fresh forest land is as under-

TENANCY LAND: 2532.365 Ha
GOVERNMENT LAND: 601.061 Ha
FOREST LAND: 376.922 Ha
TOTAL: 3510.348 Ha

10. Proposed Post- Mining Land Use will be as under:

Sl.No.	Activities	Forest land(Ha)	Govt. land(Ha)	Agriculture land(Ha)	Total Area(Ha)
1	Void/ Water body	3.450	39.700	311.850	355.000
2	Reclaimed internal OB dump	80.740	101.510	1062.750	1245.000
3	Safety zone	27.230	16.130	122.640	166.000
4	Rehabilitation	49.000	17.950	63.050	130.000
5	Colony	30.000	2.250	8.000	40.250
6	External dump	3.000	83.000	239.000	325.000
7	Infrastructures	59.460	158.390	82.150	300.000
8	Service road	1.520	2.880	5.500	10.000
9	Others	122.422	179.251	637.425	939.098
	Total	376.922	601.061	2532.365	3510.348

11. As per the State Government report the forest area broken during 1979 to 25th October 1980 was 20 ha and rest of the area was broken afterwards without approval under section 2(ii) of FC Act.
12. In the Kushmunda extension OC project for increasing the capacity to 50 MTPA involves total 3510.348 ha involving forest land of 376.981 ha of forest land (205.961

ha of kushmunda OCP and 118.879 ha of laxman OCP). The State Government has informed that SECL was submitted 3 separate proposals i.e. 324.840 ha, 72.424 ha and 5.702 ha respectively. Out of which proposal of 324.840 ha (205.961 ha of Kushmunda OCP + 118.879 ha of Laxman OCP) was forwarded by State Government in MoEF&CC for prior approval. After that a supplementary proposal was prepared for the forest land which was granted to the farmers for patta. Due to this the proposal was submitted in parts. As per direction of FAC, now the three parts proposals consolidated into one proposal i.e. 402.966 ha. It has been reported by the State Government that the entire 402.996 ha revenue forest land has already been under non forestry use for Kushmunda OCP and Laxman OCP under SECL without approval under section 2(ii) of Forest Conservation Act.

13. As per the section 8 of MMDR Act 1957, the mining lease period shall be for 30 years and can be extended for another period of 20 years in case of mineral referred in part A and B of schedule 1 of the MMDR Act. Consequently the broken area of 20 ha could be mined upto 2008 after completing 30 years and remaining forest land broken after 25th October 1980 without FC amounts to violation of provisions of FC Act committed by the management of SECL. The forest land involved in the Kushmunda Expansion OC project with objective of increasing production capacity upto 50 MTPA over project area of 3510.348 ha involving 402.996 ha of revenue forest. The State government has forwarded the proposal submitted by SECL for post facto approval under section 2(ii) of FC Act.

Recommendation of FAC:

After detailed deliberation and discussion with the representatives of the SECL the FAC recommends post facto in principle approval under section 2(ii) of FC Act for diversion of 402.996 ha of revenue forest land for the Kushmunda Extension OCP consisting of Kushmunda OCP and Laxman OCP (205.961 ha of Kushmunda OCP + 197.035ha of Laxman OCP) with standard and following specific conditions. The in-principle approval will be effective from the date the NPV for entire 402.996 ha is deposited by SECL

1. Since the SECL has wilfully violated the provisions of Forest Conservation Act and though obtained the environment clearance (EC) but continued mining without the FC under section 2(ii) of FC Act. Therefore, strict action under section 3A/3B of FC Act against the in-charge of the Kushmunda OCP should be initiated by Regional office Nagpur
2. Penalty should be imposed, as per guideline no 11-42/2017-FC dated 29.01.2018, on SECL for unauthorised diversion of forest land without prior approval.
3. The NPV for the entire 402.996 ha of forest land shall be deposited.
4. Compensatory afforestation shall be done on degraded forest land on double the forest land diverted and at least 1000 plants per ha will be planted ($402.996 \times 1000 = 402996$ plants) on the identified CA land with 10 years maintenance. The cost of CA will be revised, if required, and the CA cost will be deposited in the Compensatory afforestation Fund managed by adhoc CAMPA.
5. Penal CA will be done on degraded forest land on equal the forest land diverted illegally and at least 1000 plants per ha will be planted ($402.996 \times 1000 = 402996$ plants) on the identified penal CA land with 10 years maintenance. The cost of penal CA will be revised, if required, and the penal CA cost will be deposited in the Compensatory afforestation Fund managed by adhoc CAMPA.
6. 25% cost of the penal CA and CA cost will be deposited in addition to CA and penal CA for soil and moisture conservation works on the CA and penal CA sites.

7. The user agency should undertake comprehensive greening in the villages located in the surrounding of their lease area.
8. Mined out forest area already reclaimed by the User Agency, should be handed over back to the State Forest Department with a view to bring it under the ambit of core forestry management prior to stage II approval.
9. The UA should prepare a land surrender schedule for surrender of the mined out and biologically reclaimed forest land in accordance with the existing mine plan irrespective of progressive mine closure plan and submit a surrender schedule and an undertaking that mined out and biologically reclaimed forest land will be surrendered to the State Forest Department as per this schedule.
10. Since the reclaimed forest land is revenue forest, the state government should notify the area as protected forest under Indian Forest Act or State Forest Act/rules. No further change in the schedule for surrendering of forest land should be allowed.
11. With a view to enrich the water regime in the area, a comprehensive Catchment Area Treatment Plan in the area to arrest flow of silt in the Hasdeo River and to improve water regime should be implemented at the project cost. The plan along with detail financial outlay, duly approved by competent authority shall be submitted prior to stage II approval.
12. A study should be undertaken at the project cost to assess the impact of intervention undertaken by the SECL, in consultation with the State Forest Department, for the protection, conservation and development of wildlife in the area. Based on the outcome of such study, the measures for protection, conservation and development of the wildlife, if needed may further be strengthened at the project cost.
13. No forest land/Revenue Forest land should be used for rehabilitation and diversion of Right Bank Canal of Irrigation Department during the course for future mining expansion programme of the User Agency. The User Agency shall ensure that construction of residential accommodation for workers will be undertaken separately on non-forest land to avoid pressure on forest land for temporary construction;
14. The staff working in the mine should be provided cooking gas through pipeline to avoid pressure on forests for fuelwood;
15. A Monitoring Committee with DCF as one of its member, should be constituted to monitor the compliance of various conditions stipulated by the Government of India and implementation of reclamation plan; and
16. Safety zone shall be fenced with coiled barbed wire fencing of 6 feet high for the protection of forests
17. User agency shall submit approved R&R plan

Agenda No. 6

F. No. 5-3/2007-FC

Sub: Guidelines for stipulating the norms for Survey and Investigation (Prospecting of ores) on forest land- regarding.

1. This Ministry received representations from the Ministries of Mines, Coal and Petroleum and Natural Gas to relax the existing guidelines to exempt drilling of 15 – 20 bore-holes per sq. km in forest area for prospecting of minerals from the requirement of obtaining prior approval of the Central government under the Forest



(Conservation) Act, 1980.

2. The proposal under consideration of FAC is for increasing the density of bore holes per hectare for the purpose of exploration of minerals under Forest Conservation Act. The matter was considered in the last FAC meeting dated 23.2.2018 also. FAC after thorough deliberation with representatives of Ministry of coal, observed that the exploratory drilling for prospecting of mineral ore over an area of about 10 m x 10 m per drilling site is a non-forestry activity and drilling of 20 such drilling will certainly affect the forest and wildlife. For this purpose Ministry of Coal will submit a proposal for consideration and the same shall be examined in the next FAC meeting for consideration.
3. Vide guideline **dated 19.08.2010** the Ministry had replaced the existing provision given under 1.3 (v) *under Investigation and Survey* of the Handbook of Forest (Conservation) Act, 1980 - Guidelines and Clarifications (up to June 2004) guidelines with the provision given below:
4. As per existing provision given under 1.3 under Investigation and Survey of the Handbook of Forest (Conservation) Act, 1980 - Guidelines and Clarification (up to June 2004), it is mentioned that:

1.3 Investigation and Survey. –

- (i) Investigations and surveys carried out in connection with development projects such as transmission lines, hydro-electric projects, seismic surveys, exploration for oil drilling, mining etc. will not attract the provisions of the Act as long as these surveys do not involve any clearing of forest or cutting of trees, and operations are restricted to clearing of bushes and lopping of tree branches for purpose of sighting.
- (ii) If, however, investigations and surveys involve clearing of forest area of felling of trees, prior permission of the Central Government is mandatory.
- (iii) Notwithstanding the above, survey, investigation and exploration shall not be carried out in wildlife sanctuaries, national parks and sample plots demarcated by the Forest Department without obtaining the prior approval of the Central Government, whether or not felling of trees is involved.

Clarification:

The Supreme Court has passed several orders regarding taking up of non-forestry activities in the National Parks/Sanctuaries.

In view of this, the State Governments should not submit any proposal for diversion of forest land in National Parks and Sanctuaries without seeking prior permission of the Indian Board for Wildlife (Now National Board of Wildlife) and Supreme Court.

(iv) The work of actual construction would however, fully attract the provisions of the Act and prior clearance of the Central Government must be obtained even if such work does not require felling of trees.

(v) Prospecting of any Mineral, done under prospecting license granted under MMRD Act, which requires collection/removal of samples from the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under Forest (Conservation) Act, 1980 would be required. However, in case of coal, lignite and metallic ores - test drilling up to 20 boreholes of maximum 8" dia per 10 sq km and in case of non-metallic ores excluding coal & lignite - test drilling up to 16 boreholes of maximum 6.6" dia per 10 sq km for prospecting exploration or reconnaissance operations, without felling of trees, shall not attract the

provisions of the Act. In all other cases involving more number of drilling of bore holes, prior permission or Central Government under the Act would be required.

(vi) It is clarified that the permission to survey, exploration or prospection would not ipso facto imply any commitment on the part of the Central Government for diversions of forest land.

Clarification: For reconnaissance operations, carried out in forest land in connection with developmental projects, the collection of samples from land surface in addition to drilled out material from **10 holes of 4 inch diameters per 100 Sq. Kms.** will not attract Forest (Conservation) Act, 1980, provided that there is no felling of trees involved (MoEF's letter No. 1133/2004FC dated – 7.6.2004).

5. It is pointed out that the investigation and Survey in protected area was considered in the Ministry and a guideline for diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980 regarding exemption of survey and investigation carried out in national parks and sanctuaries without clearing of forest or cutting of trees from requirement of obtaining approval under the Forest (Conservation) Act, 1980 was issued on 7th October 2014.

The guideline inter alia provided that investigations and surveys carried out in connection with development projects such as transmission lines, hydro-electric projects, seismic surveys, exploration for oil drilling, mining etc. in wildlife sanctuaries, national parks and sample plots demarcated by the Forest Department also will not attract the provisions of the FC Act as long as these surveys do not involve any clearing of forest or cutting of trees, and operations are restricted to clearing of bushes and lopping of tree branches for purpose of sighting. Permission from the Chief Wildlife Warden, as provided in the said O.M. No. 6- 133/2014-(part) dated 26th September 2014 issued by this Wildlife Division in this Ministry, will however be required to be obtained for such activities to be carried out in wildlife sanctuaries and national parks.

6. Based on the observations made in the FAC meeting it is evident that there is ample evidence that the drilling of bore holes and use of explosive and thumping machine for generating 2D and 3D seismic waves of generating useful digital data for further analysis in laboratory causes considerable damage. The 2D and 3D survey technique are invariably used for prospecting of minerals. Apart from generating seismic waves, the samples are collected from the depth ranging from 20 meter to 200 meters for coal, lignite, ferrous and nonferrous minerals etc. The samples are collected by drilling bore holes up to 20 bore holes per square hectare as demanded by Ministry of coals.
7. It is important to note that 3D seismic survey is not restricted to clearing of bushes and lopping of tree branches for purpose of sighting but digging of shallow holes at predetermined spacing in grid with spacing of 50-60 meters and use of explosives to generate sound waves.

It has been informed by the state that the oil exploration by oil companies using 3-D seismic survey is damaging to forests and requires forest clearance as in case of exploration of mineral.

The process of 2D and 3D seismic survey was discussed as under

A. 3-D Seismic Survey for Hydro carbon exploration:



Seismic surveys have become the primary tool of exploration companies throughout the world both onshore and offshore. 3-D seismic surveys have lowered finding costs and allowed exploration for reserves not locatable by other means.

A seismic survey is conducted by creating a shock wave – a seismic wave – on the surface of the ground along a predetermined line, using an energy source. The seismic wave travels into the earth, is reflected by subsurface formations, and returns to the surface where it is recorded by receivers called geophones – similar to microphones. The seismic waves are created either by small explosive charges set off in shallow holes (“shot holes”) or by large vehicles equipped with heavy plates (“Vibroiseis” trucks) that vibrate on the ground. By analyzing the time it takes for the seismic waves to reflect off of subsurface formations and return to the surface, a geophysicist can map subsurface formations and anomalies and predict where oil or gas may be trapped in sufficient quantities for exploration activities.

Until relatively recently, seismic surveys were conducted along a single line on the ground, and their analysis created a two-dimensional picture akin to a slice through the earth beneath that line, showing the subsurface geology along that line. This is referred to as two-dimensional or 2D seismic data.

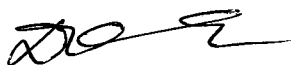
Currently, almost all oil and gas exploratory wells are preceded by 3-D seismic surveys. The basic method of testing is the same as for 2D, but instead of a single line of energy source points and receiver points, the source points and receiver points are laid out in a grid across the property. The resulting recorded reflections received at each receiver point come from all directions, and sophisticated computer programs can analyze this data to create a three-dimensional image of the subsurface.

3D surveys can be conducted in almost any environment – in the ocean, in swamps, in land mass areas including forests. A 3D seismic survey may cover many square kilometers of land. Data for 3D surveys are acquired by laying out energy source points and receiver points in a grid over the area to be surveyed. The receiver points – to record the reflected vibrations from the source points – are laid down in parallel lines (receiver lines), and the source points are laid out in parallel lines that are approximately perpendicular to the receiver lines. The spacing of the source and receiver points is determined by the design and objectives of the survey. They may be as close as 50-60 meters.

In on-shore data acquisition, such as forest land, the energy source for a seismic survey is Vibroseis or an explosive charge, generally some form of dynamite or an explosive product called primacord (Primacord is a brand of detonating cord used in blasting). A Vibroseis truck has a large metal plate under the center of the truck body that is lowered onto the ground so that the entire weight of the truck is on the plate. The plate is then caused to vibrate at a specified power and frequency, creating seismic waves that travel into the ground. A single vibrator truck can generate more than 40,000 pounds of ground force, and usually four or five trucks are clustered together to create the energy at each source point, creating a combined ground force of 150,000 to 200,000 pounds. If the energy source is an explosive charge, the charge is usually set off in a hole between 10 and 150 feet deep, drilled for that purpose. The charge is a specified number of pounds of explosive – from 2 to 50 pounds, depending on the depth of the hole.

The area covered by the 3D grid must be larger than the subsurface area to be imaged, in order to acquire sufficient data for the area of interest. 3D surveys commonly cover 50 to 100 square miles or more.

It is clear that the 3-D seismic survey inside a forest area requires large number of shallow holes (shot holes) at predetermined grid pattern. The distance between shot



holes may be as close as 50-60 meters. This means about 4 holes per hectare or 400 shot holes per sq. kilometre on predetermined grid are dug by the oil exploration company. This density of shot holes is much more than the prescribed limit for exemption under guidelines 1.3(v). This will certainly affect the forest and wildlife in the forest. Earlier 2D seismic surveys were conducted along a single line on the ground, and their analysis created a two-dimensional picture and caused less damage to the forest.

The exploration of coal and other minerals are more invasive as affects the forest considerably. The various methods for exploration of coal and other minerals are as follows:

B. Methods used in exploration of coal, lignite and other ferrous and non-ferrous metals:

1. **Gravity Methods:** Because a sedimentary sequence is usually less dense than its underlying basement rocks, gravity surveys are mostly used in coalfield exploration to provide data on the overall structure of the depositional basin involved.
2. **Magnetic Methods:** An airborne magnetic survey are used in coalfield studies to map out the broad structural framework of a large exploration area. Such a survey depends on the existence of a contrast in magnetic properties between the basement rocks and the overlying sedimentary strata and the results generally reflect variations in the depth to crystalline material. It will not detect coal, but if a sedimentary or tectonic model is applied to the sequence in question, it may assist in delineating those sectors likely to have significant coal accumulations at a reasonable depth. Ground or vehicle-borne magnetic surveys are more commonly used for closer investigations in coalfield exploration.
3. **Electrical Resistivity:** The resistance of the rock strata to electric currents depends partly on the minerals involved and partly on the fluids present in the rock's pore spaces. Under laboratory conditions, sub-bituminous and bituminous coals are highly resistive. Shales, limestones and sandstones generally have lower resistivities, and such contrasts form the basis for the application of electrical resistivity techniques to coal exploration.
4. **Electromagnetic Methods:** Electromagnetic methods of geophysical exploration are based on the production of a time-varying electromagnetic field by an alternating or pulsed electric current in a suitably laid out conductor at the ground surface or in the air above. This EM waves generates a pattern of secondary currents in the subsurface strata due to the effects of electromagnetic induction. The technique has the advantage over the electrical resistivity method that it does not require physical contact to be made with the ground surface. Electromagnetic methods can be applied even when the near-surface layer is of very high resistivity, such as in arid lands or permafrost terrain.
5. **Seismic reflection Method:** Seismic reflection has proved to be vital to many coalfield investigations, where it is used both to delineate the broad structural features of a relatively large area and to map out individual small-scale structures, such as faults, splits, and washouts, that may disrupt mining operation. For most studies, the energy pulse is derived by detonation of an explosive charge, but weight-dropping techniques or a vibratory tamper may be used as an alternative in some cases. Where the coal lies beneath a body of water, such as a lake, estuary or the sea, an air gun or an electric sparker device may be necessary. Where high resolution is required, such as in studies to aid detailed colliery planning, it is also necessary to use only the high frequency or short wavelength components of the energy spectrum. Small charges (about 50g) of explosive materials represent the best energy source in these

circumstances, but these suffer the disadvantage that the strength of the signal is relatively low compared to the level of ambient noise inherent in the seismic system. Special high frequency geophones and appropriate recording filters are used in this type of survey as well to enhance. With the techniques used in high resolution seismic surveys, faults with a throw of about 5m can be resolved in coal seams at depths of 800m, and faults with a throw of 4m at shallower depths have been detected.

6. **Core Drilling technique-digging of bore holes for collecting samples:**

Percussion Drilling: Percussion drilling is a manual drilling technique in which a heavy cutting or hammering bit attached to a rope or cable is lowered in the open hole or inside a temporary casing. The technique is often also referred to as 'Cable tool'. Usually a tripod is used to support the tools.

- a. **Conventional Air Percussion Drilling:** Conventional Air Percussion drilling is used most frequently in the mineral and water exploration industry. The drill uses a pneumatic reciprocating piston-driven 'hammer' to drive a heavy drill bit into the rock. The drill bit is hollow, solid steel and has ~20 mm thick tungsten rods protruding from the steel matrix as 'buttons'. The tungsten buttons are the cutting face of the bit. The cuttings or "chips" are blown up the outside of the rods by compressed air or a combination of air and foam and collected at surface. Air Percussion produces lower quality samples because the cuttings are blown up the outside of the rods and can be contaminated from contact with other rocks. At depths of more than 200metres water can cause the outside of the hole to become clogged with debris, preventing the drill cuttings from escaping the hole. With the use of drill enhancing fluids and proper drilling techniques, experienced drillers can drill to depths in excess of 500m. Depending on the density and weight of the rock being drilled, the use of multiple high-powered air compressors can enable drilling of deeper holes up to ~1250m.
- b. **Reverse Circulation (RC) Drilling:** RC exploration drilling is similar to air percussion drilling except that that the drill cuttings are returned to surface inside an inner tube within the rods. The most commonly used RC drill bits are 5-8 inches (12.7–20.32 cm) in diameter and have round metal 'buttons' that protrude from the bit, which are required to drill through rock and shale. Experienced drillers continually 'sharpen' the buttons on their drill bits to prevent drilling slowing down and the rod string becoming bogged in the hole. Trying to recover the rods may take hours and in some cases weeks and the rods and drill bits are very expensive. Reverse circulation is achieved by blowing air down the rods, the differential pressure creating air lift of the water and cuttings up the inner tube which is inside each rod. It reaches the bell at the top of the hole, then moves through a sample hose which is attached to the top of the cyclone. The drill cuttings travel around the inside of the cyclone until they fall through an opening at the bottom and are collected in a sample bag.
RC drilling is cheaper than diamond coring and is thus preferred for most mineral exploration work. Depths of up to 500 metres are routinely achieved. As for Air Percussion drilling water is also used, to reduce dust, keep the drill bit cool, and assist in pushing cutting back upwards. Sometimes the water is mixed with other substances. When the drill reaches hard rock, a collar is put down the hole around the rods which is normally PVC piping. Occasionally the collar may be made from metal casing. Collaring a hole is needed to stop the walls from caving in and bogging the rod string at the top of the hole. Collars may be up to 60 metres deep, depending on the ground, although if drilling through hard rock a collar may not be necessary.
- c. **Symmetrix Drilling:** Symmetrix exploration drilling describes the process whereby a casing is installed as drilling proceeds. The sample passes up through the hammer as

in Reverse Circulation drilling. The casing shoe is welded to the casing. The pilot bit and ring bit are locked together and together they drill a hole large enough to allow the casing to be pulled into the hole. The pilot bit and ring bit rotate with the drill string while the casing shoe and casing do not rotate. After completing the hole, the pilot bit is unlocked by a slight reverse rotation of the drill string. The drill string and pilot bit are then retrieved through the casing. This method of exploration drilling enables the drilling of holes at any angle (including horizontal), in any type of ground condition, and to depths beyond 100 meters.

1. **Rotary Core Drilling:** Rotary Core Drilling utilises an annular diamond-impregnated drill bit attached to the end of hollow drill rods to cut a cylindrical core of solid rock. Fine to microfine industrial grade diamonds are set within a matrix of varying hardness to create a drill bit. The matrix hardness, diamond size and dosing can be varied according to the rock which must be cut. Holes within the drill bit allow water to be delivered to the cutting face. This provides lubrication, cooling, and removal of drill cuttings from the hole. Drilling of 1200 to 1800 metres is common and at these depths, ground is mainly hard rock. Diamond rigs need to drill slowly to lengthen the life of drill bits and rods, which are very expensive.

Core samples are retrieved via the use of a lifter tube, a hollow tube lowered inside the rod string by a winch cable until it stops inside the core barrel. As the core is drilled, the core lifter slides over the core as it is cut. An overshot attached to the end of the winch cable is lowered inside the rod string and locks on to the backend, located on the top end of the lifter tube. The winch is retracted, pulling the lifter tube to the surface. The core does not drop out the inside of the lifter tube when lifted because a "core lifter spring," located at the bottom of the tube allows the core to move inside the tube but not fall out.

Once a rod is removed from the hole, the core sample is shaken out into core trays. The core is washed, measured and broken into smaller pieces using a hammer to make it fit into the sample trays. Once catalogued, the core trays are retrieved by geologists who then analyse the core and determine if the drill site is a good location to expand future mining operations.

2. **Multi-combination Rigs:** Rotary Core rigs can also be part of a multi-combination rig. Multi-combination rigs are a dual setup rig capable of operating in either a reverse circulation (RC) and Rotary Core exploration drilling role (though not at the same time). This is a common scenario where exploration drilling is being performed in a very isolated location. The rig is first set up to drill as an RC rig and once the desired metres are drilled, the rig is set up for Rotary Core drilling. This way the deeper metres of the hole can be drilled without moving the rig and waiting for a diamond rig to set up on the pad.

Recommendations of FAC: The FAC has understood the various methods used for coal exploration which invariably deploy heavy drilling machines which was demonstrated by representative of Coal India Ltd. The FAC is of the considered opinion that exploration need to be done in forest area to assess the mineral wealth of the country. But at the same time the forests are also equally important and therefore the exploration may not be done in those pristine forest which cannot be parted away for mining. The exploration of coal and other ferrous and non-ferrous metals require drilling bore holes by using machines and damage the forest area. An area of more than 100 to 200 sq m is cleared for drilling rigs and small tank is dug for collecting water. Nearby a bore hole is dug to collect sample from the deep earth. The

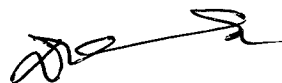


oozing water from the bore hole is pooled in the tank. After the sample is collected the tank is filled with earth and the activities shifted to another pre-determined grid location. For the purpose of movement of equipment the temporary road is developed by clearing the ground vegetation though no tree is allowed to be felled. On the average 20 such bore holes and water tank is created per square kilo meters. The distance between bore holes varies from 200 meters to 250 meters.

The FAC after careful examination of the matter observed that exempting large scale non-forest activities, such as drilling of 15 – 20 bore-holes / sq. km. for prospecting of minerals in forest areas, from the requirement of obtaining prior approval under the Forest (Conservation) Act, 1980 is not acceptable. However, to facilitate expeditious decision on applications seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for prospecting of minerals in forest areas the Ministry, in consultation with the Ministries of Mines, Coal and Petroleum and Natural Gas formulated a simplified format of the application for obtaining prior approval of Central Government under the Forest (Conservation) Act, 1980 for prospecting in forest areas.

After careful consideration of the observations made on the prospecting of minerals, the following recommendations area made.

1. The prospecting of minerals by drilling bore holes for collecting seismic waves and collecting mineral samples constitutes non forestry activities for the purpose of Forest Conservation Act.
2. The user agency shall apply online for diversion of forest area as per the procedure laid down by MoEF&CC from time to time.
3. Genral approval may be accorded to the state government by the MoEF&CC for prospecting of minerals in forest land having average weighted crown density up to 40 % as per the latest FSI report.
4. In case of coal, lignite and metallic ores - test drilling up to 20 boreholes of maximum 8" dia per 1.0 sq km and in case of non-metallic ores excluding coal & lignite - test drilling up to 16 boreholes of maximum 6.6" dia per 1.0 sq km for prospecting exploration or reconnaissance operations, without felling of trees, may be allowed by state government. In all other cases involving more number of drilling of bore holes, prior permission of Central Government under the Act would be required.
5. In case of seismic survey for exploration of hydro carbon the user agency shall pay NPV @ of 2.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.
6. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density upto 40%, the prospecting agency shall pay NPV @ of 5.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground
7. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density between 40 to 70 percent, the State Government shall forward the application to the Regional Office of the Ministry for consideration. The proposal will be considered in the REC and if recommended then the approval will be granted with mandatory condition *inter alia* that user agency will pay NPV @ of 10.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed.
8. The NPV deposited for prospecting will not be adjusted against the diversion proposal of forest land under section 2 of FCA 1980. The amount will be non-refundable as well non-adjustable.
9. User agency shall submit complete plan of operation for prospecting in the entire



- 41.
- forest area in the mining block prior to start of work to the Nodal officer of the state.
10. User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area and degraded forest land as per prescription of working plan in a contiguous patch.
 11. The user agency shall engage ICFRE to conduct study on the impact numbers of bore holes for prospecting over forest and wild life of the area and suggest mitigation measures. The design of study shall be approved by MoEF&CC.
 12. Prospecting in protected areas such as national parks, wildlife sanctuaries, biosphere reserve, Tiger reserves, corridors, pristine forests identified by State and Central Government etc. shall not be allowed.
 13. The delegation of power to grant permission for prospecting by the state government shall be valid for 5 years only and will be reviewed after expiry of five years.

[Nisheeth Saxena Sr. AIGF (FC)]

F. No. 8-28/2016-FC

Sub: Diversion of 52.66 hectares of forest land in Kuderu and Kondapalli Reserve Forests of Ananthapuram Division for setting up 46.40 MW Wind Power Project, in favour of M/s Rayala Wind Power Company Private Limited, Hyderabad.

The Committee discussed the above mentioned proposal, heard the views of the user agency and observed as follows:-

1. The Government of Andhra Pradesh, Environment, Forests, Science & Technology (Section.II) vide their letter No. 4670/Section-II/2016 dated 03.09.2016 submitted a proposal to obtain prior approval of the Central Government, in terms of the section-2 of the Forest (Conservation) Act, 1980 for diversion 52.66 hectares of forest land in Kuderu and Kondapalli Reserve Forests of Ananthapuramu Division for setting up 46.40 MW Wind Power Project, in favour of M/s Rayala Wind Power Company Private Limited, Hyderabad.
2. The land proposed to be diverted i.e. compartment nos. 438, 440, 441, 443, 444, 445 (Kondapalli RF) and 446 (Kuderu RF) are Reserved Forest. Kuderu RF is notified under Section 16 of Madras Forest Act – V of 1882, vide B.P.No.373 dated 23.07.1894 and Kondapalli RF is notified under Section 16 of Madras Forest Act – V of 1882, vide B.P. No. 568, dated 06.12.1898.
3. The density of vegetation in the area is approximately 0.1 and approximately 800 trees exist in the area.
4. The District Collector, Ananthapuram, Government of Andhra Pradesh has issued mandatory FRA certificate dated 16.04.2016 for diversion of 52.66 hectares.
5. The proposal has been recommended by the DFO, CCF, Nodal Officer and the State Government.
6. The Compensatory afforestation has been proposed over non- forest land in Sy. No. 67 (P) 1.35 Acres (0.54 Ha), 68 (P) – 25.30 Acres (10.24 Ha), Sy No. 69 (P) – 41.15 Acres (16.74 Ha), Sy.No. 70-22.57 Acres (9.13 Ha), Sy.No. 74 (P) – 33.42 Acres (13.52 Ha) and Sy. No. 81 (P) – 18.74 Acres (7.58 Ha) of Peruru Village, Ramagiri Mandal of Ananthapuramu district. Out of 57.68 Ha. Identified by the user agency, an area of 56.65 ha., will be suitable for raising Compensatory Afforestation plantation and treatment



area is 53.00 Ha. The total financial outlay for compensatory afforestation is Rs. 260.767 Lakhs.

7. It has been reported that clearance under Environmental (Protection) Act, 1986 is not applicable. The Environment Impact Assessment (EIA) notification, 2006 does not cover wind power and Wind projects, irrespective of their size or capacity, do not require EIA studies. Wind power is also categorized as "GREEN".
8. The State Government of Andhra Pradesh vide letter dated 03.09.2016 submitted that the proposed forest land has been justified as the area is highly wind prone and having predominant winds from West and South West directions and the terrain is well suited in view of its direction perpendicular to the wind flow and there is no another alternative for this project, because of area constrains. Any further modification to the layout is not possible as it is technically not feasible considering the slopes of the hilly terrain.
9. Purpose wise breakup of the forest land proposed for diversion has also been provided and the total land requirement for the project is 60.47 ha. out of which 52.66 ha is forest land. The break up is as below.

S. No.	Description of Calculation:	Non Forest Area (Ha)	Forest Area (Ha)	
1.	Total area for WTGs (Turbines.)	--	10.15	10.15
2.	Total Area for approach road	3.49	04.24	39.22
3.	Total Area for Internal Road	--	17.75	
4.	Total Area for road with internal Electrical Line (Transmission)	--	07.21	
5.	Total Area for Internal Electrical line (Transmission)	1.48	10.01	
6.	Total area at Curves (Roads)	--	03.29	03.29
7.	Pooling Substation (PSS)	2.84	--	
Total Land		7.81	52.66	

10. This proposal was considered in the FAC meeting held on 09th-10th November, 2016 and 28th February, 2016.
11. The FAC took note of the fact that another proposal for diversion of forest land for Irrigation Canal in the area had been granted vide F.No 8-31/2013-FC dated 25/05/2015. An area of 0.8 ha is common to both projects.
12. The FAC in its meeting on 09th-10th November, 2016 had recommended that;
 - a. The study to assess the impact of the proposed project on wildlife, especially birds and raptors may be done as per the guidelines issued by the Ministry vide F. No.8-47/2008-FC dated 16/03/2008 through any expert agency including SACON, NCF etc. and report be submitted through the State Govt.
 - b. The NOC for an area of 0.8 Ha which has already been diverted for Irrigation purposes in the area vide F.No. 8-31/2013-FC dated 25/05/2015 and is overlapping with the present proposal may be obtained and conveyed through the State Govt.
 - c. The User Agency to try and reduce area to be diverted especially for roads and transmission lines.
13. The above FAC recommendation was communicated to the State Government of Andhra Pradesh vide this Ministry's letter dated 16.12.2016 and, the State Government of Andhra Pradesh, Environment, Forests, Science & Technology (Section.II) vide their letter No. 4670/Section-II/2016 dated 26.12.2016 forwarded the point wise information.

14. The FAC in its meeting held on 28.02.2016 considered the information provided by the state government and observed that the study on impact on avifauna carried out by Ela Foundation, Pune was restricted to April-May and represented a single season only and the FAC recommended that the impact on avifauna during winter months be also carried out and provided as this would enable assessment of impact if any on winter migrants too.
15. Now the Government of Andhra Pradesh, Environment, Forests, Science & Technology (Section. II) vide their letter No. 4670/Section-II/2016 dated 22.02.2018 has furnished a study report on assessment of the impact of the proposed Wind Power project on Wildlife, particularly birds and raptors conducted by Ela Foundation, Pune.
16. **Report on study Impact Assessment on Birds & Raptors:** It is also reported by the State Govt. that the user agency i.e. M/s Rayala Wind Power Company private Ltd., Hyderabad has submitted a report on study Impact Assessment on Birds & Raptors for Winter Season in continuation to Summer Study carried in April, 2014 to assess cumulative impact which was conducted by M/s. Bhagavathi Ana Labs Pvt., Ltd, Hyderabad.

The recommendation and conclusion made in the report are as follows:

- a. **Conclusion:** Since the proposed project location falls in the forest area, impacts on vegetation due site clearance can be mitigated by doing minimum vegetation clearance in the project footprint area. While during construction / erection phase and operation phase, impacts will be further low and site specific. Raptors species are rarely seen in the study area with poor abundance with one or two individuals, similarly only one bat colony recorded from buffer zone only. However, likely impacts on recorded bat and raptor species can be avoided /lowered by implementing suggested mitigation measures and monitoring during operation phase. Overall, there will be no drastic / significant impacts on faunal components if suggested mitigation measures and monitoring carried out properly.
- b. **Recommendations:** Apart from mitigation measures following additional recommendations are suggested for safe guard of biodiversity of the area:
 - i. As directed by forest department, compensatory afforestation should be carried out by using local species which will help to enhance / improve biodiversity.
 - ii. Immediate surrounding area (around 50 meter) of each WTG should be maintained vegetation free area to avoid faunal movement.
 - iii. Fruit tree species should be avoided near WTGs; otherwise this may attract bird and bats which may result in mortality of bats and birds.
 - iv. Dead animal and carcasses (if any) should be removed immediately from WTG site to prevent attraction of carnivore birds / raptors towards sites.
 - v. No water bodies / pond formation allowed within site / near turbines this may attract water birds and lead to collision.
 - vi. Project personnel may be given basic information about biodiversity conservation and awareness programmes may be conducted for sensitizing about bio-diversity conservation.
 - vii. If bridges are proposed, culverts should be provided for smooth movement of other faunal species.
 - viii. Awareness camps on green energy projects can be conducted within nearest school and other educational institutions.



ix. The Vane tips of the Wind Turbine shall be painted with Orange colour to avoid bird hits.

17. It was pointed out by IG FC that the casualty to migratory birds, raptor and local birds occurs not only due to the establishment of wind energy farms on forest land but all wind energy farms, whether set up on forest land or outside the forest land, are potential threat to the migratory birds, raptors and birds. The biggest threat comes from the high tension transmission lines with tall pylons (35 meters and above) being established by the Transmission companies. It is necessary that the transmission companies are also directed by the Ministry of Environment, Forest, and Climate Change to fix diverters on transmission cable as a standard practice to avoid the casualty of birds by collision and electrocution.

It has been reported by BNHS that power lines are one of the major causes of unnatural deaths for birds in a large part of the country. Though exact numbers are unknown but annually millions birds are killed. It has been observed that the two major impacts of power lines on birds are electrocution and collision. Electrocution most commonly occurs at medium voltage distribution lines (1 kV to 60 kV), due to the close spacing of the structures. It often involves large perching bird species, such as storks, birds of prey and corvids, which can easily bridge the gap between two cables, or the charged parts and the power line structure. Electrocution mainly occurs in open habitats (e.g., deserts, plains, steppes, grasslands, and wetlands) lacking natural perches or trees for nesting or roosting. It especially affects birds during the breeding season, when nest building, hunting and territorial behavior put adult birds of e.g., White Storks, Eurasian Eagle Owls, and eagles at risk. In summer, post-breeding dispersal of juveniles and the start of migration also result in an increase in electrocution casualties.

Although electrocution affects less bird species and the number of casualties is much lower than for collision, many of the affected species are relatively rare, have long generation times and low annual reproduction rates and, therefore, electrocution can be a major cause of mortality for these populations, possibly leading to population decline and/or local or regional extinction. Collision can occur at all above ground power lines, although more so with high voltage power lines than low or medium voltage lines. This is because the high voltage power lines often consist of multiple sets of vertically placed phase conductors and a separate thin ground wire or neutral above these phase conductors. Low to medium voltage lines mostly have the phase conductors placed in the same horizontal plane, with the ground wire, if present, positioned slightly above them. Furthermore, high voltage lines are generally larger constructions with tall pylons, a tall tower-like structure used for carrying electricity cables high above the ground (35 m or higher for 150 kV or more) and thus the wires cover a larger vertical area. Bird collisions with power lines occur in every habitat type in the country, from the densely forested areas and intensively cultivated areas in plains, mountain ridges to the deserts of Rajasthan and Gujarat. Collisions also involve a vast range of bird species. Generally speaking, all flying species of bird are at risk of collision with above ground power lines, although the exposure to the risk (frequency of crossings), environmental conditions (habitat, time of day, etc.) and species traits (size, visual ability, etc.) influences the risk to individual species. Those species that regularly breed, rest or forage in the vicinity of an above ground power line are at most risk of collision. Visibility also influences the level of risk with most collisions occurring during twilight and at night, when visibility is less. Furthermore, studies show that large, heavy, less manoeuvrable birds (often species with short, round wings), as well as species with rapid flight, have the highest collision risk. This includes a number of species groups that are rarely found as electrocution victims, such as pelicans, flamingos, ducks, rails, grouse, cranes, bustards, waders and gulls. Species such as thrushes, finches and other small bird species are less found as collision victims, but it is not clear if this is caused by less detectability or indeed a lower

risk of collision. Collision is, however, less of a problem to birds of prey (raptor) and storks than electrocution in large parts of the country. Collision is also much more of a year-round problem than electrocution, but seasonality plays a role at many locations such as those close to congregations of wintering birds or those on important migration routes.

It is therefore necessary to take preventive measures under precautionary principle approach.

18. **Standard measures for preventing collision suggested by BNHS are:** route planning, underground cabling, removal of ground/earth wires (and earthing modifications), and line modification. The modification of power lines can take several forms, which can be broadly divided into measures that make power lines present less of a 'obstacle' for birds to collide with, those that keep birds away from the power line and those that make the power line more visible. As with electrocution mitigation, underground cabling is the best solution to eliminate collision, but because of costs fitting the cables with devices (so called bird flight diverters) in order to make them more visible to birds in flight has become the preferred mitigation option worldwide.

Diverters are line marking devices (not comprehensive) that are placed at regular intervals on conductor and/or ground wires to make these lines more visible to birds in flight.

19. The problem of mitigation measures for prevention of casualty to various local birds, raptor and migratory birds which follow predetermined route and season, the preventive measures to avoid collision and electrocution should be taken not only for the wind energy projects on forest land but all wind energy projects whether set up on forest or non-forest land. More over all transmission lines and high voltage lines with larger constructions with tall pylons (35 m or higher for 150 kV or more) should mandatorily deploy devices (so called bird flight diverters) on the regular intervals on conductors in order to make them more visible to birds in flight.

20. **Recommendations:** FAC considered the concerns raised by the IG FC and recommends that direction may be issued by the Ministry to all wind energy generation companies and transmission grid companies to follow the standard mitigation measures whether the project involves forest land or not. The standard mitigation measures to be followed are:

1. Mandatorily deployment of devices (so called bird flight diverters) on the regular intervals on conductors in order to make them more visible to birds in flight.
2. The Vane tips of the Wind Turbine shall be painted with Orange colour to avoid bird hits.

After careful consideration of the facts placed before it and placed on website, FAC recommended the project proposal for grant of in-principle approval with general and standard conditions for wind power projects for diversion of 52.66 ha. of forest land with following specific conditions:

- (i) Compensatory afforestation should be carried out by using local species which will help to enhance / improve biodiversity.
- (ii) Immediate surrounding area (around 50 meter) of each WTG should be maintained vegetation free area to avoid faunal movement.
- (iii) Fruit tree species should be avoided near WTGs; otherwise this may attract bird and bats which may result in mortality of bats and birds.
- (iv) Dead animal and carcasses (if any) should be removed immediately from WTG site to prevent attraction of carnivore birds / raptors towards sites.
- (v) No water bodies / pond formation allowed within site / near turbines this may attract water birds and lead to collision.

- (vi) Project personnel may be given basic information about biodiversity conservation and awareness programmes may be conducted for sensitizing about bio-diversity conservation.
- (vii) If bridges are proposed, culverts should be provided for smooth movement of other faunal species.
- (viii) Awareness camps on green energy projects can be conducted within nearest school and other educational institutions.
- (ix) The Vane tips of the Wind Turbine shall be painted with Orange colour to avoid bird hits.
- (x) Underground cables will be used, wherever feasible except in those areas where it is not technically feasible, for evacuation of power generated by the wind turbines to the nearest power grid.
- (xi) User agency will install devices (so called bird flight diverters) on the regular intervals on conductors in order to make them more visible to birds in flight

Agenda No. 2

File No. 8-64/2014-FC)

Sub: Diversion of 155.06 Ha of forest land in Kondapalli Reserve Forest of Krishna Division for extension of Ash Pond, in favour of the Executive Engineer (Civil), Ash Pond Division, Vijayawada Thermal Power Station (VTPS), Ibrahim patnam in Krishna District in the State of Andhra Pradesh.

The Committee discussed the above mentioned proposal, heard the views of the user agency and observed as follows:-

1. The Government of Andhra Pradesh, Department of Forests, Environment, Science & Technology (For. I) vide their No. 3068/FOR. I (1)/2013 letter dated 15.03.2014 submitted the proposal for diversion of 155.06 Ha of forest land in Kondapalli Reserve Forest of Krishna Division for extension of Ash Pond, in favour of the Executive Engineer (Civil), Ash Pond Division, Vijayawada Thermal Power Station (VTPS), Ibrahim patnam in Krishna District in the State of Andhra Pradesh, in accordance with the Section-2(ii) of the Forest (Conservation) Act, 1980.
2. The area to be diverted was a part of Kondapalli R.F. notified under section 16 of Madras Forests Act – 1882, published in the Forest St. George Gazette, dated 05.07.1892. The proposed site for diversion was along the inside boundary line of the Kondapalli Reserve Forest.
3. Violations of the Forest Conservation act, 1980 were reported from the area proposed for diversion. In fact the user agency has already utilized 42.27 Ha. for Hospital, tunnel, Ash pipe line alignment and approach roads and improved the vegetation out of 155.06 Ha. of land and the rest of the area is not disturbed by the User Agency. The area utilized for Stage – I Ash Pond, pipe lines is along the foot of the hill along the boundary of forest & patta land acquired by the user agency. The details of the violations as provided by the user agency is as follows.



	Activity for which forest land is being sought to be diverted under FCA, 1980	Forest land sought to be diverted under FCA, 1980. (Ha)	Activity for which forest land has been Utilized without prior approval.	Forest land already utilized without prior approval (Ha)
1	Ash pond	128.72	Ash pond	15.93
2	Ash pipelines	10.99	Ash pipelines	10.99
3	Tunnel	0.43	Tunnel	0.43
4	Guest House	14.92	Guest House	14.92
	Total	155.06		42.27

4. Justification given by the project authorities for the forest land sought for various purposes

- (i) 128.72 ha area for Ash Pond For the purpose of formation of ash pond about 325.78 ha of non-forest land (Government land + Patta lands) were acquired by APGENCO. The Ash Pond for Stage-II is formed in the APGENCO land acquired from patty holders in the year 1988. Due to extension of power plant with Stage-III Units, the Ash Pond has to be expanded for serving to all Units. The Stage-III Ash Pond was formed in land adjacent to Stage-II Ash Pond in the year 1995 and put in service in the same year 1995. The contour of forest land adjoining to the acquired lands of 325.78 ha starts above EL (+) 42.00 M contour. Therefore, the 325.78 ha of non-forest land cannot be utilized above EL (+) 41.00 M contour, unless adjoining forest land is acquired. It is technically feasible to rise ash pond bund upto F.L. (+) 49.00 M contour increasing the life of ash pond to 16 years against the 7 years life upto EL (+) 41.00 M contour. By acquiring 128.72 ha of adjoining forest land the whole land (325.78 ha + 128.72 ha) of land can be utilized effectively and economically. It also avoids acquiring of additional lands of large extent areas. Out of 128.72 ha, 15.93 ha has already come into utilization.
- (ii) 10.99 ha area for Ash Pipelines Laying of ash pipelines is inevitable for the disposal of the ash generated into ash pond. The lines are proposed at suitable elevation to avoid future submergence of lines in ash. A narrow stretch of forest land of an extent 10.99 ha adjoining to the acquired non-forest land is found technically suitable to lay ash pipelines. Therefore, ash pipelines are proposed along the forest boundary in forest land to reduce the length of lines and bends. The ash pipelines were laid in the forest land during the construction of State-I & II units. The works for laying pipelines in forest land were taken up and completed during the years 1978 & 1979 for Stage-I and 1988 & 1989 for Stage-II and 1993 & 1994 for Stage-III respectively.
- (iii) 0.43 ha for Tunnel In order to further reduce the length of ash pipelines, a tunnel is proposed. The location of the tunnel is finalized based on technical grounds. A stretch of forest land of an extent of 0.43 ha is found suitable for the tunnel. The tunnel was constructed during the years 1988 & 1989.
- (iv) 14.92 ha for Guest House, Hostel, Hospital, etc. About 14.92 ha of forest land was utilized for construction of utilities like Guest House, Project Hostel, Hospital, etc. They were taken up at the time of construction of Stage-I. The construction of Guest House, Project Hostel and Hospital in forest land was completed by the year 1984. A minor portion of existing road to Kondapalli T.V. Station and Kondapalli Khilla. is falling below +49.00 M EL contour. This portion of road will submerge in ash pond in future. Hence, a piece of forest land above +49.00 M EL contour is utilized for R&B road for approaching to Kondapalli TV Station & Kondapalli Khilla., The

diversion work is taken up during the year 1988. Out of 14.92 ha, the area utilized for construction is about 1.40 ha and for approach roads is about 2.00 ha.

5. The Regional office reported in SIR that 42.27 ha of forest land has been utilized without approval under FC Act. The Regional Office Chennai recommended for grant of approval under the Forest (Conservation) Act, 1980 for diversion of the said forest and subject to the following additional conditions: (i) The already utilized area of **30.15 ha** is recommended for diversion since project related activity started prior to 1980. (ii) The remaining area of **124.31 ha** is recommended to be afforested with native species and protection given to the area and maintain it as green belt at the cost of VIPS. The area may be considered for diversion for the use of ash pond only after all possible efforts are made and still additional land is required for disposal of the fly ash.
6. Regarding violation of FC Act in this case, the State Government has reported that the Government of Andhra Pradesh has contemplated for construction of the thermal plant near Ibrahimpatnam to meet the power demand from the public and industries and also to overcome acute power shortage. The Andhra Pradesh State Electricity Board has proposed the Vijayawada Thermal Power Station of 2 x 210 MW units at Ibrahimpatnam in Stage – I. The necessary land was acquired from Revenue Department & Patta holders in Ibrahimpatnam. Ash such the necessary auxiliaries to the plant like Stage – I Ash Pond, pipe lines, Guest House, Project Hostel and Hospital have been constructed by obtaining the permissions from A. P. Government in G. O Ms. No. 521, dated 15.07.1975 from Forest and Rural Development Department for an extent of **29.78 acres (11.9 ha)** for de-reservation of forest land from Kondapalli Reserve Forest. The Chief Conservator of Forests, A. P., Hyderabad has directed the DFO/Eluru to hand over the land 29.78 acres as per the above said G.O Ms No. 520, dated 15.07.1975 to the Electricity authorities after collecting of land value and any tree growth vide ref. No. 45146/74-G2, dated 07.08.1975. It has been reported by State Government that in order to construct the Guest house, Project hostel, the Chairman, APSEB had requested the District Collector, Krishna District vide D.O. letter No. 4858/82, dated 29.10.1982 for transfer of the hill slopes in favour of VTPS in Ibrahimpatnam opposite to Vijayawada Thermal Power Station towards west in order that the board may take steps for afforestation in entire area vide RC No. E2/82 dated 29.10.1982. In continuation of above the Executive Engineer /Civil / VTPS has submitted the proposals to DFO / Eluru vide Lr. No. EE/C/VTS-II/D. No. 1498, Dated 28.08.1985, D. No. 1535/85, dated 02.09.1985, D. No. 3315/87, dated 31.12.1987 to an extent to **159.29 ha** of forest land for Stage – II Ash Pond, in addition to the previous proposal of **100 acres (40 ha)** of alienation. Due to non-processing of the proposals by the Forest Department and as per the Lr. No. DFO/Eluru, RC No. 1191/73/d3, dated 24.01.1990, the proposals were resubmitted as per the FC Act of 1980 for the approval of diversion of forest land. Subsequently the VTPS authorities have made correspondence with the forest department from time to time for the approval of required forest land, as the VTPS plant is expanded in 3 stages. The necessary proposals have already been submitted to the concerned forest department in appropriate proformas as per the advise of DFO / Eluru and Vijayawada and as per Principal Chief Conservator of Forests/Hyderabad. In this regard it is informed that the VTPS authorities are using the reserve forest area part of the required / proposed forest land by informing to the forest authorities in all of the three stages of the power production to the people of Andhra Pradesh in the interest of the public.
7. The user agency has identified 155.06 Hectares **Non-Forest land** in survey No. 1 of Maredupudi Village, V.R.Puram Mandal, Khammam District and handed over the same to the Divisional Forest Officer, Bhadrachalam (South) Division on dated 11.06.2003 towards compensatory Afforestation land. The site Suitability Certificate by the Forest Range Officer concerned has also been provided. The identified non-Forest land to an

extent of 155.06 Ha the area is having forest growth densely covered with mixed miscellaneous forest types and it is part of southern tropical dry deciduous forest and there are more Non-Teak tree growth in existing area. The density is above 0.4 and the land is close to existing Reserve Forest.

But as per the report submitted by DSS cell in MOEF & CC the land was found in National park, Nodal officer clarified that this was done at later stage i.e. after land identification.

8. The compensatory afforestation scheme has been prepared by the Forest Department, Andhra Pradesh, with total outlay of Rs 113.324 Lakhs.
9. The authorities in the State Forest Department have recommended the proposal with following specific conditions:
 - a) Construction of cross bund on upstream site to avoid intruding of the water into forest land when the ash water level reaches to designed level of elevation +49 MSL contour by the user agency.
 - b) Payment of suitable penalty for already utilized area of 42.27 ha in violation of the Forest (Conservation) Act, 1980.
10. **The FAC on 30.09.2015 had asked certain additional information/documents.**
11. The State Government of Andhra Pradesh, Environment, Forests, Science & Technology (Section. II) Vide their letter dated 13.10.2017 furnished the information desired.
12. **FAC Recommendation on 25.01.2018:** whereas neither the Nodal Officer nor the representative of user agency were present so FAC decided to defer the discussion on the agenda in the next FAC with the observation that the Nodal Officer and the representative of user agency should make themselves present when the next FAC is held.
13. The Shape file/ KML as given for the proposed diversion and sites for CA has been examined by DSS Cell and DSS cell made the following observations:

CA land having an area of 155.06 Ha. has been provided in single patch. **Based on DSS, the proposed CA patch is having the Legal status of Forest land (Compt. No. 9999) and it is falling inside Papikonda National Park, Khammam district of Telangana State.**

14. After careful consideration of the facts placed before it and placed on website, FAC is of considered view that only **29.78 acres (11.9 ha)** was transferred to the Vijayawada Thermal Power Station and 30.37 ha of adjoining forest land was utilized by the VTPS without permission under FC Act. The land in question is a Reserved Forest under the administrative control of the Forest Department. The state government must take action against the authorities who has diverted the forest land for non-forestry activities in the district. The construction of rest house, hospital. Field hostel and the use for ash pond must have been done with the permission of competent authorities of VTPS. Construction of Rest House, Hospitals, project hostel is not a site specific activities and cannot be permitted. This forest land should have been developed as good forest for combating the pollution caused by the VTPS. The Regional Office has recorded that the green cover is very less in the VTPS. The RO Chennai has reported in SIR that the already utilized area of 30.15 ha is recommended for diversion since project related activity started prior to 1980 and the remaining area of 124.91 ha is recommended to be afforested with native species and protection given to the area and maintain it as green belt at the cost of VTPS. The area may be considered for diversion for the use of ash pond only after all possible efforts are made and still additional land is required for disposal of the fly ash. The FAC accepts the recommendation of the Regional office Chennai and recommend the post facto in *principle* approval to the proposal with standard and specific conditions.

1. The detailed land use plan will be submitted by the VTPS depicting the forest land already under diversion without approval under FC Act. No further construction activities related to Rest house, Hostel etc will be undertaken on forest land.
2. The remaining area of 124.91 ha is recommended to be afforested with native species and protection given to the area and maintain it as green zone at the cost of VTPS. This area would not be put to non-forestry use without the prior permission of MoEF&CC
3. State Government would furnish the action taken report against the officials who violated the provisions of forest conservation act 1980.
4. The penalty for violations shall be worked out as per guidelines issued by MOEF&CC vide letter dated 29th January, 2018.
5. The site of Compensatory Afforestation would be identified afresh for the area already diverted as present one is well stocked and falling inside National Park. The new identified site would be inspected by Regional Office Chennai, on its approval the new estimate for CA scheme would be submitted to RO Chennai and on its approval the commensurate found would be deposited in ad hoc CAMPA through e- portal.

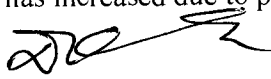
AGENDA -3

F. No. 8-52/2017-FC

Sub: Proposal for diversion of 201.079 hectares of forest land for Tawa – II underground coal mining in favour of M/ s. Western Coal Fields Limited, Pathakhera in Baitul District State of Madhya Pradesh.- reg.

The Committee discussed the above mentioned proposal, heard the views of the user agency and observed as follows:-

1. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer under Forest (Conservation) Act, 1980 SatpuraBhawan, Government of Madhya Pradesh, vide their letter No. F-1/FP/MP/MIN/24598/2017/10-11/2619 Bhopal dated 06.09.2017 submitted the above mentioned proposal to obtain prior approval of Central Government, in accordance with Section-2 of the Forest (Conservation) Act, 1980.
2. The entire forest land is reserved forest as per IFA 1927 eco class 3 with 0.4 vegetation density. About 941 trees exist over the land.
3. The State Government has reported that project proponent has obtained environment clearance vide MoEF& CC No.J-11015/53/2006-IA-II (M) dated 02.08.2006
4. The project proposal is for under-ground mining hence CA is not required.
5. Applied compartment number – RF-327, RF-328, RF-329 is situated at a distance of less than 10 k.m. from Satpuda-Melghat Tiger Reserve Corridor & Pachmadhi Biosphere Reserve boundary.
6. The Government of India, Ministry of Environment & Forests New Delhi Letter no./ F. NO.-8-102/2004-FC dated 30/01/2012 had accorded stage -I approval for diversion of 90.00 ha. of forest land for renewal of mining lease out of 122.00 ha. forest land. Fulfilment of condition (ii) & (ix) has not yet been complied by the applicant (WCL). Rs. 25, 54, 62, 766/- has not yet been deposited by the user agency (applicant WCL) till date. The amount to be deposited by applicant was due in 2012. During the last 5 years this amount has increased due to price escalation.



7. Recommendations of APPCF(C), R.O., Bhopal:-

In view of the details mentioned in the site inspection report of Dy. Conservator of Forest (C), APCCF recommended the diversion of 201.079 ha of forest land for Tawa-II underground coal mining project in favour of M/s Manager, WCL, Pathakheda Region in Betul district, Madhya Pradesh under Forest (Conservation) Act 1980 subject to the above given conditions.

8. Additional facts related with the proposal:

- (i) About 1430.00 ha land was acquired by Department of Coal, Ministry of Energy, Government of India vide notification dated 21.08.1978 giving the mining rights.
 - (ii) Vide Notification dated 24.06.1998 about 588.25 ha land was acquired as per Section 7 of the Coal Bearing Act 1957. These areas include the compartment numbers of the forest area of the Madhya Pradesh district Betul. Some of the compartments are common in the Notifications dated 21.08.1978 and 24.06.1998.
 - (iii) The above project was not recommended by the DFO, North Betul as the project area falls within the periphery of 10 Km of Satpura Reserve corridor.
 - (iv) The PCCF Wildlife has mentioned on the project that :
 - (a) Proposed area is close to Sarni urban area
 - (b) This area is situated west of the area of 10 coal blocks identified by Wildlife Institute of India where renewal not required to be done
 - (c) As the area lies in the corridor, therefore there is no objection in recommending the proposal.
 - (v) After recommendation the proposal by PCCF (WL), the DFO, North Betul has recommended the proposal.
 - (vi) Total Leasehold area = 520.00 ha.
 Forest area = 396.279 ha
 Other forest area = 123.721 ha
 - (vii) The Forest clearance was obtained for 195.20 ha including 12.708 ha surface right for infrastructure and approach road on 22.01.1994.
 - (viii) Vide letter No.J-11015/53/2006-IA.II (M) dated 2nd August, 2006 which states that environment clearance was granted for expansion of total mine lease area from 207.908 ha to 520.00 ha.
 - (ix) During 2006, when user agency obtained the environment clearance for expansion in production of lease area of existing Tawa II underground coal mine project it was stated therein that 207.9082 ha as the area of the lease of existing mines which would be expanded to 520 ha. The entire area was mentioned as the forest area. It is not clear whether the environment clearance was obtained earlier for the existing mine or not.
9. The environment clearance for the expansion of the rated capacity of the mine is from 0.18 MTPA to 0.60 million tonnes per annum (MTPA) of coal production of existing Tawa-II underground project was granted by the Ministry vide No.J-11015/53/2006-IA.II(M) dated 2nd March 2006. It has been noted that the project is for expansion in production and lease area of existing Tawa-II Underground Coalmine Project. Expansion of the total mine lease area is from 207.908 ha to 520 ha. The entire lease consists of forestland, which forms part of the Asir RF. Forestry clearance has been

obtained on 22.01.1999 for 195.20 ha (mining rights) and for 10.0708 ha (surface rights) for infrastructure. There are no National Parks, Wildlife Sanctuary, Biosphere Reserves found in the 10 km buffer zone. The project does not involve R&R. Mining will be underground by semi-mechanised method. Drilling and blasting area involved. The EC was granted on specific condition that no mining shall be undertaken in lease area falling in forestland for which forestry clearance. It is to be noted that the EC was granted till 2011 independent of FC for forest land involved in the mining area. It was the duty of the WCL to obtain the FC under FC Act before commencing the mining in the lease area. As per the existing guidelines the mining cannot be started in the mining lease area involving forest as well as non-forest land without FC clearance.

10. In this case of Tawa-II project no FC was obtained as stipulated in the EC dated 2nd March 2006 and mining continued in the lease area in violation of FC Act. Now for the expansion in production EC is required and EC cannot be granted by the IA division of the Ministry without stage-I forest clearance. So the WCL has applied for the FC clearance. WCL has applied for diversion of 201.079 hectares of forest land only for Tawa – II underground coal mining whereas the FC should have been obtained for entire 520 ha of forest land. It is to be noted that the post facto FC for 195.20 ha including 12.708 ha surface right for infrastructure and approach road on 22.01.1994 was for 30 years as per the existing guidelines in compliance of the section 8 of MMDR Act 1957 and the Mineral Concession Rules 1960. The FC expired in 2008 after 30 years of operation and WCL should have obtained FC again for the same area. The EC was granted in 2006 for 520 Ha of forest land for increases production from 0.18 MTPA to 0.6 MTPA with condition that WCL will obtain FC before commencing mining activities. This condition of EC was violated by WCL.
11. As per the website of the Ministry for online application, WCL applied for forest clearance in 2007 to the state Government (FP/MP/MIN/3615/2008) but the case was not forwarded to the Ministry. Now the WCL has applied fresh on 19th April 2017 for post facto FC for underground mining in forest land over 201.097 ha only whereas FC for entire forest land of 520 ha in the mining area for underground mining is required.
12. The proposal/application submitted in 2008 by WCL was rejected by the State Government vide letter dated 15.01.2015 on the ground that the project area falls within 10 km of the Satpura Tiger Reserve and Panchmari Biosphere Reserve. The area also partially falls in the Pench Tiger reserve corridor.
13. Now the state Government has recommended the proposal for diversion for underground mining project.
14. The FAC observed the facts placed on records and is of the considered view that the WCL should apply for the remaining forest land for forest clearance under FC Act and deposit the NPV for the entire **520 ha**. The FAC recommends in principle approval for the ex-facto regularisation of the violation committed by the Western Coalfield Limited for diversion of the forest land over the forest land **201.079 ha** of forest land already broken with penal NPV and penal CA for 50 years (30yrs+20yrs) w.e.f. 25.10.1980. FAC further recommends that the in-principle approval will be effective after the payment of NPV and other outstanding dues with WCL in CAMPA account.



- 1) Application for diversion of remaining forest land of **520 ha** in the project (318.921 ha) be submitted by WCL for consideration.
- 2) Action is required to be initiated against the authorities in WCL in accordance with the section 3(A) and 3(B) of the Forest Conservation Act, 1980 against the officials who violated the provisions of FC Act 1980. State Government may also initiate legal action under Indian Forest Act 1927 for violation of their relevant law.
- 3) The Regional office, Bhopal shall visit the underground mining project and report the status of the forest clearance and the ongoing mining activities without valid Forest clearance under section 2(ii) of the FC Act along with the Nodal officer, Forest Conservation, Madhya Pradesh Forest Department. WCL will provide the copy of FC granted in past along with the details of the mining area of Tawa-II underground mining project over 520 ha which as per the EC report is forest land.
- 4) The Regional Office Bhopal should investigate along with the concerned officers of the forest department and WCL the status of entire Patherkhera coal block in Madhya Pradesh, the extent of forest land and the status of forest clearances in all such cases and submit comprehensive report on Forest clearance
- 5) WCL will deposit the NPV for the entire 520 ha immediately since the forest land has been used by the WCL in Tawa-II underground project in contravention of the FC Act.
- 6) WCL should submit the compliance report of in principle approval granted by this Ministry's letter F. No. 8-102/2004-FC dated 30.01.2012, in favour of WCL for diversion of another parcel of 90.00 ha of forest land, after expiry of the Forest clearance in 2003 and deposit the compensatory levies of Rs 255462766. With interest of 12% per annum.
- 7) The State Government will undertake study on impact of mining on wildlife especially tiger habitat in the entire project area and prepare the wildlife management plan for the entire reserve forest and the same will be implemented from the funds provided by the WCL. The clearance from NBWL may also be obtained because the area is populated by tigers in the surrounding tiger reserves.
- 8) Penalty will be imposed as per the existing guidelines dated 29th January 2018.
- 9) Complete compliance of Forest Right Act 2006 will be done by the State Government and submitted along with the compliance report.

[Naresh Kumar DIG FC]

Agenda No. 1

F. No. 7-79/2015-FC (Pt. III)

Sub: Issue of NPV in Category III – I.A. No. 3594/2013 in the matter titled as Girdharilal Agarwal Vs. Union of India in W. P. (Civil) No. 202/1995 titled T. N. Godavarman Vs. Union of India

The FAC in its meeting held on 15/06/2017 discussed the above-mentioned proposal, heard the views of the advocate representing Shri Girdharilal Agarwal and noted as under:



1. The instant Application was moved for waiver of demand from payment of NPV with respect to the forest land diverted under Section 2 of the FC Act, 1980
2. That in compliance to the order dated 15/09/2006 passed in IA No. 1473 and 1620 by the Hon'ble Supreme Court, CAMPA issued orders dated 03/10/2006 containing instructions to all the States/UTs to recover NPV for the diverted forest land under FC Act 1980.
3. The MoEFCC vide its circular dated 25/05/2004 has clarified that NPV shall not be charged in those cases where in-principle approval has been granted prior to 30/10/2002.
4. The Applicant states that in his case the in-principle approval was granted on 12/08/2002 i.e. prior to 30/10/2002. Therefore, he is not liable to pay NPV as demanded by the DFO, Bolangir.
5. That after the grant of in-principle approval by MoEFCC on 12/08/2002, the applicant deposited Rs. 3,60,967 with the DFO, Bolangir towards the cost of compensatory afforestation. Subsequently, the MoEFCC granted Stage-II approval on 9/12/2003 for diversion of 23.240 ha. of forest land.
6. That thereafter, the DFO, West Division, Bolangir demanded Rs. 17,430,000/- from the applicant towards payment of NPV and also issued a letter to the Range Officer for not allowing the applicant to carry out the mining operations if the said amount is unpaid.
7. The Applicant continued mining activities from 1980 till June 2008.
8. That the applicant on 13/11/2009 gave a representation for waiver of the NPV demand.
9. That the DFO, Bolangir vide notices/ letters dated 21/06/2010 and 24/07/2010 asked the applicant to deposit Rs. 2,00,17,330 toward the NPV.
10. The applicant submits that since the mining operation was stopped since June 2008 and not carried out for more than two years, the mining lease is liable to be declared as lapsed (i.e. under Rule 28A(1) of Mineral Concession Rules, 1960. Accordingly, the Mining Officer, Bolangir moved an application to the Director of Mines, Odisha seeking declaration that the mining lease has lapsed; in response to the same the DFO, Bolangir issued show cause notice dated 26/07/2012; in response to which the Applicant clarified that he does not intend to operate the mines in future and the demand of NPV may be waived.
11. Later on 13/12/2012, DFO Bolangir issued another demand notice dated 13/12/2012 informing the applicant for proceeding to initiate the Certificate Proceedings for the recovery of the amount.
12. The Applicant submitted various representations in 2013 but was rejected by the DFO, Bolangir.
13. As per the Report of the CEC dated 19th February 2014, the demand raised by the Odisha Forest Department for payment of NPV by the applicant with reference to diversion of 23.240 Ha. of approved forest land under FC Act, 1980 for renewal of mining lease, is



strictly in accordance with the Hon'ble Supreme Court's orders dated 29th/30th October, 2002 and dated 15th September, 2006. The demand is fully justified and do not require any interference. CEC recommended that no relief may be granted to the Applicant against the demand for Payment of NPV.

14. In view of the aforementioned facts and circumstances, it is suggested that matter may be placed before the FAC to take a view on this Policy issue that whether the matter is eligible for exemption from payment of NPV.
15. **FAC Recommendation on 15/06/2017:** After careful consideration of the facts and hearing, the oral submission from the Counsel of M/s. Girdharilal. FAC asked the Counsel to furnish their submission in the form of affidavit, which will be placed before the FAC in its next meeting.
16. As per above recommendation of FAC, the project proponent vide this Ministry's letter dated 08/08/2017 was requested to furnish their submission through his counsel in the form of affidavit for further consideration of the proposal.
17. Now, DM Legal Office, Law Office vide their letter dated 20/02/2018 informed that affidavit of Shri Girdharilal Agarwal was again submitted the affidavit of Shri Girdharilal Agarwal in original indicating the following:
 - i) That the Government of Odisha granted the graphite mining lease in my favor in the District of Bolangir, Odisha over an area of 27.421 ha for a period of 20 Years starting from 07.06.1980 till 06.06.2000. That prior to expiry of above mining lease, he submitted his application for renewal of mining lease with the Government of Odisha vid my application dated 22.04.1999 under Rule 24 A(I) of the Mineral Concession Rules, 1960.
 - ii) That pending renewal of the mining lease by the Government of Odisha, he also applied to the Ministry for Environment clearance and diversion of forest for the renewal lease period.
 - iii) That in response to his request, Ministry of Environment, Forest and Climate Chang vide letter no. F-No. 8-63/2001-FC dated 12.08.2002, granted a conditional Stage I approval for diversion of 23.240 hectares of land over the already broken up area of 5.868 hectares.
 - iv) That the Department of Steel and Mines, Government of Odisha vide its Letter no. 8273 dated 30.10.2014 has refused my mining lease renewal application dated 22.04.1999.
 - v) That in the letter no. 8273 dated 30.10.2014, it is specifically mentioned that the initial mining lease period was from 07.06.1980 to 06.06.2000 and upon hearing the officials present and upon scrutiny of records, it was found that the mines was a non-working mines since 06.06.2000 i.e from the expiry of original lease period and therefore the lease is liable to be declared as lapsed u/r 28(I) of the of MCR 1960.
 - vi) That in the meanwhile, while the matter is under consideration with the MoEF&CC, THE Court of the Collector and District magistrate, Bolangir in OPDR Case No. 1/2015 and vide notice no. 902 dated 07.08.2015 issued the Certificate of Public Demand dated 27.08.2015 against demanding payment of Rs. 2,91,81,036/- (Rs. Two Crore Ninety One Lakh Eighty One Thousand Thirty Six Only).

- vii) That since as per the department of Steel and Mines Government of Odisha vide its letter no. 8273 dated 30.10.2014, the mining lease has expired/lapsed on 06.06.2000 and NPV is applicable only in those cases where approval has been granted on or after 30.10.2002, the NPV demand of Rs. 2,91,81,036 (Rupees Two Crore Ninety One Lakhs Eighty One Thousand Thirty Six Only) raised under the OPDR Case No. 1/2015 by the Court of the Collector and District Magistrate, Bolangir, Odisha may kindly be withdrawn.
- viii) That since he is no longer interested to pursue further the renewal of the said mining lease with the Government of Odisha, he has no objection if the Ministry of Environment, Forest and Climate Change revokes/ Cancels the Stage I conditional approval since issued vide letter no. F No. 8-63/2001-FC dated 12.08.2002.
18. The Project Proponent was requested vide this Ministry's letter dated 13/02/2018 to depute an official/counsel/representative conversant with subject along-with the comments of State Govt. and the case may be presented before the Forest Advisory Committee. No one from the applicants side was present before the FAC, the FAC in its meeting held on 23.2.2018 decide to defer the matter and recommended that fresh notice should be issued to the applicant.
19. The Project Proponent was again requested vide this Ministry's letter dated 12/03/2018 to depute an official/counsel/representative conversant with subject matter so that the case may be presented before the Forest Advisory Committee, on 22.03.2018.
20. From the applicant's side Advocate Shri. Debasish Mohapatra (council of M/s Girdharilal Agarwal) was present to represent this case of his client before the FAC on 22.03.2018.

Recommendation: The FAC considered facts and written submission, heard the view of the Council of M/s Girdharilal Agarwal and decided that Regional Office Bhubaneswar, may inspect and examine this matter and the report furnished by Regional office in this matter may be placed before the next FAC meeting.

Agenda No. 2 & 3

The following agenda was not considered because no one from the plaintiffs' side were present before the FAC. The FAC decided to defer the matter and recommended that fresh notices should issued to the applicants.

Agenda No. 2 (F.No. 7-79/2015- FC (Pt. IV): Issue of NPV in I.A. No. 2707/2009 in the matter titled as the Registrar, Kuvempu University Vs. Union of India & Others in W.P. (Civil) No. 202/1995 titled T. N. Godavarman Vs. Union of India.

Agenda No. 3 (F.No.7-79/2015-FC (Pt. V): Request for exemption of NPV as per order dated 05/10/2015 passed by Hon'ble Supreme Court of India in I. A. No. 3826 of 2014 in I.A. No. 826&859 in I.A. No. 566/2002 in W.P. (Civil) No. 202/1995 in the matter titled as T. N Godavarman vs. Union of India.

Agenda No. 4

F. No. 7-79/2015-FC (Pt. VI)

Sub: Request for exemption of NPV as per order dated 05/10/2015 passed by the Hon'ble Supreme Court of India in I.A No 3894-3896 of 2015 in W.P (Civil) No.



202/1995 in the matter titled as T.N Godavarman vs Union of India and in the matter of India Institute of Astrophysics.

The facts submitted by the petitioner in I.A No. 3894-3896 of 2015 are as under:

1. The applicant set up an astronomical observatory for research and training purpose known as Vainu Bppu observatory at Javadhu Hills kavalur, vellor district Tamil Nadu.
2. Telescope of different sizes and requisite support infrastructure facilities for operating the instruments have been installed
3. The applicant is in passion of the 40 acers of forest area since 1965 and additional 60 acers since 1976 i.e. much before the FC Act came in to force and before the introduction of the concept of NPV
4. The applicant has sought exemption from payment of NPV on the basis of directions contained in order dated 23.01.2012 passed by Hon'ble Supreme Court in I.A No. 2414-2416 and 3268 in W.P (Civil) No. 202/1995 and its operative part is as follows: "307. IAs no. 2414-16 and 3285 in W.P(C) No. 202/1995

8. The applicant seeks a direction to respondents 1 and 2 to grant exemption from payment of net present value in favor of the applicant corporation and also for other consequential reliefs.

9. We have perused the recommendations of the Central Empowering Committee (CEC) in its report dated 17.09.09 Para 6 of the aid report read as follows :

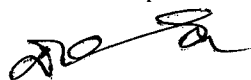
"6. On examination of the relevant documents it is seen that the formal approval under the Forest Conservation Act, 1980 for the Non-Forest use of 2582.90 Ha of the forest land for Tehri Dam Project was accorded by the ministry of Environment and Forest (MoEF) on 4.6.1987 i.e. almost 15 years prior to this Hon'ble Court order dated 30.10.2002 payable in cases where formal approval under the FC Act have been accorded after 30.10.02 .MoEF's subsequent orders dated 9.2.88 and 25.06.04 merely modified the stipulated condition on which the formal approval under the FC Act has been accorded and are not fresh approvals. No additional forest land has been diverted. The Supreme Court by order dated 15.09.2006 HAS CLARIFIED THAT NPV is payable in all cases where the formal approvals for non-forestry use of forest land have been accorded under the FC Act after 30.10.2002 in the present case, no NPV is payable as the formal approval for the diversion of the forest land has been accorded by MoEF much before 30.10.2002 .in fact , it was accorded almost 15 years earlier. The demand of Rs. 237.63 crores by the District Magistrate, Tehri Garhwal Towards the NPV payment for diversion of the forest land for the Tehri Dam project is therefore, no justification needs to be set aside"

10. Report of CEC is accepted and the demand for NPV stands set aside. We order accordingly"

5. The applicant submits that his case directly covered by the above mentioned direction of the Hon'ble Supreme Court. He has not sought any fresh approval and is not bound to pay the NPV.



6. The area of 100 acres allotted to the applicant is being well maintained for scientific research with good vegetation.
7. Out of the 100 acres allotted to the applicant the actual use of the forest land is limited only to the extent of 7% while the remaining 93% of the area is being maintained as forest and original darkness is being maintained in the area.
8. The activities carried out at the observatory are purely scientific in nature and have no commercial value and no income is generated by the applicant from the same.
9. The Tamil Nadu forest Dept. vide letters dated 15.02.2008 and 24.03.2011 demanded a sum of Rs. 327.60 lakhs from the applicant towards the payment of NPV of the leased forest land.
10. That on 19.04.2011, the applicant paid sum of Rs 50 lakhs towards the said demand of NPV.
11. Subsequently the applicant wrote to The Dept. of Science and Technology, Govt. of India requesting them to intervene and seek exemption from MoEF.
12. The Tamil Nadu forest dept. vide letters dated 19.08.2013 issued a reminder to the applicant for balance amount of NPV amounting to Rs. 277.60 lakhs.
13. The director of the applicant institute vide letter dated 05/03/2013 requested secretary, Dept. of Science And Technology, Govt Of India to write to the secretary , MoEF not to press for payment of the balance NPV.
14. Subsequently, the secretary department of science and technology govt. of India. Vide letter dated 06.09.2013 wrote to the secretary MOEF requesting him to consider the case favorably as land was used only for basic research and education.
15. Subsequently , the secretary , MoEF vide letter dated 04.04.2014 replied to the secretary , dept. of science and technology , govt. of India stating that it will not be feasible to the ministry to take favorable decision that NPV be realized only in respect of 7 Acres forest land which is actually used for setting up the observatory.
16. Thereafter, the Tamil Nadu Forest Dept. vide letters dated 03.11.2014 ,08.12.2014 09.01.2015 and 15.06.2015 send reminders towards payment of the balance of the amount of NPV of Rs. 277.60 Lakhs.
17. The applicant in view of the facts and circumstances mentioned above, has requested from payment of NPV of Rs. 327.60 lakhs for use of the forest land at Javadhu Hills, Karvallur, Vellore District, Tamil Nadu.
18. The Supreme court transferred the IA to the Ministry vide order dated 05/10/2015 passed by the Hon'ble Supreme Court passed in I.A No. 2707/2209 in W.P(C) 202/1995 with direction that the MoEF&CC will consider those applications in accordance with law as expeditiously as possible. If for any reason, any person is aggrieved by the said decision he shall be free to file an appropriate applicants /petition before the National Green Tribunal within 60 days time from the date of the order passed by the MoEF&CC. Liberty was reserved to NGT to condone the delay, if any in approaching it within the granted by us if satisfactory explanation is offered by the applicant/petitioner.
19. In view of the aforementioned facts and circumstance, it is matter may be transferred to MoEF&CC". The **FAC in its meeting held on 20/07/2017** discussed the above mentioned proposal and observed as follows:-
 - i. The instant matter pertains to State of Tamil Nadu wherein 100 acres of forest land was leased to the Indian Institute of Astrophysics. When the State Government had requested for payment of NPV in 2008 and subsequently in



202/1995 in the matter titled as T.N Godavarman vs Union of India and in the matter of India Institute of Astrophysics.

The facts submitted by the petitioner in I.A No. 3894-3896 of 2015 are as under:

1. The applicant set up an astronomical observatory for research and training purpose known as Vainu Bppu observatory at Javadhu Hills kavalur, vellor district Tamil Nadu.
2. Telescope of different sizes and requisite support infrastructure facilities for operating the instruments have been installed
3. The applicant is in passion of the 40 acers of forest area since 1965 and additional 60 acers since 1976 i.e. much before the FC Act came in to force and before the introduction of the concept of NPV
4. The applicant has sought exemption from payment of NPV on the basis of directions contained in order dated 23.01.2012 passed by Hon'ble Supreme Court in I.A No. 2414-2416 and 3268 in W.P (Civil) No. 202/1995 and its operative part is as follows: "307. IAs no. 2414-16 and 3285 in W.P(C) No. 202/1995
8. The applicant seeks a direction to respondents 1 and 2 to grant exemption from payment of net present value in favor of the applicant corporation and also for other consequential reliefs.
9. We have perused the recommendations of the Central Empowering Committee (CEC) in its report dated 17.09.09 Para 6 of the aid report read as follows :

"6. On examination of the relevant documents it is seen that the formal approval under the Forest Conservation Act, 1980 for the Non-Forest use of 2582.90 Ha of the forest land for Tehri Dam Project was accorded by the ministry of Environment and Forest (MoEF) on 4.6.1987 i.e. almost 15 years prior to this Hon'ble Court order dated 30.10.2002 payable in cases where formal approval under the FC Act have been accorded after 30.10.02 .MoEF's subsequent orders dated 9.2.88 and 25.06.04 merely modified the stipulated condition on which the formal approval under the FC Act has been accorded and are not fresh approvals. No additional forest land has been diverted. The Supreme Court by order dated 15.09.2006 HAS CLARIFIED THAT NPV is payable in all cases where the formal approvals for non-forestry use of forest land have been accorded under the FC Act after 30.10.2002 in the present case, no NPV is payable as the formal approval for the diversion of the forest land has been accorded by MoEF much before 30.10.2002 .in fact , it was accorded almost 15 years earlier. The demand of Rs. 237.63 crores by the District Magistrate, Tehri Garhwal Towards the NPV payment for diversion of the forest land for the Tehri Dam project is therefore, no justification needs to be set aside"
10. Report of CEC is accepted and the demand for NPV stands set aside. We order accordingly"
5. The applicant submits that his case directly covered by the above mentioned direction of the Hon'ble Supreme Court. He has not sought any fresh approval and is not bound to pay the NPV.



6. The area of 100 acres allotted to the applicant is being well maintained for scientific research with good vegetation.
7. Out of the 100 acres allotted to the applicant the actual use of the forest land is limited only to the extent of 7% while the remaining 93% of the area is being maintained as forest and original darkness is being maintained in the area.
8. The activities carried out at the observatory are purely scientific in nature and have no commercial value and no income is generated by the applicant from the same.
9. The Tamil Nadu forest Dept. vide letters dated 15.02.2008 and 24.03.2011 demanded a sum of Rs. 327.60 lakhs from the applicant towards the payment of NPV of the leased forest land.
10. That on 19.04.2011, the applicant paid sum of Rs 50 lakhs towards the said demand of NPV.
11. Subsequently the applicant wrote to The Dept. of Science and Technology, Govt. of India requesting them to intervene and seek exemption from MoEF.
12. The Tamil Nadu forest dept. vide letters dated 19.08.2013 issued a reminder to the applicant for balance amount of NPV amounting to Rs. 277.60 lakhs.
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14. Subsequently, the secretary department of science and technology govt. of India. Vide letter dated 06.09.2013 wrote to the secretary MOEF requesting him to consider the case favorably as land was used only for basic research and education.
15. Subsequently, the secretary, MoEF vide letter dated 04.04.2014 replied to the secretary, dept. of science and technology, govt. of India stating that it will not be feasible to the ministry to take favorable decision that NPV be realized only in respect of 7 Acres forest land which is actually used for setting up the observatory.
16. Thereafter, the Tamil Nadu Forest Dept. vide letters dated 03.11.2014 ,08.12.2014 09.01.2015 and 15.06.2015 send reminders towards payment of the balance of the amount of NPV of Rs. 277.60 Lakhs.
17. The applicant in view of the facts and circumstances mentioned above, has requested from payment of NPV of Rs. 327.60 lakhs for use of the forest land at Javadhu Hills, Karvallur, Vellore District, Tamil Nadu.
18. The Supreme court transferred the IA to the Ministry vide order dated 05/10/2015 passed by the Hon'ble Supreme Court passed in I.A No. 2707/2209 in W.P(C) 202/1995 with direction that the MoEF&CC will consider those applications in accordance with law as expeditiously as possible. If for any reason, any person is aggrieved by the said decision he shall be free to file an appropriate applicant /petition before the National Green Tribunal within 60 days time from the date of the order passed by the MoEF&CC. Liberty was reserved to NGT to condone the delay, if any in approaching it within the granted by us if satisfactory explanation is offered by the applicant/petitioner.



19. In view of the aforementioned facts and circumstance, it is matter may be transferred to MoEF&CC". The **FAC in its meeting held on 20/07/2017** discussed the above mentioned proposal and observed as follows:-
- i. The instant matter pertains to State of Tamil Nadu wherein 100 acres of forest land was leased to the Indian Institute of Astrophysics. When the State Government had requested for payment of NPV in 2008 and subsequently in 2011, the User Agency had petitioned before the Hon'ble Supreme Court for exemption of NPV.
 - ii. The FAC observed that this matter was transferred by the Supreme Court to the Ministry to decide the policy issue pertaining to payment of NPV.
 - iii. The FAC considered the facts as available with the Ministry and decided to take up the matter in subsequent FAC meeting in the presence of the user agency who would have to be present with all details and documents in support of the submission from payment of NPV.
 - iv. The FAC requested the Ministry serve notice to the party to remain present with the above sought details for the consideration of the FAC.
20. The Ministry requested the Indian Institute of Astrophysics on 13.02.2018 to depute an official/counsel/representative conversant with subject along-with the comments of State Govt. and the case may be presented before the Forest Advisory Committee. An email request dated 23/2/2018 from senior administrative officer, Indian Institute of Astrophysics for permission to present this case in month of March, 2018. Since no one from the applicant side was present before the FAC, the FAC in its meeting held on 23.2.2018 decide to defer the matter and recommended that fresh notice should be issued to the applicant.
21. The Project Proponent was again requested vide this Ministry's letter dated 12/03/2018 to depute an official/counsel/representative conversant with subject matter so that the case may be presented before the Forest Advisory Committee, on 22.03.2018.
22. From the applicant's side Prof. G.C. Anupama Dean And Dr. Muthumariappan Associate professor were present to represent this case before the FAC on 22.03.2018.
23. The FAC considered facts and heard the view of representative of the Indian Institute of Astrophysics and recommends as under:
1. The NPV may not be chargeable on total Forest Land which is under the possession of the Institute, because Institute is using upto 10.0 acres of forest land only for non-forestry purpose and rest of the forest land is maintained as forest. Hence the NPV may be chargeable on 10.0 acre of forest land. NPV already deposited to be adjusted accordingly.
 2. Extensive plantation of indigenous species will be done by the user agency in the remaining forest land under control of the Institute and no further diversion of forest land for non-forestry purpose will be done by the user agency.
 3. The lease period of the 40 previously leased out forest land was extended for a period of ten years from 5.9.1975, and in respect of 60 acre forest land was leased out from 18.10.1976 for a period of ten years. Since the lease of forest land has already been expired, the institute require fresh renewal of lease, therefore, a fresh proposal has to be submitted by the institute under the Forest (Conservation) Act, 1980, for 100 acre of forest land under the possession of the Institute.

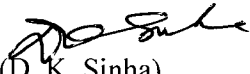



4. The state government will inform the terms and conditions of the lease granted to the Institute specifying the period of lease.

by road
(Dr. Sanjay V. Deshmukh)
Member

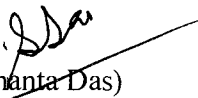
by road
(Dr Rajesh Kaushal)
Member

by road
(S. D. Vora)
Member


(D. K. Sinha)
Inspector General of Forests (FC)


Mr. Saibal Dasgupta
Addl. Director General of Forests (FC)

by road
Additional Commissioner (Soil Conservation)
Ministry of Agriculture (Member)


(Siddhanta Das)
Director General of Forests & Special Secretary