

Minutes of meeting of Forest Advisory Committee held on 25th January, 2018

Sandeep Sharma
AIGF (FC)

Agenda No. 1

F. No. 8-31/2010-FC

Sub: Diversion of 1898.328 ha forest land (1654.109 ha of revenue forest land and 244.219 ha forest land) in favour of Rajasthan Rajya Vidyut Utpadan Nigam Limited, in Villages Parsa and Kete, Telsil Udaipur, District Surguja, CG

1. The Ministry of Coal allotted Parsa East & Kete Basan coal block vide its letter dated 19/25.06.2007 to Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL) to meet the requirement of coal for their two thermal power project viz. Chabra phase-II and Jhalawar projects. The approximate area of the project is 27.11 sq km which is situated in district Surguja, Chhattisgarh. The area proposed for Parsa East & Kete Basan coal block open cast mines, fall under Udaipur Range of South Surguja Division, Ambikapur. Total forest area in 16 compartments of Phatehpu, Matringa, Gumga and Ghatbarra protected forest block is 1654.109 ha and revenue forest land is 244.219 ha. Total forest land 1898.328 ha.
2. There are eight coal blocks viz Tara, Bissar, Madanpur, Paturia, Parsa, Morga-I & Morga-II in Hasdeo Arand coal fields. All these proposed coal fields are in forest areas. The Ministry of coal, Government of India sanctioned Parsa East and Kete Basan coal blocks to Rajasthan Rajya Vidyut Utpadan Nigam Limited. The total mineable reserves of coal are 452.46 MT. The reserve shall last 49 years at estimated production 10 MTPA. Mining is proposed by open cast mining. The initial mining lease period proposed is 30 years which is renewable in future. The coal produced shall be used in two thermal power projects 2x250 MW project unit no. 3 & 4 and Kalisindh Thermal power project 2x600MW district Jhalawar which are under construction phase and different units are likely to be commissioned between the period 31.10.2011-31.12.2012 and 31.12.2011-31.03.2012, respectively. A joint venture company M/s Parsa Kente Collieries Limited has been formed between Rajasthan Rajya Vidyut Utpadan Nigam Limited and Adani Group for development of mines.
3. The State Government of Chhattisgarh, vide their letter dated 28.04.2010, submitted a proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of **1898.328 ha** of forest land for Parsa East and Kante Basan coal block open cast mining in Hasdeo Arand forest.
4. The said proposal along with the site inspection report submitted by the RO, Bhopal was considered by the FAC in its meeting held on 10.03.2011 and the Committee desired that area may be visited by the Sub-Committee of the FAC to have a better appreciation of the proposal. The site was visited by the Sub-Committee of FAC and report submitted to the FAC. Subsequently, the proposal was again considered by the FAC in its meeting held on 20-21st June, 2011 and the Committee noted the following:



- i. The coal block is on the northern fringe of Hasdeo-Arand.
 - ii. The mining is planned in two phases with the aim of sequential mining, scientific void management, planned felling of trees and afforestation, top soil management, and reclamation, etc.
 - iii. In phase-I (15 years), total requirement of forest area is 762 ha (40% of total), where 1,25,547 trees will be affected.
 - iv. In phase-II (16th year onwards), total requirement of forest area will be 1136.328ha, where 2,42,670 trees will be affected.
 - v. The reclamation of mined out area will start from 3rd year onwards.
 - vi. The project belongs to the State Government and is directed to meet the energy requirements of the State.
5. The FAC also taken into consideration the observations of the sub-committee of the FAC, which visited the area recently that the quality of the forest cover available in the Parsa East and Kante Basan coal block is poorer compared to area in the Tara coal block. However, as per the study jointly undertaken by the MoEF and MoC Gross Forest Cover is 52.95% and Weighted Forest Cover comes to 27.55%.
 6. The FAC after considering all the findings and observations did not recommend the diversion of the proposed forest area in view of fact that area proposed for diversion has high ecological and forest value and the number of trees to be felled was very high, which did not justify diversion from conservation point of view.
 7. Recommendation of FAC was placed for approval before the Hon'ble Minister of Environment & Forests for their acceptance. The then Hon'ble Minister of State for Environment & Forests after considering the recommendations of FAC and taking into consideration the various issues, proceeded on to grant permission for Stage – I approval to the proposal on 23.06.2011.
 8. The Hon'ble MEF had overruled the recommendation of the FAC on the following grounds:
 - a) *Coal block located in fringe area and not in biodiversity rich area of Hasdeo-Arand Coal field.*
 - b) *Substantial changes have been introduced in the mining plan as originally envisaged. Revised plan envisage mining in two phases of 15 years each.*
 - c) *Concern identified relating to wildlife should be taken care of through a well-prepared and well-executed Wildlife Management Plan and Programme under the aegis of WII, Dehradun.*
 - d) *These coal blocks are linked to super critical thermal power generating stations. In fact this is an explicit pre-condition for approval in order to remove any ambiguity on this score.*



- e) Both the State Government involved –Chhattisgarh and Rajasthan (which will use the coal mined at Parsa East and Kante Basan) have been persistently following up since their power generation plans are closely linked with these coal blocks.
- f) While the FAC has to do its due diligence with single-minded focus, as the Minister I have necessarily to keep the boarder development picture in mind and balance out different objectives and considerations
9. On the basis of the order dated 23.06.2011 of the then Minister, this Ministry decided to give Stage-I clearance to diversion proposal of (I) Tara Coal Block and (II) PEKB Coal Block in Hasdeo-Arand Coal Block. MoEF granted Stage-I clearance dated 06.07.2011 to the diversion of 1898.328 ha of forest land (for mining in two phases) in Parsa East and Kante Bassan captive coal blocks open cast mining project in favour of M/s RVUNL in South Sarguja Forest division in Sarguja district of Chhattisgarh subject to fulfilment of certain terms & conditions, as specified therein.
10. The State Government of Chhattisgarh has furnished the satisfactory compliance report on conditions stipulated in the Stage-I approval dated 6.07.2011 vide their letter no. 331-53/2455 dated 31.12.2011. After having found the compliance report submitted by the State Government complete, the stage –II approval was granted by MoEF on 15.3.2012 for the said proposal subject to fulfilment of certain conditions.
11. Subsequently, an appeal was filed by Mr. Sudiep Shrivastava before the Hon'ble National Green Tribunal challenging the order dated 28-3-2012 passed by the State Govt. of Chhattisgarh under section-2 of the FC Act, 1980 for diversion of 1898.328 Ha of forest land of Parsa East and Kante Besan Captive Coal Blocks open cast mining project. Matter was concluded after series of hearing conducted by the Hon'ble NGT and judgement was passed on 24.03.2014 wherein the Hon'ble NGT inter-alia directed as under:
- a) "Order dated 23rd June, 2011 passed by the respondent no. 2- MoEF Government of India and consequential order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;
- b) The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the proposal discussed herein above with emphasis on seeking answers to the following questions: (i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for

regeneration of the flora (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.

- c) The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.
- d) All work commenced by the respondent no. 3 project proponent and respondent no.4 pursuant to the order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand suspended till such further orders are passed by the MoEF in accordance with law."

12. The Order of NGT was challenged in Hon'ble supreme court through Civil Appeal No. 4395 of 2014.
13. In compliance of the NGT order the FAC considered the proposal again on 29-30th April 2014 and reviewed the whole matter and after examination of the issue, recommended that since the matter is sub-judice decision on the matter may be deferred.
14. In the meanwhile the Hon'ble Supreme Court heard the matter on 28.04.2014 and directed as under

".....we stay the direction in the impugned order that all works commenced by the appellant pursuant to the order dated 28th March, 2012 passed by the State of Chhattisgarh under Section 2 of the Forest Conservation Act, 1980 shall stand suspended till further orders are passed by the Ministry of Environment and Forests".

15. Based on the stay order the user agency continued the work. Since 2014, the matter is pending in the Supreme Court and user agency is working in the area based on the stay order of Hon'ble Supreme Court.
16. In the meanwhile the user agency had approached the IA division of MoEF&CC for grant of EC to the expansion project "Parsa East and Kanta Basan (PEKB)" Opencast Coal Mine from 10 MTPA to 15 MTPA along with the expansion of Pit Head Coal Washery from 10 MTPA to 15 MTPA
17. The file was processed and Hon'ble Minister of State for EF&CC directed that "since the matter is pulling for long, FAC may convene a meeting and decide the matter in 4 weeks
18. The Ministry observed that since the Supreme Court has stayed the part (4) of the order of the NGT whereby the ongoing operation of mining was suspended, the matter should be placed before the FAC in compliance of the remaining part of the NGT order namely (1), (2), and (3) and seek advice of FAC on the whole issue.
19. The Ministry is of the opinion that since the Supreme Court has not stayed the complete order of the NGT except the part 4 whereby the mining operation was suspended, the case



plan within three months and the compliance report shall be submitted to regional office, Bhopal.

- d. FAC had observed that the State Government had not complied with the conditions prescribed for compensatory afforestation land. It is learnt that the Orange forest land proposed For CA has not been mutated in favour of forest department and not declared as PF/RF as per the provision of IFA 1927 / local Act. The non compliance was viewed very seriously. It is recommended that state government shall take action against the erring officials for non compliance of the condition and shall take immediate step to mutate the orange forest land, as proposed in original proposal, in favour of Forest department and declare the same as RF/PF within two months.
- e. Since the Stage-II was granted in 2012 and stay order from Supreme Court in 2014, mining has continued till date and considerable time has passed and reclamation must have been done by the user agency as per the reclamation plan. The compliance of the Reclamation plan submitted with proposal will be monitored by the Regional Office. In the reclamation plan it has been proposed to fell trees in a phased manner. Plantation of reclaimed area was be done in a phased manner to nullify the number of trees felled. It has been planned to plant trees in unworked area, outside dump area during the first two years. During the third year, plantation on unworked area and outside dump area and on dump area in a phased manner has been proposed. During fourth and fifth year plantation outside dump and on dump area has been proposed. From seventh year onwards, plantation on dump area has been proposed in a phased manner. Over the entire life of the mine, afforestation will be done over 2173.10 ha. Native species shall be planted at 1500 saplings per ha.
- f. The compliance report of conditions in stage-II approval will be submitted by the Regional office within three months. If the orange forest land identified for CA for this case is not transferred and mutation done in favour of forest department and notified as forest under Indian Forest Act within six months, and the reclamation plan is not implemented the matter will be reported by the Regional Office. In case of non-compliance of the conditions stipulated including reclamation and compensatory afforestation the stage-II should be suspended by the ministry and reported to the Supreme Court who is hearing the Civil Appeal No. 4395 of 2014.
- g. The recommendations of FAC are subject to final outcome of the Civil Appeal No. 4395 of 2014.



was remanded to the FAC for reconsideration as directed by NGT and the Hon'ble Minister of State MoEF&CC.

20. The whole issue was considered in the FAC. The FAC analysed the existing condition of the mining lease area using the shape file on the DSS of the Ministry and google images and satellite imageries. FAC observed that the mining in the area is under process and forest has been cut as per the mining plan after the stay order granted by the Hon'ble Supreme Court against NGT order. The mining cannot be stopped now due to the stay order on suspension of mining operation. Since the matter has become a *fait accompli* situation, the user agency has to comply the mitigation measure as recommended in the Stage-II granted by the Ministry. FAC decided to recommend that the Ministry should ensure compliance of all conditions referred in Stage-II clearance subject to the final Decision of Hon'ble Supreme Court in Civil Appeal No. 4395 of 2014 in the matter of Rajasthan Rajya Vidyut Nigam Ltd. Vs. Sudiep Shrivastava. FAC further recommended that:
- a. The mining shall be restricted to the area proposed in Phase I area i.e 762 ha only without any change in mining plan till the final order of the Supreme Court in Civil Appeal No. 4395 of 2014.
 - b. A biodiversity assessment study based on the criteria fixed by NGT in its order in Appeal no 72/2012 in the matter of Sudiep Shrivastava versus state of Chhattisgarh, shall be undertaken by State Government through ICFRE Dehradun in consultation with Wildlife institute of India Dehradun for the whole Hasdeo- Arand coalfields comprising of Tara, Parsa, Parsa East, Kante. The study is to be awarded by State Government by associating the Indian Council of Forestry Research and Education (ICFRE), Dehradun and Wildlife Institute of India (WII) Dehradun and integrated wildlife management plan (IWMP) will be prepared and conservation area will be identified and mitigation measures will be recommended by the expert committee. The cost of study and cost of implementation of recommendations shall be borne by M/s Rajasthan Rajya Vidyut Utpadan Nigam Ltd (RRVUNL). The report will be submitted within two years.
 - c. It was informed by regional office that a wild life management plan involving financial provision of Rs. 22.0 Crores, concurred by the Wildlife Institute of India, Dehradun, has been proposed to be implemented in the core area and buffer area over a period of 15 years. The provisions to implement in the Wildlife Management Plan include general protection of the core area and protection and conservation of the buffer zone ecosystem by carrying out various activities like fire protection, protection from grazing, illicit felling and plantation, empowerment of people for protection, soil and moisture conservation works, etc. The Wildlife Management Plan has been proposed to mitigate the impact of the mining operations on the wildlife in area, including providing for safe movement of elephants. However, it is observed that though the said plan has been approved for its implementation by the PCCF (Wildlife) on 6.03.2013, till date no provisions of the Wildlife Management have been implemented by the State Forest Department. State Government shall start the implementation of the provisions of the




Agenda No. 2F. No. 8-81/2010-FC


Sub: Diversion of 79.56 ha of forest land for iron ore mining in East Bhanupratapur Forest Division in favour of M/s Monnet Ispat & Energy Limited in Kanker district of Chhattisgarh.

The above stated agenda Item was considered by FAC on 25.1.18 and observed as follows:

1. The matter has been placed before the FAC due to the NGT order dated 23.05.2017 against the forest clearance granted by the Ministry.
2. The project proposal was submitted to government of India by the state government on 03.08.2016 for reconsideration. On the recommendations of state government the proposal was placed before FAC on 24.08.16. It was recommended for approval with general, standard and specific conditions. Stage II approval was granted to the project proposal on 04.01.2017 after receipt of the compliance report from the State Government.
3. Pallamari Pahadivali Banjari Devi, Jan seva samiti, Village Hahaldaddi, Durgukondal, Kanker, Chhattisgarh and Sh. Rajesh Rangari, Kanker, Chhattisgarh made appeals before Hon'ble NGT, Central Zonal Bench, Bhopal challenging the order dated 04.01.2017 (Prior approval/Stage-II approval for diversion) and 05.01.2017 (approval for diversion of forest land by State Government) passed by the Union of India and State of Chhattisgarh respectively on the ground that the forest area under diversion has crown density more than 0.6 and according to the state Government circular no prospecting of mineral in forest area can be done with crown density over 0.6.
4. The Hon'ble Tribunal ordered on 23.05.2017 that:

"..... We are of the view that in case no permission for prospecting licenses can be granted in forest areas having density of 0.6 or more than the question of granting permission or recommending such case favorable for grant of FC to carry out mining operation in any case cannot be granted. What applies as, a restriction or a prohibition against prospecting necessarily applies even more to actual mining operation."

13. *It is further ordered that "In the light of the above, we gave two options to the Learned Counsel for the Respondent No. 2 as well as the Learned Counsel for the State. The first option was to permit the State Government to place before us the relevant record to show as to why the recommendation and the findings given by the Sub-divisional forest officer vide his report Annexure A-4 dated 20.10.2015 and the contents of form no. 3 stating the forest density as 0.7 to 0.8 with its reasons were not accepted by the superior authorities and the State Government deciding to recommend the case of the Respondent No. 2 contrary to the guidelines that a forest area having the density of more than 0.6 should not be recommended for grant of forest clearance."*



The second option given was that we remand the matter of the MoEF to re-consider the issue. This be done in the light of the fact and material that has come to light and which has been considered by us here in above which includes the contents of Form 3 and its accompanying documents/guidelines sent by SDO Forest stating the Forest density as 0.7 to 0.8 and his reasons for holding to which we have reproduced here in above.

In the light of the above the Learned Counsel for the Respondent No. 2 submitted that the matter be remanded for consideration of the matter De-Novo from the stage-2 and the FAC may be directed to take into consideration the record of the State Government and the forest officials as to ascertain the reasons for disagreement with the findings given by the SDO Forest in his report in form 3 Annexure A-4 and part-1 of the same. To the above the Learned Counsel for the Appellant in Appeal No. 11/2017 had no objection.

We are therefore, of the view that the order dated 04.01.2017 deserves to be set aside for consideration of the issue afresh in the light of the discussion contained hereinabove. We also direct that the issue to be decided at the earliest and preferably within 30 days of the submission of the certified copy of this order. It would be open for both the parties to place the entire material which has been filed before us or any other material which they seek to be considered by the MoEF for this purpose. So far as the MoEF is concerned it may also call for the relevant record from the State Government. In case the meeting of the committee is not scheduled to be held within 30 days the matter shall be placed in the agenda for consideration in the next meeting to be held and decided without delay. While doing so we would expect that reasons be recorded for arriving at decision either way.

In so far as the Appeal No. 18/2017 is concerned none has appeared today before us. The Appeal No. 18/2017 seeks to challenge the order dated 05.01.2017 passed by the State Government in consequence of the order dated 04.01.2017 which has been set aside by us while deciding the Appeal No. 11/2017 as such the Appeal 18/2017 also stands allowed, however, we have not stated anything regard to the merits of the matter in that Appeal.

5. Further Hon'ble NGT, Bhopal in order dated 03.08.2017 stated that:

"Matter will be heard and decided by the State Government afresh and they would give reasons for their decision particularly, in case they disagree with the observation and the reason given by the SDO Forest. Based upon the said decision after hearing the project proponent the matter should then be placed before the FAC as already directed. The other directions contained in the judgement will remain constant."

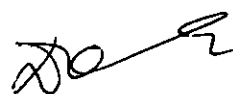
6. The State Government of Chhattisgarh vide its letter no. F-5-68/2008/10-2 (pt.) dated 17.11.2017 has informed to this Ministry that Hon'ble NGT has cancelled stage-II approval dated 04.01.2017 of this Ministry due to contradiction of density, as reported by the SDO, Bhanupratappur- 0.7 to 0.8 whereas the density reported by other forest officers was 0.5 to 0.7. It is further reported by the State Government that the Hon'ble NGT in their order dated 03.08.2017 directed the State Government to take their decision in matter, and to intimate their opinion to MoEF&CC, GoI. Thereafter, GoI may be placed the matter of rejection of prior approval before FAC for re-consideration.



7. It was reported by the state government that as per the direction of Addl. PCCF (Bhupraband) & Nodal Officer (FCA), the DFO, East Bhanupratappur has done ground truthing through GPS, Satellite Imagery and Google map and review was done in accordance with working plan and Forest Cover Classification Scheme of Indian Forest Research Institute. The calculated density varies from 0.4 to 0.7.
8. Divisional Forest Officer, East Bhanupratappur has intimated that the average forest density is 0.55 in 40 grid point within the applied 79.56 has forest land in forest compartments no.634, 636, 639 & 640.
9. It is further mentioned that in the representation of Chief conservator of forest, Kanker Circle, the forest density has been assessed in 40 grid points in accordance with the map of Forest Survey India for the year 2015 by the Institute of Forest Management, Forest Division, Raipur. The forest density has been as 0.3 to 0.5 in all 40 grid points. Although, according to the forest cover classification scheme of Forest Survey of India, all the grid points have been covered under moderately dense forest i.e. the forest density has been found between 0.4 to 0.7. It is to be noted that the digital interpretation is done based on the Forest Cover Maps of Forest Survey of India, based on maps obtained through satellite imagery, which is consider correct both technically as well as scientifically.
10. State Government has given their consent for the opinion of State Forest Department about density and requested this Ministry to take necessary action in the matter as per direction of Hon'ble NGT order dated 23.05.2017 and 03.08.2017

Recommendation of FAC: FAC after thorough deliberation and discussion with representative of user agency, nodal officer and APCCF regional office Nagpur observed that no new fact has been brought in the knowledge of FAC:

- a) The Guide line for not allowing prospecting in the forest with density more than 0.6 is issued by state government. The area was again analyzed on DSS and it is observed that area is medium dense forest (0.4 to 0.7 density). FAC agrees with the findings of state government and reiterates its earlier recommendation and recommend the project proposal for approval with Standard, General and specific conditions mentioned its previous recommendation 24.08.16.
- b) Compensatory afforestation shall be raised on equal non forest land equivalent to forest area proposed for diversion. In case of orange forest identified for CA then double the area will be transferred to the forest department. State government shall ensure that CA land is mutated in the name of forest department prior to commencement of work and same shall be declared as PF/RF under Indian Forest Act 1927/local Act within six months of the approval.
- c) Compensatory afforestation shall be raised over double the diverted forest land on orange forest and at least 1000 plants per hectare diverted ($79.56 \text{ ha} \times 1000 = 79560$ plants) shall be planted over identified degraded forest land under administrative management control of forest department as per the working plan prescription with provision for ten years on subsequent maintenance.



- d) 25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
- e) Complete compliance of FRA will be done and certificate on prescribed form will be submitted along with the compliance report.

Agenda No. 3

F. No. 8-04/2016-FC

Sub: Diversion of 1576.81 ha of Reserved forest land for the development of Special Economic Zone and Industrial Park at Village - Siracha, Navinal, Dhrub, Mundra, Baroi, Gorasama, Luni, Bhadreshwar, Ta. Mundra, Dist. Kutch in favour of Adnai Group, Mundra Port and Special Economic Zone Ltd., Ahmedabad.

The above stated agenda item was considered by FAC on 25.1.18 and details available on file were also considered and the FAC observed as follows

1. The present proposal is for diversion of **1576.81 ha** of reserved forest for non-forestry purpose for the development of port based multipurpose SEZ by Adani Ports and Special Economic Zone Limited (APSEZL) in Mundra coast in Kutch district of Gujarat.
2. Adani Ports and Special Economic Zone Limited (APSEZ) is a private multi-port operator. The company was earlier known as Mundra Port & Special Economic Zone Ltd (MPSEZ) and it changed its name to "Adani Ports and Special Economic Zone Limited (APSEZL)" on January 6, 2012.
3. **Adani Ports and Special Economic Zone Limited (APSEZL):** In 1994, the Gujarat Maritime Board (GMB) approved setting up a captive jetty at the Port of Mundra. The Adani group initiated its activities in Mundra in 1994-95. In 1998, a joint sector company, the Gujarat Adani Port Ltd. (GAPL), was incorporated. In 2001, the Port of Mundra signed a concession agreement with GMB for development, operation, and maintenance of the port at Mundra.
4. According to the State Government, the Ministry of Commerce and Industry, Government of India granted in principle permission for total 10000 ha of Mudra Special Economic Zone (MSEZ) in 2001 under State Government's Exim Policy 2000. Under SEZ Act 2005 a Special Economic Zone (SEZ) at Mundra was notified in 2006. The Mundra Special Economic Zone was merged with GAPL of Adani Group. The combined company was renamed 'Mundra Port and Special Economic Zone Limited (MPSEZL)' under Adani Group.
5. **Forest Clearances granted to MPSEZL:**
 - a. On 26th June 1998 the proposal for 2400 ha of Forest land for M/s Adani Chemicals was submitted by the State Government which was rejected by Forest Advisory



Committee (FAC) on the ground that the area contains 19.42 lakh mangrove trees. On 17th July 2002, FAC asked for a fresh proposal to be submitted due to high impacts of the project and its location in an ecologically fragile region. On 26th September 2002 FAC recommends 1840 ha of forest land out of the revised proposal for 1850 ha. 10 ha of interspersed mangrove forests was kept out. However, the proposal was granted in principle approval on 13th May 2004 by MoEF to M/s Adani Chemicals for diversion of **168.41 ha** of forest land in only one consolidated patch in survey area number 169/36 for salt washery and desalination plant for diversion of **1840 ha** of forestland for high purity salt works. The EC was also granted to Adani Chemicals Limited for the establishment of high purity salt works, involving an area of **2946.22 ha**, of this **1850 ha** is forestland, for which the in-principle forest clearance was granted in May 2004. The Forest Clearance (FC) and EC letters specify that 10 ha of interspersed mangrove forest, which was deleted from the proposed area shall be transferred back to the state government and maintained at the project cost.

- b. On 23rd June 2004 MoEF granted approval for change of user agency from M/s Adani Chemicals Ltd to M/s Mundra SEZ Ltd. However on 5th September 2007, the MPSEZ Ltd requested the MoEF to amend the 'In principle approval' to include phasing out of payments for the diversions of the forest land and changing the name to Mundra Port and SEZ Ltd (MPSEZL); and also for change of land use in Master Plan also in favour of MPSEZ Ltd.
- c. However on 27th March 2008 FAC rejected the change of land use to carry out activities related to the Master Plan of the MPSEZL which was against purposes (high purity salt works and salt washery) for which the forest land was earlier diverted. The FAC noted, *"the proposed land use completely changes the scope and purpose of the original diversion accorded....the state government may be advised to submit the proposal afresh."*
- d. The application for fresh forest clearance for 1840 ha came up before the Forest Advisory Committee (FAC) of the MoEF in March 2008. Thereafter on 17th April 2008, the FAC considers and recommended the proposal following a representation by MPSEZL dated 3rd April 2008. This came under the scanner of CEC. On 16th July 2008 Central Empowered Committee reported on the FAC reconsideration decision to divert 1840 ha + 168.41 ha of forest land. The report concludes, *"the CEC is of the view that the recommendations of the FAC in the present case may not be accepted and the present request by the user agency for the diversion of forest land in a phased manner as part of the expansion of the Mundra Port and SEZ Limited may be rejected."* On 3rd October 2008 Supreme Court's order in the TN Godavarman case, *"as Regards the proposed land use, the State Government may furnish a fresh proposal to the FAC within a reasonable time."*
- e. A fresh application was made by MPSEZL and was granted in-principle approval for forest land of 2008.41 ha (1840 ha + 168.41 ha) on 27.2.2009. The final approval was granted by MoEF on 30.09.2009 with specific and standard conditions.



- f. The proposed land use for **diversion of 1840 ha** of forest land as recommended by the State Government was as under:

S. No.	Description of Items	Area (Ha)
1.	Port incl. Jetties, Basine, harbour, barge Berths, Tug Berths and their Immediate back-up Areas for Cargo handling area, Crane movement area, circulation areas etc.	386.40
2.	Container Freight Stations (CFS) including closed areas, Open Container Storage areas,	257.60
3.	Godowns & Closed Storage Areas for Bulk & Liquid Cargos including Rail sidings etc.	349.60
4.	Open Stock Yards & Open Hard Stands incl. rail sidings etc. for coal, Iron Ore, Steel, Cement, FIM, Pipes etc.	423.20
5.	Transport & Utiliti Corridor including Railway Lines, Roads, Drains, water Pipelines, Oil & Gas Pipelines, Sewage Pipelines, Sea-Water Intake Channel, Outlet Channel/Pipelines, Transmission Lines, Conveyors, Telecom / Data Transmission Lines, Buildings etc.	368.00
6.	Green Belt, etc.	55.20
	Total	1840.00

And the proposed land use for **diversion of 168.41 ha** of forest land as recommended by the State Government was as under:

S. No.	Description of Items	Area (Ha)
1.	Container Freight Stations (CFS) including Closed areas, Open Storage areas, Circulation areas etc.	21.89
2.	Light / Medium Industries	106.10
3.	CBD / Offices, Roads, Drains, Water Pipelines, Oil & Gas Pipelines, Sewage Pipelines, electricity Lines, Telecom / Data Transmission Lines, other Buildings etc.	25.56



4.	Green Belt Development	14.85
	Total	168.41

6. The final approval was granted by MoEF on 30.09.2009 with specific and standard conditions..
7. **Details of notified Adani Port Special Economic Zone:** According to the project authority, the project involves development of SEZ of the 10000 ha of SEZ, the plot area, **8481.2784 ha** is notified in different point of time. On May 27, 2009, the Ministry of Commerce and Industry re-notified and consolidated the SEZ area of **6472.8684 ha**. After forest clearance, the Ministry of Commerce and Industry de-notified **1840 ha** of Mundra SEZ on 25th November 2009. The details of SEZ notification is as under:

Notification of SEZ	Area Notified as SEZ (ha)
March 4, 2006 , GPCB issued a site clearance certificate to Mundra SEZ Limited for airstrip development at survey No. 52/53 of Village Goersana in Mundra.	
June 23, 2006 , Ministry of Commerce and Industry notified multi product SEZ under GAPL of 2406.7592 ha in Mundra and Anjartalukas.	2406.759
September 6, 2006 , Ministry of Commerce and Industry transferred the notified multi product SEZ under GAPL of 2406.7592 ha in Mundra and Anjartalukas to M/s Mundra Port and Special Economic Zone Limited.	
May 10, 2007 , Ministry of Commerce and Industry notified power SEZ under Adani Power Private Limited of 293.881 ha in Tunda and Siracha villages.	293.881
July 3, 2007 , Ministry of Commerce and Industry notified an additional area of 251.4308 ha was notified as part of the SEZ.	251.4308
June 23, 2006 , Ministry of Commerce and Industry notified an additional area of 74.6145 ha as part of the multi product SEZ under MPSEZL.	74.6145
May 2, 2008 , Ministry of Commerce and Industry notified an additional area of 1074.1755 ha under the multi product SEZ in favor of MPSEZL.	1074.1755
August 11, 2008 , Ministry of Commerce and Industry notified an additional area of 2113.7962 ha under the multi product SEZ in favor of MPSEZL.	2113.7962
Total	6214.657



May 27, 2009, Ministry of Commerce and Industry re-notified and consolidated the SEZ area of 6472.8684 ha.	6472.8684
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8. The APSEZL again proposed in 2010 to develop another 3510.06 ha including 1840 ha already diverted and another 1670 ha of government land including 864.1299 ha of forest land. APSEZL however approached the Forest Department vide ref no APSEZL/APCCF (land)/F-01/2013-14 dated 10th June 2013 for the entire 1576.81 ha Reserved forest.
9. The State Government of Gujarat vide their letter No. FCA-1014/10-11/14/S.F-66/F dated 21.01.2016 had submitted the proposal for additional **1576.81 ha** of all remaining forest land to consolidate all land holding in the proposed APSEZ which was submitted for diversion in 2005. The proposal was considered earlier in the FAC meeting dated 20.07.2017 also. The details of forest land is as under:

Village	Survey No.	Hect.
Siracha	295/paiki	125.00
Siracha	295/paiki-2	269.10
Navinal	223/paiki	89.52
Dhurb	169/paiki	81.59
Mundra	141/paiki-2	46.66
Baroi	207/paiki	136.43
Goarsama	52/paiki	112.06
Luni	468/paiki-2	516.45
Bhadreshwar	733/paiki	200.00
		1576.81

10. The application was submitted by Mundra Special Economic Zone Limited (MSEZL) in old application form in March 2005 for Mundra Special Economic Zone (MSEZ) for following purposes:

"MSEZ is proposed to be set up with self-contained facilities like Ind. Park Complex, Distribution Center, Commercial Complexes, Housing Complexes, Utilities like Water Supply, Drainage, Roads, Lighting, Social Infrastructure like schools, colleges, hospitals, townships, open air theatre, amusement park, etc. and provision for Air-field, helipad, railway station, roads (SH& NH), etc. over a total area of about 10,000 hectares.

This 10,000 hectares land is required to be in contiguous blocks as far as possible in the area identified which includes Govt. Waste Land, Forest Land, Private Land, etc.

The development will be as per the detailed project report. The class SEZs set up at JEBEL ALI-FTZ Dubai and SHENZEN PORT – HONGKONG."

11. Justification for the diversion of forest land was given as under:

"As per the policy of the Government India, SEZs are intended to be developed as self-contained township for industrial and commercial with required infrastructure for industrial/commercial activities like water supply, sewerage, adequate power supply, effluent treatment facilities, rail, road, port and airport connectivity for easy movement of cargo and service personnel and world class township having composite social infrastructure like schools, colleges, banks, hospitals, post offices, super markets, amusement parks and gardens, recreation centers and cinema halls and hotels and restaurants and world class commercial complexes for housing the offices of international trading and industrial organizations for setting up their activities in the Special Economic Zone.

In the case of Mundra SEZ, after eliminating the existing populated areas, contiguous land available are Government was land and forest land without useful vegetation and private uncultivable land. Moreover, the land in question is located in the vicinity of Mundra Port and railway line. The forest land proposed for diversion is within the overall boundary of the Mundra SEZ project. There is significant vegetation on the proposed forest land and the particular lands cannot be avoided for making contiguous land blocks. Moreover, the sea facing forest lands offer ideal scope for development of various SEZ activities without really sacrificing any forest.

For all the above said development contiguous blocks of lands are required to facilitate proper area planning.

Moreover, SEZ project is supposed to be in vicinity of sea port for providing easy movement of bulk cargoes. For the industries located in SEZ, re-export facilities will be excellent and will have benefits of some special privileges. The SEZ industries will generate huge employment for the country and benefits of value addition accrue to the nation while the benefits of duty exemption are availed by entrepreneurs locating their industrial units in SEZ."

12. The proposal was recommended by the DFO on 24.03.2005 and the Chief Conservator of Forests Kuchchh Circle recommended the proposal on 15.05.2010 to the Nodal officer FCA Gujarat with the following observation:

1. The user agency has already diverted the reserved forest of 2008.41 ha for the same cause, so this proposed area can be developed as forests only within SEZ. Therefore, there is no need for any diversion of forest land for the same cause.




2. If this proposal is considered for the diversion than the forest of Siracha of an area of 394.10 may be excluded because of the unique prominent *Acacia nilotica* forest in the district.
3. The area is coastal area so at least 100 mt belt toward sea may be developed as green shelter belt only.
4. For proposed compensatory afforestation land, the Murachvan area is adjoining to forest area and favourable to wildlife. But the remaining two areas Junachay and Amara are not adjoining to any forest areas. Also, they are only grazing areas for local peoples. So, as CF, undersigned does not recommend to accept these areas as compensatory lands.
5. Therefore, these proposed Junachay and Amara areas may kindly be replaced with either at Nanamodungar having dominant indigenous trees cover, Keerodungar having Caracal site and breeding site for migratory birds or land in Abdasa taluka, having GIB habitat.

13. The Nodal Officer FCA recommended the proposal on 16.08.2010 to the with following recommendations:

The user agency has submitted proposal for diversion of 1576.81 ha of forest land for the purpose of developing SEZ. However, it is recommended for 1552.81 ha area, subject to following conditions:

1. There exist rights of local people as per forest settlement reports in the area. These rights may either be continued as such or the user agency should provide alternative at their cost.
2. As Siracha RF supports good patches of Deshi Babool (*Acacia nilotica*) and small wildlife, these patches, totaling to 269.25 ha area will be conserved *in situ* as Green Belt by the user agency.
3. User agency shall provide right of way of not less than 8 mts width within Dhrub RF area for the proposed diversion of 24 ha which has been excluded from the proposal of the user agency.
4. The non-forest land to Compensatory Afforestation shall be transferred to the Department duly demarcated and surveyed by DILR and after barbed wire fencing or trench mound fencing shall be provided by the user agency as decided by CCF, Kachchh.
5. User agency will develop green shelter belt of not less than 100 mts. width all along the adjoining coastal land of the proposed area under diversion.
6. Permission of the competent authority shall be obtained by the user agency for developing the area as SEZ.
7. If user agency fails to develop the area within 5 years from the date of the formal approval, the remaining area shall be reverted back to the Forest Department without payment of any refund or compensation of any kind.



14. The State Government has recommended the proposal on 21.01.2016 subject to the following conditions:

“Diversion of 1576.81 ha of forest land of Reserved forest land for development of Special Economic Zone and Industrial Park at village-Siracha, Navinal, Dhurab, Mundra, Borai, Gorasama, Luni, Bhadreshwar, Taluka. Mundra, Distt., Kutch in favour of Adani Group Mundra Port and Special Economic Zone Ltd, Ahmedabad” this proposal is recommended subject to the following conditions:

1	The user agency shall make necessary arrangements for right of the way for the local people from the diverted land. Plan of such arrangement with the consent of local people shall be submitted before the formal approval to this proposal.
2	All the conditions as recommended by the Chief Wildlife Warden shall be complied with the User Agency. (A copy is enclosed in this proposal)
3	The User Agency shall develop and maintain a green belt at Siracha Village for <i>in situ</i> conservation of Indian Birds and Wolves, hence 100 ha. area of Siracha village may be excluded from the diversion. Exact location of 100 ha. from the total demanded land of Siracha village can be decided at the time of formal approval.
4	If 122 ha. of Village – Zarpapa- 683 ha., of GMB or any other revenue land is allotted for this SEZ then equivalent land from land shall be reduced from the demanded forest land for this SEZ.
5	The Compensatory Afforestation land shall be surveyed at the cost of User Agency and erect pillars and barbed wire fencing or trench under the consultation of CCF, Kutch Circle.
6	The user agency shall develop the 100 mts shelter belt at adjoining sea side.
7	Approval of Developing SEZ shall be obtained by the User Agency from concerned authority.
8	The diverted shall be utilized for the purpose of the SEZ within 5(five) years from the date of the formal approval. If the user agency fails to do so, the unutilized forest land shall be recovered by the Forest Department.
9	The User Agency shall obtain Environment Clearance, CRZ Clearance before the commencement of the work.
10	The Compensatory Afforestation land shall be handed over to the State Forest Department without any liability and encroachment before the formal approval to this proposal.

11	All the conditions of the formal approval of 2008.41 ha forest land shall be diverted shall be complied with before the formal approval of this proposal
	(a) 3770 ha non-forest land of Kutch district shall be transferred to the state Forest Department before the formal approval to this proposal for the Ghorad Sanctuary.
	(b) Compensatory Afforestation for the approval of 2008.41 ha of forest land shall be transferred to the State Forest Department before the formal approval to this proposal.
	(c) The User agency shall pay the cost of fencing in Compensatory Afforestation land to the State Forest Department before the formal approval to this proposal.
	(d) The user agency shall pay the difference amount of 5.35 Crores for the firewood estimation from 2008.41 ha forest land before the formal approval to this proposal.
	(e) Any other conditions of the formal approval of the 2008.41 ha diverted forest land before the formal approval of this proposal.
12	Diverted forest land shall not be utilized for Golf Course, Bench Resort, Park or Residential purposes or any other activity prohibited by FCA 1980 and/or guidelines there under.
13	The user agency shall comply the additional conditions of processing fee, Registration fee, Additional Compensatory Afforestation Land, Amount for Additional Compensatory Afforestation Land and additional Compensatory Afforestation Land and additional amount as per Government of Gujarat's GR No. FCA-1013/11-10/SF-24/F Dated 12.06.2015
14	The user agency shall comply the provisions of Forest Right Act, 2006 before the formal approval of this proposal.
15	Recommendations of the Nodal Officer is submitted by its letter no. JMN/29B/A/806/2015-16 dated 28.12.2015 (A copy is enclosed in this proposal)

15. The said proposal was considered earlier also by the FAC in its meeting held on 20.07.2017 and based on the facts made available on the date of FAC meeting, the following information were sought from the State Government:

- (i) Detailed land use plan has not been submitted and therefore the State government shall provide detailed land use of the whole area including forest and non-forest land.
- (ii) State government will analyse and examine the land use plan and submit a proposal for diversion of forest land for non- forestry purpose for only those land use which are permissible under the guideline of FCA 1980.

- (iii) MOEF&CC had accorded prior approval under section 2(ii) of FC Act, in favour of M/s Mundra Port, for diversion of reserved forest area of 57.75 ha, for laying of Railway line vide letter No. 8-163/97FC, MoEF, New Delhi, dated 24.07.2004, and 1840.00 ha. & 168.41 ha. for development of port based SEZ vide No. 8-2/1999-FC(Pt), dated 27.02.2009. It has been fulfilled/complied by the user agency. The State Government shall submit complete compliance of all stipulations of past approvals under section 2(ii) of FCA, 1980.
- (iv) Site inspection was carried out by the regional office for **1476.81 ha** whereas state government has now recommended the proposal for total **1576.81 ha**, which include 100 ha of *Acacia nilotica* patch, with condition that the same may be diverted by allowing user agency to pay five times of NPV of forest area. This patch is a part of 394 ha of forest of Sircha village which CF Kutch had recommended to be excluded. **Regional office may inspect the area again and give specific comments on exclusion/inclusion of 100 ha or 394 ha into the proposal.**
- (v) State Government may kindly give justification for notifying the forest area as part of SEZ (special economic Zone) without seeking prior permission under the provision of Forest conservation act 1980.
- (vi) It is reported that the part of non- forest area is being utilized as SEZ and now the proposal is for the balance patches of forest area which are required to be included in SEZ to make the total area as 10000 ha. From the review of the map and justification of the state it is learnt that it is statutory requirement of custom department that for processing zone of SEZ it should be located on contiguous pieces of land and that there should be over all contiguity in the various components of SEZ. State Government had further justified that there is no option than to opt for the diversion of forest land to be included in the SEZ. The State Government may be asked why this matter was not brought to the notice of FAC earlier.
- (vii) State Government shall give very specific recommendation regarding suitability of Compensatory afforestation land.
- (viii) State Government shall submit complete compliance of FRA.
16. Accordingly, the State Govt. and Regional office, Bhopal was requested vide the Ministry's letter dated 24.08.2017 to furnish the information as sought by FAC in its meeting held on 20.07.2017. The State Government vide their letter no. FCA-1014/10-11/14/S.F-66/F dated 01.12.2017 has submitted their compliance report as under:

S. No.	Reply of State Govt.
i. & ii	In this regard, the State Govt. reported that the user agency has submitted details pocket wise land use plan as per the FCA, 1980 guideline and is attached in their reply as Annexure-A (pg. 803/c), as submitted to CCF, Kutch & Nodal Officer. Detailed land use plan is in accordance with their project needs and project components. User agency has provided detailed land use plan and has given confirmation that diverted forest area for only

	those land uses which are permissible under the guideline of FCA, 1980.	
	The details of proposed land use are as follows:	
	Proposed land use	Area in ha.
	Power Plant 1000 MW X 3	59.9
		209.2
	Copper Smelter Plant – 1 MT capacity	125
	Coal to Polygeneration – 10 MT capacity	89.52
	CFS & warehousing	81.59
	Engineering Cluster	5.21
	Mix Industrial cluster viz engineering ware house etc and social Infrastructure as per FCA 1980 guidelines viz schools, hospitals/ dispensary, community halls, cooperatives, etc.	41.45
	CFS & warehousing	51.46
	Commercial Airport with MRO, Storage yards, fuel tankers, terminals etc.	84.98
		112.06
	Engineering Cluster with Water front for manufacturing and assembly of Crane, Boilers, project cargo, port operation equipment, etc and Liquid storage tanks farm.	516.44
		200
	Total	1576.81
iii.	In this regard, the State Govt. reported that compliance of all conditions put forward in final Approval given by the Govt. of India.	
	In principal approval has been granted by Govt. of India vide letter No. 8-2/1999-FC (PT) dated 27.02.2009 for land admeasuring 1840 ha and 168.41 ha to Adani Ports and SEZ Ltd for development of port based Special Economic Zone. Compliance of conditions laid down in In-principle approval granted by the Govt. of India.	
	For the condition No. 8 of in principle approval no. 8-2/1999-FC (PT) dated 27.02.2009, 3752.30 ha land is transferred in the name of Forests & Environment Department out of 3700.00 ha land of which was possessed by GEDA.	
	For the Conditions No. 17, 18 & 19 of Memorandum No. FCA-1009(10-14) SF-18-K dated 17.11.2009, the user agency has given the Bank Guarantee of Rs.77300000.00 . User agency has provided detailed compliance of all conditions put forward in Final Approval given by the Govt. of India	
iv.	In this regard, the State Govt. reported that at one point of time in 2009, the then Conservator of Forest, Kutch has directed to exclude an area of 394 ha in Village Siracha, stating that 100 ha patch possess good vegetation and presence of wild animals. The State Govt. accordingly recommended final proposal with deduction of 100 ha land out of this 394 h	

	<p><u>in Jan. 2016.</u></p> <p>However, User agency requested State Govt. for the re-survey of the Siracha land stating that the Wild life report is quite old i.e. of 2009 and at present no wildlife and exotic vegetation is available in that area. The survey was carried out by CCF, Kutch office and founded that there was negligible movement of wildlife as per report and Acacia Nilotica is present only in one corner of the land parcel. Further, the area of 100 ha of Siracha is in close proximity to existing power plant and as represented by user agency this Forest land of Siracha is necessary for their expansion of Power Plant, due to integration with existing power plant. User agency has also represented and agreed to pay 5 times NPV in line with FCA provision of addressing the situation of diversion of Wild life protected area. User agency feels that there is no other alternative for 100 ha land and for that DCF Kutch East has recommended not to exclude 100 ha land.</p> <p>But, as per reference of Minutes of Meeting of Forest Advisory Committee held on 20.07.2017, APCCF, Regional Office, Bhopal has conducted the site inspection once again on 26.09.2017 to decide for 100 ha Siracha forest land. Previously, it was done on 06.05.2016. So now this aspect pertains to Regional Office Bhopal and its further report on latest site inspection report.</p>
v.	<p>In this regard, the State Govt. reported that Ministry of Commerce and Industry, Govt of India has granted in principle permission for total 10000 ha of Special Economic Zone (SEZ) to User Agency in 2001 under State Govt's Exim Policy 2000. <u>In the meantime, user agency has acquired 6456 ha land in piece meal through private land, direct allotted Govt land and Govt land allotment through Gujarat Maritime Board.</u> As and when user agency got the possession of land, it was further notified as SEZ Area after getting approval from Ministry of Commerce and Industry, GoI. Further, the area of 1840 ha and 168 ha forest land has been diverted to APSEZL by Forest Department in Nov-2009 has also been notified for SEZ area in April-2015 and March-2012 respectively.</p> <p>Thus, as of now total 8464 ha of area has been declared as SEZ Area.</p> <p>The area declared as SEZ area earlier is adjacent to various pockets of this 1576 ha forest land, which is proposed for diversion by User Agency. The area of 1576 ha as proposed for allotment by User Agency has not been declared as SEZ Area as it is not in their possession. As informed by user agency, they will approach Ministry of Commerce and Industry, Government of India to declare this area as SEZ area only after the area is diverted to User Agency.</p> <p>Ministry of Commerce and Industry, Govt. of India has granted in principle permission for establishing SEZ in total 10,000 ha of Special Economic</p>



	Zone (SEZ) to User Agency in 2001 under State Govt.'s Exim Policy 2000.
	That the forest land, is required to complete the SEZ land requirement for establishing SEZ has been mentioned in the original proposal and has been provided in various comments, offered by user agency and this office.
	Thus, as of now total 8464 ha of area, acquired in piece meal through Private land, Direct Govt. allotted land and Govt. land allotment through Gujarat Maritime Board has been declared as SEZ area.
	As informed by user agency, they will approach Ministry of Commerce and Industry, Govt. of India to declare this area as SEZ area only after the area is diverted to User Agency.
vi.	In this regard, the State Govt. reported that the proposal of User Agency for area under consideration is adjoining to already declare as SEZ of 8464 ha land. There is no other land except Forest Land. Hence, User agency has proposed for diversion of Forest Land.
	Ministry of Commerce and Industries, Govt. of India has granted In-principle permission for establishing SEZ in total 10000 ha of Special Economic Zone (SEZ) to User Agency in 2001 under State Government's Exim Policy, 2000.
	That the land is required to complete the SEZ land requirement for establishing SEZ has been mentioned in the original proposal and has been provided in various comments, offered by user agency and his office.
	It is statutory requirement of customs department that for processing zone of SEZ, it should be located on contiguous pieces of land and that there should be over all contiguity in the various components of SEZ. This aspect has been submitted by the State Government earlier, in its project justification and other clarifications provided.
vii.	The State Govt. stated that the detailed scheme for Compensatory Afforestation and land suitability was already prepared in Sept-2008 while processing the proposal. But, as per the opinion of then Conservator of Forests, Kutch that Non-forest Land of Junachy and Amara area offered as CA land by User Agency is not adjacent to existing forest land and therefore not suitable for afforestation.
	However, as per the latest resolution of State Government dated 15.05.2017 whenever the Non-forest land being offered as Compensatory Afforestation land is not possible to be contiguous to existing forest land and if the area of diversion is 100 ha or more area the CA land should not be less than a patch of 25 ha. Considering this guideline the CA offered land at Junachy and Amara was found suitable.
	State Government vide its GR dated 15.05.2017 has provided guidelines for suitability of private land for compensatory land. Considering this

	guideline, the CA offered land at Junachy and Amara was found suitable.
	Suitability Certificates along with scheme of Compensatory Afforestation and land suitability for land area of 503.01 ha of Village Murachban, Taluka. Lakhat, 283.80 ha of Village Junachy, Taluka.Lakhat and 790 ha of Village Amara, Taluka.Nakhatrana have been provided by DCF accordingly.
	However, User Agency has given undertaking if forest department is not ready to accept proposed CA land as mentioned above, it will be changed and new CA areas will be provided before the issuance of final approval.
viii.	The State Govt. stated that an Undertaking has been given by the User Agency that all formalities as per the Guidelines of Forest Rights Rules-2006 of Government of India will be completed before final approval. So, undertaking of User Agency may be provided.

17. After the FAC meeting on 20.07.2017, the Ministry vide its letter dated 24-08-2017 requested the Regional Office, Bhopal to **inspect the area again** and give specific recommendations on the exclusion / inclusion of 100 hectares or 394 hectares of forest area in the proposal. The Regional office inspected the project area on 26.09.2017 with the specific and the only objective of evaluating the recommendation of the State Government of Gujarat to include 100 ha of 394.10 ha of Siracha village into the project. SIR was done along with Shri U.D. Singh, APCCF (Land), GOG, Shri P.S. Randhava, CCF, Kutch and the senior officers from the User Agency. Based on the field observations during inspection, the discussions held at the time of inspection with User Agency officers as well as officers of State Forest Department, Regional office recommended the proposal for consideration of diversion of 394.10 hectares of forest area of Siracha village for the following reasons:

- a) The forest land of Siracha village is adjoining the existing power plant of the User Agency. During field inspection the User Agency representatives informed that the forest land of Siracha village is required for the expansion of the existing power plant which was initially developed keeping in view the future expansion. Therefore, for the expansion of existing power plant, the User Agency has no option for alternative site and its requirement are integral for implementation, operation and expansion of future component.
- b) The Siracha forest land is an isolated patch of forest measuring 394.10 (Map prepared by BISAG). *Though, it is good forest, however, since it is surrounded from all sides by habitation and various kinds of infrastructure it does not, therefore, possess high conservation value. During inspection, regional office found no major signs of wild life. The last Inspection Report of Regional Office, Bhopal dated 06.05.2016 also under paragraph 19 mentions that during site visit, no significant wild life was seen. With the*



full development of SEZ, its conservation value would be further undermined. If the CA area is developed contiguous to an existing large forest area with good potential for conservation the loss on account of 394.10 ha of forest area would be adequately compensated.

- c) Generation of power is one of the key requirements for the development of the country. The 3000 MW proposed to be generated, as informed by the User Agency, through the said expansion of adjoining power plant near Siracha, in regional office's well-considered opinion, would be far less detrimental to the overall environment as compared to another standalone thermal power plant established elsewhere to produce same amount of power. The main reason for this is that such a standalone power plant in the hinterland would be supplied huge quantity of required coal transported through railway or road whereas the proposed expanded thermal power plant would be fed coal by a conveyor system (as informed by User Agency during inspection) from Mundraport to the power plant. Secondly the expansion would use the existing sea water facility for cooling and consumptive purpose thus avoiding use of huge quantity of fresh water if the new plant were to come up elsewhere. Thirdly, the expansion would use the existing infrastructure facilities for evacuation of power.

- d) The State Government has recommended payment of five times the NPV for the 100 hectares of forest area coming under diversion for non-forest use for the project. In other words the APCCF (C), Regional Office has recommended the diversion of 394.10 ha of good forest, citing reason that it will have no future conservation value, for future expansion of TTP by APSEZL albeit at 5 times the NPV.

18. From the documents examined by the FAC in meeting dated 25.01.2018 it is learnt that the Mundra special economic zone is proposed to set up with self-contained facilities like Industrial park complex, distribution centre, commercial complexes, Housing complexes, utilities like water supply, drainage, roads, lighting, social infrastructure like school, colleges, hospitals, townships, open air theatre, recreation centre, cinema hall, amusement park etc and provision for air field, helipad, railway station, roads(SH & N.H) etc over total area. The User Agency has now agreed to change the land use of forest land as informed by State Govt. vide its letter dated 01-12-2017 and the proposed changed land use of forest land is now indicated under para 16 above.

FAC deliberated on the fact that establishment of port based SEZ is necessary for the development of the country. On analysis through DSS it is observed that most of the forest area and revenue areas are under non forestry use and some patches of forest areas are available inside SEZ. In view of the clarification submitted by the State Government vide letter dated 01-12-2017 FAC recommends the grant of In Principle Approval for the diversion of **1552.81 ha** (1576.81-24 ha) of forest land subject to general standard and following specific conditions.

- i) The Nodal officer, FCA had recommended in 2010 that though the user agency has submitted proposal for diversion of 1576.81 ha of forest land for the purpose of developing SEZ only 1552.81 ha area may be diverted excluding 24 ha in Dhrub RF, subject to specific conditions.. It was recommended that the user agency shall provide

- right of way of not less than 8 mts width for 24 ha which has been excluded from the proposal of the user agency. The details of settlement of rights shall be provided.
- ii The diverted forest land measuring 1552.81ha shall be maintained as green area within the APSEZ and the diversion for non-forestry purpose will be considered only on case to case basis by the ministry for the purpose required for SEZ.
 - iii Diverted forest land shall not be proposed to be utilized for Golf Course, Beach Resort, Park or Residential purposes, or any other activity prohibited by FCA 1980 and/or guidelines there under
 - iv From the DSS analysis it is observed that Aerodrome already exists in the zone. The diverted forest land will not be proposed for the construction of private Aerodrome as demanded by the use agency. The forest land may be considered, in future on merits, in case of commercial Airport is developed with the approval of DGCA.
 - v The detailed existing land use with maps of all forest land 2008.41 ha (1840ha + 168.41 ha) for which the approval was granted vide 30.09.2009 and details of complete land use including forest land for the existing private Aerodrome and power plants within the SEZ may be provided.
 - vi 100 meter wide green shelter belt along the sea coast except in the waterfront area shall be included in the Master Plan of APSEZ.
 - vii Complete compliance of CRZ regulations shall be ensured.
 - viii All the conditions as recommended by the Chief Wildlife Warden shall be complied with the User Agency.
 - ix The Compensatory Afforestation land shall be surveyed at the cost of User Agency and erect pillars and barbed wire fencing or trench under the consultation of CCF, Kutch Circle.
 - x Compensatory afforestation shall be raised over identified non forest land equivalent to the diverted forest land diverted and at least 1000 plants per hectare (1552.81 hectares x 1000 = 1552810 plants) shall be planted with provision for ten years on subsequent maintenance.
 - xi 25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
 - xii Complete compliance of Forest Right Act 2006 to be done for the 1576.81 ha of forest land by the State Government.
 - xiii To provide protection to the existing wildlife a patch of natural forest in Luni to Harmiramora village shall be kept as green belt without carrying out any activities in that area as recommended by the CCF Kutch Circle vide letter dated 15.5.2014 to PCCF Wildlife Gujarat. The recommendation of the Chief wildlife warden Gujarat sent vide No WLP/663/32/B/1778-79/2014 dated 30.5.2014 must be complied.
 - xiv The State Government will inform about the status of the land measuring 122 ha in village Jarapara and 683 ha of land belonging to GMB has been transferred to APSEZL. This area need to be deducted from the proposed forest land diversion as recommended by the State Government.



- xv State government will provide the terms and conditions on which the forest is proposed to be transferred on lease to the use agency The detail of lease period, terms, conditions and consideration, if any, may be provided.
- xvi All other conditions imposed in the approval granted for diversion of 2008.41 ha (1840ha + 168.41 ha) forest land on 30.09.2009 shall be complied.

Agenda No. 4

F. No. 8-115/2000-FC

Sub: Diversion of 19.52 ha of forest land for raising the height of Barvi Dam for submergence and rehabilitation in District Thane of Maharashtra.

The above stated agenda Item was considered by FAC on 25.1.18 and observed as follows:

1. The State Govt. of Maharashtra vide their letter no. FLD-1215/CR-292-F-10 dated 15.09.2015 has submitted a proposal for diversion of 19.52 ha of forest land for raising the height of Barvi Dam for submergence and rehabilitation in District Thane of Maharashtra to Regional Office, Nagpur.
2. This is a dam being constructed since 1968 to meet the demand of water for industrial and drinking purposes. MoEF&CC vide its letter no. 8-115/2000-FC dated 19.12.2005 had accorded approval for diversion of 513.66 ha of forest land. The proposed height of the dam at the time of approval was 62.05 meter. It is reported that this projects was envisaged to be constructed in three stages. In second stage the height was raised up to 65.05 m and in third stage the height is proposed to be raised up to 72.06 m.
3. The proposal for additional area of 19.52 ha was submitted to REC Nagpur.
4. The stated proposal was considered by the REC in its meeting held on 25.01.2015. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra and representative of the user agency were also present in the said Regional Empowered Committee (REC) meeting. After detailed examination of the proposal and interaction with the Nodal officer (FCA) and representatives of the User Agency, the REC observed as under:
 - i. The Committee noted that project envisages raising the height of Barvi Dam in Thane District in the State of Maharashtra to meet the increased demand of water for industrial and drinking purposes. Project was already completed and in the 3rd stages out of which two stages area already completed and in the 3rd Stage of the project, height of dam is proposed to be increased by 7.01 meters i.e. from RL 65.05 meters to 72.06 meters to augment the storage capacity of the reservoir to meet the increased demand of water in the region.
 - ii. The Committee also noted that Government of India vide its letter no. 8-115/2000-FC dated 19.12.2005 had accorded approval for diversion of 513.66 ha of forest land. However, while submitting the initial proposal for diversion of 513.66 ha of



forest land, an area of 14.17 ha of forest land coming into the submergence area of the project comprising of 5.88 ha of recorded forest land and 8.29 ha of restored forest land and additional area of 5.350 ha of forest land proposed for the rehabilitation of 4 villages, was not included in the proposal approved by the Central Government. Hence, the instant proposal for diversion of 19.52 ha of forest land comprising of 14.17 ha of forest land coming into the submergence area and 5.350 ha of forest land proposed for the rehabilitation of 4 villages, has been submitted by the State Government for approval under the Forest (Conservation) Act, 1980.

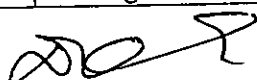
- iii. The Committee also noted that during 1st Stage of the project a dam height was kept at 62.05 meters with storage capacity of 122.85 MCM and during 2nd Stage of the project the dam height was further increased to 65.05 meters with enhanced storage capacity of reservoir to 178.58 MCM and now during the 3rd Stage of the project further increase in the dam height by 7.01 meter has been proposed to increase the storage capacity to 340.48 MCM. However, the user agency has provided no details or clarification regarding approval of the Central Government, if any obtained, under the Forest (Conservation) Act, 1980 for increasing the dam height from 62.05 to 65.05 meters and corresponding increase in the submergence area.
- iv. The Committee also noted that area does not form part of any Protected Area, however, it falls within the 10 km distance i.e. located at a distance of 8.586 Km from the boundary of Bhimashankar Wildlife Sanctuary. The user agency explained the Committee, as a consequence of increasing the dam height the approach road and private agricultural land will be submerged causing the connectivity problems for the villagers and hence their relocation is necessary. On being asked by the Committee, about the alternative non-forest sites explored for the rehabilitation, the user agency has informed that they have tried to explore the non-forest sites but due to their distant location, the villagers did not opt for the same. However, the user agency could not produce any document supporting their claim about the exploration of the alternatives for the rehabilitation of the villages.
- v. The Committee also note that user agency could not make the necessary detail available about forest area as wells as non-forest land/agricultural land of the villager likely to be submerged from the proposed increased height.
- vi. The Committee also noted that no detail about the compliance of the conditions stipulated in the Stage –II approval dated 19.12.2005 has been provided by the State Government along with the current proposal.
- vii. The Committee also took note of the recommendation made by the PCCF wherein he has stated that Government of India do not allow diversion of forest land for rehabilitation of people. However, such diversion may be considered as a special case, if diversion of forest land is essentially required for the rehabilitation of persons belonging to Scheduled Tribe, Scheduled Castes and other people who may have to be shifted form the core zone of a National park or a Reserve, the instant proposal does not qualify the criteria, which calls for special consideration. The



PCCF, adverting to the relevant Guidelines issued by the MoEF&CC, in respect of such cases, has further mentioned that such Guidelines have not been followed in this case and in case the Central Government considers the instant proposal for diversion, the said Guidelines as given under para 2.7 (ii) and 4.5 (i) and (ii) issued under the Forest (Conservation) Act, 1980 need to be relaxed to this extent.

- viii. The Committee also noted that PCCF in his said recommendation has also mentioned that status of 9.015 ha of forest land indicated as Restored Private Forest is not substantial as the comments of the APCCF (Conservation) are yet to be received and the same will be submitted to the State Government on its receipt. Accordingly, Committee expressed its view that complete legal status of the forest land yet to be communicated by the State Government.
 - ix. The Committee from the further examination of the proposal ascertained that no environment clearance, as per the provision of the EIA Notification, 2006, has been obtained by the project proponent for increasing the height or enhancing the storage capacity of the reservoir.
5. In view of the above observations and above mentioned facts and also submission of inadequate information related to the proposal, it was found that the proposal is too immature to be decided by the Committee for making any recommendation for further consideration of the Central Government.
 6. The Committee also considered the fact that the original proposal was dealt by the Central Government at Delhi and the instant proposal is for the additional requirement of the forest area i.e. area proposed for diversions in addition to what was approved by the Central Government in the year 2005 therefore, it will be prudent that current proposal, after attending to the observation of the Committee may be forwarded to the Ministry of Environment Forests & Climate Change- Delhi to take a holistic view on the proposal.
 7. REC raised certain queries on the proposal and requested to submit their reply. Now the Addl. Principal Chief Conservator of Forest of Maharashtra Nagpur vide his letter no. Desk-17/NC/II/ID.12398/(58)/2227/2017-18 dated 14.12.2017 has forwarded the response in connection with diversion for 19.52 ha of forest land for raising the height of Barvi Dam for submergence and rehabilitation in District Thane of Maharashtra. The point-wise information as sought and the reply of the State Government are as under:

S no.	REC Observation	Reply
1.	The committee noted that project envisages raising the height of Barvi Dam in Thane District in the State of Maharashtra to meet the increased demand of water for industrial and drinking purposes. Project was proposed to be implemented in 3 stages are already completed and in the 3 rd Stage of the project, height of dam proposed to be increased by 7.01 meters i.e. from RL 65.05 m to 72.06 m to augment the storage capacity of the	No Comments



	reservoir to meet the increased demand of water in the region.	
2.	The committee also noted that Government of India vide its letter no. 8-115/2000-FC dated 19.12.2005 (pg. 240-241/c) had accorded approval for diversion of 513.66 ha of forest and coming into the submergence area of the project comprising of 5.88 ha of recorded forest land and 8.29 ha of restored forest land and additional area of 5.350 ha of forest land proposed for the rehabilitation of 4 villages, was not included in the proposal approval by the Central Government. Hence, the instant proposal for diversion of 19.52 ha of forest land comprising of 14.17 ha of forest land coming into the submergence area and 5.350 ha of forest land proposed for the rehabilitation of 04 villages, has been submitted by the State Government for approval under the Forest (Conservation) Act 1980.	No Comments
3.	However, the user agency has provided no details or clarification regarding approval of the Central government, if any obtained, under the Forest (Conservation) Act, 1980 for increasing the dam height from 62.05 to 66.05 meters and corresponding increase in the submergence area.	The project was started in 1968 and was commissioned in 1976 with 62.05 m above MSL and top of the non over flow section was at 68.60 m above MSL. Land up to a level of 68.60 m was acquired before Forest (Conservation) Act 1980 existed in 1980. The Central Government granted the permission for Diversion of 513.66 ha of forest land for height of the existing Barvi Dam vide letter dt. 15.12.2005. Up to raising height 72.60 m of 3 rd stage, the 3 rd stage has been not completed yet due to remaining of the diversion of the private forest land 19.52 h for which the additional proposal is submitted.
4.	However, the user agency could not produce any document supporting their claim about the exploration of the alternative for the rehabilitation of the villages.	As the three sites of the village Kolevadakhal, Tal- Murbad, Dist. Thane, Maharashtra will be surrounding by the back water of the dam, due to which their approach road will be submerged in water and the village will be isolated, and they cannot reached their agricultural land during monsoon. Hence, they need to shift and rehabilitate near their

		agricultural land.
		The exploration took place for the require land. The surrounding of the village is mostly of forest land or private forest land. Hence, the proposed piece of private land was acquired land by MIDC in year 2001 however, the section 35 has been applied to this land in the year 2003. As there is no such land private owner of required quantum near by the village, there is no another option to rehabilitate the villagers at nearby place. Hence, the said location plot has been incorporated in this diversion proposal and same may be considered.
5.	The committee also note that user agency could not make the necessary detail available about forest area as well as non-forest land/agricultural land of the villagers likely to be submerged from the proposed increased height.	The detailed map and breakup of land of the submergence of forest land as well as non -forest land and agricultural land of the villagers which is likely to be submerged from the proposed increased height is submitted herewith for information.
6.	The committee also noted that no detail about the compliance of the conditions stipulated in the Stage-II approval dated 19.12.2005 has been provided by the State Government along with the current proposal.	<p>The compliance of the conditions stipulated in the Stage-II approval dated 19.12.2005 already been done by the MIDC. Accordingly, the MIDC has paid NPV charges amounting to Rs. 4175.15 lakhs to forest department as well as the necessary alternative Forest land in lieu of submergence land of 513.666 Ha land is given to forest Department as follow: -</p> <p>Lote Parshuram, Dist. – Ratnagiri: - 113.168 Ha, Nandgaon PethIndl. Area, dist. Amravati- 285.04 Ha.</p> <p>Mahad- 116.14 ha</p> <p>In addition to this MIDC has also paid the total amount of Rs. 1,23,54,490/- for deforestation under submergence land and alternative forestation amounting to Rs. 299.29 Lakhs and catchment area treatment amounting to Rs. 472.03 Lakhs.</p>

		The concern forest officials have accepted the possession of above land and same can be verified from their office records.
7.	Central Government considers the instant proposal for diversion, the said Guidelines as given under para 2.7(ii) and 4.5 (i) and (ii) issued under the forest (Conservation) Act, 1980 need to be relaxed to this extent.	Since there is no alternative arrangement for rehabilitating of the village Kolevadakhali in nearby area and the land was acquired by MIDC for the same purpose before declaring it as private forest in 2003, it is requested to relax the guidelines issued under para 2.7(ii) and 4.5 (i) and (ii) of the Forest (Conservation) Act, 1980.
8.	Status of 9.015 ha of forest land indicated as Restored Private Forest is not substantial as the comments of the APCCF are yet to be received and the same will be submitted to the State Government on its receipt. Accordingly, Committee expressed its view that complete legal status of the forest land yet to be communicated by the State Government.	The details of status of 9.015 ha forest land indicated as Restored Private Forest may be obtained from Forest Department.
9.	The committee from the further examination of the proposal ascertained that no environment clearance, as per the provision of the EIA Notification, 2006 has been obtained by the project proponent for increasing the height or enhancing the storage capacity of the reservoir.	Clearance of the Ministry of Environment and Forests of Govt. of India is not required for this project vide letter no. J-12011/12/96-IA-I DT. 09.12.1996 As per the provision of EIA Notification 2006 guidelines the Environmental clearance is not needed in this particular subjected proposal for increasing the height of dam and enhancing the storage of the reservoir
10	The State Government was requested vide this Ministry's letter of even number dated 09.05.2013 to recover NPV from the project proponent immediately towards diversion of 513.66 ha of forest land for raising the height of Barvi Dam in Thane District, Maharashtra and the same may be deposited in Adhoc CAMPA. But no record is available in file whether the admissible NPV was deposited in Adhoc CAMPA.	In this regard, The State Govt. informed that the user agency has deposited the amount of NPV i.e. Rs. 41,24,73,798/- vide cheque No. 757704 dt. 17.09.2009 drawn on "Bank of Maharashtra, Ambernath (E) and transferred in favour of "Ad-hoc body of CAMPA CA - 1575, Maharashtra", through RTGS No CORP 0000371 on account No 01001575 of Corporation Bank Block No II CGO Complex, phase-I Lodhi Road, New delhi-3. A copy of bank statement is given.

11	Details with documentary evidences for alternative sites explored by the State Government for rehabilitation purpose.	The main businesses of the villagers of Kolevadhkal are farming. They do not want to shift away from their farms as it is not possible them to do their day to day routine work by living away from the farms. Therefore villagers are insisting to rehabilitate them to their original village. Accordingly, the exploration took place for the required land. The surrounding of the village is mostly of forest land of private forest land. Hence, the proposed piece of private land was acquired by MIDC in year 2001. However, the section 35 has been applied to this land in Year 2003. As there is not such land of private owner of required quantum near by the village, there is no another option to rehabilitate the villagers at nearby place. Hence, the said location plot has been incorporated in this diversion proposal and same may be considered as a special case.
12	It may be clarified whether the conditions stipulated in Stage-II approval for diversion of 513.66 ha of forest land dated 19.12.2005 have been complied by the user agency.	The State Govt. informed that the user agency has submitted the compliance report of the conditions stipulated in Stage -II approval for diversion of 513.66 ha forest land.
13	Status of Environment Clearance is not given.	The State Govt. informed that that the user agency has submitted that GOI MoEF, vide letter no. J-12011/12/96/IA/I dt. 09.12.1996 intimated that this project do not require Environment Clearance. As per notification of MoEF dt. 14.09.2006 this project does not fall under the Scheduled project hence do not required Environment clearance. Copy of said letter is enclosed

14	Status of Forest (Conservation) Act, 1980 approval to increase the height of Dam from 62.05 to 66.05 may be provided.	The State Govt. stated that the user agency has submitted that the Project was started in 1968 and was commissioned in 1976 with 62.05 m above MSL and top of the non over flow section was at 68.60 m above MSL. Land up to a level of 68.60 m was acquired by MIDC before enactment of Forest (Conservation) Act 1980. The Central Government granted the permission for diversion of 513.66 ha of forest land for raising height of the existing Barvi Dam vide letter dt. 15.12.2005. Raising of height up to 72.60 m under 3 rd stage has been not completed yet because diversion of remaining private forest land 19.52 Ha is pending and for which the additional proposal has submitted.
15	A CD containing Digital maps (Differential GPS) in shape file / KML file of the forest land approved earlier for diversion of 513.66 ha of forest land on 19.12.2005 and Compensatory Afforestation done in lieu of earlier diversion. In addition, the shape file / KML file of the forest land proposed now for diversion and Compensatory Afforestation site identified towards proposed diversion of 19.52 ha of forest land may be given.	The user Agency has submitted the CD of KML/ shape file of the forest land approved earlier for diversion of 513.66 ha and for this proposal 19.52 ha is enclosed.

Recommendation of FAC: After Thorough deliberation and discussion with Nodal officer Maharashtra and APCCF regional office Nagpur the proposal was recommended with General, Standard and following specific conditions:

- i. State government shall provide the detail and extent of forest land which is under submergence due to Increase in dam height in second Phase of construction without approval under Forest conservation Act 1980. A clarification from the state government shall be submitted to Regional Office and the matter will be examined by the APCCF Regional Office and if any violation of Forest conservation Act 1980 is observed a suitable penalty shall be imposed on the user agency and action shall be initiated against the erring official. The relevant documents and action taken report shall be submitted prior to Stage II approval.



- ii. The status of 9.015 ha of forest land indicated as Restored Private Forest is not substantial and therefore complete legal status of the forest land shall be communicated by the State Government.
- iii. The approval is recommended only for 14.17 ha. FAC do not recommend the approval of 5.350 ha forest land proposed for diversion for rehabilitation of four villages. State government shall submit detail and extent of non forest land on which the villages will be rehabilitated.
- iv. Compensatory afforestation shall be raised on equal non-forest land and notified as Forest under provisions of Indian Forest Land 1927 or Local Forest Act.
- v. Compensatory afforestation shall be raised over non-forest land and at least 1000 plants per hectare diverted ($14.17 \text{ ha} \times 1000 = 14170$ plants) shall be planted over identified non-forest land. If it is not possible to plant all 14170 plants over non forest land then the balance plants shall be planted over degraded forest land under administrative management control of forest department as per the working plan prescription with provision for ten years on subsequent maintenance.
- vi. 25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
- vii. Complete compliance of FRA will be done and certificate on prescribed form will be submitted along with the compliance report.

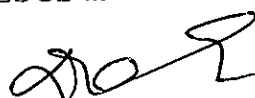
Agenda No. 5

F. No. 8-51/2017-FC

Sub: Diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of West Bengal State Electricity Distribution Company Limited (WBSEDCL) in Ajodya Hills under Purulia Forest Division

The above stated agenda item was considered by the FAC on 25.01.18. FAC observed that:

1. The State Government of West Bengal vide their letter No. 3340-For/O/L/10T-12/2017 dated 18.09.2017 has submitted a proposal for diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of West Bengal State Electricity Distribution Company Limited (WBSEDCL) in Ajodya Hills under Purulia Forest Division, Purulia Dist. The area sought for diversion is protected forest with Eco Class III and having forest density as 0.3 and 6816 trees are enumerated for felling for this project.
2. The area recommended for approval by regional office is 233.417 ha where as state of west Bengal has recommended 234 ha.
3. It is reported that the instant proposal is for diversion of 233.417 ha (234.0 ha submitted by state) of forest land for construction of 1000 MW Turga Pumped Storage project of WBSEDCL in Purulia Forest Division. The pump storage project will generate electricity



by reusing water available in the stream and also by enhancing storage capacity of the reservoir without any perceptible adverse impact on the surrounding. The energy required for pumping shall also be met from the surplus power available in the grid during non-peak hours and improving the power scarcity during peak hours, which perhaps makes this project proposal outstanding.

Initially four pumped storage schemes were identified by Central Electricity Authority (CEA) in the Ayodhya Hills of Purulia District, West Bengal. These are:

1. Purulia Pumped Storage Scheme
2. Turga Pumped Storage Scheme
3. Kathlajal Pumped Storage
4. Bandhu Pumped Storage Scheme

Studies were conducted in 1978-79 by Geological Survey of India (GSI) and WBSEB on these schemes. The forest land required for the first scheme named Purulia Pumped Storage Project (4 x 225 MW) on Kistobazar Nala has already been diverted in three phases, the final phase was granted on 28.01.2003 and the project is now in operation since 2007-08. Tunga Pumped Storage scheme is the second Pumped Storage Scheme being taken up by WBSEDCL. The other two are yet to be taken up.

4. This project is also including 6.325 ha of already diverted forest area under Purulia pumped storage project. This area is required by the current project under component rock quarry.
5. Compensatory afforestation is proposed over non forest land. It is reported by CCF Northern circle west Bengal that some sign of encroachment has been observed.
6. Site inspection was conducted by Conservator of Forests (c) Regional office Bhubaneswar on 29-30th November 2017.

Recommendation of FAC: After Thorough deliberation and discussion with Nodal officer West Bengal and representative regional office Bhubaneswar, the proposal was recommended with General, Standard and following specific conditions:

- i. On analysis on DSS it is observed that the part of Non Forest land proposed for CA for the project is falling in the category of recorded forest. The status of Non Forest land proposed for CA shall be clarified along with documentary evidences. State government shall also analyse the same on DSS prior to submission of clarification to MoEF&CC. The DSS report generated by state government shall be submitted prior to stage II approval. It is noted that CA land has been given in 12 patches, which are dispersed in Puruliya & Jalpaiguri districts of West Bengal State. Based on DSS, Out of 12 patches proposed for CA, 6 CA Patches having the Legal status as Forest land.
- ii. On perusal of item wise breakup statement submitted by the state government and in SIR, It is observed that 10.239 ha, 18.387 ha and 8.537 ha have been proposed for Civil structures, Construction facility and other component respectively. State government shall submit details of these three components. No residential or

commercial complexes which are not ancillary and not site specific shall be permitted.

- iii. Since water is a precious resource, the user agency shall take some measures for creation of water conservation/ harvesting structures in the Catchment Area so that the water to be released for use of communities and agriculture, down streams, is not affected.
- iv. The user agency should also address the stone quarry within the leased area. After extraction of stones, the quarry should be reclaimed with soil and should be vegetated; thereby developing the mined out land into an ecotourism spot enhancing the ecology & aesthetics of the site.
- v. The User agency may also fence the quarry prior to reclamation to check possible casualty of wildlife due to accidental fall
- vi. It is reported that some additional forest lands are required to be diverted for dismantling the irrigation dam, pillars have to be posted there with proper demarcation
- vii. The encroachment, as reported by CCF Northern circle west Bengal in The proposed CA area shall be evicted prior to mutation of land in favour of Forest department. State government shall ensure that the Non forest land shall be free from all encumbrances.
- viii. State government shall prepare a wild life conservation plan with special emphasis to avoid Human elephant conflict in the area at project cost. The plan shall be duly approved by CWLW. The Amount shall be deposited in Adhoc CAMPA. The sanctity of elephant corridor shall not be disturbed. All possible mitigation measure to protect the elephant corridor shall be incorporated in wild life management plan.
- ix. Compensatory afforestation shall be raised over non forest land equal to the diverted forest land. At least 1000 plants per hectare (234 hectares x 1000 = 234000 plants) shall be planted over identified non-forest land with provision for ten years on subsequent maintenance.
- x. 25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.

Agenda No. 6

F. No. 8-115/1995-FC

Sub: Diversion of 36.98 ha reserved Forest land in favour of western Coal field Ltd. (WCL), Chandrapur area for Hindusthan Lalpeth (Expansion) Opencast Project at Reserved Forest Compartment No. 485 in Chandrapur Forest Division under Section



2 of the Forest (Conservation) Act, 1980 in Chandrapur District in the State of Maharashtra

The above subject proposal was received by the Regional Office, Nagpur and the same has been forwarded by them vide their letter no. FC-II/MH-60/2017-NGP/1754 dated 11.05.2017 stating that the instant proposal is for surface rights of the area already approved by the MoEF&CC for Under Ground Mining Operations vide letter no. F. No. 8-115/1995-FC dated 08.05.2001. Since the original proposal has been dealt by the MoEF&CC, the instant proposal along with the original file/ note-sheet is being forwarded to MoEF&CC New Delhi for further consideration of proposal. The old file bearing F. No. 8-115/1995-FC is not readily traceable.

Recommendation of FAC: After Thorough deliberation and discussion with Nodal officer Maharashtra and APCCF regional office Nagpur the proposal was recommended with General, Standard and following specific conditions:

- i. The user agency shall pay NPV for entire forest area (36.98 ha) which is proposed to be used for open cast Mining in addition to whatever NPV has been paid by the user agency in past for underground mining.
- ii. Compensatory afforestation shall be raised over degraded forest land equivalent to double the diverted forest land . At least 1000 plants per hectare (36.97 hectares x 1000 = 36970 plants) shall be planted over identified degraded forest land with provision for ten years subsequent maintenance.
- iii. 25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
- iv. Complete compliance of Forest Right Act 2006 will be complied by the user agency and state Government. The user agency shall submit the compliance of the schedule Tribes and other traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 in format prescribed by Government of India vide letter dt. 05.07.2013 before final approval.
- v. State government shall get the area demarcated and boundary pillars on ground prior to commencement of work. No additional forest area more than 36.98 ha shall be used for open cast mining. The user agency shall ensure demarcation of boundary of safety zone and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPs co-ordinate and deploying adequate number of watchers under the supervision of the State Forest Department. The boundary pillars around the lease area will be erected by the user agency at its own cost by involving the Forest Department and Revenue Department in the District.
- vi. The Agency will pay the cost of survey, demarcation and erection of the permanent pillars on the compensatory afforestation land, project land made available by the Agency.
- vii. Adequate precautions shall be taken to safeguard the adjoining areas from explosives and it shall not be stored in the forest area.



- viii. The User Agency will dump the overburden on the revenue land or on adjacent private land owned by agency as per their undertaking and forest land will not be used for dumping.
- ix. A safety zone of 7.5 meter will be maintained along the boundary with in the mining lease site. Fencing, protection and regeneration of the safety zone are (7.5 meter strip all along the outer boundary of the mining lease area) where feasible, shall be done at the project cost. Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the user agency at the project cost under supervision of the Forest Department.
- x. In case of mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation/roads is properly fenced by the user agency at the project cost to protect the vegetation/ regeneration activities in the safety zone.
- xi. Afforestation on degraded forest land, to be selected elsewhere, measuring one and a half time the area of forest land under safety zone shall also be at the project cost under the supervision of the State Forest Department.
- xii. The area will be reclaimed as per approved Mining Plan and handed over back to the Forest Department. Rehabilitation shall be done as per the approve rehabilitation action plan prepared by CMPDI, Nagpur.
- xiii. The Forest area will be reclaimed during the currency of lease, and the area will be handed over to the Forest Department periodically.
- xiv. The user Agency shall pay Rs. 50 Lakhs for Wildlife Mitigation purpose as per the recommendation of Chief Conservator of Forests (Territorial) Chandrapur, plan for which will be approved by Principal Chief Conservator of Forests (Wildlife) Maharashtra State, Nagpur.

Agenda No. 7

F. No. 8-56/2017-FC

Sub: Diversion of 170.32 ha. of forest land (Regularization of 60.298 ha + 110.022 ha of additional forest land) for the extension of Runway and infrastructural development in favour of Air Force Station Arjan Singh, Panagarh, West Bengal.

The above stated agenda item was considered by the FAC on 25.1.17 and observed as follows:

1. The Government of West Bengal vide their letter No. 3723-For/0/L/10T-03/2017 dated 01.11.2017 has submitted a proposal for diversion of 170.32 ha of forest land (Regularization of 60.298 ha + 110.022 ha of additional forest land) for extension of runway and infrastructural development in favour of Air Force Station, Arjan Singh, Panagarh, West Bengal. The application was not submitted online due to security reasons.



2. During the presentation by user agency it was informed that the area of 60.298 ha proposed for regularization is under the control of air force station since 1942. This station was a strategic air base at the time of World War II. Presently considering the security concerns of the country on northern borders, ministry of defense is planning to expand the air strip length as well as other facility. It is reported that most of the tree cover will be retained for security reasons. It was only in 1987, it was realized that the area is Forest land and the process of regularization started. It is reported by the regional office that user agency had constructed a boundary wall in 2010. This was clarified by the representative of user agency that the area is prone for encroachment and due to security concern the wall construction was necessity. The Other area i.e. 110.022 ha is still in the possession of forest department.

Recommendation of FAC: FAC observed that the area is of strategic defense importance and the user agency will maintain the green cover intact .It was also reported by CF central in his SIR that the area is suitable from the strategic point of view as remnants of some world war II structure are visible in the site, which shows the importance of area historically. After Thorough deliberation and discussion with Nodal officer West Bengal and representative regional office Bhuvneshwar, the proposal was recommended with General, Standard and following specific conditions:

- i. State Government shall submit detail of CA land and scheme.
- ii. Compensatory afforestation shall be raised over degraded forest land equivalent to double the diverted forest land. At least 1000 plants per hectare (170.32 hectares x 1000 = 170320 plants) shall be planted over identified degraded forest land with provision for ten years on subsequent maintenance.
- iii. 25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
- iv. The user agency shall submit the compliance of the schedule Tribes and other traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 in format prescribed by Government of India vide letter dt. 05.07.2013 before final approval.
- v. A large part of the area outside the proposed forest area, within the possession of Air Force Authority appears to be dense forest. If the Air Force authority wants to utilize the forest land for any non-forest purpose in future, they have to apply for a fresh diversion proposal for the same. No non forestry activity shall be carried out by the air force authority in the area in anticipation of approval in future
- vi. The project proponent may undertake afforestation works at suitable places inside the project area, if available along with suitable harvesting measures inside the area proposed for diversion
- vii. The State Govt. shall provide details sought by the Regional office vide its letter dated 6th December 2017 under intimation to MoEF&CC.



Agenda No. 8

F. No. 8-323/1989-FC (Pt. I)

Sub: Diversion of 2.048 ha (4.25 ha as per Form A) of forest land in SM Block, Kumarswamy Range, Ballari District for approach road to ML NO. 2313 in favour of M/s JSW Steel Ltd.

The above stated agenda item was considered by the FAC on 25.1.17 and observed as follows:

1. The proposal was received from the State Govt. of Karnataka vide their letter no. FEE 77 FFM 2017 dated 11.01.2018 related to diversion of 2.048 ha of forest land (4.25 ha. as per form A) in SM Block, Kumarswamy Range, Ballari district for approach road to ML No. 2313 in favour of M/s JSW Steel Ltd. referring that this Ministry's letter of even no. dated 12.09.2017 whereby the transfer of Forest Clearance for diversion of 21.03 hectares (originally granted forest land of 21.11 ha.) in respect of category 'C' Mining Lease No. 2313 from erstwhile lessee M/s. Hothur Traders to the successful bidder i.e. M/s. JSW Steel Ltd was granted subject to certain conditions prescribed therein.
2. It is reported by the State Govt. of Karnataka that the earlier user agency had not obtain forest clearance under Forest (Conservation) Act, 1980 for use of the approach road outside the lease area. Hence, the new user agency M/s JSW Steel Ltd. had submitted proposal through web portal on 17.10.2016. for diversion of 4.43 Ha (subsequently change to 5.83 ha and once more changed to 4.25 ha) of forest land in SM Block, Kumarswamy Range, Ballari district for approach road to ML No. 2313.
3. It is also mentioned by the State Govt. that the PCCF (HoFF) vide his letter no. A5(1).MNG.CR.11/2016-17 dated 25.11.2017 has submitted a proposal to obtain Stage-1 approval of GOI under section-2 of Forest (Conservation) Act, 1980 for diversion of 2.048 ha (4.25 ha. as per form A) in SM Block, Kumarswamy Range Ballari district for approach road to ML No. 2313 in favour of M/s JSW Steel Ltd, Ballari subject to certain conditions imposed by PCCF.
4. It is reported by the state government that the approach road is passing through proximity of Archeological important site. The part of approach road lied within 1 Km distance from Parvati & Kartikeya temple (Archaeological important site). In this regard, the Hon'ble Supreme Court has issued direction to the State Government to constitute a committee to examine and recommend measures with respect to restriction of the mining activities, in the portion of approach road falling with in 1 KM & upto 2 Kms, of archeologically important temples / sites in karntataka falls vide its order in SLP No. 20180/2010.
5. In present case, the some portion of approach road falls in within 1 Km of Parvathi & Kartikeya temple, the final decision regarding mining in this area will be subject to



outcome/ recommendation of the committee constituted in compliance to the Hon'ble Supreme court order in SLP No. 20180/2010.

6. It is reported that a joint survey has been conducted on the approach road revised from 5.83 hectare to 3.50 hectares. As per the joint survey report, the details of required approach road in forest area for approval under Forest (Conservation) Act, 1980 as follows :

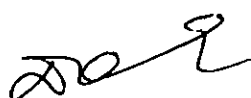
Stretch Marked on Pam as	Length (Meters)	Average width (Meters)	Area (Ha)	Remarks
A to B	197	12	0.24	Portion of road falling in virgin Forest area i.e. tree cutting to be required.
B to C	534	12	0.64	Portion of Road falling in existing old approach road.
C to D	745	12	0.89	Portion of road falling in virgin Forest area i.e. tree cutting to be required.
D to E	433	12	0.52	Portion of Road falling in existing old approach road
E to F	114	12	0.14	Portion of road falling in virgin Forest area i.e. tree cutting to be required.
F to G	659	12	0.79	Portion of Road falling in existing old approach road.
G to H	143	12	0.17	Portion of road falling in virgin Forest area i.e. tree cutting to be required.
H to I	87	12	0.10	Portion of Road falling in existing old approach road
J to K	10	12	0.01	Portion of Road falling in existing old approach road
	2922	12	3.50	
I to J	419	12	0.50	Portion of road falling in MMRD notified area of M. L. No. 1111 of M/s NMDC Ltd.

7. However DFO has further reported that the approach road is old existing road. The previous project proponent of M/s. Hothur Traders had not taken forest diversion for the approach road.

8. On perusal of above table presented after joint inspection it seems that stretch marked on the map between A-B,C-D,E-F and G-H requires clearing of virgin forest in the new alignment scheme in which the road is proposed outside the NMDC lease area .
9. It is also observed that CCF Bellary had rejected the proposal of new alignment. Later It was got inquired by PCCF Karnataka through CCF Bangalore. As per PCCF recommendation, MoEF&CC may consider the proposal for grant of *In principle* (stage I) approval for diversion of 2.048 ha of forest land in the form of existing Kaccha forest path in SM Block ,Kumarswamy range , ballari district till the system of 'conveyer belt-railway' is established.

Recommendation of FAC: After Thorough deliberation and discussion with CCF regional office Bangalore and user agency recommends that

1. No new road is allowed to be constructed in virgin forest. Considering the Fact that the mine is land locked and there is no access other than existing 'kaccha' forest path (3.496 ha) which passes through NMDC lease area. It is reported that the existing 'kaccha' forest path was being used by M/S Hothur Traders since 1963 for mining purpose. FAC recommend that the existing 'kaccha' forest path of 4.4 km (2.56 km outside NMDC lease area and 1.81 km inside NMDC lease area) may be allowed to be used by M/S JSW steel Ltd (ML no 2313).
2. M/S JSW steel Ltd shall share the NPV charges with NMDC (lease no 1111) for the area 1.448 ha (1.81 km) of ,existing 'kaccha' forest path, which falls within NMDC lease area .For balance area of 2.048 ha(2.56 km) M/S JSW steel Ltd shall pay full NPV .
3. M/S JSW steel Ltd shall provide 3.496 ha of non forest land for compensatory afforestation. The land shall be mutated in the name of forest department prior to stage II approval. Revised CA scheme in this regards shall be submitted.CA shall be carried out at the rate of 1000 plants per ha (i.e 3496 plants).If it is not possible to plant the stipulated numbers of plants over 3.496 ha of non forest area then the remaining plants may be planted over degraded forest land as per the prescription of the working plan.
4. M/S JSW steel Ltd. shall be responsible for repairs and upkeep of the existing 'kaccha' forest path (including the portion with in NMDC ML no 1111).The kaccha road will be made all weather road (pucca) so as to reduce the air pollution in consonance with the environment conditions imposed in EC. No crushing/breaking of stones shall be allowed inside forest area. Readymade material shall be used for improvement of such road.
5. The Hon'ble Supreme Court in judgment dated 21-03-2017 passed in IA No. 247 & other IAs in Writ Petition Civil No. 562/2009 have approved construction of conveyer belt system, railway sidings and railway sub-lines as the most significant step towards controlling the environmental pollution that has persisted on account of open movement of iron ore by road. Such infrastructure is yet to be established and made operational. Accordingly, the user agency should take necessary steps to fulfil the condition as laid down by Hon'ble Supreme Court as early as possible. Till such time, the proposed road



- may be used for transportation of ore. The area being diverted for road will revert to Forest Department once the conveyer belt-railway system is made operational.
6. Operation of the proposed road and mining is subject to the orders of Hon'ble Supreme Court in SLP No. 20180/2010 dated 01-07-2013 regarding mining operations in proximity of the archeologically protected monuments, as the proposed approach road and ML No. 2313 are in proximity of Karthikeaya Temple.
 7. The lease period shall be con-terminus with current lease granted under MMRD (Amendment) Act 2015 for ML No. 2313 and the user agency shall pay lease rent as fixed by the Government from time to time.
 8. The diverted area should be used for the purpose for which it is granted. In case the land is not used for the stipulated purpose within one year or when it is no longer needed for the stipulated purpose, the area would resume to the Forest Department as per Section 82 of Karnataka Forest Act, 1963. The concerned Chief Conservator of Forest/Deputy Conservator of Forests are authorized to take necessary action in this regard. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
 9. The lessee shall not sub-lease. Mortgage or hypothecate the forest area.
 10. No new forest roads are advisable in this region. The existing 'kaccha' forest path, which was in use since 1963, may be used for mining lease purposes.
 11. Plantation upto 50 meter shall be raised on both sides of the road outside the NMDC ML No. 1111 area at the cost of user agency.
 12. Suitable soil conservation measures shall be under taken upto 50 meter on both sides of the road at the cost of user Agency.
 13. The User Agency shall also abide by all the conditions imposed upon by Government of India, the Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force).

Agenda No. 9

F. No. 8-05/2016-FC

Sub: Proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for drilling of 09 boreholes of 4" diameter in 113.625 hectares of forest land in Chhuikhadan ranges of Khairagarh Forest division for iron ore mining.

The above stated Agenda item was considered in FAC on 25.1.2018. FAC observed that:

1. State of Govt. of Chhattisgarh vide their letter dated 03.02.2016 submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest



(Conservation) Act, 1980 for drilling of 09 boreholes of 4" diameter in 113.625 hectares of forest land in Chhuikhadan ranges of Khairagarh Forest division for iron ore mining.

2. The above mentioned proposal was placed before FAC in its meeting held on 16.3.2016 and it recommended that the area proposed for diversion appears to be inviolate as per draft parameters. The committee recommended examination of the area by Forest Survey of India based on draft parameters.
3. Based on the recommendation of FAC, the Director General of FSI, Dehradun was requested vide this Ministry's letter dated 08.04.2016 confirm the status of the forest land in accordance with the draft criteria for classifying the areas as *in-violate*.
4. Forest Survey of India, Dehradun vide their letter no. 22-364/2015-NFDMC dated 01.11.2017 has conveyed that *the FSI has analysed the Geo-referenced data of 113.625 ha of forest land on Decision Support System portal. The polygon has been found Inviolat under Decision rule- I as it is falling in the Tiger Corridor as per the data of Wildlife Institute of India available in the DSS portal. The polygon covers 5 grids of which only one grid (2141560) satisfies the 50 % coverage rule. The DR-II analysis of this polygon was also carried out and was found to be 'Inviolat'. The same analysis was also carried out for all the 5 grids (without 50 % coverage rule) and it was found that all the 5 grids are 'Inviolat' as per the draft parameters of MoEF&CC. The map showing grids and results of analysis as well the score sheet of the grids is given.*
5. It is also imperative to mention here that Mineral Resources Department, Govt. of Chhattisgarh vide their order no. F 2-37/2008//XII(Part-I) dated 31.10.2015 for the instant proposal was extended the period for a one year from 27.04.2015 to 26.04.2016, which has already been expired.

Recommendation FAC: FAC after thorough deliberation and discussion with Nodal officer, Chhattisgarh and APCCF regional office Nagpur observed that since the prospecting licence of the user agency has expired on 26.04.16, the proposal is recommended to be closed.

[Nisheet Saxena]
AIGF (FC)

AGENDA NO. 1

F. No. 8-79/2009-FC

Sub: Diversion of 124.28 ha of forest land (regularization of already broken up area- 80.95 ha and area to be broken up-43.33 ha) for Chitra open cast project in favour of M/s Eastern Coalfield Limited (ECL) in Deoghar Forest Division in Deoghar district of Jharkhand.

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



1. In-principle approval for the above subject proposal had been granted on 21.04.2010 subject to fulfilment of certain conditions including that-
 " the Compensatory Afforestation (CA) will be raised and maintained on 53.42ha non-forest land and over 141.72 ha double the degraded forest land (i.e. $70.86 \times 2 = 141.72$ ha) at the cost of User Agency.
2. The State Government vide their letter No. 3/Van Bhumi-85/2009-3524 dated 15.09.2011 submitted the point wise compliance report of the conditions as stipulated in the Stage-I approval. Further, **the State Government requested to relax the condition of raising CA over equivalent non-forest land.**
3. The facts were again placed before FAC in its meeting held on 30.09.2015 and the FAC after detailed discussion recommended that the state government may be **allowed to take up CA over degraded notified forest land twice in extent to the forest land** proposed for diversion and accordingly condition stipulated in stage I approval dated 21.04.2010 be amended. The FAC also recommended that state government may be requested to submit:
 - i. Revised CA scheme after identifying degraded notified forest land twice in extent to the forest land proposed for diversion along with land suitability certificate and DGPS maps in shape/KML file.
 - ii. The legible copy of compliance to FRA issued by Collector.
4. Accordingly, the State Government of Jharkhand vide their letter no. 3/Vanbhumi-85/2009-4841 dated 19.10.2016, submitted their reply. After examination the compliance as submitted by the State Government and report of DSS, some discrepancies were noticed. The State Government of Jharkhand was requested by this Ministry on 09.03.2017 to provide details of 24 ha. of CA land with suitability certificate along-with Action Taken Report and the complete compliance on FRA in original. The State Government of Jharkhand, vide their letter dated 29.11.2017 forwarded additional information / documents along-with annexures in respect of this Ministry's letter dated 09.03.2017.
5. The State Government further reported that the project proponent has done violation under the Forest (Conservation) Act, 1980 without prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980, and recommended the following penal clauses:
 - i. The user agency shall deposit the Penal NPV for five times of 29.7399 ha. of forest land.
 - ii. The user agency shall deposit Penal CA for five times of 29.7399 ha. of forest land in favour of State Forest Department.
 - iii. The User Agency shall rehabilitate immediately at the project cost where the mining work has been over.
 - iv. The user agency shall rejuvenate by planting the over dump area at the project cost.

After careful consideration of the facts placed before it, FAC observed that the condition regarding CA on degraded forest land has already been recommended in previous meeting dated 30.09.2015. However on the recommendation of the State Government, following additional penal conditions are imposed:-

1. The user agency shall deposit the Penal NPV of five times of 29.7399 ha of forest land
2. The user agency shall deposit Penal CA for five times of 29.7399 ha of forest land.




3. The user Agency shall rehabilitate the forest land immediately at the project cost where the mining work has been over.
4. The user agency shall rejuvenate by planting the over dump area at the project cost.

Agenda No. 2

F. No. 8-61/2017-FC

Sub: Proposal for diversion of 100 ha. of forest land in favour of DCF, Mukundra National Park Kota for village relocation of Munkundra Hills National Park in Kota district in State of Rajasthan.- regarding.

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

1. The State Government of Rajasthan, Forest Department vide their letter No. P.1(49) VAN/2017, Jaipur dated 03.11. 2017 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. About 100 hectares forest land of Kota territorial forest division is required for rehabilitation of villages inside the Mukundra National Park.
3. The District Collector, Kota, Government of Rajasthan has issued FRA Certificate No. Rev.III/2017/2541 dated 09.08.2017 for diversion of 100 ha of forest land in favour of DCF, Mukundra National Park Kota for village relocation of Munkundra Hills National Park in Kota district in State of Rajasthan.

It is reported that the complete process for identification and settlement of rights under the FRA has been carried out for the entire 100.00 ha of forest area proposed for diversion. The copy of minutes of meeting of the forest right Committee (s), Mohalla Sabha, Sub-Divisional Level Committee and the District Level Committee are enclosed with the proposal. The diversion of forest land for facilities managed by the Government as required under section 3(2) of the FRA have been completed and consent has been given by MohallaSamiti. The proposal does not involve recognised rights of Primitive Tribal Groups and Pre-agricultural communities. **However, the State Government has not given the FRA certificate as per Ministry's guidelines 05.07.2013.**

4. There is no protected archaeological/heritage site/defense establishment in the proposed area.
5. Total estimated cost of the project is 7320 Lakh.
6. The State Government has submitted the Village Relocation plan for Girdharpura and Damodarpura copy of the same is available.
7. The Site Inspection Report has been received from the Regional Office, Lucknow vide their letter No. 8A/RAJ/09/1112/2017/FC/145 dated 15.12.2017. The site inspection of the above project was carried out by Shri **K.K. Tiwary**. CF (Central) Lucknow on 16.11.2017.
8. The report of the site inspection is as follows:



- (i) **Legal status of the forest land proposed for diversion is Protected Forest area** under Kota Forest Division. The area is in **urban limits of kota city and lies in the close vicinity of Industrial area at Kota**
- (ii) **Item wise break up details of the forest land proposed for diversion:**

Agriculture	64 ha.
Social Facility	8 ha.
Residential	22 ha.
Approved Road	6 ha.
Total	100

- (iii) The proposal include construction of residential building is proposed for rehabilitation of displaced villagers at total cost of 7320 Lacs.
- (iv) The area to be diverted is not sensitive from wildlife angle and Vegetation of Eco-Class- III with almost zero density is present. Area is devoid of trees with sparse growth of shrubs of *Cassia tora*, *Prosopis juliflora*, *Dichrostachys cineraria*, *Zizyphus* species etc. There is very little soil cover over the rocky bottom and at many places rocks are exposed and total number of trees to be felled is nil.
- (v) **Background note on proposal:** Under the Wildlife Protection Act 1972, as amended in 2006, provisions have been laid down for voluntary relocation of village dwellers residing inside core or critical tiger habitat areas, for the purpose of creating inviolate areas for tiger conservation. In Mukurda hills area 16 villages are situated inside core area of Tiger Reserve. Phase wise relocation of villagers is proposed for better management of natural ecosystem and wildlife of the protected area. Girdhapura and Damodarpura are the two major villages which are targeted to be shifted in the first phase through voluntary relocation on mutually agreed terms and conditions as per relevant sections of Wildlife (Protection) Act, 1972 read with requirements laid down in Scheduled Tribes and other Traditional Forest Dwellers(Recognition of Forest right)Act,2006.
The proposal of Relocation is based on Independent assessment of the requirements of the villagers and suitability of the Proposed Rehabilitation site during a Field study carried out by a team comprising of Forest and revenue officials. The survey Report and proposal for rehabilitation of villagers have been prepared on the basis of Rehabilitation Package sanctioned by the state government vide its order dated 08.08.2001 and in the light of guidelines issued under the revised centrally sponsored scheme of Project Tiger.
- (vi) Proposal for rehabilitation of villagers has been prepared on the basis of Rehabilitation Package sanctioned by the state government vide its order no. F.11(2)Forest/99 dated 08.08.2001.
- (vii) **Reclamation Plan:** The land proposed for rehabilitation of villagers being displaced from Core area of Tiger reserve is reported to be identified after many joint visits of the site with villagers and detailed discussion with district officials. The villagers have given their consent for relocation and have accepted two package options for rehabilitation being provided by the State government .A

Standing Committee under chairmanship of Divisional Commissioner and Rehabilitation Committee constituted under chairmanship of District Collector shall ensure the implementation of the relocation plan as per the approved guidelines of State government and VVPA, 1972. An ECO-development Committee is also Proposed to assist and participate in the relocation activities.

- (viii) The proposal has been recommended by the Nodal Officer, FC Act and by the State Government. After relocation of all 16 villages from the critical / Tiger habitat (CTH) area about 1268 of land (601 ha in case of relocation of two villages namely Girdhapura and Damodarupra) would be rendered for Tiger/wild life conservation purpose. The area so vacated shall develop into forest in continuity to the CTH which shall facilitate Tiger reintroduction. The Villagers relocated under the project shall also be benefitted by Rehabilitation Packages proposed under the Scheme. **There are 800 SC/ST families to be benefitted by this Project.**
- (ix) The proposed site for relocation of villagers is in close proximity to industrial area of Ranpur where villagers may get regular employment for livelihood. The site is also well connected to nearby township of Kota. Due to refractory nature of the relocation site, scope or raising agriculture crops is limited, however allied activities such as animal rearing, dairy farming may be taken up by the villagers.

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 conditions and standard conditions as per the laid down policy of the Ministry, for relocation of villages from protected areas will be followed along with FRA compliance with the guidelines issued by MOEF&CC on the project.

Agenda No. 3

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 – regarding.

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

The above mentioned proposal was also considered by the FAC in its meeting held on 30.09.2015 and the Committee observed as below:-

- (i) 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.
- (ii) 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.
- (iii) 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	Ashpond	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

- (iv) 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. However, differential GPS map of the area identified for CA has not been submitted by the State Government. 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.
- (v) The compensatory afforestation scheme has been prepared by the Forest Department, Andhra Pradesh, with total outlay of Rs 113.324 Lakhs. It has been proposed to carryout improvement of natural regeneration and an area of 155.06 Ha besides decongestion of Bamboo clumps loosening of soil to a depth of 15 cms of young and old Bamboo clumps in natural forests and also mound young regeneration of natural forest along with initiatives like soil moisture conservation works, incentive planting and entry point activities were also envisaged within this financial outlay of Rs. 113.324 lakhs. The time schedule for compensatory afforestation is raising, 1st year maintenance and 2nd year maintenance.

- (vi) The authorities in the State Forest Department have recommended the proposal with following specific conditions:
- 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
 - Payment of suitable penalty for already utilized area of 42.27 ha in violation of the Forest (Conservation) Act, 1980
- (vii) **Site Inspection Report by the Regional Office, Chennai:** The forest land proposed to be diverted was inspected by the Regional Office (South Eastern Zone), Chennai. Site inspection of the project was done by Shri K.S. Reddy, Addl. Principal Chief Conservator of Forests (Central), Regional Office (South Eastern Zone), Chennai on 30.03.2015 report was submitted to MOEF&CC and recommended grant of approval under the Forest (Conservation) Act, 1980 for diversion of the said forest and subject to the following additional conditions:
- The already utilized area of 30.15 ha is recommended for diversion since project related activity started prior to 1980.
 - 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 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.

As it is clear from the Site Inspection Report of the Regional Office the area claimed to have been utilized in violation by the user agency is at variance from the area mentioned by the Regional Office in their inspection report. Also the Regional office has not given clear recommendation for diversion of entire 155.06 Ha of forest land for construction of Ash pond and other proposed activities.

- (viii) The compliance of FRA, 2006 has not been submitted in accordance with the MoEF&CC's advisory dated 3.08.2009. District Collector has not issued certificate in the format as prescribed in the aforementioned guidelines; rather DFO has certified the process of settlement of rights under the FRA, 2006. Further, documentary evidences submitted in support of settlement of rights have been submitted in the vernacular language which could not be interpreted in the Ministry. The user agency has not submitted undertakings to bear the cost of CA and NPV.
- (ix) **The FAC on 30.09.2015 after detailed discussion recommended that the state government may be asked to submit additional information/documents.**
- (x) The State Government was requested to submit the reply on the observations vide this Ministry's letter dated 02.05.2017. The State Government of Andhra Pradesh, Environment, Forests, Science & Technology (Section. II) Vide their letter No. 3068/Section-II/2013 dated 13.10.2017 has forwarded information which was placed before the FAC

After careful consideration of the facts placed before it FAC observed that the agenda was supposed to be discussed with Nodal Officer of the State along with compliance submitted by the State Government vide its letter dated 13.10.2017. Since 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.

Agenda No. 4

F No. 8-55/2014-FC

Sub: Diversion of 285.44 hectares of forest land in Lankapalli R.F. of Khammam Division in favour of Singareni Collieries Company Limited (SCCL) for their Kistaram OCP.

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

1. Government of Andhra Pradesh vide their letter dated 28th April 2014 submitted the above proposal to obtain prior approval of the Central Government, in terms of the section-2 of the Forest (Conservation) Act, 1980.
2. The SCCL is a Government Company jointly owned by both the State and Central Governments. This is the only coal mining company in South India entrusted with the task of extracting the coal to meet the energy needs of South India. The activities of SCCL are spread over in Khammam, Warangal, Karimnagar and Adilabad districts of Andhra Pradesh. The SCCL is presently having 37 coal mining leases spread over in the above four districts. In these sanctioned leases, SCCL is operating 36 underground mines and 14 opencast mines producing around 52 million Tonnes of Coal per annum.
3. SCCL has obtained Bhupalpalli Mining Lease over an extent of 2792 ha in Non forest-land covering Kakatiya Khani (KTK) Nos., 1, 2, 3, 5 and 6 Incline mines. No.1 Incline (KTK-1) is an existing mine covered in the above mining lease in Bhupalpalli area, Warangal District, Andhra Pradesh. At present the mine is working in 3 seams, namely No.1, 2 and No. 3 seam in descending order. KTK - 1 incline property is partly covered in non - forest land and partly covered in forest land.
4. This mine is already possessing Additional Mining Lease in Tadicherla RF, Karimnagar East Division, Warangal Circle to an extent of 235 hectares sanctioned vide MoEF letter no. 8-40/99-FC, dt. 16.10.2000, for a period of 30 years. From recently drilled boreholes, it was found that the fault F2-F2 was shifted further towards West. Thus the area between the East side of Tadicherla Block - II and West side of (KTK-1) incline is named as 'KakatiyaKhani - 1 (KTK-1) Incline Extension Block'. Out of the total area of extension block, an area of 128.77 Ha extending over strike length of 1.0 km and dip length of 1.3 kms having 5.70 million-tones of coal reserves is being proposed to be annexed to the ongoing KTK 1 Incln. KTK - 1 Incline including the proposed annexing block is covering an area of 506.75 hectares, out of which 142.98 hectares (Non RF) is covered in Bhupalpalli Mining Lease (valid up to 3.8.2029) and 235 hectares (RF) is covered in Additional Mining Lease for 30 years diverted vide MoEF letter dated 16.10.2000 (valid up to 15.10.2030). The balance 128.77 Hectares out of which 115.78 hectares is forest land and 12.99 hectares is non-forest land. Since the area proposed is extension to the existing mine property, no additional expenditure is required for extracting the coal from this block. As such, establishing of surface infrastructure can be avoided and the property can be extracted without disturbing surface, for which Mining lease is required to exploit the coal from this block through underground method of extraction. Hence, the present application is for Additional Mining



- Lease in RF in continuation to the existing mining lease and diversion is required for a period of 30 years.
5. The occurrence of coal deposits extending into forest area is as a nature's gift. The location of project is site specific. No surface structures will be raised in the proposed lease area, as such no diversion of surface forest land is required. The total forest land of 115.78 hectares is required for underground mining only is situated in Camp. Nos. 401 and 404 of Tadicherla RF, Bhupalpalli Range, Karimnagar (E) Division, Warangal Circle.
 6. There is no requirement of surface forest-land. The proposal is only for approval under FC Act 1980 for mining lease for underground operations at KTK - 1 Incline over 115.78 hectares of Tadicherla RF, Bhupalaplli Range, Karimnagar East Division, Warangal Circle, Andhra Pradesh for a period of 30 years.
 7. This proposal is for grant of mining lease to carry out underground mining operations which will be conducted at a depth range of 90 m to 470 m. No diversion of surface forest land is involved. However SCCL has agreed for payment of Compensation for the damage if any, caused to the forest on surface due to underground mining. The SCCL has also agreed for payment of NPV as per rules and an undertaking to this effect is enclosed.
 8. The user agency has certified that all other alternatives have been explored to minimize the requirements of forest land and the 115.78 hectares of forest land covering in Camp. No. 401 & 404 of Tadicherla RF proposed for diversion is bare minimum required for the proposed underground mining of KTK-1.
 9. Wildlife species such as Sambhar, Sloth bear, Chowsinga, Wild Boar and Peacock are available in and around the forest proposed to be diverted for non-forest purpose.
 10. The forest land proposed to be diverted was **inspected by the Regional Office (South Eastern Zone), Chennai**. Additional information pertaining to the proposal available in the site inspection report submitted by the Regional Office (South Eastern Zone), Chennai vide their letter dated 11th September 2014.
 11. **The proposal was considered in FAC held on 20th -21st October, 2014.** FAC after detailed deliberations recommended that decision on grant of approval under the FC Act for diversion of forest land may be deferred till EIA, EMP and proceedings of the public hearings are considered by the Expert Appraisal Committee (EAC) for grant of Environmental Clearance to the project. The EAC may be advised to specifically examine the impact of the project on Sathupally town while formulating their recommendation. Meanwhile, the State Government may be requested to furnish their comments on the following issues:
 - (i) Impact of the project on Sathupally town along with measures proposed to be undertaken to mitigate these impacts; and
 - (ii) Justification for diversion of forest land for non-site specific activities such as, overburden dumps, service buildings and external dumps along with full details of alternatives examined.
 12. The above recommendation of FAC was communicated to the State Government of Telangana vide Ministry's letter dated 21st November, 2014.
 13. The State Government of Telangana vide their letter No. 2373/FOR.I (1)/2014 dated 27.01.2017 has forwarded a point-wise reply submitted by the Principal Chief Conservator of Forests, Telangana (HoFF), in respect of MoEF& CC, GoI, New Delhi letter dated 21.11.2014, and the same is given under below:-

S. No.	Observations raised by FAC	Reply submitted by State Government
1.	Impact of the project on Sathupally	In this regard the State Government informed



	town along with measures proposed to be undertaken to mitigate these impacts; and	that the user agency stated that the Kistaram OCP is located at a distance of 2 Km. from Sathupalli Town. Hence, there may not be much impact on the Sathupalli Town. Green belt will be developed all around the mine to prevent spread of dust to the adjoining areas. SCCL will continuously sprinkle water on the Haul roads, CHP to control spread of dust. Coal will be transported in tarpaulin covered lorries. Further, the project proponent has also stated vide letter dated 13.01.2016 and requested to the Director General, ICFRE, Dehradun to study the impact of the area Kistaram OC coal mining on Sathupalli town. Hence, whatever measures are recommended by ICFRE in addition to the measures proposed by SCCL, the same also will be implemented to mitigate the impacts, if any.
2.	Justification for diversion of forest land for non-site specific activities such as, overburden dumps, service buildings and external dumps along with full details of alternatives examined.	In this regard the State Government informed that the user agency stated that the total requirement of the land for Kistaram OCP is 435.68 ha of which 285.44 is Forest land. Of the total forest land required, 200.72 ha. is for quarry including drain and boundary around the quarry which are site specific. Of the balance 84.72 ha., 71.71 ha. is identified for dumping which is also site specific as dumping also mining activity and needs Mining Lease. In addition to this Forest land, available Non-forest land of 95.03 ha is identified for dump after leaving 27.91 ha of non-forest land for protecting Jagannadhapuram Tank (water body) as prescribed in condition No. (xvii). Total OB to be excavated in this Mine is 129.58 million cu.m. and the dump is proposed up to a maximum height of 120 m. in a total area of 166.74 Ha. which includes 71.71 Ha. of forest land. The land for OB dumping is required initially for a period of three years and thereafter OB will be accommodated in external and backfilling in de-coaled area simultaneously.

14. The Principal Chief Conservator of Forests, (HoFF), Telangana vide their letter No. 54546/2009/FCA-I, Dated 06.01.2017 has reported the **few additional points as well.**
15. **The file was referred to IA division** for obtaining their **comments in the matter.** The IA division vide their note dated 22.08.17 informed that the proposal for grant of EC to Kistaram Open Cast Coal Mine project of 2 MTPA in mine lease area 435.68 ha of M/s SECL in district Khammam was considered the EAC in its 58th meeting held on 23-24



June, 2016 for forth meeting held on 30-31 January, 2017. While deliberations on the proposal, the EAC took note on the following:

- i. The observations of the FAC in its meeting held on 20-21 October, 2014 and subsequent clarifications sought from the state Government need to be clarified by the project proponent for its compatibility with the EIA/EMP reports and the public hearing. The Committee desired that the proposal may be considered by the FAC in parallel, and without any prejudice to the observations of the EAC.
- ii. Source of Fluoride in the ground/assessed to suitably address the observations of the EAC.
- iii. Year wise expenditure incurred on CSR activities indicate no definite trend with no firm planning and the budget estimate accordingly.

The EAC after detailed deliberation deferred the proposal for want of information on the above lines. The same was communicated to the project proponent and reply is awaited.

16. The project proponent was informed that the CA sites proposed earlier having encroachments and some of the proposed area for CA has been earmarked for departmental plantation and therefore the CA scheme is to be revised. Accordingly, the State Government of Telangana was requested vide this Ministry's letter dated 19.09.2017 to submit the approved revised CA scheme with suitability certificate and the shape / KML files for the revised CA along with shape file for proposed area of diversion for further consideration of the proposal in the Ministry.
17. The State Government vide their letter no. 2373/For.I (1)/2014 dated 15.11.2017 has forwarded a copy of revised CA scheme with financial outlay of Rs. 1970.193 Lakh for treating an area 571.00 ha of degraded forest area in Khammam (227 ha) and Sathupally divisions (344 ha). Detailed CA scheme is placed in file at 642-742/c.
18. The Shape file/ KML file of Revised CA sites has been examined by the DSS Cell and following observations have been made:
 - i. Calculated area of the shape files received for revised CA Area is found correct as per the requirement i.e. 571.78 ha.
 - ii. Legal status of revised CA land is found as Forest land i.e. Compartment no. 51,52,53 148,149,175 as per the recorded Forest Area boundary uploaded on DSS.
 - iii. As per the current boundaries, revised CA is provided in four patches falling in the same district namely Khammam.
 - iv. Out of total proposed CA area, 93 ha. of land having the canopy density of Moderately dense forest that with 75 ha. of land classified under Open forest Category in terms of forest classes (as per the ISFR 2015) based on the interpretation of satellite data period 2013-2014.
 - v. Patchwise details of proposed CA patches w.r.t density classes (based on interpretation of satellite data period 2013-14) as per ISFR 2015, are as follows:

(Area in ha.)						
S.No.	Patch	Very Dense Forest	Moderately dense Forest	Open Forest	Scrub	Non-Forest land
1	Patch-I	0	92	12	0	123
2	Patch-II	0	0	0	0	40

3	Patch-III	0	0	0	0	23
4	Patch-IV	0	1	63	0	219
Total		0	93	75		405

After careful consideration of the facts placed before it, FAC observed that

1. Regional office has not recommended the project as yet even after carrying out the inspection of the site; hence it is observed that APCCF, Regional Office along with AIGFs concerned shall make a visit to the proposed land for diversion as well as land proposed for compensatory afforestation.
2. The above mentioned group would also inspect the previous compliances of the diverted cases by the same user agency.

Agenda No. 5

F. No. 8-57/2017-FC

Sub: Proposal for diversion of 467.809 hectares of forest land/revenue forest land (443.000 ha. forest land + 24.809 ha. Revenue forest land=467.809 ha. forest land) for Opencast Coal Mining in favour of M/s. Northern Coal Fields Limited, Rewa in Singrauli District State of Madhya Pradesh.- regarding.

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

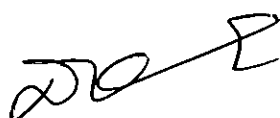
1. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer under Forest (Conservation) Act, 1980 Satpura Bhawan, Government of Madhya Pradesh, vide his letter No. F1/783/2017/10-11/3262 Bhopal dated 30.10.2017 submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 467.809 hectares of forest land/revenue forest land (443.000 ha. forest land + 24.809 ha. Revenue forest land=467.809 ha. forest land) for Opencast Coal Mining in favour of M/s. Northern Coal Fields Limited, Rewa in Singrauli District State of Madhya Pradesh.
2. The legal Status of the forest to be diverted is 443 ha protected forest, 24.809 ha revenue forest. The land is proposed to be diverted for 30 years. The density of vegetation varies 0.2 to 0.4 with eco-classes-5.
3. 150370 trees are required to be existing over the areas which is to be diverted.
4. In the working plan of the Singrauli Division compartment No.262 is included in the Elephant Corridor.
5. The Project Proponent has already obtained environment clearance in 2008.
6. There are 580 families out of which 51 SC, 145 ST and 384 other categories, are required to be rehabilitated once the forest land is diverted.
7. The Project Proponent and State Government has submitted the FRA compliance certificate issued by District Collector, Singrauli. The cost benefit ratio has been indicated as 17.84. However, it is not as per the guidelines issued on 1st August, 2017



8. The site inspection report has been furnished by the Regional Office, Bhopal, as per this report total 22500 trees are required to be felled.
9. An area of 936 ha degraded forest land has been identified for carrying out compensatory afforestation.
10. The Nodal Officer, State Government has also recommended the proposal. The APCCF, Regional Office, Bhopal has also recommended the proposal.

After careful consideration of the fact placed before it and the facts placed on the website of the Forest Clearance of this Ministry, FAC recommended the project proposal with general condition and standard condition along with specific conditions.

1. Compensatory afforestation shall be raised over double the diverted forest land on orange forest and at least 1000 plants per hectare ($467.809 \text{ ha} \times 2 \times 1000 = 935780$ plants) shall be planted over identified degraded forest land under administrative management control of forest department as per the working plan prescription with provision for ten years on subsequent maintenance.
2. 25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
3. Complete compliance of FRA will be done and certificate on prescribed form will be submitted along with the compliance report.
4. The representatives of the UA have informed that not all the trees enumerated in the lease area will be felled. Trees falling in the safety zone area, around internal roads, magazine area, etc. will be maintained as intact as far as possible. Felling of trees will be undertaken under the supervision of the State Forest Department.
5. Labour working in the mine should be provided with the LPG to avoid pressure on surrounding forests.
6. Residential accommodation for the labourers working in the mine should be ensured to avoid pressure on forest land for temporary residential accommodation.
7. A committee, including DFO as member, should be constituted for the monitoring of conditions to be stipulated by the Government of India and implementation of reclamation plan.
8. Safety zone should be protected by appropriate measures to ensure protection of the surrounding forest so as not cause hindrance to the movement of wild animals.
9. The State Government / user agency shall arrange to furnish an Integrated Wildlife Plan for the region.
10. Area to be diverted required to be demarcated on ground and measured, mapped the said information would be submitted to the Regional office who will forward its comments to this Ministry for further action.
11. The State Government will ensure the rehabilitation of the oustees in accordance with the National Rehabilitation Policy



Agenda No. 6

F. No. 8-25/2009-FC

Sub: Proposal for diversion of 226.67 hectares of forest land for Karo OCP in favour of M/s. Central Coal Fields Limited (CCL) in Bokaro district of Jharkhand.

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

1. According to the State Government the proposal of Karo OCP is an expansion proposal of existing Kaveri OCP Mine. The final approval for diversion of Kaveri OCP, area 77.43 ha was granted vide MoEF's letter no. 8-22/2003FC dated 31.03.2004.
2. The CCF (central) while forwarding the proposal has recommended the following:
 - i The user agency is asking for 29.799 (forest) + 64.969 (non-forest) = 94.768 ha of land for external OB dump which appears to be a large area. The user agency should plan such a fashion that the internal dumping starts early which will reduce the actual OB dump area. The mining plan should be modified in that line. The external OB dump should be limited to the non-forest area alone. The user agency also should explore the possibility of dumping the OB from the proposed mine in the already existing voids or voids being created due to mining in other adjacent mines of the user agency.
 - ii The Karo OCP is located in the East Bakaro coal fields, where a number of mines of CCL are under operation. Due to the mining the area has been denuded causing environmental problems like dust pollution, damage of trees, etc., which need immediate attention. The user agency should plan for taking up plantation in all the available areas in the East Bokaro coalfields of CCL. The plantation should be done by the CCL under the supervision and advice of the Forest Department. Instead of sectoral green planning, the CCL should go for integrated green planning including soil and moisture conservation measures for the East Bokaro coal fields.
 - iii The voids available locally within the CCL should be identified and earmarked for deposition of ash generated from the nearby Bokaro TPS.
 - iv The user agency should give an undertaking to contribute proportionately for the regional wildlife management plan which is under preparation.
3. The FAC observed that the proposal had been considered first by the FAC in its meeting on 20th August, 2009 and following information were sought:
 - i The details of total area, including forest land, leased to the M/s.CCL with total mineable reserve.
 - ii The total number of Open cast and underground mines, approved and active, with annual production and utilization of coal from each of them.
 - iii The time required for de-mining of the existing mines and their reclamation as per existing progressive mine closure plans.
 - iv The additional requirement of forest area as per long term future expansion plan keeping in view the demand and supply.
 - v The working plan prescription for the area in question.
4. The recommendations of the FAC were conveyed to the State Government vide Ministry's letter of even number dated 24.09.2009.
5. The State Government vide their letter No.3/Vanbhumi-2/2009/3354 dated 23.10.2009, submitted the information which was considered in FAC meeting dated 4th November 2009.



6. The State Government informed that there are 58 projects (37 OPC and 21 UG) involving 21,700 ha area including 4060.95 ha forest area) with 1475 MT mineable reserves. User Agency submitted that total 5521.47 ha is required : Future Projects : 2546.91 ha; Expansion Projects : 1462.41 ha; New Projects : 1512.15 ha;
7. After consideration the FAC again sought additional information from the State Government which was communicated to the State Government vide this Ministry's letter of even number dated 14th December, 2009. The Government of Jharkhand vide letter no. 3/Vanbhum-2/2009/2142 dated 17.06.2010, submitted the requisite information sought by the Ministry vide its letter dated 14.12.2009.
8. **Proposal was considered by the FAC in its meeting held on 21.07.2010 and the FAC after detailed discussion recommended the proposal for diversion of forest land and the recommendation was placed before the competent authority.**

4. However, the competent authority of the MoEF&CC, after examination of the recommendation of the FAC had made following observation:

"Isn't total of about 1,30,000 trees of various girth classes including 85,000 below 60 girth cm on the higher side?"

5. The above observation of the competent authority of the MoEF&CC were conveyed to the State Government vide this Ministry's letter of even number dated 29.09.2010. The Government of Jharkhand vide their letter no. 3 / VanBhumi - 02 / 2009 /4221 / VP dated 11th August, 2015, submitted the reply to the observation raised by the MoEF&CC in its letter dated 24.09.2010.
6. The State Government had informed that as per report received from the PCCF, Jharkhand vide his letter no. 2407 dated 24.07.2015, trees enumeration has been done and the abstract enclosed. The State Government has also reported that as per the direct enumeration of trees in the area instead of 1,30,000 trees reported in the original proposal, only 86,412 trees have been found existing in the area. Out of the total enumerated trees those above 60 cm girth are 7,374 while number of trees below 60 cm girth number of trees estimated to be 79,038

No. of trees below 60 cm girth - 79,038

No. of trees above 60 cm girth - 7,374

7. The FAC considered the justification in its meeting dated 24th November 2015 and observed that variation in two reports of the state government about number of trees in the forest land proposed for diversion is not understandable. The state government has not given any reason for this variation in number of trees. DGPS maps have not been made available to check /assess the forest cover in the proposed area. The committee was also of the view that since the State Government of Jharkhand has submitted the requisite information after a lapse of a period of almost five years and during the intervening period several attributes like land identified for raising CA, CA scheme, area earmarked for safety zone, etc. might have been changed the area need to be re-inspected.
8. The FAC in its meeting dated 24th November, 2015 recommended that:
 - i. A site inspection be carried out afresh by the Regional Office Ranchi of the area as well as the area identified for compensatory afforestation. The site inspection report would also address the issue of large variation in the tree numbers in two reports of the

- State Government as well as in the report of Regional Office. The report shall also give the current status of vegetation in area proposed for diversion and CA sites.
- ii. The DGPS co-ordinates of the proposed site and the CA area in shape files to be provided.
 - iii. The proposal to incorporate the area under safety zone too, which has presently not been included as, as per the existing guidelines, the area of safety zone needs to be included in the total forest area proposed for diversion.
 - iv. The compliance of the conditions stipulated in approval earlier granted vide F No 8-22/2003-FC dated 31.03.2004 for the diversion of 77.74 ha of forest land be provided
 - v. The details about the service area component of the purpose wise breakup of the forest land to be provided.
 - vi. The compliance of relevant provisions of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 to be provided.
9. The FAC considered the Report on Site Inspection carried out by Regional Office, Ranchi
10. The Government of Jharkhand Department of Environment Forest and Climate Change vide letter No. 3/Vanbhoomi-2/2009/1316/VP dated 24.03.2017 forwarded information/documents in response to the Ministry's letter dated 28.06.2016.
11. **Recommendation of FAC in its meeting held on 15.06.2017:** The FAC considered the submissions of the State Government, RO Ranchi and the User Agency. The FAC also considered the Decision Support System analysis of the proposal and **observed as below:**
- i. The purpose wise break up of forest land as provided does not indicate whether the Safety Zone will be maintained within the area proposed for diversion.
 - ii. The Translated copies of the Gram Sabha resolutions were not provided.
 - iii. The CA sites shown to the RO, Ranchi and as proposed by the State Government are different and therefore the CA sites proposed now by the State Government need to be inspected by the RO, Ranchi.
 - iv. It was also brought to the notice of the FAC that a proposal for conveyor belt has been submitted separately to the RO, Ranchi as a linear project. It may be clarified whether this form integral part of the current proposal.
12. The FAC after considering the above facts and details recommended that the issues of concern be referred back to the State government and on receipt of the necessary clarification and rectification, the proposal be placed before FAC for its consideration.
13. The above recommendation of FAC, was communicated to State Government of Jharkhand vide Ministry's letter dated 27.07.2017. The State Government Jharkhand vide their letter No. 3/VAN BHOOMI-02/2009/5008-VP dated 30.11.2017 forwarded the information / documents in response of Ministry's letter dated 27.07.2017 point-wise summary of the information is given as under:-




S. No.	Observations raised by FAC	Reply submitted by State Government				
1	The purpose wise break up of forest land as provided does not indicate whether the Safety Zone will be maintained within the are a proposed for diversion.	It is reported by the State Government that the revised land schedule has been submitted keeping in view to divert safety zone of 5.69 ha in place of 15.61 ha. given earlier which has been forwarded to MoEF vide letter No. 2303 on 13.08.2016. The map showing demarcation of safety zone is being enclose. The current land schedule excluding 77.48 ha. already diverted forest land is given here under:-				
S. No.	Particular	Forest land in Ha.			NFL in Ha.	Total land in Ha.
1	2	3	4	5	6	7
1.	Quarry	135.76	2.62	138.38	110.68	249.06
2.	Ext OB Dump	8.10	0.00	8.10	65.51	73.61
3.	Haul Road, CHP, WasherySubstn, WS etc	36.77	0.00	36.77	8.31	45.08
4.	Service Area	40.08	3.34	43.42	17.00	60.42
5.	Safety Zone in Non-Forest Area	0.00	0.00	0.00	15.72	15.72
6.	Total Forest land to be diverted	220.71	5.96	226.67	217.22	443.89
2.	The Translated copies of the Gram Sabha resolutions were not provided.	In this regard it is reported by the State Government that the copy of FORM-II issued vide letter no. 752 date 09.09.2017 by DC Bokaro is enclosed.The translated copy of Gram Sabha resolution has not been submitted.				
3.	The CA sites shown to the RO, Ranchi and as proposed by the State Government are different and therefore the CA sites proposed now by the State Government need to be inspected by the RO, Ranchi.	In this regard it is reported by the State Government that the CA site inspection by RO Ranchi was carried out on 09.08.2017 Inspection Report is attached.				

4.	It was also brought to the notice of the FAC that a proposal for conveyor belt has been submitted separately to the RO, Ranchi as a linear project. It may be clarified whether this form integral part of the current proposal.	In this regard it is reported by the State Government that the user agency has clarified that the project involved the activity of coal mining, coal beneficiation (washery and evacuation of coal). The coal mining and washery involves 226.67 ha. for which is the present proposal. The coal evacuation involves 7.5 ha of land which is different from the two activities of coal mining and beneficiation and hence was applied as a separate proposal. As such although project involves all the three activities of coal mining, beneficiation (washery) and evacuation, the proposals were separated due to different natures of activities. The proposal of 7.5 ha coal Dispatch conveyer of Karo OCP is not the integral part of current proposal of 226.67 ha. The report of CMPDIL is again being enclosed for perusal.
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22. With regard to recommendation of FAC on 15.06.2017 i.e. *the CA sites shown to the RO, Ranchi and as proposed by the State Government are different and therefore the CA sites proposed now by the State Government need to be inspected by the RO, Ranchi.* The SIR done by RO Ranchi and submitted. According to SIR the inspection was conducted on 09.08.2017 by DCF, Regional Office, Ranchi in the presence of Sri D.K. Srivastava, Range Officer, Bermu Range of Bokaro Forest Division, the User Agency represented by Sri Manoj Kumar, Manager, Mining, Sri Raj Muni Ram, Project Officer Karo, Sri G.S. Prasad, Survey officer were present at the time of inspection. The State Government vide letter no. 3/Van Bhoomi-02/2009-1316 dated 24-3-17 has submitted the CA land details which are as under:

Sl. No.	Name of PF	Plot No.	Area (ha.)
1.	Govindpur	2765, 2496, 2745	30.00
2.	Karma	1751, 1841, 1851, 1865, 1873, 1994, 2010, 2030, 2031	30.00
3.	Dabhadih&Murshulsudi	Dabhadih Plot No- 1, 2, 5, 90, 228, 229, 230, 231 and Murshulsudi Plot No-2	20.00



4.	Kanjkiro (I)	387, 403, 421, 450	50.00
5.	Kanjkiro (II)	3166P, 3167, 3273	50.00
6.	Mungo Rangamati (I)	1, 2, 11, 13, 28, 48, 36	50.00
7.	Mungo Rangamati (II)	69, 138, 80, 84	50.00
8.	Mungo Rangamati (III)	84, 258, 94, 106, 234, 324, 319	50.00
9.	Mungo Rangamati (IV)	931, 1015, 1012, 1006, 308, 295, 1024, 278, 297, 318, 725, 995	50.00
10.	Mungo Rangamati (V)	859, 1025, 1024	50.00
11.	Mungo Rangamati (VI)	478, 796, 814, 829, 831, 887, 885, 886, 893, 899, 838, 840, 849, 859, 866, 921	50.00
Total			480.00

Total 480 ha of degraded forest land in 11 patches for CA has been identified in Bermu Range of Bokaro Forest Division.

Details of all the patches along with the site inspection remarks are given in tabular form as below:

Sl. No.	CA Land identified	Area (Ha.)	Site inspection remarks
1.	Govindpur	30.00	During the inspection it was noticed that in the plot no. 2496 and 2745, some civil construction were seen. Forest representative informed that the gross area of the entire patch is 38.5 ha and the area required for doing compensatory afforestation is only 30 ha.
2.	Karma	30.00	The entire patch seems to be fit for CA.
3.	Dabhadih&Murshulsudi	20.00	During the inspection it is noticed that some part of the area around 15 ha seems to be Moderately dense forested with density round 0.4 to 0.5 and the DSS also ascertained the same.
4.	Kanjkiro (I)	50.00	During the inspection it was noticed some encroachments in the form of agricultural fields were noticed and forest representative informed that during the course of afforestation

			these encroachments will be removed.
5.	Kanjikuro (II)	50.00	It is in two patches and area seems to be fit.
6.	Mungo Rangamati (I)	50.00	Identified in six patches and the area seems to be fit for CA.
7.	Mungo Rangamati (II)	50.00	Identified in three patches and area seems to be fit for CA.
8.	Mungo Rangamati (III)	50.00	Area seems to be fit for CA and is free from encroachments and other encumbrances.
9.	Mungo Rangamati (IV)	50.00	During the inspection it is noticed that in this patch some area around 10 ha seems to be moderately dense forested . However no encroachments noticed.
10.	Mungo Rangamati (V)	50.00	During the inspection it is noticed that in this patch some area around 15 ha seems to be moderately dense forest .
11.	Mungo Rangamati (VI)	50.00	During the inspection it is noticed that in this patch some area around 20 ha seems to be moderately dense forest . No encroachments noticed.
	Total	480.00	

- As per DSS, software calculated CA area around 675 ha of degraded forest land instead of 480 ha.
- In two patches encroachments in the form of civil constructions and agricultural fields were noticed. In Govinpur patch in the plot no. 2496 and 2745, some civil construction were seen. Forest representative informed that the gross area of the entire patch is 38.5 ha and the area required for doing compensatory afforestation is only 30 ha. In the patch kainjkaro (i), agricultural fields were noticed and forest representative informed that during the course of afforestation these encroachments will be removed.
- As per DSS around 130 ha of the CA area seems to be moderately dense forested especially in the combined Mungo Rangamati patch.

After careful consideration of the facts placed before it and the facts placed on website of forest clearance the FAC observed to accord in -principle approval with general conditions and standard conditions

- 1 Compensatory afforestation shall be raised over double the diverted forest land diverted and at least 1000 plants per hectare ($480 \text{ hectares} \times 1000 = 480000 \text{ plants}$) shall be planted



over identified degraded forest land with provision for ten years on subsequent maintenance.

- 2 25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
- 3 The user agency should plan such a fashion that the internal dumping starts early which will reduce the actual OB dump area. The mining plan should be modified in that line. The external OB dump should be limited to the non-forest area alone. The user agency also should explore the possibility of dumping the OB from the proposed mine in the already existing voids or voids being created due to mining in other adjacent mines of the user agency.
- 4 The Karo OCP is located in the East Bakaro coal fields, where a number of mines of CCL are under operation. Due to the mining the area has been denuded causing environmental problems like dust pollution, damage of trees, etc., which need immediate attention. The user agency should plan for taking up plantation in all the available areas in the East Bokaro coalfields of CCL. The plantation should be done by the CCL under the supervision and advice of the Forest Department. Instead of sectoral green planning, the CCL should go for integrated green planning including soil and moisture conservation measures for the East Bokaro coal fields.
- 5 The voids available locally within the CCL should be identified and earmarked for deposition of ash generated from the nearby Bokaro TPS.
- 6 The user agency should give an undertaking to contribute proportionately for the regional wildlife management plan which is under preparation.
- 7 The State Government shall provide the details compensatory afforestation land which has been reported encroached / under agriculture and / civil construction etc. and shall submit to the Regional Office who will inspect and submit the report.
- 8 The recommendation of the FAC will be placed before the competent authority in the Ministry for in-principle approval after the receipt of SIR from regional office and the suitability of CA site is examined by the FC division to its satisfaction.

Agenda No. 7

F. No. 8-55/2007-FC

Sub: Diversion of 330.70 ha of forest land in Nawada Forest Division for construction of Koderma Tilaiya new Broad Gauge Railway line (49.515 km) in favour of East Central Railway, Koderma in Bihar.

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

- 1 This proposal is for diversion of 330.70 ha of forest land in Nawada Forest Division for construction of Koderma-Tilaiya new Broad Gauge Railway line (49.515 km) in favour of East Central Railway, Koderma in Bihar. In – principle approval for above subject proposal was earlier granted vide this Ministry's letter dated 22.06.2011.
- 2 The State Government of Bihar vide their letter no. Van bhumi-21/2006 - 115(E)/PV dated 28.02.2014 submitted the compliance of conditions stipulated in the Stage-I approval. In



compliance to condition no 6 of the stage –I approval, the State Government constituted a committee which gave its recommendations which were sent to the Railways for their comments by CWLW Bihar. The comments were further discussed by the chief wildlife warden Bihar with the Railway Authorities and thereafter the State Government forwarded the recommendations of the chief wildlife warden Bihar vide letter no. *Van bhumi*-21/2006 - 542(E)/PV dated 8.10.2014 thereby agreeing to the recommendations made by the CWLW Bihar. The recommendation of the CWLW Bihar were discussed in the FAC meeting dated 28th Nov 2014. The FAC recommended for amendment in condition no 8, 9 and 11 of the Stage I approval dated 22.6.2011.

3 Accordingly, with the approval of the competent authority, **following conditions of the stage I approval dated 22.6.2011 stand amended.**

- a. **Condition No.8:** Only one crossing point to facilitate the operational requirements of the railway shall be permitted. This point will only be for the operational purpose and no passenger train/traffic should be allowed to ply on this route. An undertaking from the railways will be taken to this effect.
- b. **Condition No.11:** The labour camps will be allowed for operational reasons only in unavoidable circumstances and prior permission to set up camps inside forest area will be obtained from the Chief Wildlife Warden."
- c. Natural methods of slope stabilization will be used rather than the concrete structures wherever technically feasible. The railways will also take up appropriate soil conservation measures to arrest soil erosion and siltation of water bodies.
- d. Speed limit for the train shall be decided by the Railway Authorities only after consultation with the CWLW as per terrain and presence of wildlife. Moreover Railway Authorities will abide by any restrictions on speed imposed as per the orders of the Hon'ble Supreme Court.
- e. The State Government will prepare a detailed Wildlife Management Plan for the area which should also include proposed activities recommended by the committee (Dr. D.S Shrivastava and Dr. Sameer Sinha) including restoration of habitat and wildlife conservation for its implementation at the project cost within six months from the date of issue of Stage II approval.
- f. Railway Authorities shall deposit 2% of the cost of project falling within forest, in advance, for implementation of Wildlife Management Plan. In case cost of plan works out to be more than 2% of above project cost, it will be binding on the railway authorities to pay this additional amount. Undertaking to this effect shall be given by Railway authorities. 2% project cost shall be deposited before transfer of forest land to the railway authorities.

4 Accordingly, the order for amending the above conditions of Stage –I Clearance was issued by this Ministry's letter dated 02.02.2015.

5 Being a linear proposal, the Ministry forwarded the entire file to Regional Office Ranchi for further processing.

6 The non-compliance of two conditions of the Stage-I approval issued by the Ministry was communicated by Regional Office, Ranchi vide its letter dated 17.8.2017.



- 7 The Nodal Officer, Bihar vide their letter No.FC-1063 dated 13.10.2017 has submitted the reply of referred letter dated 17.8.2017. It is reported that the Railway line is being constructed mainly for movement of coal for NTPC Barh Thermal Power Plant. Tilaiya-Koderma section is almost completed 40 km, out of 65 km i.e. except forest area. The expected goods traffic on the proposed railway line will be 18 pair rakes per day for peak demand of the Plant. The expected passenger traffic will be 4 pair rakes per day. Technically feasible & economical, eco-friendly measure will be taken to mitigate the impact of this railway line on wild life. The user agency has not proposed any passenger train stoppage in the forest area. The distance between Tilaiya to Koderma via Gaya is 121 km & via proposed route is only 65 km, which will be beneficial for the people of nalanda, Sheikhpura & Lukhisarai. The Chief Wildlife Warden, Bihar has recommended for the relaxation to ply the passenger trains in the new Hisua (Tilaiya)-Koderma Railway Line subject to an upper limit of 22 trains (18 goods train+4 passenger trains) attendant with the condition that no scheduled stoppage passenger trains shall be permitted in the segment of 24 km in the forest area.
- 8 It is reported by the Regional Office, Ranchi, from the examination of the above, that the condition No.8 was imposed by the FAC with the approval of the Hon'ble Minister. Now, for the relaxation of the condition no.8, the proposal has been submitted to Ministry for kind consideration of FAC.
- 9 After careful consideration of the facts placed before it and perusal of communications of Railways, State Government of Jharkhand, Regional Office Ranchi, and condition No. 8 of letter No.8-55/2007-FC dated 02.02.2015, FAC recommended to accept the proposal to allow the passenger train through 24 km long dense forest area as indicated in the Nodal Officer's letter dated 13.10.2017 on the following conditions that the passenger trains would be allowed to ply through the forest area of 24 km long dense forest with the following conditions:
 - i. No railway station will be made inside the forest area for boarding of the passengers in the forest area and no scheduled stoppage inside the forest.
 - ii. Compensatory afforestation shall be raised over double the diverted forest land diverted and at least 1000 plants per hectare (662 hectares x 1000 = 662000 plants) shall be planted over identified degraded forest land with provision for ten years on subsequent maintenance. The CA cost will be revised accordingly and deposited, if not done.
 - iii. 25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
 - iv. Natural methods of slope stabilization will be used rather than the concrete structures wherever technically feasible. The railways will also take up appropriate soil conservation measures to arrest soil erosion and siltation of water bodies.
 - v. Speed limit for the train shall be decided by the Railway Authorities only after consultation with the CWLW as per terrain and presence of wildlife. Moreover Railway Authorities will abide by any restrictions on speed imposed as per the orders of the Hon'ble Supreme Court.



- vi. The State Government will prepare a detailed Wildlife Management Plan for the area which should also include proposed activities recommended by the committee (Dr. D.S Shrivastava and Dr. Sameer Sinha) including restoration of habitat and wildlife conservation for its implementation at the project cost within six months from the date of issue of Stage II approval.
- vii. Railway Authorities shall deposit 2% of the cost of project falling within forest, in advance, for implementation of Wildlife Management Plan. In case cost of plan works out to be more than 2% of above project cost, it will be binding on the railway authorities to pay this additional amount. Undertaking to this effect shall be given by Railway authorities. 2% project cost shall be deposited before transfer of forest land to the railway authorities.
- viii. Other conditions of Stage-I shall remain the same.

ADDITIONAL AGENDA-1

F. No. 8-63/2017-FC

Sub: Proposal for diversion of 789.93 ha. of Forest Land in favour of Water Resources Department, in Damoh District for Construction of Satdharu Irrigation Tank Project, in Damoh district in the State of Madhya Pradesh.- regarding.

The Committee (FAC) discussed the above mentioned proposal, heard the views of user agency and observed the following:-

1. The project is Satdharu medium irrigation tank project with command area of 7,555 ha spread over 36 villages. The project is for water storage and irrigation in command area. The project will bring command area under multiple cropping pattern, which will bring the uplifting of peoples. The total CAT plan of 76.80 sq. km. is proposed.
2. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, State Government of Madhya Pradesh vide their letter No. F-3/82/2017/10-11/12/3691 Bhopal dated 08.12.2017 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 of 789.93 ha. of Forest Land in favour of Water Resources Department, in Damoh District for Construction of Satdharu Irrigation Tank Project, in Damoh district in the State of Madhya Pradesh. Total command area is 7555 ha.
3. Legal status of the Land to be diverted is 587.55 Reserved Forest, 202.38 Protected Forest. Canopy Density is 0.1 to 0.4 & Eco-class-4
4. Number of trees to be felled in the diverted forest land: FRL=3247; FRL2=2671; FRL4=2021: **Total No. of trees = 7939**
5. In applied area there is some wild animal habitat. Like animal, Jackal, Blue bull, Spotted Deer, Common langur and birds and like Peacock etc. are found. In a certificate given by the project proponent it is mentioned that Nauradehi WLS is



situated at distance of 4.5 Km. from the proposed site of diversion. No rare/endangered species of flora & fauna were found in the area and there is no protected archaeological/heritage site/defense establishment in the proposed area.

6. As reported by the User Agency the EC application is under process.
7. Total financial outlay for the Compensatory Afforestation is 4606.629 Lakhs. Detailed CA Scheme including species to be planted, implementing agency, time schedule, cost structure has been submitted for an area of 633 (12 patches +160.10 (2 patches +200 development of degraded forest (4 patch degraded forest land).
8. CAT plan has not been submitted.
9. FRA certificated submitted but Gram Sabha resolution not submitted (not required at this stage).
10. Undertaking to pay the cost of NPV not submitted.
11. More than 70 families has require to be rehabilitated and Cost Benefit ratio: 1: 1.41
12. **Specific observation and suggestion for project based on Site Inspection of APCCF office Bhopal.**

- (i) More than 70 nos. of families are coming directly in the submergence area. They are from very poor economic background.
- (ii) Though District Collector has given FRA certificate, however the local forest staff informed during site inspection that more than 70 nos. of application under FRA are pending with the DC, Damoh for final disposal.
- (iii) Looking in to the economic condition of the farmers & pending FRA applications, it is *proposed* to seek the disposal of the FRA applications from the State Govt. and the rights of those families shall be settled by following due procedure.
- (iv) The area is very dry which can be seen through the cropping patten and economic condition of the farmers. During site inspection, large numbers of peoples carrying drinking water on bicycles were observed. So, looking in to the National Water Policy, 2012, it is *proposed* to seek the detailed drinking water supply plan / scheme from State Govt of Madhya Pradesh or minimum of 20% of the water on annual basis shall be used for providing clean & potable drinking water to the villagers.
- (v) As the project is only for dam, the User Agency shall be asked / submit the comprehensive proposal for irrigation Canal, DISNET, OFD involving forest land.
- (vi) CA on non-forest land is proposed, the area is having very low soil depth / barren land / hills. Wherein the fertile land is being asked for diversion. So, it is *proposed* that 25% over the CA plan shall be used for the Soil Moisture Conservation Work.
- (vii) The area for CA specifically in *Pipariya Ghanshayam* which is 160 ha is rocky and not fit for plantation. So, it is *proposed* to seek alternative CA site.
- (viii) The variation in the khasra number of CA was observed in the data on *e.portal* and the forwarding letter of APCCF (LM), Govt. of MP vide letter dt. 08/12/2017. It is *proposed* to seek the correct list of CA land.
- (ix) User Agency shall submit the copy of approved R & R plan involving the families whose applications are pending with the DC, Damoh for final disposal.



(x) The User Agency shall submit the copy of approved CAT plan.

After careful consideration of the facts placed before it, FAC recommended the project proposal for grant of in-principle approval with general conditions and standard conditions, however with additional condition that;

1. Compensatory afforestation shall be raised over non-forest land equal to diverted forest land diverted and at least 1000 plants per hectare ($789.93 \text{ hectares} \times 1000 = 789930 \text{ plants}$) shall be planted over identified non-forest land with provision for ten years on subsequent maintenance.
2. 25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
3. User Agency shall submit the copy of approved R & R plan involving the families whose applications are pending with the DC, Damoh for final disposal.
4. The User Agency shall submit the copy of approved CAT plan.
5. The State Government would identify the new non-forest land for compensatory afforestation in view of the area which was found to be rocky and shall be shown physically to the Regional Office before submission of the compliance before grant of Stage-II clearance. The Regional Office shall arrange the inspection about new CA area and find out suitability for carrying out compensatory afforestation.

Additional Agenda No. 2

F. No. 8-55/2017-FC

Sub: Proposal for diversion of 120.4062 ha of forest land in favour of Executive Engineer, Public Works Department Jhalawar, Rajasthan for Extension of Kolana Air Strip of Existing run way from 1700 meter to 3000 meter in Jhalawar District, Rajasthan State.- regarding.

The Committee (FAC) discussed the above mentioned proposal, heard the views of user agency and observed the following:-

1. The State Government of Rajasthan, Jaipur vide their letter No. P.1 (56) VAN/2004 part Jaipur dated 17.10.2017 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 120.4062 ha of forest land in favour of Executive Engineer, Public Works Department Jhalawar, Rajasthan for Extension of Kolana air Strip of Existing run way from 1700 mtr to 3000 mtr in Jhalawar District, Rajasthan State. The above mentioned proposal was considered by the FAC in its meeting held on 20.12.2017 and the Committee after discussion with the representatives of the user agency observed as below in the form of recommendation:



- a) State Government to explain in details why and how the state government allowed use of forest land for non- forestry purpose i.e. aerial strip construction.
 - b) The outcome of the case/FIR lodged against erring official for violating provisions of FC Act and other law of land. Action may be initiated under section 3A/3B of FC Act against the authority who diverted the forest land for non-forestry purpose without approval and departmental actions shall also be taken against the officials who violated the FC Act, 1980.
 - c) State/User agency should submit detailed land use plan including of the Terminal Station along with the DGCA guidelines in such matters.
 - d) Cost- benefit analysis will be made in accordance with the Guide lines issued on 1.8.2017.
 - e) Complete compliance of FRA will be done and certificate on prescribed form will be submitted along with the compliance report.
 - f) The area of eco-sensitive zone (ESZ) around Mukundra Tiger Reserve has not been delineated. In absence of such delineation, the conditions stipulated regarding activities within 10 km from boundaries of wildlife Sanctuary should be made applicable. All the activities permitted should be governed by the provisions of the Environment (Protection) Act, 1986 and the rules made thereunder and be regulated in the manner specified. Process regarding delineation / notification of ESZ may be taken up expeditiously to remove operational difficulties, if any, with the prescriptions/guidelines of ESZ as applicable.
 - g) Adequate Measures for protection and conservation of the water bodies located near the proposed Airport complex should be taken up at the project cost and included in the proposal.
 - h) Proposal would be placed before FAC once the reports/replies on the above observations are received from the State Government and Regional office.
2. Taking into consideration the minutes of FAC held on 20.12.2017 as uploaded on Ministry's website, the State Government has forwarded the information vide their letter No. F-14 (Kolana)/2016/FCA/PCCF/491-94 dated 16.01.2018 as sought by FAC.
 3. The point wise as sought by FAC and reply has been given by the State Government. The State Government informed that for extension of Air Strip 120.4062 ha. of forest land is required and proposed under this diversion proposal. The details of the land use has been provided. The Main component of proposal is air strip extension, Taxi way Apron Terminal Station, Mega Highway and Safety Zone for which calculation sheet has been provided.
 4. 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 conditions and standard conditions with an additional condition as follows:
 - i. Compensatory afforestation shall be raised over equal the diverted forest land diverted and at least 1000 plants per hectare ($120.40 \text{ hectares} \times 1000 = 120400 \text{ plants}$) shall be planted over identified non-forest land with provision for ten years on subsequent maintenance.
 - ii. Penal CA will be raised on equivalent degraded forest land for violation.

- iii. 25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA and penal CA land.
- iv. Adequate Measures for protection and conservation of the water bodies located near the proposed Airport complex should be taken up at the project cost by the user agency.
- v. Adequate greenery by planting trees will be done around the airport within the Airport keeping in view the safety measure for running the Airport.
- vi. The penalty for violation shall be equal to NPV of forest land per hectare for **each year** of violation from the date of actual diversion as reported by the inspecting officer with maximum up to **five (5) times the NPV** plus 12 percent simple interest till the deposits is made. Since it is a public utility projects of the government the penalty shall be 20 % of the penalty computed.
- vii. The status of the cases registered against the officials of the State Government responsible for willful violation will be informed to the central government to bring to its logical decision in the appropriate Court. The APCCF Regional office, Lucknow will report the action taken under section 3A/3B against the officers as reported by the State Government.
- viii. User agency responsible for violation shall be prosecuted under local Act of the state for unauthorized use of forest land without the permission of state authority.
- ix. No commercial activities such as shopping mall, hotels, recreational centres etc. will be constructed. The forest land shall be used exclusively for the purpose of operation of the airport as per the plan approved from the competent authority. The land use will not be changed without the approval of the central government.
- x. The forest land will not be sub leased without the prior approval of the central government
- xi. The state Government will ensure complete compliance of Forest Right Act 2006.

Agenda-1

F. No. 7-77/2017-FC

(Naresh kumar)
DIG (FC)

Sub: Request for exemption of NPV as per order dated 05.10.2015 passed by Hon'ble Supreme Court of India in I. A no. 2673/2009 in W. P (c) no. 2002/1995 titled T N. Godavarman Thirumalpad vs. Union of India and others-reg.

The above mentioned agenda was placed before the FAC for consideration. The IA 2673 filed by the State of Odisha was heard and linked by the Supreme Court on 26.8.2013 along with IA No 2506 of 2009 relating to grant of exemption of rural roads constructed under the Pradhan Mantri GraminYojna from payment of NPV.

The IA no 2673 was transferred to the MOEF&CC for considering the NPV related IAs. The facts submitted by the Applicant in I. A. No. 2673 of 2009 are as under:

1. The Applicant seeks exemption from payment of NPV in respect of rural roads being taken up under Pradhan Mantri GraminYojna (Hereinafter being referred to as "PMGSY").




2. The PMGSY was launched on 25th December, 2000 as a 100% Centrally Sponsored Scheme to provide all-weather road connectivity in rural areas of the country. The PMGSY envisages connecting all unconnected habitations with a population of 500 persons and above in the plain areas and 250 persons and above in hill States, the tribal and the desert areas.
 3. In order to provide road connectivity to habitations in remote areas, it is sometimes required to construct new roads or upgrade the existing roads or portion thereof through the forests. It is required to obtain the forest clearance under the Forest Conservation Act, 1980 and its subsequent amendments for the constructions of the new roads.
 4. The order dated 28th March 2008 passed by the Hon'ble Supreme Court directs payment of NPV for using forest land and the said order concludes with certain categories exempted from payment of NPV rates for three years and subject to variation thereafter.
 5. Subsequently, the Hon'ble Supreme Court vide order dated 9th May 2008 modified its earlier order dated 28th March 2008 in lieu of some typographical mistakes.
 6. The Hon'ble Supreme Court vide order dated 9th May 2008 deleted the exemption on payment of NPV in case of villages roads which had been allowed vide the earlier order dated 28th March 2008.
 7. That construction of new roads/upgradation of existing roads under PMGSY brings many socio-economic benefits to the rural population and therefore is in national interest.
 8. That 'Rural Roads' being a State subject, projects under PMGSY are executed by State/UT Governments through their agencies, i.e. SRRDA (State Rural Roads Development Agency) for monitoring, financial management and coordination at the State Level and Programme Implementation Units (PIUs) for Programme Implementation at the District level.
 9. It is alleged by the applicant that if the alleged amount of NPV will be allowed to be paid, then it will cause heavy burden on the State exchequer, and it will be difficult to execute the programme. The applicant is stating that there is abject poverty in which the local people including the tribal people are living. There is no proper housing, hospitals and schools and people are living in extremely poor conditions. By virtue of such improvement in infrastructure, the rural people will get a chance to earn livelihood, which will increase their financial capability and they can lead a decent life.
 10. The Present Application was filed for seeking indulgence of the Hon'ble Supreme Court to review/modify the order dated 9th May 2008.
 11. The Applicant has prayed for grant of exemption from the payment of NPV to rural roads being constructed under PMGSY.
12. The matter was referred to CEC by the Supreme Court. The CEC in compliance to the Hon'ble Court's order dated 04.12.2009 filed its report dated 16th August 2013 in the IA 2509 and all related IA including IA 2673 of 2009. The observations made by the CEC *inter-alia* are as follows:

In the above background the CEC reiterates the recommendations made by it in its Report dated 29th September, 2009 in IA No. 2506 of 2009 filed by the Ministry of Rural Development, Government of India seeking exemption from the payment of the NPV for the forest land diverted for construction of rural roads including in the State of Orissa and recommends that no relief in the present IA may be granted."





13. This Ministry vide letters dated 12.5.2017 and 25.8.2017 requested the applicant to represent their case before FAC meeting. However, no one was present on behalf of the applicant. The proposal was considered by the FAC on 30.8.2017 and studied the recommendations of CEC on this matter. Since applicant was not present and it was decided to issue notice to the applicant in this case and list the matter in next FAC meeting for consideration again. Ministry vide letter dated 17.1.2018 has again requested to applicant, Rural Development Department, Govt. of Odisha to represent their case before FAC on 25.1.2018 for grant of exemption from payment of NPV to rural roads constructing under PMGSY by rural development Department, State Govt. of Odisha.
14. The matter was again considered by the FAC on 25.01.2018 and it was noted that the Government undertakes development activities including construction of roads under various schemes of the Government including under Pradhan Mantri GraminYojna. The construction involve diversion of forest land then the ecosystem services lost due to development activities must be compensated by Compensatory Afforestation and payment of NPV of the forest land diverted at the prescribed fixed rate. The cost of the CA and NPV may be included in the project while formulating the scheme itself.
- The FAC agrees with the recommendation of the CEC and recommends that the relief sought in IA No. 2506 of 2009 filed by the Ministry of Rural Development, Government of India seeking exemption from the payment of the NPV for the forest land diverted for construction of rural roads including in the State of Odisha may be rejected.


(Dr. Sanjay V. Deshmukh)
Member


Not Present
(Dr Rajesh Kaushal)
Member

Not Present
(S. D. Vora)
Member


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


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

Not Present
Additional Commissioner (Soil Conservation)
Ministry of Agriculture (Member)


(Siddhanta Das)
Director General of Forests & Special Secretary

