

**RECOMMENDATIONS MADE BY THE FOREST ADVISORY COMMITTEE IN ITS MEETING
HELD ON 9th DECEMBER, 2022**

Agenda No. 1

F. No. 8-96/1996-FC (Pt.)

Sub: Proposal for non-forestry use of 194.683 ha of forest land involved in the mining lease area over 358.258 ha (As per DGPS)/ (365.026 ha as per RoR) of Guali Iron Ore Mines of M/s OMC Ltd. In Keonjhar District, Odisha-reg.

1. The agenda item was considered by the Forest Advisory Committee in the meeting held on 9.12.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. Proposal relates to non-forestry use of 194.683 ha of forest land involved in the mining lease area over 358.258 ha (As per DGPS)/ (365.026 ha as per RoR) of Guali Iron Ore Mines of M/s Odisha Mining Corporation Limited in Keonjhar District, Odisha.
 - ii. Legal status of the land proposed for diversion is Reserved Forest (30.657 ha), Revenue Forest Land (71.242 ha), Sabik Land (83.666 ha) and Treated forest/Deemed Forest land (9.118 ha).
 - iii. Density of vegetation has been reported to be 0.5 with 47737 project affected trees.
 - iv. Compensatory afforestation has been proposed over equivalent non-forest land of 194.683 ha in Peteru village of Pottangi tehsil in Koraput District. Detailed CA scheme of 10 years duration with financial provisions of Rs. 11,42,03,000/- has been submitted along with site suitability certificate. With regards to 27 ha of non-forest land out of 194.683 ha falls under MDF category, the State Government has submitted that afforestation scheme of 2,67,493 nos. of plants has been approved as against the requirement of 1,94,683 trees. Therefore, there is no requirement of identification of additional degraded forest land in lieu of 27 ha of MDF non-forest land.
 - v. Area does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve and Tiger Reserve etc. Important wildlife reported in the area include elephant, bear, barking deer, hyena, porcupines, etc. As per ORSAC, Bhubaneswar, the proposed site falls under Elephant Habitat Zone-2. The State Government has also informed that a Site Specific Wildlife Management Plan is already in place
 - vii. An amount of Rs. 25,38,57,750/- has been paid by the user agency towards the cost of NPV @ 7.5 Lakh/ha for 338.477 ha. As per DGPS survey, the total forest area is 332.10 ha.
 - viii. Proposal involves 136 project affected families wherein 99 families have been proposed to be displaced. R&R Plan, approved by the State, has been submitted.
 - ix. Cost benefit Analysis of the project has been estimated to be 1:1786.67 which appears to be exorbitantly high. Revised cost benefit analysis has also been submitted which is still exorbitantly high.
 - x. A Nallah named Topadihi flows inside the ML area and it has been proposed to be diverted. Executive Engineer has submitted his NoC for the proposed diversion of said nallah.

xi. Total forest area involved in the lease is 332.10 ha. So far, approval has been obtained only for 137.417 ha of forest land as per detail given below:

- a. Approval dated 14.01.2005 granted in favour of M/s R.P Sao over an area of 42.417 ha
- b. Approval dated 6.09.2011 granted in favour of M/s R.P Sao over an area of 95.0 ha

Compliance of earlier approval granted under the FC Act, 1980 has been submitted by the State inter-alia informing that the CA has been raised over non-forest land. Detail of notification of the said land as RF/PF has not been intimated by the State.

- x. With regards to transfer of approval granted under the Forest (Conservation) Act, 1980 from M/s S. P. Rao to M/s OMC Ltd, in accordance with the relevant guidelines issued by the Ministry, the State has informed that process for transfer of the same is under process in the State Forest Department.
- xi. With regards to detail of safety zone, it is informed that against the total safety zone area of 16.16 ha in the mining lease, including 6.46 ha along the inner boundary lease, an area of 24.24 of degraded forest land has been afforested. Examination of the same using DSS tools revealed the same satisfactory.
- xii. An area of 38 ha of Sabik Kisam forest land has been used as dumping area by the erstwhile user agency, which has been treated as violation of Forest (Conservation) Act, 1980. Similarly, on the issue of assignment of forest land on lease without prior approval under the FC Act, 1980, the Nodal officer informed that as per the provisions of the section 8B of the MMDR Amendment Act, 2021, it is lawful for the lessee to carryout the mining operations. The justification provided by the Nodal officer was not found appropriate in light of fact that provisions of MMDR Act, 2021 cannot be implemented retrospectively i.e. lease deed was executed in January, 2021 while the MMDR Amendment Act, was promulgated in March, 2021. Moreover, the approval granted to erstwhile agency has also not been granted formal approval of transfer by the State. Therefore, without having any approval under the FC Act, 1980, there should not be any execution of lease deed with the user agency. A justification in this regard needs to be furnished by the State.

4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Odisha and Regional Officer, IRO, Bhubaneswar, the FAC desired the following information from the State:

- i. As per the detail provided in the Mining Plan, the forest area has been indicated as 229 ha, the same should be rectified to match to the forest area estimated as per DGPS survey. Accordingly, land use of various components proposed in the forest as well as non-forest land may be intimated by the State.
- ii. Revised Cost Benefit Analysis i.e. 1:1130.46 is still exorbitantly high. The same needs to be revisited to make it more realistic.
- iii. A Site Specific Wildlife Management Plan has been reported to be already in place; the status of progress of its implementation needs to be informed by the State.
- iv. Details of notification of non-forest land identified for raising CA, in lieu of diversion of forest and accorded in the past, as RF/PF under the IFA or local Act may be informed by the State.
- v. State Government in its letter dated 29.10.2022 mentioned that process for transfer of approval from M/s R.P. Sao (erstwhile agency) to M/s OMC Ltd., in respect of 42.417 ha

and 95 ha of forest land approved in the past, is still under consideration in the State. Therefore, on 12.01.2021 the date of execution of lease, no approval under the FC Act, 1980 was available in favour of M/s OMC. A justification for executing the lease in favour M/s OMC without formal FC approval in their favour needs to be furnished by the State.

- vi. The Committee also desired that issues related to rationalization of project components specially with regards to OB dump and progress made in the implementation of provisions of the Site Specific Wildlife Management Plan prepared in 2009 and its updates proposed in the extant proposal, justification for assignment of lease without prior approval under the Forest (Conservation) Act, 1980, etc. will be examined by the Integrated Regional Office of the Ministry at Bhubaneswar and Nodal Officer (FCA), Odisha and a report on the same will be submitted along for the consideration of the Committee.

The Committee also desired that recommendation made by the Committee under item no. 3, after examination of the report of the team of officers of the MoEF&CC and Wildlife Institute of India official on the elephants habitat, their movement and mitigation measures, shall apply *mutatis mutandis* to the extant case.

Agenda No. 2

F. No. 8-13/2022-FC

Sub: Proposal for non-forestry use of 42.608 ha of forest land (16.658 ha in Keonjhar Forest Division and 25.950 ha in Bonai Forest Division) within Kalmang West (Northern Part) Block for Iron Ore Mines in Keonjhar and Sundargarh District of Odisha, allotted to M/s Tata Steel BSL Limited (Formerly known as Bhusan Steel Ltd) under Section 2 (ii) of Forest (Conservation) Act, 1980 (F. No. 8-13/2022-FC)

1. The agenda item was considered by the Forest Advisory Committee in the meeting held on 9.12.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after thorough deliberation and discussion observed that:
 - i. Total area of 92.875 ha consists of Revenue and DLC forest land of 42.608 ha i.e. Keonjhar Forest Division 16.658 ha and Bonai Forest Division 25.950 ha (Revenue Forest land 10.469 ha + DLC forest land 15.481 ha) and 50.267 ha of non-forest land out of which Govt. non-forest land 30.096 ha and Private non-forest land 20.171 ha.
 - ii. Forest area falls under the Moist Peninsular Valley Sal of Eco-Value Class-I. Vegetation density of 0.5 with 3275 project affected trees has been reported. In addition to this 1,798 project affected trees have also been reported in non-forest land, thereby total project affected trees both in forest as well as non-forest land are 5073.
 - iii. Compensatory afforestation has been proposed over equivalent non-forest land of 42.608 ha of non-forest land in village Jalidih in Keonjhar District. CA scheme for afforestation of 500 plants per ha (total 21,304 plants) has been proposed while plantation of remaining plants of 21,304 has been proposed over degraded forest land of 44.002 ha in Keonjhar Forest Division. CA schemes with maintenance of 10 years has been submitted for non-forest as well as degraded forest land involving financial

provisions of Rs. 4,78,41,500/- and Rs. 3,46,51,400/-, respectively has been submitted along with the proposal. DSS analysis of the lands proposed for CA revealed them fit for afforestation.

- iv. Forest area does not form a part of any National Park / Wildlife Sanctuary/Biosphere Reserve/Tiger Reserve etc. Elephant Habita-2 is reported in the area. The likely impacts of the project on elephant habitat include reduction of forest cover for movement of elephant and anticipated increase in human-elephant conflict issues in the nearby villages due to fragmentation of habitat. State Government has reported that a Site Specific Wildlife Conservation Plan needs to be prepared to address the above said issues and accordingly, one SSWLCP is being prepared by DFO, Bonai division as per the stipulation under Standard Condition No.19 of ToR issued by SEIAA.
 - v. Committee was informed that recently a Committee, comprising of officials from MoEF&CC and Wildlife Institute of India visited the area to assess the impact of mining activities on the elephants habitat and their movements.
 - vi. Mining Plan, along with Progressive Mine Closure Plan has been approved by the IBM vide their letter dated 24.08.2020 for lease period of 50 years for a capacity of 2.95 MTPA. Evacuation of ore has been proposed through railways and roads i.e. minimum 70% of production of ore is proposed to be transported through railway and maximum of 30% will be evacuated through road.
 - vii. No violation of Forest (Conservation) Act, 1980 have been reported. However, details given in the mining plan mentions that an area of 8.693 ha has been reported to be under use for road (0.726 ha, infrastructure (2.286 ha) and safety zone (5.681 ha). Nodal officer informed that Committee that a village road over 0.726 ha which is presently under use by villagers is passing through south side of the lease. As per the last Records of Rights (RoR) published on 02.01.1975 (existing prior to 25.10.1980) it has been classified as Road (Rasta). Part of the village road (0.260 ha) falls under DLC Forest and it is a pre-80 road.
 - viii. Nodal Officer (FCA) apprised the Committee with regards to encroachment apparently done on forest land, a joint verification was done to reveal that there is no encroachment in the Revenue Forest, DLC land & Non-Forest Govt. land by way of cultivation. However, on southern side, there is a habitation over 2.286 ha in non-forest land. Further, five pattas under FRA, 2006 over 4.12 acres of DLC forest land has been granted in Ghodbundani village.
4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Odisha and Regional Officer, IRO, Bhubaneswar, the FAC decided that recommendation made under agenda item no. 3 will apply *mutatis mutandis* to the extant proposal.

Agenda No. 3

F. No. 8-03/2022-FC

Sub: Proposal for permission under Section-2 (iii) of Forest Conservation Act, 1980 for grant of lease over 112.621 ha of forest land in village Baldihi of Netrabandha Pahar Iron Ore Block allotted to M/s Bhusan Power and Steel

Limited under Bonai Forest Division of Sundargarh District.

1. The agenda item was considered by the Forest Advisory Committee in the meeting held on 9.12.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. Proposal was considered by the FAC in its meeting held on 1.08.2022 wherein Committee, after detailed deliberations, the **FAC deferred the proposal** and desired that a team of officers from MoEF&CC and Wildlife Institute of India may visit the area and submit report on the following:
 - a. Status of elephant distribution and movement in the area;
 - b. Holistic assessment of likely impact of the mining leases operational and proposed to be granted in the area on the elephant habitat and movements; and
 - c. Mitigation measures, if any, required to be undertaken for the conservation and protection of elephants in the area.
 - ii. The team visited the area and submitted its report. Important observations made by the Committee are as under:
 - a. The area is one of the prime elephant habitats as elephant keep on moving from one part of the habitat to other. The district shares its boundaries with Jharkhand and Chhattisgarh. Therefore, elephant population found in this area is part of the larger elephant population moving across three states namely, Odisha, Jharkhand and Chhattisgarh. Any adverse impact on this population will result in more dispersal into human habitation and human-elephant conflict not only Odisha but across all the three states.
 - b. There are 26 mines are functional in Bonai Division, 50 are non-working mines and there are 72 proposals at different stages (Pipeline and Stage – 1). The mining areas have negative impact both on elephants and other wildlife and their movement. The instances of man animal conflict are on rise in spite of marginal decline in the elephant population. Cases reported include human kill, human injury, cattle kill, house damage & crop damage by wild animals while retaliatory killing of wild animals are also being reported. During the 6-year period of 2004-05 to 2009-10 there was a total of 352 cases of human death, 132 cases of human injury, 3863 cases of house damage and 21768 acres of crop damage due to elephant depredation, and 75 human death cases and 671 human injury cases due to other animals like bear, crocodile, wild pig, wolf and gaur. On the other hand, 331 elephant death cases were also reported during the same period, which include 55 deaths due to poaching for ivory, 96 cases due to accidents (mainly electrocution), 49 natural deaths 82 due to diseases and 49 for unknown reason.
 - c. Total number of humans killed during the 6-year period of 1998-99 to 2003-04 due to elephant attack was reported to be 228, wherein Keonjhar district alone reported 93 numbers followed by Sambalpur & Sundargarh that reported 28 & 23 respectively. Only five forest divisions of Keonjhar and the adjoining Sambalpur, Sundargarh, Bamra and Bonai account for 57.8 % of the total depredation instances due to elephants in the state of Odisha.
 - d. Any additional mining lease in the area shall impact the movement of elephants not only in the Sundargarh district but also in the adjoining states of Jharkhand and Chhattisgarh.

- iii. Committee observed that report of the team has also suggested mitigation measures required to be undertaken for the conserve action and protection of elephants as under:
 - a. Most of the mining areas are point locations with area ranging from 0.5 – 3 sq. km. Once the mining commences, most of the ore evacuation happens through road. The heavy movement of ore laden trucks hinders free movement of elephants across the landscape. Thus, the impact of mining extends much beyond the actual mining lease area. To facilitate free movement of elephants, the transportation of ore may be through conveyor belts or slurry pipelines.
 - b. Cumulative impact of these mines at landscape level, including adverse impact caused by road transportation also needs to be studied. Once the mitigation measures are implemented, the possible reduction of the impacts on the larger landscape may be evaluated for further decision making.
 - c. A 50-year perspective plan at Elephant Landscape level may be prepared by the State Wildlife Department, keeping in view the impact of ongoing mining and future mining plans in the area.
 - d. The status of 50 non-functional mines may be examined to ascertain why these mines are non-functional in the first place. Attempts should be made to revive these mines or these mines (if established over forest areas) should be handed back to the forest department if no mining is envisaged. The FC approvals for new mining permissions should duly take into consideration the reasons for 50 mines being non-functional/ non-productive.
 - iv. Committee observed that finding of the report, though preliminary, but alarming and need to be addressed by the State to enable the Ministry to understand the situation in a holistic manner.
 - v. Committee taking note of the fact mentioned in the report of the team that a number of mining leases are operational (26) and non-operational (50) in the landscape and more mines (72) are proposed in future opined that efficacy of individual Site Specific Plan prepared for the each mining lease needs to be ascertain in terms of their ability to address the issues related to elephant habitat and movement across the landscape or if there is requirement to have a broader Management Plan for the entire landscape.
4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Odisha and Regional Officer, IRO, Bhubaneswar, the FAC decided that a copy of report submitted by the team of MoEFCC and WII officials may be provided to the State Government and Integrated Regional Office of the MoEF&CC at Bhubaneswar to carryout a holistic and joint analysis of the observations and recommendations made in the report in context to the entire landscape. Specific and generic comments, as mentioned below, will be submitted to the Ministry for further consideration:
- i. Efficacy of individual Site Specific Plans prepared for the various mining leases need to be ascertain in terms of their ability to address the issues related to elephant habitat and movement across the entire landscape or if there is requirement to have a broader Management Plan for the entire landscape based on the recommendations made in the report.
 - ii. Keeping in view the larger landscape involving the elephant movement and recommendation made in the report of the team of MoEF&CC and WII officials, comments should be furnished on the likely impacts of the various mining leases which are currently operational, closed or proposed in the area on the wildlife in general and elephant habitat, their movement, protection and conservation of elephant corridors, after detailed scrutiny and analysis of the existing field information.

Agenda No. 4**F. No. 8-17/2022-FC**

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

1. The agenda item was considered by the Forest Advisory Committee in the meeting held on 9.12.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. Proposal was considered by the FAC in its meeting held on 17.10.2022 and the FAC observed that before taking further view on the proposal information on with regards to legitimacy of projects components and comments on Kuccha road traversing through the lease area of the user agency needs to be in place. Accordingly, the FAC decided that IRO of the Ministry at Bhubaneswar will visit the area to ascertain the following:
 - a. Project component in general and infrastructure in particular need to be examined in details with regard to their legitimacy and indispensability for the project.
 - b. A kuccha road passing through the lease area, is said to be constructed during 1972 to 1978. The FAC opined that during the period of more than 44 years, the road should have been covered with vegetation, therefore, all facts pertaining to said road needs to be examined in depth and a report on the same shall be submitted by the State Government before the Committee for further consideration.
 - ii. The State Government of Odisha Vide their letter dated 07.12.2022 submitted information as per the observation of the Committee informing that a visit to the site was undertaken by the DCF Koraput on 26.11.2022 to ascertain the factual position of kuccha road in question. It is revealed from the site visit and scrutiny of documents that the road in question was constructed by GSI / MECI during 1972-78 for exploration purpose and the road is passing over hard, compact and lateritic stony surface of Bauxite Ore deposits and constructed in a compact manner to enable movement of machineries and contains no soil for which no vegetation has been grown up even after lapse of more that 44 years. The said road as measured is 20.0 ft width and 3.5 km length approx.
 - iii. IRO, Bhubaneswar vide their letter dated 07.12.2022 also submitted the field inspection report informing the following:
 - iv. During inspection the road was found to be with only stones and gravels, in slopes without any vegetation. But in plains there are patches of grass in the road
 - v. As per the Mining Plan (697.979 ha - 550.597 ha) = 147.382 Ha has been proposed for the first five year plan and 550.597 Ha of area will remain without any mining activity in this 5 years period. This area will be subsequently used for mining.
 - vi. As per the mining plan for statutory building and infrastructure 33.859 Ha of forest land has been identified out of which only 28.356 is permanent innature while 5.533 ha is temporary in nature.
 - vii. Out of the total 354.777 ha earmarked for mining, an area of 23.40 ha constitute the safety zone and 260.707 ha as green belt.
 - viii. In view of the above submissions, the IRO in their report concluded that indispensability of the land use particularly proposed for infrastructure appears logical from the detailed

report on infrastructure submitted by NALCO.

4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Odisha and Regional Officer, IRO, Bhubaneswar, the FAC decided to recommend the proposal for grant of Stage-I approval subject to fulfilment of general and standard conditions applicable to such projects.

Agenda No. 5

F. No. 8-61/2018-FC

Sub: Proposal for diversion of 323.49 ha of forest land for Purandih OCP mine in favour of M/s Central Coalfields Limited (CCL) in Chatra District, Jharkhand.

1. The agenda item was considered by the Forest Advisory Committee in the meeting held on 9.12.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. PCCF (HoFF) & Nodal Officer (FCA), Odisha also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. Proposal was earlier considered by the Committee in its meeting held on 31.07.2019 wherein the Committee desired additional information from the State which inter-alia included applicability of Forest (Conservation) Act, 1980 in forest area acquired under the CBA, 1957 which were broken prior to 1980
 - ii. State Government vide their letter dated 17.08.2022 submitted the information as per the observation of the Committee. Examination of information furnished by the State revealed the following:
 - iii. 650 ha area from the land bank of degraded Forest land has been identified by the Chatra South division and KML Files/shape files for this 650 ha has been submitted. Land identified for raising CA is free from encroachment and is suitable for raising CA.
 - iv. With regards to action taken against the erring officials of the user agency as well State Government, it is stated that since the offence of illegal mining has been committed in Jungle Jhari Forest land so legal action under the provisions of Indian Forest Act and were not taken being not applicable.
 - v. Out of total 152.60 ha GMJJ forest land, the User Agency has broken and partly quarried in 112.91 ha of GMJJ forest land from 2012 onwards without prior permission of the Central Government in **violation of Forest (Conservation) Act, 1980**. After taking cognizance the status of land as forest land, the mining operations were stopped and currently mining operations are confined to non-forest land only aggregating to 162 ha. The State Government has recommended to levy penalty against this violation as per the provisions provided in para 1.21 of the Handbook of Forest (Conservation) Act, 1980.
 - vi. Integrated Regional Office of the Ministry, recommended the proposal for approval under the Forest (Conservation) Act, 1980 subject to certain conditions prescribed therein.
 - vii. Committee also observed that reclamation of mined out areas needs to be strengthened by the user agency as till date against the diversion of 1153.23 ha of total diversion no mined out area has been completely backfilled and reclaimed by the user agency.
4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Jharkhand and Regional Officer, IRO, Jharkhand, the FAC decided to recommend the proposal for grant of Stage-I approval involving forest area of 321.69

ha, excluding 1.8 ha of forest area earmarked for infrastructural facilities subject to fulfilment of general, standard and the following additional conditions:

- a. An area of 112.88 ha been used by the user agency in violation of Forest (Conservation) Act, 1980; the State Government shall levy penal NPV, 5 times the normal NPV plus 12 percent simple interest till deposit is made.
- b. Penal compensatory afforestation over equivalent non-forest land i.e. mined out and reclaimed non-forest land available with the M/s CCL, shall be raised by the user agency and non-forest land will be notified as PF under the IFA before Stage-II approval
- c. A core dedicated work force for eco-restoration shall be engaged for a long term with appropriate resources and infrastructure for such long term mining operations in hand and those to be taken up by the user agency;
- d. The workforce shall be equipped with in-house competence, expertise and capabilities enabling them to adopt new techniques/technologies developed from their own experiences or from other similar innovative works;
- e. As other mines of the user agency are also working in the area falling in the catchment area of Damodar River, the State Government shall therefore, prepare a Catchment Area Treatment Plan at the cost of user agency and a copy of the same along with financial details will be submitted to the Ministry before final approval;
- f. The State Government shall prepare a comprehensive forest rehabilitation and a biodiversity conservation plan covering the project as well as the surrounding area at the project cost and a copy of the same along with financial details will be submitted to the Ministry before final approval;
- g. Adequate green belt of at least 100 meter along the river bank shall be created and maintained by the user agency;
- h. Against the 1153.23 ha of total forest area diverted in favour of M/s CCL in their various projects, no mined out area has been completely backfilled and reclaimed by the user agency. The user agency shall prepare a plan for undertaking backfilling and reclamation of such mined out pits and the same will be submitted along with Stage-I compliance;
- i. Details of Forest areas acquired under CBA before 1980 and which have been broken prior to 1980, and still continuously under the possession of the user agency shall be submitted to the Ministry along with Stage-I compliance;
- j. An area of 1.8 ha of forest land earmarked for construction of infrastructural facilities in the forest area should be shifted to non-forest land.

Agenda No. 6 & 7

**F. No. 8-56/2009-FC (vol) &
F. No. 8-56/2009-FC**

Sub: Proposal for non-forestry use of 331.198 ha of forest land for Pakribarwadih coal mining north east Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand- (File No. 8-56/2009-Fc (Vol) – reg.

Sub: Modification in condition of Stage-II approval and violation of FC Act: Diversion of 1026.438 ha of forest land for coal mining Pakribarwadih Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand- (File No. 8-56/2009-FC_ - reg).

1. The agenda items were considered jointly by the FAC in its meeting held on 09.12.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Jharkhand also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules

relevant to the proposal and their significance.

3. In respect of 331.98 ha of forest land, the FAC ,after through deliberation and discussion observed the that:
 - i. Legal status of the forest land proposed for diversion is Protected Forest land and *Jungle Jhari land* comprising of 306.36 ha and 24.82 ha, respectively.
 - ii. Density of the area has been reported to be 0.8 by the DCF concerned with 30,521 project affected trees.
 - iii. Compensatory afforestation has been proposed over an area of 683.863 ha of degraded forest land in Hazaribagh West Forest Division. CA scheme involving financial provision of Rs. 87,62,282/- has been submitted for a period of 10 years. DSS analysis of the area proposed for CA revealed the same as fit for afforestation.
 - iv. Area does not form the part of any Protected Area, Wildlife Corridor, eco-sensitive Zone, the DCF concerned has reported Schedule-I and II species in the area.
 - v. As reported, a nallah namely Khorra Nallah separates the extant forest area of 331.198 ha from the 1026.438 ha of forest land approved in the past. DCF has mentioned that said nallah will be largely affected by the mining activities
 - vi. Proposal involves resettlement and rehabilitation of 791 families. R&R Plan has been submitted.
 - vii. As reported the total area involved in the project is 485.161 ha, 331.198 ha of forest land and 133.27 ha of non-forest land and 20.6925 ha of area proposed to be re-diverted from the 1026.438 ha of forest land already diverted by the Central Government vide order dated 17.09.2010 in favour of user agency.
 - viii. As per Mining Plan approved in the past, the total lease area was 4625.84 ha comprising of 1124.08 ha of forest land and 806.82 ha of recorded forest land and 2694.9 ha of private non-forest land. Now, Mining Plan has been revised and as per revised Mining Plan, total project area is 4695 ha, comprising of 1787 ha of forest land and 2908 ha of non-forest land. Out of total forest area, with regards to the status of balance forest area of 428.582 ha, Nodal Officer informed the Committee that said area may be required by the user agency in future and is current under the possession of the State Forest Department.
 - ix. No violation of Forest (Conservation) Act, 1980 have been reported by the State. Authorities in the State Government and State Forest Department recommended the proposal subject to standard and general condition including preparation of a site-specific wildlife Management Plan.
 - x. It is also to mention that Hon'ble NGT vide its order dated 18.02.2019 in OA No. 182/2016(EZ), constituted a committee to inspect the Pakri Barwadih Coal Mining Project of M/s NTPC Ltd. and to verify as to whether the conditions of the Forest Clearance (FC) and Environmental Clearance (EC) are meticulously complied with by the M/s NTPC. During inspection, it was observed that some of the condition of FC approval (Stage-I and Stage-II) were still partially complied/ or where the project proponent has to take actions for complete compliance.
 - xi. IRO in its inspection report, adverted to the violation committed by the user agency in respect of contiguous forest area of 1026.438 ha recommended that extant proposal should only be considered after the penalty of Rs 818982060 / - (Rupees Eighty One Crore Eighty Nine Lakh Eighty Two Thousand and Sixty only) is realized from user agency for violating the FC conditions and creating *fait-accomplis* situation.
4. With regards to proposal involving area of 1026.438 ha, the Committee observed the

following:

- i. The proposal was earlier considered by the Committee in its meeting held on 21.09.2022 and the Committee recommended a site visit of by a Sub-Committee of the FAC. Sub-Committee of the FAC could not undertake the site visit due to non-availability of the hydrologist.
 - ii. IRO, Ranchi vide their a letter dated 03.11.2022 informed that Shri S.K. Sahoo, (member of REC, IRO Ranchi), nominated as a member (Hydrologist) of the Committee, citing his other prior engagements and present distant posting at Aizwal, expressed his inability to be available for the site-visit and has requested to replace him by someone else.
5. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Jharkhand and Regional Officer, IRO, Jharkhand, the FAC observed that since the lease area of the user agency is transacted by various nallah and therefore, the issue related to impact assessment on hydrological regimes by shifting of nallah needs to be considered holistically and accordingly, the Committee recommended that Sub-Committee of the FAC may be reconstituted with the following composition:
- i. Shri O. P. Sharma, FAC Member – Chairman
 - ii. Representative of IRO, Ranchi - Member
 - iii. Hydrologist from a reputed institute to be nominated by the PCCF & Nodal Officer (FCA) - Member
 - iv. CCF/CF of the area concerned as a representative of the PCCF & Nodal Officer - Member

The Sub-Committee will look into the following:

- i. Assessment of hydrological regimes of the area and impact of ongoing mining operations of the user agency in general and Dumuhani Nallah in particular and changes brought in by the User Agency and its impact on the ecology of the area.
- ii. Efficacy of mitigation measures, if any, undertaken by the user agency in their lease area
- iii. Holistic assessment of 1787 ha of forest land involved in the mining lease of the user agency, its present status and legitimacy of future use proposed by the user agency

Agenda No. 8

F. No. 8-13/2020-FC

Subject: Proposal for diversion of 160 ha of forest land for relocation of forest village Karmajhiri in Seoni District under Pench Tiger Reserve in the State of Madhya Pradesh (Online No. FP/MP/FVC/39952/2019) - regarding.

1. The above stated agenda was considered by FAC in its meeting held on 09.12.2022. The details of the proposal may be seen at www.parivesh.nic.in.
2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC which after thorough deliberation and discussion observed that:
 - i. The State Government vide their letter No. F-5/891/2020/10-11/2397 dated 30.07.2020 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 (ii) of the Forest (Conservation) Act, 1980 on the above mentioned subject.
 - ii. The State Govt. has submitted the details of families entitled for relocation or rehabilitation under the scheme as under:-

No. of Families	
Land Unit	Money Unit
70	66
Total = 136	

- iii. This proposal was considered by FAC in its meeting held on dated 24.03.2021 and 11.05.2022.
 - iv. The FAC in its meeting dated 11.05.2022 deferred the proposal because the proposal did not fulfil all the conditions mentioned in the Ministry's guidelines dated 20.05.2019 regarding relocation of villages from National Parks, Sanctuaries and Tiger reserves based on Hon'ble Supreme Court Orders in IA No. 3924/2015 in WP (Civil) 202/1995 dated 28.01.2019. The State Government of Madhya Pradesh was accordingly advised to furnish the notification of declaration of the area in question either as Core/Critical Wildlife Habitat of a Protected Area or Core/Critical Tiger Habitat under Pench Tiger Reserve.
 - v. Thereafter the State Government vide their letter dated 27.07.2022 informed that Forest Village Karmajhiri has been included in Karmajhiri Sanctuary vide notification dated 22.07.2022. As per said notification an area of 1410.420 ha (RF) including 323.800 ha of Karmajhiri Village will now be Karmajhiri Sanctuary.
 - vi. As per the letter dated 30.07.2020 of Nodal Officer (FCA), Government of Madhya Pradesh, the total area of forest village Karmajhiri proposed to be relocated is 367 ha. The KML file submitted with the proposal is also for an area of 367 ha. However, the copy of notification dated 27.07.2022 mentions that the area of Forest Village is 323.800 ha.
 - vii. The Ministry vide dated 05.08.2022 sought the clarification from the State Government. The State Government vide their letter dated 22.09.2022 informed that as per the State Government order no. 1933 dated 21.05.1907 & 8494 dated 23.12.1909 and previous working plan for the period of 1986-1987 to 1995-1996 and 2003-2004 to 2017-2018 the total area of village Karmajhiri is mentioned as 323.800 ha. However as per the working plan for the period of 2015-2016 to 2024-2025 the total area of village Karmajhiri is mentioned as 367.120 ha. Now, the Government of Madhya Pradesh has published notification dated 22.07.2022 for including Forest Village Karmajhiri in Karmajhiri Sanctuary wherein the area of Village Karmajhiri has been shown as 323.800 hectare only.
 - viii. The Nodal Officer (FCA), Government of Madhya Pradesh who attended the meeting online has informed that the entire village Karmajhiri will be relocated and no part of the village has been left outside the limits of Karmajhiri Sanctuary. Further, considering the area of the Karmajhiri Village and the area under Nistar/community rights, the area proposed to be diverted (160 ha) is less than the area of Karmajhiri Village.
 - ix. The FAC also observed that the anthropogenic pressure of a village is there beyond the village boundary and the area under Nistar/community rights is to be considered as a part of the village area. In similar matters the area under Nistar/Community rights has been considered as a part of the Village area.
 - x. Nodal Officer (FCA), Government of Madhya Pradesh informed that Village Karmajhiri which is being relocated is situated in the core of the Karmajhiri Sanctuary.
 - xi. The FAC had advised the State regarding declaration of Karmajhiri Village as a Protected area. The State Government has however added 1410.420 ha area into the Protected Area Network. The FAC acknowledged and appreciated the efforts and commitment of the State Government towards forest and wildlife conservation.
3. **Decision of the FAC:** After detailed discussion with the Nodal Officer (FCA), Madhya Pradesh and Dy. DGF (Central), IRO, Bhopal, the FAC recommended for according Stage-I approval to divert 160 ha of forest land for relocation of forest village Karmajhiri

in Seoni District under Pench Tiger Reserve in the State of Madhya Pradesh with relevant General and Standard conditions.

Agenda No. 9

F. No. 8-09/2022-FC

Subject: Diversion of 55.00 ha forest land under the Forest (Conservation) Act, 1980, for relocation of Village Dhunwani from the Ratapani Wildlife Sanctuary, District Raisen of Madhya Pradesh State (Online No. FP/MP/FVC/152645/2022)-regarding.

1. The above stated agenda was considered by FAC in its meeting held on 09.12.2022. The details of the proposal may be seen at www.parivesh.nic.in.
2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC which after thorough deliberation and discussion observed that:
 - i. The State Government vide their letter No. F-5/1129/2022/10-11/1850 dated 26.05.2022 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 55.00 ha forest land under the Forest (Conservation) Act, 1980, for relocation of Village Dhunwani from the Ratapani Wildlife Sanctuary, District Raisen of Madhya Pradesh State.
 - ii. The Nodal Officer (FCA), Government of Madhya Pradesh and Dy. DGF (Central), IRO, Bhopal attended the meeting online.
 - iii. The State Govt. has submitted that the Dhunwani village which is being relocated is situated in the core of the Ratapani Wildlife Sanctuary.
 - iv. The area proposed for diversion is 55.00 ha and legal status is Protected Forest land. The total number of trees involved in the area proposed are 9,582.
 - v. The State Govt. has submitted the details of families entitled for relocation or rehabilitation under the scheme as under:-

No. of Families	
Land Unit	Money Unit
20	87
Total = 107	

- The State Govt. has submitted that an area of 3.17 ha is under Habitation, 34.6 ha is under Agriculture land, 260.93 ha is under Nistar and 19.3 ha is under Miscellaneous land use. As per the Management plan of the Sanctuary, the area of Village "Dhunwani" is mentioned as 41.100 ha and grazing area of 2 ha per cattle is prescribed.
- vii. The FAC observed that the anthropogenic pressure of a village is there beyond the village boundary and the area under Nistar/community rights is to be considered as a part of the village area. In similar matters the area under Nistar/Community rights has been considered as a part of the Village area.
 - viii. During the meeting the Nodal Officer (FCA), Government of Madhya Pradesh informed that out of 55.00 ha forest land proposed for relocation of Village Dhunwani, an area of 40.00 ha will be utilized for relocation of 20 no. of families, 1.00 ha for school, 1.00 ha for temple, 1.00 ha for Aganwadi, 1.00 ha for Road, 1.00 ha for electricity, 1.00 ha for playground/ Primary Health centre, 1.00 ha for Panchyat Bhawan/ Community Hall, 1.00 ha for Pond, 5.00 ha for Charnoi/Common land for grazing.
 - ix. The FAC observed that the instant proposal involves relocation of 20 no. of family units and the 15 ha area has been proposed for ancillary activities. The Nodal Officer MP was asked to explore the possibility of reducing the area. The matter was deliberated in detail

and the Nodal Officer (FCA), Government of Madhya Pradesh agreed to reduce the area for ancillary activities from 15 ha to 10 ha.

3. **Decision of the FAC:** After detailed discussion with the Nodal Officer (FCA), Madhya Pradesh and Dy. DGF (Central), IRO, Bhopal, the FAC recommended for according Stage-I approval to divert 50.00 ha out of 55.00 ha as proposed for relocation of Village Dhunwani from the Ratapani Wildlife Sanctuary, District Raisen of Madhya Pradesh with relevant General and Standard conditions.

Agenda No. 10

F. No. 8-29/2022-FC

Subject: Diversion of 63.540 ha forest land for development of Green Filed Airport at village Vihirgaon and Murti, Taluka Rajura of District Chandrapur in the State of Maharashtra (Online No. FP/MH/Others/42471/2019) - regarding.

1. The above stated agenda was considered by FAC in its meeting held on 09.12.2022. The details of the proposal may be seen at www.parivesh.nic.in.
2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC which after thorough deliberation and discussion observed that:
 - i. The State Government vide letter dated 18.10.2022 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 (ii) of the Forest (Conservation) Act, 1980 on the above mentioned subject.
 - ii. The user agency initially applied for diversion of 75.24 ha forest land. However, the State Government has recommended only 63.540 ha forest land for diversion.
 - iii. The area proposed for diversion is 63.540 ha out of which 25.27 ha is Protected Forest land and 38.27 ha is Reserved Forest land and total number of trees to be marked for felling is 3,392.
 - iv. The proposed forest area is not part of any National park, Wildlife Sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. But the project area falls within grid No. 248 of (C.No 173,200 & 593) as per WII report on Tiger Corridors of Eastern Vidharbha Landscape.
 - v. The user agency has provided the copy of undertaking to adhere to and bear the cost of all the mitigation measures suggested by WII, Dehradun.
 - vi. The proposed airport site is at a distance of 8.35 km from the boundary of Kanhargaon wildlife Sanctuary and the proposal for final notification of ESZ for Kanhargaon wildlife Sanctuary is in Draft stage.
 - vii. The Nodal Officer (FCA), Government of Maharashtra physically attended the meeting and Dy. DGF (Central), IRO, Nagpur attended the meeting online.
 - viii. During the meeting the Nodal Officer (FCA), Government of Maharashtra informed that other than the proposed site, three (3) alternative sites have been explored by user agency but except the present proposed site at Village Murti other sites are not found suitable for airport in view of the obstacles like high tension lines, chimneys and hills etc.
 - ix. The proposed site is quite near (39 kms) to the already existing Chandrapur(Morwa) Airport and the Nagpur Airport. In this regard, the Nodal Officer (FCA), Government of Maharashtra informed that the scope of expansion in case of Chandrapur(Morwa) airport is limited and the distance between Nagpur Airport and the proposed Greenfield Airport is 180+ kms. Moreover, the proposed airport falls in the underdeveloped part of Vidarbha Region. The proposed Greenfield Airport will ease the pressure of air traffic on Nagpur Airport and will also provide an alternate option to the travellers.
 - x. Further the Nodal Officer (FCA), Government of Maharashtra informed that the various Industries are located in and around Chandrapur. This Airport will facilitate movement of

- manpower and resources. This Airport will also help boost up the tourist and passenger movement and directly help elevating the economic condition of this backward area.
- xi. The proposed area is part of a Tiger corridor. A report regarding construction of Airport has been prepared by Wildlife Institute of India wherein the first recommendation is that "*given the wildlife value of the area and its importance of connecting corridors, the present site may or shall not be considered for the construction of the proposed Greenfield airport*". Further, mitigation measures have been suggested in case there is no alternative and decision is taken to continue with the construction of the Airport.
 - xii. The CWLW had mentioned that "*in view of the benefits that seem to be accruing due to the project for local population in terms of the number of employment opportunities, the trade of between the protection of the corridor to be disrupted if the project comes through and the benefits proposed, weighs heavily in favour of protection of the corridor*". The revised comments recommending the project proposal were submitted later.
 - xiii. The construction of the Greenfield airport is not a site specific activity and moreover the construction of Airport will further lead to infrastructural development like roads, Hotels and other residential/commercial areas in and around the proposed site. This may have an adverse impact on Tiger movement in the project area which falls within the Tiger Corridors of Eastern Vidharbha Landscape.
3. **Decision of the FAC:** After thorough deliberations and discussions, keeping in view the location of the proposed area within a Tiger Corridor, the recommendation of the Wildlife Institute of India and the non-site specific nature of the project, the FAC **deferred** the proposal and decided that:
- i. The State Government shall examine the financial viability of the project and submit a detailed analysis/report in this regard.
 - ii. The construction of a Greenfield airport is a non-site specific activity and the proposed site is surrounded by Non-forest land. The State Government shall therefore explore other options of using non-forest land instead of using Forest land for the project. The State shall also explore the possibility of expanding the already existing Chandrapur (Morwa) Airport. In this regard the State Govt. shall provide a detailed presentation along with DGCA and MADC before the FAC.
 - iii. Keeping in view the ecological importance of the area, the Ministry shall seek detailed comments from WII, Dehradun and NTCA on the instant proposal for the construction of Greenfield airport.

Agenda No. 11

F. No. 8-20/2014-FC

Sub: Diversion of 1165.66 ha (including 91.331 ha underground area) of forest land for construction of Etalin Hydro Electric Project (EHEP) (3097 MW) in Dibang Valley District of Arunachal Pradesh by M/s Etalin Hydro Electric Power Company Limited, Arunachal Pradesh.

The proposal was deferred for discussion in the next FAC meeting.

Agenda No. 12

F. No. 8-33/2019-FC

Sub: Proposal for diversion of 83.12 ha (94.712 ha proposed originally) of forest land for drilling of Oil well at 27 new locations in Changlang District of Arunachal Pradesh by M/s

Geo-Enpro Petroleum Limited seeking forest clearance under Section 2(ii) of FC Act' 1980 – regarding.

The proposal was deferred for discussion in the next FAC meeting.

Agenda No. 13

Policy issue No. 1

File No. FC-11/43/2021-FC

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

1. The policy agenda item was considered by FAC in its meeting held on 09.12.2022. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. The Member Secretary explained all the facts and background of the matter to the FAC for their examination and analysis.
3. After through deliberation and discussion, the FAC observed that:
 - i. Issue was earlier considered by the FAC in its meeting held on 17.10.2022 wherein the Committee decided that since the National Board of Wildlife has already considered and taken a decision in a similar matter while dealing with the proposal pertaining to Dehradun – Ganeshpur Road. Therefore, to have uniformity in such decision, it will be prudent to obtain comments from the Wildlife Division of the Ministry.
 - ii. The Wildlife Division in their comments conveyed the decision taken by the National Board for Wildlife in its meeting held on 5.01.2021 with regards to Dehradun-Ganeshpur Road inter-alia mentioning that '*condition of deposition of 2% of proportionate project cost of the project passing through the ESZ of the Rajaji Tiger Reserve should be removed and the amount already deposited should be adjusted in future projects of NHAI in Uttar Pradesh. The committee further recommended that the other conditions imposed by the Chief Wild Life Warden should be adhered to by the NHAI while executing the project. It was also decided that all States/UTs will be requested to provide details of utilisation of funds deposited by project proponents based on the recommendations of the SCNBWL and the activities undertaken with the funds*'.
 - iii. The Committee taking cognizance of the decision of the NBWL observed that given the huge cost of road project, the 2% and 0.5% cost of Wildlife Management Plan and SMC Plan is too large in comparison to meagre forest area involved in the project. Therefore, it is prudent to revisit the Ministry's guidelines to make 2% or 0.5% applicable in proportion to the forest area involved in the project and not of the total project cost.
4. **Decision of FAC:** After detailed discussion and deliberation on the matter with the Regional Officers and officials of the Forest Conservation Division, the Committee decided the following:
 - i. In respect of linear projects, the stipulated norms of 2% and 0.5% towards the cost of Wildlife Management Plan and Soil and Moisture Conservation Plan, as provided in the Ministry's guidelines dated 7.06.2022, proportionate to the extent of forest land involved instead of total project cost or actual cost of implementation of such Plans, whichever is more, should be charged from the user agency
 - ii. The provisions of Wildlife Management Plan or Soil Moisture Conservation Plan shall be

approved by the competent authority in the State and accordingly, the deficit amount, if any, from the money already realized from to the tune of 2% and/or 0.5% of project cost proportionate to the extent of forest land involved, shall be paid by the user agency, and the same shall be deposited in to the CAMPA account.

- iii. Guidelines dated 7.06.2022 may be modified by the Ministry to the extent as indicated above in respect of linear projects.

Policy issue No -2

File No. FC-11/66/2022-FC

Subject: Request for extending the guidelines for allowing commencement of mining operations in non-forest land before obtaining Stage-II FC for non-coal mining leases involving both forest and non-forest land similar to coal mines – reg.

The policy agenda item was deferred for the next meeting of the Committee.

Policy issue No - 3

Sub: Guidelines on the Accredited Compensatory Afforestation – reg.

1. The policy agenda item was considered by FAC in its meeting held on 09.12.2022. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. The Member Secretary explained all the facts and background of the matter to the FAC for their examination and analysis.
3. After through deliberation and discussion, the FAC observed that:
4. As per provisions provided in sub rule (3) of rule 11 of the Forest (Conservation) Rules, 2022, enabling provisions for the establishment of Accredited Compensatory Afforestation (ACA) have been provided to streamline the process of approval envisaged under the Forest (Conservation) Act, 1980. ACA is a system of proactive afforestation that can be used as CA for obtaining prior approval under section 2 (ii) of the Act. ACA provides raising of advance afforestation over a non-forest land free from any encumbrance.
5. Based on internal deliberations held in the Ministry, draft guideline on Accredited Compensatory Afforestation were formulated and subsequently conveyed to various Ministries, State Government and Union territory Administrations for their comments.
6. Comments have been received from the M/o Mines and Coal, Integrated Regional Officers of the Ministry and from some State/UTs which have been considered by the Ministry judiciously and comments which were observed to be appropriate and consistent with the provisions of Forest (Conservation) Rules, 2022 were incorporated appropriately into the draft guidelines
 - i. Committee observed that Ministry of Coal in their comments has mentioned about the legal constraint not allowing transfer non-forest land to the Forest Department. Said concern of the M/o Coal has been addressed by the MOEF&CC by incorporating enabling provisions in the guidelines i.e. such lands will be considered for notification under the IFA or local Act as PF without insisting for transfer of their ownership. However, such lands will be brought under the Management and Administrative control of the State Forest Department for their effective management and also meet the intent of Forest (Conservation) Act, 1980.
 - ii. Contentions of M/o Coal stating that such land may be kept outside the purview of the Supreme Court order dated 12.12.1996 is not tenable in view of the fact that such lands

can not be accepted without declaring them as PF and once such lands are declared as PF, the provisions of FC Act, 1980 will become applicable over such lands.

Decision of FAC: After detailed discussion and deliberation on the draft guidelines and comments received from the various Ministries matter with the Regional Officers and official of the Forest Conservation Division, the Committee suggested the following modification in the draft guidelines on Accredited Compensatory Afforestation:

- i. *However, in exceptional cases as decided by the Government of India on case to case basis, Government owned lands, where transfer of ownership of land to the Forest Department is not possible due to legal impediments, such lands, without changing their ownership, will be notified as Protected Forest under the Indian Forest Act, 1927 or any other local Act for the management by the Forest Department concerned as per the prescriptions of the Working Plan. Provisions of the Forest (Conservation) Act, 1980, Indian Forest Act, 1927 and relevant local Act(s) shall be applicable on such lands and shall be brought under the management and administrative Control of the local Forest Department concerned;*
- ii. Modification as suggested by the members of the Committee shall be considered appropriately.

Annexure

PROPOSED GUIDELINES ON THE ACCREDITED COMPENSATORY AFFORESTATION

Background

1. Compensatory afforestation (CA) is one of the crucial components facilitating the process of decision making under the Forest (Conservation) Act, 1980. It is mandatory that all proposals requiring prior approval of the Central Government under the Forest (Conservation) Act, for non-forestry use of forestland be accompanied with a comprehensive scheme of compensatory afforestation.
2. As per existing norms, user agency identifies the land for CA and submits the details of the same, as a part of the diversion proposal, along with undertaking to bear the cost of afforestation. Once the proposal is granted 'In-principle' approval by the Central Government under the Forest (Conservation) Act, 1980, the CA land is transferred and mutated in favour of the State Forest Department and subsequently it is notified as PF under the Indian Forest Act, 1927 or any other local laws. After 'Final' approval, forest land proposed for non-forestry use is *handed over* to user agency and thereafter, the Forest Department undertakes CA in non-forest land provided by the user agency. This practice has been in vogue for last four decades.
3. Difficulties observed during the intervening period in the implementation of CA scheme primarily include delayed fund flow, untimely availability of non-forest land, uncertainty of survival percentage, etc.
4. *No mechanism exists for incentivising the private land owners and Government/Institutions for raising afforestation over fallow parcels of land. Therefore, it is desirable to have a mechanism in place incentivising such private land owners or Government institutions for raising afforestation to increase trees outside forests (TOF).*
5. To address the aforementioned difficulties, the Ministry has recently notified the Forest (Conservation) Rules, 2022 which inter-alia envisages formulation of an **Accredited Compensatory Afforestation (ACA)** mechanism to be used for obtaining prior approval under section 2 of the Forest (Conservation) Act, 1980. ACA is a system of proactive afforestation to be used for obtaining prior approval under section 2 (ii) of the Act for raising of advance afforestation over non-forest land.
6. ACA has been proposed in accordance with the provisions given under sub rule 3 of rule

11 of Forest (Conservation) Rules, 2022. Details of preconditions, mechanism and formulation of proposal are given as under:

Preconditions of raising ACA:

- i. Land on which the provisions of Forest (Conservation) Act, 1980 are not applicable and which is free from all encumbrances should be considered for ACA;
- ii. *Non-forest land, including mined out and biologically reclaimed non-forest land, ownership of which vests with the State PSU or Central PSU, may also be used for raising Accredited Compensatory Afforestation;*
- iii. Land considered for raising such afforestation should be properly demarcated and fenced to ensure its protection from various biotic factors;
- iv. An afforestation shall be counted towards ACA if such land covers an area of minimum ten hectares;
- v. Afforestation over land of any size situated in the continuity of land declared or notified as forest under any law, Protected Area, Tiger Reserve or within a designated or identified tiger or wildlife corridor, may be considered for ACA;
- vi. Accredited Compensatory Afforestation shall be earned by developing afforestation of one-hectare area with 0.4 or more canopy density, but there shall be no Accredited Compensatory Afforestation for developing an area below 0.4 canopy density or below one-hectare land;
- vii. An afforestation shall be counted towards ACA if such land has vegetation composed predominantly of trees having canopy density of 0.4 or more and the trees are at least five years old; and
- viii. Afforestation raised should preferably be heterogeneous in nature consisting of indigenous species. *Afforestation of exotic species shall necessarily be avoided.*

7. Proposed mechanism for the ACA: The following procedure shall be adopted for effective implementation of the proposed ACA mechanism:

- i. A centralized online portal will be developed for submission of online application, evaluation of proposal by the local Forest Department, access to database relating to persons/agencies and ACA availability in a particular State/UT. Online portal shall maintain the State/UT wise record of such persons/agencies who have submitted application on the online portal along with the detail of their ACA;
- ii. State/UT shall make available in public domain, the model scheme for raising afforestation for different agro-climatic zones for its use by the aspiring persons/agencies to prepare their afforestation scheme for 5 years and schemes for existing afforestation to earn ACAs for the proposed afforestation, as the case may be;
- iii. Any person or agency keen to register in the ACA Scheme may submit online application along with the details of non-forest land and/or existing afforestation viz. maps, authenticated copies of revenue records, etc. and afforestation scheme and/or composition of existing afforestation, prepared on the basis of model scheme of the concerned State/UT;
- iv. The Forest Department shall examine the proposal for its completeness and fulfilment of relevant preconditions/criterion. Proposals qualifying the scrutiny of local Forest department shall be considered for final registration and proposed ACA scheme;
- v. Persons/agencies registered with local Forest Department may raise afforestation as per the scheme prepared in consonance with the model scheme of the State/UT for the concerned agro-climatic zone;
- vi. Existing afforestation or afforestation raised afresh shall be eligible for ACA after attaining the age of 5 years, provided such plantation meet the preconditions specified hereinabove including predetermined success/survival criteria. Preconditions and criterion of a particular afforestation/plantation shall be evaluated by the local Forest

- Department by undertaking a visit to such site;
- vii. The State Forest Department, based on their on site evaluation of afforestation and depending upon the extent of area qualifying under the ACA, shall award ACAs to such afforestation. Afforestation raised over 1 ha of land with 0.4 canopy density will be considered equivalent to 1 ACA. Detail of ACAs, awarded by the State Forest Department, shall be updated in the online application by the concerned person/agency;
 - viii. The person or agency may promote or publicise its credentials and availability of ACAs awards with it for its swapping in lieu of proposal relating to diversion of forest land;
 - ix. The persons or agencies registered with the Forest Department will be free to trade its asset i.e. its ACAs in parcels with user agency aspiring for non-forestry use of forest land. The User Agency, aspiring for non-forest use of forest land, may pay the amount to the registered agency, as may be agreed between them and swap such ACAs in lieu of diversion of forest land;
 - x. Persons or agencies from private as well as Govt. sector may register for ACA scheme. ACAs earned by an agency/person will be transferable i.e. can be transferred to other agency under intimation to local Forest Department. ACAs earned by the *Government agencies can be swapped in lieu of diversion proposals for their own use*; and
 - xi. The person or agency registered for ACA will be at liberty to de-registered its ACAs earned in part or full from the online portal at any point of time.

8. Formulating proposals under the Forest (Conservation) Act, 1980 using ACAs lands

- i. The User Agencies requiring forest land shall negotiate financial details with the person or agency holding ACA and enter into an agreement for required ACA area with the concerned agency;
- ii. ACA area agreed for trading between the agency and user agency shall be surveyed by the user agency using DGPS, total stations or like technology and detail of the area along with digital Differential GPS map (KML/shape files) and copy of agreement shall be submitted to the Forest Department along with application for diversion of forest land under the Forest (Conservation) Act, 1980;
- iii. Afforestation scheme implemented by the agency for a period of 5 years or scheme for maintenance of existing afforestation, as the case may be, shall be assessed by the State Forest Department and if needed term of the scheme may be recommended to be increased to such duration as the Forest Department may deem fit;
- iv. The Forest Department shall give priority to such proposals and on receipt of 'In-principle' approval said land parcel shall be transferred and mutated in favour of the State Forest Department and declared as Protected Forest under Section 29 of the Indian Forest Act, 1927 or any other law; *However, in exceptional cases as decided by the Government of India on case to case basis, Government owned lands, where transfer of ownership of land to the Forest Department is not possible due to legal impediments, such lands, without changing their ownership, will be notified as Protected Forest under the Indian Forest Act, 1927 or any other local Act for the management by the Forest Department concerned as per the prescriptions of the Working Plan. Provisions of the Forest (Conservation) Act, 1980, Indian Forest Act, 1927 and relevant local Act(s) shall be applicable on such lands and shall be brought under the management and administrative Control of the local Forest Department concerned;*
- v. In case of established ACAs, no cost of raising compensatory afforestation shall be charged from the user agency by the State Forest Department;
- vi. *ACA raised in one State/UT can be swapped in lieu of diversion of forest land in other States/UTs subject to the provisions contained under sub rule 1 of rule 11 of Forest (Conservation) Rules, 2022;*
- vii. As the afforestation so raised may be utilized in parts, therefore, until a patch of minimum size of 5 ha is transferred in lieu of diversion of forest land, the concerned agency, at the cost of user agency may manage the area till such time as required or till

- the entire patch is transferred to the Forest Department; and
- viii. *Lands under the ACA, declared as PF which continue to be under the ownership of concerned Government agency, the revenue earned from the thinning or felling operations as per the Working Plan prescriptions, will be accrued to the land owning agency. Gap plantations, if any required, shall be undertaken at the cost of user agency.*
- ix. Gap plantations, if any required, shall be undertaken at the cost of user agency.

9. Benefits likely to be accrued from the ACA scheme:

- i. A system of proactive afforestation to be used for obtaining prior approval under section 2 (ii) of the Act by way of raising advance afforestation over a non-forest land free from any encumbrance;
- ii. The compensatory afforestation would be undertaken in advance which will obviate any delays that could be caused due to fund flow or administrative/technical procedures;
- iii. Proposed scheme will promote onset of flow of ecosystem goods and services in advance and also to open a new area for investment in forest sector;
- iv. Proposed scheme will encourage afforestation over fallow lands thereby helping in achieving the national targets as envisaged in the National Forest Policy, 1988;
- v. Alternative non-forest land that may be made available would be in a suitable block thereby facilitating appropriate protection measures; and
- vi. Proposed scheme will expedite afforestation works which will ultimately increase the total carbon sequestered thereby helping to achieve the NDCs targets.

<p>(Confirmed through email) (<i>Sh S. D. Vora</i>) Non-official Member</p>	<p>(Confirmed through email) (<i>Dr Sanjay Deshmukh</i>) Non-official Member</p>
<p>(Confirmed through email) (<i>Sh Anmol Kumar</i>) Non-official Member</p>	<p>(Confirmed through email) (<i>Sh Om Prakash Sharma</i>) Member</p>
<p>(Confirmed) (<i>Sh SP Yadav</i>) Additional Director General of Forests (FC) Member</p>	<p>(Confirmed through email) (<i>Sh Bivash Ranjan</i>) Additional Director General of Forests (WL) Member</p>
<p>(Confirmed) (<i>Sh Ramesh Kumar Pandey</i>) Inspector General of Forests (FC) Member-Secretary</p>	
<p>(Approved) (<i>Sh. C.P. Goyal</i>) Director General of Forests & Special Secretary Chairperson</p>	

