

Draft Minutes of the Meeting of Advisory Committee (AC) meeting dated 29.11.2023**Agenda No. 1****File No. 8-14/2022-FC**

Subject: Diversion of 46.06 ha Forest Land under Forest (Conservation) Act, 1980 of Village Bopegaon, Tal. Wai, Dist. Satara for rehabilitation of Village Deur, Tal. Jaoli, Dist. Satara from Koyana Wildlife Sanctuary in the State of Maharashtra (Online No. FP/MH/REHAB/139268/2021) – regarding.

1. The agenda item was considered by the AC in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Dy. DGF (Central), RO, Nagpur and Nodal Office (FCA), Government of Maharashtra attended the meeting.
4. While deliberating on the proposal, AC observed that:
 - i. The Government of Maharashtra vide their letter No. FLD-2022/CR-87/F-10 dated 11.05.2022 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 46.06 ha Forest Land under Forest (Conservation) Act, 1980 of Village Bopegaon, Tal. Wai, Dist. Satara for rehabilitation of Village Deur, Tal. Jaoli, Dist. Satara from Koyana Wildlife Sanctuary in the State of Maharashtra.
 - ii. The State Govt. has informed that the Village Deur proposed for rehabilitation is within core of Sahyadri Tiger Reserve and Koyana Wildlife Sanctuary.
 - iii. The State Government has mentioned that the as per Notification of Revenue and Forest Department No. WLP-2012/ CR.No.240/ F-1 Dated 21/08/2012, 2140.19 ha of land will be made available after rehabilitation of village Deur.
 - iv. The State Government has mentioned that the Village "Deur" proposed for relocation has 28 PAP's as per list prepared by Revenue Department. All 28 PAP's has given their consent for proposed site i.e. Village Bopegaon, Dist. Satara. Hence proposed relocation of villagers will make the total area under the village inviolate.
 - v. It has also been informed that for rehabilitation of families at Deur a total of 46.06 ha. Forest Land is needed in lieu of 34.36 ha. of private land, but after relocation of village Deur along with 34.36 ha. of private land 119.71 ha. of revenue land is also going to be added as forest land, thus total increase in forest land will be 34.36 ha+119.71 ha. = 154.07 ha. in lieu of 46.06 ha. of forest land at proposed relocation site.
 - vi. Further, it has been intimated by the State that as per Notification of Revenue and Forest Department No. WLP-2012/ CR.No.240/ F-1 Dated 21/08/2012, 2140.19 ha. land will be made available after rehabilitation of village Deur, which in addition to 154.07 ha will include 1425.45 ha forest land and 560.67ha irrigation acquired area.

- i. The State Government has mentioned that the total area of notified Koyna Wildlife Sanctuary was earlier 423.55 sq. km. Out of which non forest area of 14 villages has been excluded as per final notification, no. WLP-0319/S.No.88/F-1 dated 29.05.2019 and the boundaries of the Koyna Wildlife Sanctuary have been altered and the same has been reconstituted with an area of 335.30 sq. km.
- ii. The State Government has mentioned that the road required for connectivity of rehabilitation site with existing road passes through private land. Therefore, no more forest land would be required.
- iii. DSS analysis shows that the Reserve forest land of Village-Bopegaon Gat no 711 has not been included in the instant proposal. As per latest satellite imagery, the Gat no 711 will become an isolated forest patch between the already existing agricultural land and the area proposed for diversion. This may lead to the degradation of this forest patch in future owing to human encumbrances and activities. In this regard the State has replied that though Gut no.711 seems to be isolated in DGPS map, but if we look into larger landscape. Gut No. 711 of village Bopegaon is in continuation with forest area of the Gut No. 481 of village Kavathe.
- iv. The committee examined the slope of the area on DSS analysis and observed that the forest patch between the already existing agricultural land and the area proposed for diversion is suitable for rehabilitation and there seems to be no justification to exclude the same.
- v. The State has intimated that though the area proposed for diversion is slightly undulating, only suitable area for agriculture is selected for diversion. The area is inspected by Taluka Agriculture Officer and necessary suitability certificate is issued by Taluka Agriculture Officer. Consent is also accorded from PAP's as the land under consideration is best available option forest division. PAP's were shown all available and possible forest lands in satara forest division but PAP's has opted for this land only. Due precautions and proper care would be taken while preparing the land for rehabilitation that there is no erosion of the forest area.
- vi. It is clarified that, in working plan Volume-II of Satara Forest Division (2010, 11 to 2019, 20) it has been mentioned that mix plantation was taken in the year 2003 on 20.00 ha. area of village Bopegaon. Records shows that no plantation activity has been taken up since 2003 in this village.
- vii. The State has intimated that the Wind mills and a road connecting the wind mills seen in the High-resolution satellite imagery of village Deur" are outside the area of the village Deur. These structures are within the limits of village Chalakewadi which is adjacent to the village Deur. The village Chalakewadi is in the buffer of Sayhadri Tiger Reserve. Also there is large altitudinal difference in the area occupied by wind mills and majority area of village Deur. Habitants of village Deur are largely dependent on fishing & agriculture for livelihood which is causing disturbance in the area. Hence their relocation is going to make the area inviolate.
- viii. As per the list prepared by the revenue department 28 PAP's of village Deur are entitled for rehabilitation. The satellite imagery of village Deur shows 4 settlements. PAP's along with their families stay in these 4 settlements. The remaining PAP's are migrated to the nearby villages due to harsh conditions in the core areas. The PAP's have given consent for the rehabilitation and there

- rights are to be settled and these areas has to be acquired for making the core area inviolate.
- ix. The State Government has mentioned that the instant proposal for diversion of forest land fulfils all the conditions laid down in the Ministry's Guidelines no. 8-34/2017-FC dated 20.05.2019.
 - x. The State Government has mentioned that the total area proposed for diversion is 46.06 ha which includes 36.40 ha suitable land for agriculture, unsuitable land of 3.66 ha. and 6.00 ha for resettlement of Gaothan.
 - xi. The Committee observed that the area is slightly undulating and the proposed area earmarked in KML file is overlapping with the private land at few locations.
5. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and Nodal Officer, FCA, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer, FCA, Government of Maharashtra, the Committee recommended the proposal for diversion of 46.06 ha Forest Land of Village Bopegaon, Tal. Wai, Dist. Satara for rehabilitation of Village Deur, Tal. Jaoli, Dist. Satara from Koyana Wildlife Sanctuary in the State of Maharashtra with General, Standard and following specific condition:
- i. The State Government shall include the forest patch left out between the already existing agricultural land and the area proposed for diversion in the proposed diversion proposal and redraw the boundary of 46.06 ha area accordingly. The revised/ correct KML file of proposed diversion area shall be submitted and uploaded accordingly.
 - ii. The 2140.19 ha area including 34.36 ha private land and 119.71 ha of revenue land which is being vacated due to proposed village relocation shall be notified as Reserve Forest.

Agenda No. 2

File No. 8-28/2022-FC

Subject: Diversion of 73.94 ha forest land for construction of Kareghat Minor Irrigation Tank at Kareghat, Tal. Nawapur, District Nandurbar in the State of Maharashtra (Online No. FP/MH/IRRIG/61238/2020) - regarding.

1. The agenda item was considered by the AC in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Dy. DGF (Central), RO, Nagpur and Nodal Office (FCA), Government of Maharashtra attended the meeting.
4. While deliberating on the proposal, AC observed that:
 - i. The Government of Maharashtra vide their letter No. FLD-2022/CR-01/F-10 dated 12.09.2022 (received on PARIVESH portal on dated 17.10.2022) 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 73.94 ha forest land for construction of Kareghat Minor Irrigation Tank at Kareghat, Tal. Nawapur, District Nandurbar in the State of Maharashtra.

- ii. The proposal was considered by the Advisory Committee in its meeting held on 17.07.2023 wherein the Committee deferred the proposal for diversion of 73.94 ha forest land for construction of Kareghat Minor Irrigation Tank and sought the following details:
 - a. The details about the command area, irrigation potential, present cropping pattern, total population of the villages to be benefitted and the likely impact of the project on cropping pattern in future is essential for evaluating the socio-economic benefits of the project. The State shall submit a detailed report on these aspects.
 - b. The project which is for irrigation purposes will increase the yield potential of the area and have an impact on Cost Benefit ratio as well. The state shall take the same into account and submit a revised cost benefit analysis on the prescribed format.
 - c. Since the proposed area is bordering the State of Gujarat, and the project may have impact on the areas downstream, therefore the State of Maharashtra shall seek the comments/NOC from the state of Gujarat in this regard.
- iii. Accordingly, the said recommendations of the Advisory Committee was communicated to the State Govt. vide Ministry letter dated 09.08.2023.
- iv. In this reference, the State Government vide their letter dated 10.11.2023 (uploaded on PARIVESH portal on dated 16.11.2023) submitted the information.
- v. The State Government mentioned that as per the detailed project report containing, the details of command area, irrigation potential, present cropping pattern, total population of villages to be benefitted and likely impact of the project on cropping pattern it has been reported that the Gross Command Area is 1114.30 ha, Irrigable Command Area is 679 ha and Irrigation Potential is 910.00 ha and the present cropping intensity of this project is 125 % which includes two seasonal crops of 20%, Kharif crop of 50% and Rabi crop of 55 % and the project will benefit 4 tribal villages of Navapur Taluka of District Nandurbar with total population 5220 will be benefitted, Moreover, the project will also serve the Drinking water purpose.
- vi. The State Government mentioned that after the execution of the project, the existing cropping pattern will change. Some new cash crops will be introduced in certain areas, while some crops will increase their yield potential. Therefore, while calculating the cost- benefit analysis, user agency considered both, the increased benefit of the new cropping pattern and compared it with the benefit of the existing cropping pattern. Hence, revision in the cost- benefit analysis is not required. The copy of the existing cropping pattern and the cropping pattern after the completion of the project has been submitted.
- vii. The State Government mentioned that the water is a State Subject (entry 17 of List IT (State List) which says water supplies, irrigation and canals, drainage and embankments, water storage and water power subjects to the provisions of entry 56 of List I (Union List) as per the Article 246, Tth Schedule of the Indian Constitution, Moreover, the Kareghat Minor Irrigation Project is

proposed to be constructed across Supadi Nalla near village Kareghat Tal-Navapur, Dist. Nandurbar. Though, the proposed site is bordering the State of Gujrat but the comments/NOC from the State of Gujarat is not required owing to the additional following reasons:

- a. Entire submergence area of the project i.e. 73.94 ha. falls within the administrative boundaries of Maharashtra State.
 - b. The gross command area of the project covers approx. 1200 ha. area and located D/S (Down-stream Side), all of which falls within Maharashtra State.
 - c. The catchment of Supadi Nalla is not intercepted by any other major or medium water resource project on upstream.
 - d. The water availability for the project has been considered from the local Nalla (Supadi) which is a small tributary of Tapi River as per Integrated State Water Plan for Tapi Basin, Maharashtra State.
 - e. All the activities as per approved CAT plan are proposed to be implemented by the Maharashtra State.
 - f. NOC is required for inter-State rivers and river valleys project as per entry 56 of List I (Union List), Article 246, 7th Schedule of the Indian Constitution whereas Instant project is proposed to be executed over local Nalla. Hence, NOC is not required.
- viii.** The Committee observed that the proposed area is bordering the State of Gujarat, and the project may have impact on the areas downstream, which needs to be examined. Further, there is a need to ensure that the requirement of forest area is unavoidable and the bare minimum forest area is proposed for diversion.
- 5. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and Nodal Officer, FCA, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer, FCA, Government of Maharashtra, the Committee deferred the proposal for diversion of 73.94 ha forest land for construction of Kareghat Minor Irrigation Tank and decided that:
- i. In order to understand the impact of the project in the areas downstream and to ensure that the requirement of forest land is unavoidable and bare minimum, the Regional Office, Nagpur shall carryout a site inspection of the area and submit a detailed report.

Agenda No. 3

Proposal No: FP/MH/MIN/QRV/408247/2022

Subject: Diversion of 87.351 ha of forests for the Gondkhairi Underground Coal Mine project at Village -Gondkhari, Tehsil-Kalmeshwar, District Nagpur in favour of M/s Adani Power Maharashtra Ltd (APML), in the State of Maharashtra - regarding.

1. The agenda item was considered by the AC in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also

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

3. The Dy. DGF (Central), RO, Nagpur and Nodal Office (FCA), Government of Maharashtra attended the meeting.
4. While deliberating on the proposal, AC observed that:
 - i. The Govt. of Maharashtra vide their letter No FLD-3423/CR-310/F-10 dated 21.11.2023 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 87.351 ha forest land for the Gondkhari Underground Coal Mine project at Village-Gondkhairi, Tehsil-Kalmeshwar, District Nagpur in favour of M/s Adani Power Maharashtra Ltd., in the State of Maharashtra. The proposal has been received in the Ministry on Parivesh 2.0 portal on dated 21.11.2023.
 - ii. The proposal involves 87.351 ha Forest land (Judpi Jungle and Reserved Forest) and 774.649 ha Non-Forest land. Out of 87.351 ha Forest land, 32.711 ha is Zudpi jungle and 54.64 ha is Section-4 Reserved Forest.
 - iii. The Density of the proposed forest area is below 0.1 having an eco-class of 3 which engulfs the Southern Tropical Dry Deciduous Forest.
 - iv. The Gondkhari coal block spread over a total 862.0 ha of area which is a part of Kamptee coalfield located in Gondkhairi, Nanda (Rithi), Alesur, Kalambi, Karli, Surabardi, Pendhari, Waddhamna villages of Nagpur district of Maharashtra state. The block falls in the command area of Western Coalfields Ltd. The Gondkhari block is geologically located south-west of Soaner - Khandala sub basin of the Kamptee coalfield.
 - v. The Gondkhari block was auctioned for commercial coal mining by the Ministry of Coal, Government of India in 2nd Tranche vide Coal Mines Special Provision Act 2015 and was vested to M/s APML vide vesting order No NA-104/7/2021-NA dated 18-11-2021.
 - vi. The Site Inspection Report carried out by the Chief Conservator of Forest, Nagpur Forest Division is enclosed with the hard copy of proposal received in the Ministry wherein the proposal is recommended.
 - vii. As per Mining plan it has been mentioned that 18 ha area shall be used for infrastructure development. However, DFO in its Part II has reported that this mine is underground in nature and only 16 ha area shall be used for infrastructure development in non-forest area.
 - viii. The User Agency has uploaded a report on subsidence study for gondkhari underground mining project in Nagpur District of Maharashtra carried out by IIT, Kharagpur. The said report has mentioned the use of FEM (Finite Element Model) technique for predicting subsidence due to coal extraction. The SIR further mentions that the Clarification whether FEM is a 3-D subsidence prediction model may be obtained from the User Agency.
 - ix. Further the Karle reservoir and Surabardi reservoir exit within mine lease area and as per the subsidence prediction study carried out by the IIT, Kharagpur it has been recommended that 'No working has been proposed directly under any of the water bodies.
 - x. Transportation plan envisage that the coal evacuation from the underground workings has been planned through a series of belt conveyors and connected to a truck loading hopper on the surface. Further, the excavated mineral has been planned to be transported through an approach road from Mine via Outer ring road & SH-248 up to Kalmeshwar Siding.

- xi. As per DSS, there is No Wildlife sanctuary, National Park, Tiger reserve and Tiger corridor are located at a distance of 10 Km from the mine lease boundary of instant project. As per the DSS, the Bor Tiger reserve is located at a distance of 21.60 Km and Pench Tiger reserve is located at a distance of 32.27 Km from the mine lease boundary of instant project.
- xii. The instant proposal falls under Inviolable Zone or In-High conservation zone value as per the DSS Rule-I due to presence of Hydrological feature within the Mine lease boundary. However, Not-Inviolable or Not-In high conservation zone (NHCV) as per the DSS Rule-2 because out of total 9 grids of 1x1 sq km size covering the Mine lease, none of the grids are having average score above 70%. The final DSS result is Not-Inviolable.
- xiii. It has been informed in the SIR that the current User Agency has not violated any provisions of the FCA, 1980. But During the site inspection, it was informed by the DCF, Nagpur that the road has been constructed by NHAI and the forest diversion case (along with violation details) have been submitted on PARIYESH 2.0. (Proposal for diversion of Forest Land for Four Lane Stand Alone Ring Road/Bypass for Nagpur City Package-I & II from Km. 0+500 to Km. 62+035 (Total Length = 61.535 km) in District Nagpur in the state of Maharashtra- area 12.1703). The above diversion proposal was submitted in PARIYESH 2.0 on 16/5/2023 whereas the instant proposal was submitted in PARIYESH 2.0 on 06/01/2023.
- xiv. It has been informed by the state that the Forest land involved at the surface will remain undisturbed as no infrastructure activities planned in forest land and method of mining is underground.
- xv. The PCCF(HOFF) Maharashtra vide his letter dated 10.10.2023 uploaded on portal has mentioned that the Mining Plan was approved by Ministry of Coal vide letter dtd. 09.01.2023.
- xvi. The state has also informed that the non-forest area covered under the project is not under the provision of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of Section 35 of Indian Forest Act 1927 and are not recognized as deemed reserved forest as well as not included in the area identified as "forest" as per dictionary meaning of forest as intimated to the expert committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.
- xvii. The Regional Office Nagpur has again submitted spot inspection report dated 25.11.2023 regarding the air strip/road strip suspected to be inside forest land proposed to be diverted for Gondkhari Underground Coal Mine it has been reported that based on the available KML files of Forest Department and Revenue Department, some portion of the air strip (measured to be appx 0.67 ha) falls inside s. no. 195 which is a Zudpi Jungle in possession of the Revenue Department. Also based on the documents submitted by the owner of s.no. 12/1, 12/2 and 13, the air strip falls in their private land. Since there is a significant shifting in KML files of both Revenue and Forest Departments, no conclusion can be drawn unless a joint field survey is undertaken to ascertain the exact boundaries.
- xviii. The Representative of the owner of non-forest land informed that the air strip is used to fly small toy aeroplanes and belongs to Smt. Radhika Anurag Saraf. Further, it was informed that the air strip and related infrastructure such as hangar are located inside Survey No. 12/1, 12/2 and 13 owned by Smt Saraf. The sale deed was informed to have taken place in the year 2003. The latest

revenue map shown on site was surveyed and drawn in the year 2019. The earliest Google Earth historical imagery for the area is available for the year 2010 which means that the construction of the air strip happened between 2003 (sale deed year) and 2010.

- xix. As per recommendation in the spot inspection it has been mentioned that since the area-in-question is located at the confluence of private and Govt lands, a joint demarcation of Forest and Revenue Departments can be undertaken to ascertain exact boundaries between cited private survey numbers and Government survey numbers.
- xx. The AC observed that the present proposal is for under-ground coal mining project. However as per the Ministry's guideline issued on dated 21.08.2023 which says that "the cost of plantation of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation" has not been submitted by the State Govt. in the present proposal.

5. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and Nodal Officer, FCA, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer, FCA, Government of Maharashtra, the Committee recommended the proposal for diversion of 87.351 ha of forests for the Gondkhairi Underground Coal Mine project with General, Standard and following specific condition:

- i. The violation carried out by NHAI in the proposed diversion area in the form of road shall be dealt appropriately as per the existing Rules and Guidelines. The user agency M/s Adani Power Maharashtra Ltd. shall obtain NoC from NHAI before Stage-II approval.
- ii. The gap planting within the area proposed for diversion with a minimum of 100 plants per hectare shall be carried out at the cost of the user agency. A detailed plantation scheme in this regard shall be submitted.
- iii. A certificate indicating that the FEM model is a 3D subsidence method shall be submitted and the NPV shall be charged as per surface strain predicted by the 3D subsidence prediction model.
- iv. Since the area of air strip is located at the confluence of private and Govt. lands, a joint demarcation of Forest and Revenue Departments shall be undertaken to ascertain exact boundaries between cited private survey numbers and Government survey numbers. In case the air strip is within forest land, the action for the removal of encroachment shall be taken by the state govt. or the said area shall be excluded from the area proposed for diversion or appropriate action deemed fit as per rules shall be taken by the State Government.

Agenda No. 4

File No. 8-14/2020-FC

Subject: Proposal for diversion of 354.258 ha of forest land/revenue forest land (314.743 ha of forest land + 39.515 ha of revenue forest land = 354.258 ha forest land) for Jhiria West Opencast Coal Mining in favour of M/s. South Eastern Coal Fields Limited,

Anuppur District State of Madhya Pradesh (Online No. FP/MP/MIN/39881/2019) - regarding.

1. The agenda item was considered by the AC in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Nodal Office (FCA), Government of Madhya Pradesh and DIGF (Central), RO, Bhopal on behalf of Dy. DGF (Central), RO, Bhopal attended the meeting.
4. While deliberating on the proposal, AC observed that:
 - i. The Government of Madhya Pradesh vide their letter No. FP/MP/MIN/39881/2019/2571 dated 17.08.2020 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of Section-2 of the Forest (Conservation) Act, 1980 for diversion of 354.258 ha of forest land/revenue forest land (314.743 ha of forest land + 39.515 ha of revenue forest land = 354.258 ha forest land) for Jhiria West Opencast Coal Mining in favour of M/s. South Eastern Coal Fields Limited, Anuppur District State of Madhya Pradesh.
 - ii. The proposal was considered by the Advisory Committee in its meeting held on 17.07.2023 wherein the Committee deferred the proposal for diversion of 354.258 ha of forest land for Jhiria West Opencast Coal Mining and sought the following details:
 - a. The State shall provide the details of other projects of the user agency which are proposed to be used for over burden dumps, Belt, CHP & Sliding etc. The details of forest land diversion in these projects along with the status of compliance of the stipulated conditions under FCA shall also be provided.
 - b. The State shall revisit the Compensatory Afforestation areas keeping in view the observations raised by the Regional Office in Site Inspection Report and take corrective measures accordingly.
 - iii. Accordingly, the said recommendations of the Advisory Committee was communicated to the State Govt. vide Ministry's letter dated 09.08.2023.
 - iv. In this reference the State Government vide their letter dated 02.11.2023 has submitted the information.
 - v. In view of the details of other projects of the user agency which are proposed to be used for over burden dumps, Belt, CHP & Sliding etc. The State Govt. has informed that the existing CHP, Sliding and transportation road of adjacent coal mining project namely as Rajnagar RO underground mine will be utilized for the instant proposal. However, regarding the details of forest land diversion in Rajnagar RO underground mine the State Govt. has informed that the complete compliance of conditions stipulated in Stage-I approval dated 10.01.2008 for renewal of lease for Rajnagar RO/Under Ground Coal mining project in Anup-nagar District of Madhya Pradesh in favour of CGM Hasdeo Region, SECL including 123.56 ha forest land (a part of 502.00 ha) for surface use for the same project is still awaited.

- vi. In view of the observations raised by the Regional Office in Site Inspection Report w.r.t CA areas, the State Govt. vide their letter dated 02.11.2023 has informed that the same has been reviewed and revised CA Schemes has been submitted.
 - vii. The AC observed that the State Govt. has submitted the instant proposal for diversion of 354.258 ha forest land for Jhiria West Opencast Coal Mining in a manner to utilize the existing facilities of Rajnagar RO underground mine whose Renewal/ Stage-II/Final Approval has not been issued till date by the Ministry due to non -compliance of conditions of Stage-I approval. Since the Stage-II approval has not been obtained for such a long period therefore the possibility of violation in the instant case cannot be ruled out.
 - viii. The AC observed that the State Govt. has informed that the revised CA Schemes has been submitted. However, the same has not been found enclosed along with the said letter. Further on examination of the CA schemes uploaded on PARAIVESH portal related to Compartment No. RF-536, PF-562, PF-566 and PF-430 it has been found that the CA schemes have not been revised in accordance with State Govt. letter dated 02.11.2023.
5. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Nodal Office (FCA), Government of Madhya Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, FCA, Government of Madhya Pradesh, the Committee deferred the proposal for diversion of 354.258 ha of forest land for Jhiria West Opencast Coal Mining and decided that:
- i. The State Government shall submit the justification for not submitting the complete compliance of the Stage-1 approval accorded under FCA,1980 in case of Rajnagar RO underground mine.
 - ii. The Regional Office Bhopal shall carry out inspection of the area included in the forest land diversion proposal of Rajnagar RO underground mine whose Stage-II Approval has not been obtained till date and submit a report regarding the violation of FCA,1980.
 - iii. The Regional Office shall examine the area proposed to be used for over burden dumps, Belt, CHP & Sliding etc. in the instant case and submit a report regarding violation of FCA,1980.
 - iv. The State shall revisit the Compensatory Afforestation areas keeping in view the observations raised by the Regional Office in Site Inspection Report and take corrective measures accordingly. The Regional Office shall ensure that the corrective measures as envisaged in the SIR have been taken by the State.

Agenda No. 5

File No. 8-48/2008-FC (Vol)

Subject: Proposal for diversion of 431.59 ha of forest land for Amrapali Open Cast Coal mining project in favour of M/s Central Coalfield Limited in Chatra South Forest Division in Chatra District of Jharkhand-regarding.

1. The agenda item was considered by the AC in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.

2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Dy. DGF (Central), RO, Ranchi and Nodal Office (FCA), Government of Jharkhand attended the meeting.
4. While deliberating on the proposal, AC observed that:
 - i. The State Government of Jharkhand vide their letter No. Van Bhumi-4/2022-1689/V.P. dated 16.06.2022 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
 - ii. The present proposal is for the extension of on-going mine. An area of 531.64 ha forest land was earlier diverted. The State Government has submitted status of compliance report of conditions stipulated in earlier approval of 531.64 ha forest land issued vide Ministry's letter dated 12.10.2010.
 - iii. DFO in Part-II mentioned that proposal does not form a part of any National Park, Wildlife Sanctuary, Biosphere Reserve and Tiger Reserve etc. No archaeological monuments/ heritage site/ defence establishment or any other important monument is located in the area. Important wildlife reported in the area includes Hyena, Rock Python, peacock, Kobra, Jungle Quail, Indian jackal, elephant etc.
 - iv. The proposal involves diversion of 431.59 ha forest land which involves 335.45 ha Protected Forest land and 96.14 ha Jungle Jhari Land. Vegetation density of 0.5 with 21,620 project affected trees has been reported in the area.
 - v. The proposal involves rehabilitation of 1500 nos. of families which includes 300 nos. of Scheduled Caste families, 200 nos. of Scheduled Tribes families and 1000 nos. of other category families.
 - vi. The Cost Benefit Ratio of the instant project is estimated as 1:29.97.
 - vii. Compensatory afforestation has been proposed over an area of 865 ha degraded forest land.
 - viii. Total area of the project is 763.5 ha, comprising of 431.59 ha of forest land and 331.91 ha of non-forest land. Purpose wise breakup of forest land involved in the proposal shows that an area of 85.09 ha is proposed for infrastructure activity and 12.2 ha forest land is proposed for embankment. The 85.09 ha forest area for infrastructure will be used for the construction of CHP, Washery and Workshop. The committee further observed that the said activities are an integral part of the mining operations and use of forest land in the instant case is unavoidable.
 - ix. The State Government informed that the user agency has informed that 4.5 ha of Forest land that was proposed as safety zone in respect of 531.64 ha for continuation of mine and in order to start the next phase of mining operation, this safety zone area of 4.5 ha is now proposed for diversion in the present application of 431.59 ha Further, user agency has informed that 7.5 ha safety zone is proposed for diversion in the forest proposal of 431.59 ha.
 - x. Keeping in view the likely impact of the project on the movement of wildlife in general and elephant in particular, the state has submitted that

PCCF(wildlife) and CWLW, Jharkhand has suggested that user agency should get prepared on a landscape level in 10 km circumference of the Project proposal area an 'Integrated Site Specific Wildlife Conservation Mangement and Impact Mitigation Plan'. It is also suggested that the comments of the PCCF(wildlife) and CWLW, may be applicable to the 531.64 ha. of forest land diverted to the user agency earlier in the same villages and forest vide GOI approval date 12.10.2010. The condition of wildlife conservation and management plan for 531.64 ha. of earlier diverted forest land should also be stipulated and implemented in the interest of wildlife.

- xi.** Presently, Coal evacuation Plan of Amrapali project is through Shivpur Siding for limited period till the proposed Amrapali Railway Siding will be constructed. Coal will be evacuated through Conveyor belt system by using CHP & SILO system. The land for Amrapali Railway Siding comprises of 120.61 Ha forest land and 39.49 Ha non- forest land. Application for forest land diversion was submitted on 12-10-2018 for Amrapali railway siding vide registration FP/JH/RAIL/36506/2018.
- xii.** The State Government informed that the proposed road of 13.70 ha. forest land for construction of Honhe-Saradhu road now has been withdrawn by the user agency vide letter to the office of DFO, Chatra South, and the withdrawal letter has been forwarded to CF Chatra vide letter no. 2277 Dated 22.09.2022. In the said withdrawal letter user agency mentioned that the proposal for diversion of 13.70 ha for construction of road is a part of instant proposal i.e. 431.59 ha. The State Government informed that only 1.05 ha out of 13.70 ha has been included in the instant proposal. Later, it has been clarified that instead of 1.05 Ha (as mentioned earlier), 2.60 out of 13.70 Ha of Honhe Saradhu road (now abandoned) is included in the instant proposal.
- xiii.** The State Government informed that a Kaccha road was existing in the mining. This road existed before commencement of mining operation in the project. The State Govt. has now confirmed that the user agency will not use Honhe Saradhu road but as per the KML file submitted of proposed component, the said road is coming under the Mining zone or area proposed for excavation.
- xiv.** The State Government has also reported that a forest offence report was registered against NBCC Officials on 15.12.2021 for blacktopping of the existing road by Forest Dept.
- xv.** In this regard the State Government informed that the forest proposal of 13.70 Ha Honhe Saradhu road applied vide no FP/JI/MIN/34577/2015 dated 21.07 2015 has been withdrawn on 21.01.2023. A forest offence report was registered against NBCC Officials 15 12.2021 on for blacktopping of the existing road by Forest Officials. The investigation is under process. This road existed even before commencement of the of mining operation in the project which can be seen through comparative KML of 2012 & 2022 This has been confirmed and certified by CO Tandwa vide letter no. 272 dated 25.02.2023 which states that the neighbouring villagers have been using this road and it is neither being used nor it will be used in future by the project proponent.
- xvi.** The State Government informed that the FRA certificate for 651.16 ha was issued by DC, Chatra in the year 2018 As deliberated by the user agency

during that period Amrapali and Magadh were under the same administrative Area of CCL and planning for road, siding etc was done for Amrapali-Magadh group of mines. With the progression of mines, change in surface layout, and separation of Amrapali and Magadh area, earlier planned road and siding are not under jurisdiction of Amrapali Project. Out of the four projects for which FRA 2006, certificate was issued, only instant proposal that is 431.59 Ha. is under consideration. Remaining three projects come under separate administrative control.

- xvii.** The Committee observed that the construction of the road without approval has taken place within the area of the coal block and the user agency has the responsibility to ensure and prevent any unlawful use of forest area.
 - xviii.** The Committee observed that there were encroachments in the area identified for CA and the Regional Office during inspection asked the forest department to provide areas free from all encumbrances. The revised areas have been proposed as per site inspection report, however the same along with all relevant documents and kml files are required to be submitted to the Ministry and uploaded on the PARIVESH portal.
 - xix.** The Committee observed that the PCCF(wildlife) and CWLW, Jharkhand has suggested that user agency should get prepared on a landscape level in 10 km circumference of the Project proposal area an 'Integrated Site Specific Wildlife Conservation Management and Impact Mitigation Plan'.
 - xx.** The Committee observed that Coal Evacuation Plan of Amrapali project is through Shivpur Siding for limited period till the proposed Amrapali Railway Siding will be constructed for which a separate proposal for diversion of 120.61 ha forest land has been submitted by the user agency.
- 5. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Ranchi and Nodal Officer, FCA, Government of Jharkhand. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Ranchi, the Committee recommended the proposal for diversion of 431.59 ha of forest land for Amrapali Open Cast Coal mining project with general, standard and the following specific conditions:
- i. Keeping in view the encroachments over the areas earlier proposed for CA, the State Govt. shall provide areas free from all encumbrances for the purpose of raising compensatory afforestation along with relevant documents, certificates and kml files and uploaded the same on the PARIVESH portal.
 - ii. The road has been constructed/widened/blacktopped within the area of coal block and involves violation of the provisions of FCA,1980. The State shall conduct a detailed enquiry and initiate action as per section 3A/3B.
 - iii. The violation for the construction of road has taken place within the area of the coal block, therefore the user agency shall deposit penal NPV at the rate of Five times of the Normal NPV for forest area broken up without prior approval of the central government.
 - iv. Keeping in view the likely impact of the project on the movement of wildlife in general and elephant in particular, the user agency shall prepare on a landscape level in 10 km circumference of the Project proposal area and the 531.64 ha already diverted area, an 'Integrated Site Specific Wildlife Conservation Management and Impact Mitigation Plan'.

Agenda No. 6**FP/PB/OTHERS/403617/2022**

Sub: Proposal for diversion of 0.0076 ha of forest land permission for construction of approach Access to C.J Hospital & Trauma Centre at Vill: Lalgarh Tehsil: Samana Dist:Patiala on Chandigarh-Hissar road Km 92-93 L/s under Forest division Patiala. (FP/PB/OTHERS/403617/2022).

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 29.11.2023. The corresponding details of the agenda may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by Member Secretary before the Advisory Committee (AC). Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed that:
 - i. The Govt. of Punjab vide their letter No FOREST-FCA0F-1/59/2023-FCAdated 10.10.2023 submitted proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 0.0076 ha of forest land permission for construction of approach Access to C.J Hospital & Trauma Centre at Vill: Lalgarh Tehsil: Samana Dist:Patiala on Chandigarh-Hissar road Km 92-93 L/s under Forest division Patiala and the PARIVESH 2.0 online no. of the proposal is FP/PB/OTHERS/403617/2022.
 - ii. The DFO, Patiala vide his Site Inspection Report dated 12.05.2023 has informed that the user agency has not violated the provisions of FCA, 1980 and no work has been started without proper sanction. **Further it was also informed that the user agency has violated the IFA, 1927.**
 - iii. The density of the instant proposal is 0 and Eco class 3.
 - iv. As per part II of the proposal it is reported that No Wild life are available in the proposed for diversion land.
 - v. The AC observed that the violation has been done by user agency. The Details of the same is given as under:
 - a. **Details of Violation:** Construction of approach road. Work has been stopped. Work was carried in 2022 in an area of 0.025 ha.
 - b. **Name of person(s) responsible for violation:** Shri Narinder Singh Son of Pargat Singh care of CJ Trauma Centre Samana.

- c. **Action taken against the person(s) responsible for violation:** FRO Samana issued a damage report against the user agency and the passage has been closed.
- vi. The Compensatory Afforestation has been proposed on degraded forest land having extent 0.1 ha. The CA site has been proposed in single patch falling under the Hoshiarpur District of Punjab State, along with cost of the CA is ₹61,030/-. The user agency has also given the undertaking to bear the cost of the CA and NPV.
- vii. Further the Advisory Committee observed and deliberated that the site Inspection was carried out by Regional Office, Chandigarh of MoEF&CC, on dated 02.11.2023. The following it was informed:
 - a. On site inspection, it was found that the Approach Access is closed using barbed wire and RCC poles.
 - b. As per the damage report, the passage to the CJ Trauma Centre, Samana was put to use without prior approval damage report has been 05.02.2022 for an area of 0.025 ha. The Damage Report is uploaded under SN 33 Additional information. The proposal was submitted formally in PARIVESH 2.0 on 18.10.2022. Since the date of making application for seeking prior approval under Forest (Conservation) Act, 1980 is later than when violation took place, i.e., 05.02.2022, hence in the instant case, it appears that there is a violation of IFA, 1927 as per para 1.21 of the Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines and Clarifications), 2019. A penalty has been imposed upon the User Agency and the matter is pending in Hon'ble Court as per the Damage Report.
 - c. The proposal may be recommended with penalty as deemed appropriate.
- 4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation of the instant project. After going through the facts of the proposal, the Committee recommended that the encroachment by the user agency may be regularised and the proposal is recommended for grant **Stage-I/In-principle** approval with following specific conditions:
 - i. 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 five (5) times the NPV plus 12 percent simple interest till the deposit is made.

Agenda No. 7

File No. 8-15/2022-FC

Subject: Proposal for seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 for non-forestry use of 211.8427 ha. of forest land for construction of 500 MW Dugar Hyrdo Electric Project in favour of NHPC Ltd. under Pangi Forest Division and Chamba District of Himachal Pradesh (Online Proposal No. FP/HP/HYD/123533/2021)- regarding.

1. The agenda item was considered by the AC in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Nodal Office (FCA), Government of Himachal Pradesh attended the meeting.
4. While deliberating on the proposal, AC observed that:
 - i. The Government of Himachal Pradesh vide their letter No. Ft. 48-5297/2021 (FCA) dated 02.07.2022 had submitted the above subject proposal for seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
 - ii. The proposal was considered by Advisory Committee (AC) in its meeting held on 21.08.2023 After going through the facts of the proposal the Committee deferred the proposal and sought the following information: -
 - a. A study of the project area, impact of the proposed project and feasibility shall be conducted by the renowned/reputed Institute in the field such as Wadia Institute of Himalayan Geology, Dehradun at the cost of the user agency.
 - b. There is only one Muck Dumping site which involves 8.5797-hectare forest land. State Govt. shall explore the possibility of muck dumping on non- forest land and away from the river. A detailed plan containing the details of muck generation and proposed utilization shall be submitted.
 - c. The copy of the approved CAT plan for instant proposal shall be submitted.
 - d. The approved mining plans in case of the proposed quarry sites shall be submitted.
 - e. The details of saplings/poles shall be correctly uploaded in the Part-II of the application on PARIVESH portal.
 - f. The State Govt. shall intimate the status of the River Basin Cumulative Impact Assessment and Carrying Capacity Study (CIA&CCS) in case of Chenab river on which this project is located.

- g. As per proposal submitted, the project is a run of the river project, whereas a huge area is proposed for submergence at the same time. The State shall clarify the position in this regard.
- h. The State Govt. shall submit a detailed report regarding the impact of the project on the water flow in the areas downstream. The impact of the project on farming and flow of water in the distributaries downstream shall also be studied and a report shall be submitted.
- iii. The said observations of the AC were communicated to the State Govt. vide Ministry's letter dated 05.09.2023.
- iv. The Government of Himachal Pradesh vide their letter No. No.Ft.48-5297/2021 dated 09.11.2023 has forwarded the reply submitted by user agency on the observations of Advisory Committee.
- v. The State Govt. has informed that the user agency has submitted that the Geological aspects of Dugar HEP have been reviewed in detail by Geological Survey of India (GSI) during DPR examination stage and GSI has accorded clearance to the project after holistically evaluating the geo environment and geological stability of the project area. DPR of the project has been cleared from CEA, Govt. of India after thorough inspection from the various functional groups and Techno-economic clearance also has been obtained from Govt. of India. The site specific seismic design parameters have been derived and MEQ studies have also been undertaken by IIT Roorkee. Foundation engineering and seismic aspects of the project have been studied and cleared by CWC and NCSDP. The user agency has submitted that new study by any other agency may not be prudent as the sufficient geological investigations and studies have been done already in this regard.
- vi. The State Govt. has informed that the as per requirement of the project, Muck dumping site has been identified in a single patch over an area 8.5797 ha. Forest land and found suitable for temporarily disposal of muck. The temporarily muck dumping site will be handed over back to the State Forest Department after completion of construction activities. Prior to start of dumping activity, muck disposal area will be protected with retaining structure to avoid any spillage of muck. After the completion of dumping activity, proper restoration plan with Biological and Engineering measures will be implemented for restoration of the dumping area. A suitable restoration plan has been proposed under the EMP for muck dumping site. The EIA/EMP Studies have been carried out by independent Environment consultant and Muck Management Plan has been proposed under EMP. The EIA/EMP study was appraised/examined by Expert Appraisal Committee (EAC) of MoEF&CC, New Delhi in meeting held on 29-08-2022, where in EAC has recommended for grant of Environment Clearance.
- vii. The State Govt. has further informed that most of the area in Pangri Sub-division is Forest Land and some of the Private land available in locating muck dumping site in Private land / Non-Forest land in nearby area has been examined explored in Pangri Forest Division and after carefully examine the possibility of muck dumping site, it was found that no Private land / Non-Forest land is available in nearby area which is suitable for disposal of muck. The area available in Private land / Non-Forest land is very far distance from project area and steep sloppy which is not possible to fulfill the requirement of dumping site.

- viii. The Nodal Officer-cum-APCCF (FCA) informed that the CAT plan of the project has been formulated by the Independent Authority/ Consultant M/s R.S. Envirolik Technologies Pvt. Ltd Gurgaon in line with approved Comprehensive Catchment Area Treatment Plan of Chenab River in Himachal Pradesh prepared by the Himachal Pradesh Forest Department (HPFD) and also in the light of guidelines issued by the Department of Forest, Himachal Pradesh vide Notification No. FFE-B-F-(2)-72/2004-Pt-II Shimla, dated 30-09-2009, amended vide Notification No. FFB-B-F-(5)-9/2017 dated 21-11-2019. Accordingly, user agency has formulated a CAT Plan of the project amounting to Rs. 59.81 Crore (1.5% of the project cost Rs. 3987.34 crore) which is under process for approval.
- ix. The State Govt. has further informed that the NoC for mining activities of the Project has been obtained from Mining Department vide letter dated 28.10.2020. The approval of Mining Plan of quarry sites and Barrow areas from Government of Himachal Pradesh is under progress and will be submitted as soon as approval has been obtained from the competent authority.
- x. The State Govt. has also informed that the details of saplings/poles have been uploaded in the Part-II of the Parivesh Portal.
- xi. The State Govt. has informed that the Cumulative Impact Assessment and Carrying Capacity Study (CIA&CCS) of Chenab River basin has been approved and accepted by MoEF&CC in 2018. Dugar HEP is one of the 20 large projects proposed in Chenab basin. Cumulative Environmental Impact Assessment (CEIA) Study for Chenab River basin in Himachal Pradesh Report has recommended Dugar HEP for development in the present form and have noted that “Reoli Dugli, Sach Khas and Dugar HEPs- These projects are located in well forested area of otherwise scanty forested landscape of Chenab basin and is rich in biological wealth with large sized trees, Projects can be developed in the present form without any modification/change of parameters. Specific issues should be addressed in the EIA report with mitigation and management plan. The Project has been recommended for development in the Cumulative Environmental Impact Assessment (CEIA) Study carried out in 2016 for Chenab River basin in Himachal Pradesh under the aegis of MoEF&CC.”
- xii. The State Govt. has informed that the Dugar HE Project is a run-of-river projects located on the Chenab River. The project involves the construction of a 128-meter-high concrete gravity dam across the Chenab River. The Full Reservoir Level (FRL) and Minimum Draw Down Level (MDDL) of the dam are 2114.00 meters and 2102.35 meters respectively. The reservoir has a storage capacity of 61.58 million cubic meters (MCM) of Full Reservoir Level (EL) 2114 meters, with a live storage capacity of 15.57 MCM. The project has been conceived to meet the peaking requirement around 3 hours of power generation on daily basis. Therefore, pondage requirement as per IWT has been kept according to the pondage requirement and operating pool. In accordance with the Indus Water Treaty (IWT), a pondage of 16.57 MCM has been kept for meeting and diurnal variation in the discharges. Clearance from IWT with respect to project features and pondage requirements has been obtained for FRL 2114 m and MDDL 2102.35 m. It is pertinent to mention here that the DPR of the Projects has been cleared from CEA, Govt. of India after thorough Inspection from the various functional groups and Techno-economic clearance also has been obtained from Govt. of India on 26.04.2022.

Land submergence has been kept minimum with optimizing the height of the dam fulfilling the IWT provisions and power generation. No additional submergence more than whichever required has been kept in the project. It is also mention that there is no displacement of Population due to submergence area of reservoir of Dam has been envisaged in the EIA report.

- xiii. The State Govt. has informed that the Cumulative Environmental Impact Assessment (CEIA) Study carried out in 2016 for Chenab River basin in Himachal Pradesh under the aegis of MoEF&CC GoI has recommended the quantum of environmental flow for Dugar HEP. Accordingly, the required provisions for environmental flow has been made in the Design & engineering aspects of Dugar HEP and described in the Detailed Project Report (DPR) has been concurred by Central Electricity Authority (CEA), GoI vide letter No. CEA-SY-25-44/3/2020-PAC Division/74-115, dated 26.04.2022. In the design of project, the e-flow provision has been kept by passing the discharge from auxiliary power house exiting the water downstream of the spillway in plunge pool area. The flow in the river shall be regulated as per the Indus Water Treaty (WT) provisions. Moreover, E-flow provision has been mentioned in the EIA and EMP studies Report of Dugar HEP. The Expert Appraisal Committee (EAC) in its 33rd meeting held on 29.08.2022 recommended for the grant of Environment Clearance to Dugar HEP subject to prior approval of Forest Clearance Stage-I. Regarding distributaries, it is intimated that river flows in gorge area in downstream area of Dugar HEP and there are several tributaries contributing enhanced flow of water in the downstream area. However, no distributaries are formed by river. As such, no impact on distributaries is anticipated Drainage Map of Chenab River in downstream area of Dugar HEP is attached (Annexure-IV: Pg.697/c). The farming land is available in downstream of Project which is situated at higher elevation from the river. The water of the river Chenab is not being used for farming because the farms are situated at higher elevation from the river. However, the local population uses the water from streams/nallaha coming from hill sides. Therefore, no impact of the project is on farming activities is anticipated.
- xiv. The Committee observed that the state was asked to explore the possibility of muck dumping on non-forest land and away from the river. However, in response the State has just reiterated its earlier reply that suitable non-forest land is not available for the dumping and job facility area. The state should have done a thorough exercise with due diligence to explore non-forest areas for these activities and the detail of alternatives examined for these activities along with the reasons for rejection should have been provided.
- xv. The state has forwarded the justification of the user agency that survey has been done by the Geological Survey of India and the study of the project area, impact of the proposed project and feasibility by the renowned/reputed Institute in the field such as Wadia Institute of Himalayan Geology, Dehradun has not been conducted as asked by the committee in its previous meeting. The committee further observed that the Wadia Institute of Himalayan Geology is a specialized institute as far as the Himalayan Region is concerned and keeping in view the recent natural disasters it is important that a study is carried out by them.
- xvi. The Committee observed that the approved CAT plan and the approved Mining Plan for quarry sites as sought has not been submitted

- 5. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Nodal Office (FCA), Government of Himachal Pradesh After going through the facts of the proposal and submissions made by the Nodal Office (FCA), Government of Himachal Pradesh, the Committee deferred the proposal for non-forestry use of 211.8427 ha. of forest land for construction of 500 MW Dugar Hyrdo Electric Project and sought the following details:
- i. A study of the project area, impact of the proposed project and feasibility shall be got conducted by the Wadia Institute of Himalayan Geology, Dehradun at the cost of the user agency.
 - ii. The State shall explore the possibility of muck dumping on non-forest land and away from the river. The possibility of using non-forest land for job facility area shall also be explored. The detail of alternatives examined along with the number of trees involved in each case and reasons for their acceptance/rejection shall also be submitted.
 - iii. The copy of the approved CAT plan for instant proposal shall be submitted.
 - iv. The approved mining plans in case of the proposed quarry sites shall be submitted.

Agenda No. 8

8-30/2021-FC

Sub: Proposal for seeking prior approval under section 2 of the Forest (Conservation) Act, 1980 for use of 150 ha of forest land for Mining of minor Minerals from Kosi-Dabka part 2 river from reserved forest in favour of Uttarakhand Van Vikas Nigam, Khanan Prabhag, Ramnagar under Tarai West, Ramnagar Forest Division and District Udham Singh Nagar, Uttarakhand (Online Proposal No. FP/UK/MIN/60921/2020) Reg.

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 29.11.2023. The corresponding details of the agenda may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Govt. of Uttarakhand was present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by Member Secretary before the Advisory Committee (AC). Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed that:
 - i. The Government of Uttarakhand has submitted the fresh proposal on the above-mentioned subject through PARIVESH portal bearing online Number FP/UK/MIN/60921/2020 dated 26th November, 2021 for seeking prior approval under section 2 of the Forest (Conservation) Act, 1980 for use of 150 ha of forest land for Mining of minor Minerals from Kosi-Dabka part 2 river from reserved forest in favour of Uttarakhand Van Vikas Nigam, Khanan

Prabhag, Ramnagar under Tarai West, Ramnagar Forest Division and District Udham Singh Nagar, Uttarakhand.

- ii. Total period for which the forest land is proposed to be diverted is 10 years.
- iii. As per the Rules and Guidelines issued by the Ministry time to time, CA has been proposed over double the degraded forest land to the extent area being proposed for diversion.
- iv. FRA certificate has been provided along with the copy of the SLC and DLC. However, FRA certificate is not given in the prescribed format.
- v. The Addl. Secretary Govt. of Uttarkhand has allotted the mines the Director Bhootatv and Khanikarm ikai and Vide letter No. 1207/Khanan-van vikas nigam/aashya part/Bhoo khanan Ni.E./2019-20 dated 31.12.2019 has issued LoI in favour of the Van Vikas Nigam Limited.
- vi. DFO Tarai West Ramnagar has recommended the proposal subject to the following conditions:
 - a. The patch of Kosi River proposed for collection of minor mineral does not have any forest chowki which can be used to station forest personnel for keeping a check on illegal activities. Therefore, provision of 8 chowki, with 4 on each side of river, is required. These chowki shall also serve as check post to regulate and maintain records of the quantity of river bed materials extracted during a season.
 - b. Provision of at least 12 persons with 3 staff for each check post is made so that the forest personnel engaged in routine forest protection can be kept free for performing their forest and wildlife protection duties. Out of 3 staff 1 shall be the regular staff and 2 shall be contractual staff the expense of which shall be paid by the user agency.
 - c. The division is short of vehicle to do patrolling in the river bed and nearby forest to control unlawful collection of minor mineral, protect forest and wildlife and prevent encroachment. Therefore, at least 4 vehicles new vehicles capable of plying on riverbed is provided.
 - d. 2 Km long wire crate check dams at sensitive locations are created to prevent river bank erosion and prevent the forest land from washing away due to flood.
 - e. On the lines of provision of Forest Clearance of Kosi, Dabka, Gola, Sharda and Nandhaur rivers 50% of the net profit earned from the extraction of minor mineral shall be deposited in Special Purpose Vehicles to be exclusively used for protection of forest and wildlife in the vicinity of forest land diverted for collection of minor minerals.
 - f. A portion of fund contributed to district mineral fund from collection of minor mineral from above river patch is exclusively used for developmental work in the villages in the vicinity of river on the recommendation of Divisional Forest Officer so as to garner people support towards forest and wildlife protection.
 - g. To maintain river geometry, provision of river training work to be conducted by forest department post collection season is made

- vii. Other authorities in the State has recommended the proposal.
- viii. As per the boundaries of the Corbett Tiger Reserve available with the DSS cell (Procured from NICA/WII) the distance of proposed site is 8.50 km from the Corbett Tiger Reserve. However, the State has submitted that “मुख्य वन संरक्षक अनुश्रवण मूल्यांकन आई०टी०, आधुनिकीकरण उत्तराखण्ड देहरादून के प्रमाण के अनुसार प्रस्तावित कोसी-दाबका भाग-2 खनन क्षेत्र की कॉर्बेट राष्ट्रीय उद्यान से दूरी 16.7 किमी०. कॉर्बेट टाईगर रिजर्व से 11.4 किमी० तथा पावलगढ़ कर्जवेशन रिजर्व से 18.2 किमी० की हवाई दूरी पर स्थित है।
- ix. Illegal mining has also been noted near to the area proposed for diversion and the State in this regard has submitted the data of illegal mining cases:

क्र०स०	राजि का नाम	अवैध खनन के मामले	
		2021-22	2022-23
1	रामनगर	144	11
2	बैलपंडाव	01	0
3	बन्नखेड़ा	60	16
	योग	205	27

- x. At the time of the submission of the proposal the approved mining plan was not there. However, the State has got the Approved mining plan on 23.06.2023.
- xi. अनुमोदित मीनिंग प्लान के अनुसार कुल प्रस्तावित क्षेत्र 150.0 80 में से 75.0 है० क्षेत्र खनन हेतु उपयोगी है। जिसमे से सतही मृदा (Top Soil) व Over Burden के भण्डारण हेतु waste dump का क्षेत्रफल 5.96 है० है। वाहन के आवागमन हेतु Approach Road अथवा आधारभूत संरचना (Infrastructure) के लिये 2.16 है० वन भूमि का उपयोग किये जाने का प्रावधान है ।
- xii. The committee observed that cost benefit analysis has been calculated as 3.50:1. However, the State has revised the calculation of the CB ratio and it has been calculated as 4.73:1. In view of the reported CB ratio the Committee noted that the project is not beneficial.
- xiii. Moreover, the Committee has observed the site inspection report carried out by the Regional Office Dehradun noted that:
- CA area identified by the State in this proposal is not suitable for plantation.
 - UKFDC has not been achieved the expected targets from its previous leases in the area so prior giving permissions for new sites for mining the requisite detail as per the provisions in the handbook Para 7.8 which says that "whenever a proposal for fresh mining is submitted, a brief profile of the lessee should be submitted giving details of their existing mining leases in the State with their capacity of production, the present level of average annual production, location of these pits and the status of reclamation of forest land that are exhausted minerals. Along with this, the State Govt. should also submit details of all other

- mining leases for that particular mineral with their capacity and average annual production and projected future requirements. They should fully justify the necessity of opening new mining leases for that particular mineral.
- c. Regarding rare/endangered/unique species of flora and fauna found in the area of the site inspection report is concerned, information/data of this vast stretch of Lotic (Fresh Flowing water) Community need to be inspected/surveyed by some wetland/lotic community expert"
 - xiv. The Committee has also noted that the Ministry has extended the validity of the proposal for collection of minor minerals from Gaula, Kosi, Dabka and Sharda River subject to the compliance of the certain conditions within 3 months of time. However, the State has not submitted any information/compliance in this regard.
4. **Decision of the Advisory Committee:** After thorough deliberation and discussion with Nodal Officer (FCA), GoUK, the Advisory Committee noted that the CB ratio in this proposal is 3.50:1 which shows that the proposal is not beneficial. Moreover, Committee has also noted that the Ministry had extended the validity of the proposal for collection of minor minerals from Gaula, Kosi, Dabka and Sharda River subject to the compliance of the certain conditions within 3 months of time. However, the State has not submitted any information/compliance in this regard. In view of the non-submission of the compliance report of the previous approval granted to the UKFDC and non-beneficial nature of the proposal (wrt CB ratio) the Committee recommended that the instant proposal may not be acceded to in the present proposition.

Agenda No -09

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

Sub: Proposal for non-forestry use of 417.073 ha & Re-diversion (Change of Land use) of 171.774 ha forest land in respect of Integrated Lakhanpur-Belpahar-Lilari Opencast Project of Lakhanpur area in district Jharsuguda in Odisha, Mahanadi Coalfields Limited (Online proposal No. FP/OR/MIN/39355/2019).

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Govt. of Odisha and DDGF (central), MoEF&CC's RO at Bhubaneswar was present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. Advisory Committee after through deliberation and discussion observed that:
 - i. Compensatory afforestation has been proposed over equivalent non-forest land and additional degraded forest land has also been proposed for CA to

accommodate the surplus trees. Area identified for raising afforestation are suitable from the management view point.

- ii. Three leases viz. Lakhanpur, Belapahar and Lilaru have been proposed to be integrated into a single lease.
- iii. Total project area is 4742.877 ha, including 996.388 ha of forest land. Out of the total project area, an area of 4399.426 ha is proposed for integrated project after eliminating 343.631 ha of area falling outside the lease. The total area of individual leases is 4133.33 ha.
- iv. Out of total forest land, approval under the Forest (Conservation) Act, 1980 has been obtained for an area of 541.622 ha of forest land.
- v. Mining Plan, for Integrated Lakhanpur-Belpahar-Lilari Opencast Project of 40 MTPA has been approved by MCL in the year 2018 and the project components proposed in the extant proposal are in conformity with the components proposed in the approved Mining Plan
- vi. Reclamation detail of the area are satisfactory and the same is being taken up as per the approved Mining Plan. So far, an area of 366.15 has been reclaimed by the user agency.
- vii. Committee further observed a comprehensive detailed report on the status of compliance of conditions stipulated in the approvals granted also needs to be in place to take further decision on the proposal.
- viii. The proposal was earlier considered in the meeting of FAC held on 13.06.2022, wherein the FAC desired that a joint team comprising of officers from the IRO, Ranchi, O/o Nodal Officer (FCA), Odisha and MoEF&CC, New Delhi may visit the area and submit an unambiguous report on detail of forest area involved in the project/lease area vis-à-vis area approved in the Mining Plan, approval granted under the FC Act, 1980 and updated status of compliance of conditions stipulated therein, suitability of CA (NFL) area in terms of its manageability by the State Forest Department, reclamation measures, etc.
- ix. The team visited the area during 14.07.2022 to 15.07.2022 to ascertain the various facts as per the observations of the FAC made in its meeting held on 13.06.2022 and submit the detailed report. Report of the joint team concluded the following:
- x. The proposal was thereafter considered in the meetings of FAC held on 17.10.2022, 23.01.2023 and 23.02.2023 wherein the FAC observed that a comprehensive detailed report on the status of compliance of conditions stipulated in the approvals granted also needs to be in place to take further decision on the proposal. Accordingly, FAC decided that the RO of the Ministry at Bhubaneswar will submit a detailed report on the status of the compliance of various conditions stipulated in the approvals granted for an area of 541.622 ha of forest land and after receipt of the said compliance report, the proposal will be again submitted before the Committee for further consideration.

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- xi. RO, Bhubaneswar vide letter dated 23.12.2022, submitted a report on the status of compliance of conditions stipulated in the approvals granted by the Ministry in the past. The RO submitted the monitoring report in respect of 7 approvals granted by the Ministry in the past for diversion of forest land, change in land use and re-diversion.
- xii. As per condition stipulated in the approval granted for 12.70 ha of forest land, disciplinary action and legal proceedings against the erring officials for committing violation of Forest (Conservation) Act, 1980 has been stipulated. From the monitoring report, it appears that action have been initiated by the State authorities in 2004 but updated status has not been provided.
- xiii. Similarly, with regards to site specific Wildlife Management Plan (WLMP), it is mentioned that Plan has been prepared and corresponding financial budget has been deposited by the user agency in to the account of CAMPA during 2011-2012. However, status of implementation of the provisions approved in the WLMP and expenditure incurred thereon has not been commented upon by the IRO.
- xiv. As per the submitted KML files, the DSS analysis was seen by the AC and it was observed that the analysis of the KML file of the already diverted forest area i.e., 541.622 ha is essential for better understanding of the proposal.
- viii. The Ministry has given 541.622 ha forest land in past in following proposals:

Sl. No	Name of the project	MoEF File No.	Area diverted (in Ha.)	Date of Stage-I approval	Date of Stage-II approval
1	Belpahar OCP	8-104/91-FC	103.520	26.11.1991	02.06.2000
2	Lakhanpur OCP	8-280/89-FC	233.430	One time approval	08.10.1990
3	Lilari OCP	8-281/89-FC	162.200	One time approval	31.07.1990
4	Belpahar OCP	8-104/1991-FC (Vol-I)	19.700	17.02.2012	15.09.2014
5	OPGC	8-93/ 2012-FC	10.453	10.09.2013	19.01.2015
		5-ORA 155/2012 -BHU	12.319	22.05.2017	10.01.2020
TOTAL			541.662		

- ix. Monitoring have been reported on the following seven proposals:

S. No.	Subject	Area approved (in ha)
1	Diversion of 12.70 ha of forest land assigned for safety zone in earlier approval for mining of coal in respect of Lilari opencast project in favor of Mahanadi Coalfield Limited in district Jharsuguda Odisha	12.70
2	Diversion of 19.70 ha of revenue forest land (16.90 ha for mining of coal + 2.80 ha to be maintained as safety zone) for coal mining by M/s Mahanadi Coalfields Ltd. At Belpahar expansion OCP, Lakhanpur area in	19.70

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	Jharsuguda district of Odisha	
3	Change of land use plan of 25.238 hectares of forest land from earlier diverted forest land under safety zone (now within area retained for future expansion) and infrastructure area for coal mining by M/s. Mahanadi coal fields limited in their 10 MTY expansion project of Lakhanpura OCP in Jharsuguda district, Odisha	25.238
4	Re-diversion (change of land use plan) of 84.399 ha forest land from the area earmarked as safety zone and infrastructure development for coal mining by M/s Mahanadi Coalfields Limited in 10 MTPA expansion project of Lakhanpur opencast coal mining project in Jharsuguda district, Odisha	84.399
5	Diversion of 103.52 ha of forest land for Belpahar opencast project in IB valley area of sambalpur district in favour of Mahanadi Coalfields Limited	103.52
6	Diversion of 162.20 ha of forest land for Lilari opencast project of South Eastern Coalfields in Sambalpur district	162.20
7	Diversion of 233.43 ha of forest land for Lakhanpur open cast coal mining project in Sambalpur district	233.43
	Total	641.187

- x. Keeping above in view, the committee observed that Ministry has given re-diversion and change in land use permission earlier as well and the State has not provided all such details.
- xi. It has also been observed that in 6 proposals 541.662 has been approved for diversion earlier and the mining plan was different for all. Now the UA has submitted an approved integrated mining plan which was approved in 2018. The all 6 proposals have now been integrated for which change of land use of 171.77 ha area has been proposed. The proposal for its integration is under process at GoI level. Because of mining operations are going in the earlier diverted area in which land use change is being sought, therefore, there is a possibility that the mines will have been operating as per the latest land use which have not been approved under FCA till date. The committee also does not know about those areas which have been approved for change in land use and re-diversion earlier.
- xii. The Committee in its last meeting asked the state to provide project wise KML files of the earlier diverted area. However, the State has submitted the comprehensive KML file only.
- xiii. The Committee in its last meeting also asked the State to intimate the status of implementation of the WLMP and expenditure incurred thereon. The State has informed that the Site-Specific Wildlife Mitigation plan earlier the state submitted that SSWMP has been prepared and corresponding financial budget has been deposited by the user agency into the account of CAMPA during

2011-2012. However, status of implementation of the WLMP and expenditure incurred thereon had not been given. The State government was asked to provide the detail in this regard. It was submitted by the state government that the PCCF(WL) and CWLW approved the SSWMP on 30/6/2023 only. While the User agency has carried out some of the project area interventions, it is seen that interventions like engagement of fire watchers, solar fencing and wild animal watchers were not done even after the passage of so many years. Impact area activities in both the cases have not been done and not even incorporated in the CAMPA APO even after the money was deposited by the UA in 2014. The state has not offered any explanation for this delay.

- xiv. The Committee in its last meeting asked the State that the monitoring report of the RO Bhubaneswar in respect of the approval of 12.70 ha noticed that action has been initiated by the State authorities in 2004 but updated status has not been provided. The State has informed that that OR case No. 113 of 96/97, OR Case No. 120 of 97/98, OR case No.125 of 97/98, OR case No.17 of 1999/2000, OR case No.18 of 1999/2000 of Belpahar Range have been booked against the MCL authorities at that time. Further, the DFO of erstwhile Sambalpur Forest Division has also issued show cause notice against MCL authorities i.e. Sri A.K. Sharma, Ex. C.M.D, MCL, Sri B.N. Mishra, Ex-GM and Sri A.K. Bandopadhyaya, Ex-Project Manager, Lilari OCP. The DFO had also seized two nos. of dumpers under Section-37 and 56 of Orissa Forest Act which were forcibly taken away by the offenders. In this regard, a GR case has also been registered in Belpahar Police Station vide Belpahar P.S. Case No.33-1999/2000. It was observed that the Prosecution report in the above cases has not been filed.
- xv. The above facts were deliberated in the AC Meetings held on 13.06.2022, 17.10.2022, 27.01.2023, 23.02.2023 and 21.08.2023. In the last AC meeting the Committee decided to defer the proposal with the following observations:
 - a. The proposal wise KML file of the 541.622 ha forest area which has been already diverted shall be submitted by the State government in different colours.
 - b. The RO Bhubaneswar has submitted the monitoring report for the proposals which were approved for change in land use of 25.238 ha and re-diversion of 84.399 ha. The details of these earlier re-diversion proposals and change in land use with KML file in different colours shall be submitted.
 - c. The UA has submitted an approved integrated mining plan which was approved in 2018. The area involved in 6 different diversion proposals has now been integrated for which change of land use of 171.77 ha is proposed. Because mining operations are going in the earlier diverted area in which land use change is being sought, therefore, there is a possibility that the mines will have been operating as per the latest land use plan which has not been approved under FCA, 1980 till date. The report on this issue shall be submitted by the State.

- d. State Government shall submit the status of reclamation of the mined out area and explore the possibility of using them for ACA. A detailed report shall be submitted.
 - e. The State shall submit a detailed report on implementation of SSWLMP along with the justification for delay in implementation.
 - f. The justification for not filing the prosecution report in the violation cases shall also be submitted.
- xvi. The Committee has observed the reply of the State Govt. on the above observation and noted that:
- a. KML files of the all previous approval have been provided which shown the areas in different colours.
 - b. Monitoring report for the proposals which were approved for change in land use of 25.238 ha and re-diversion of 84.399 ha have been provided by the RO.
 - c. The mining plan for Integrated Lakhanpur-Belpahar-Lilari OCP (40MTY) has been approved by MCL Board on 23.10.2018 and accordingly the mining activities in 171.774 ha has been proposed. The details of land area of 171.774 ha which are proposed for Change in Land Use are verified with the existing records of the proposals under which they have been previously diverted. As reported by the DFO, Jharsuguda Forest Division, the areas are jointly verified on field by the Range Officer, Belpahar, Brajrajnagar and Tahasildar, Lakhanpur Tahasil to check if the land use has shifted to the change proposed in the Integrated plan. No land is seen to have under gone land use change from the verification. However, the respective projects viz. Lakhanpur OCP, Belpahar OCM and Lilari OCP are operating as per their respective approved mining plan. The area of 171.774 ha for which change of land use has been proposed has not been disturbed and therefore the land use pattern has been maintained as per the approved mining plan of respective projects i.e. Lakhanpur OCP, Belpahar OCM and Lilari OCP.
 - d. Reclamation status of the mined out areas, the state has given the

Mines	Backfilled area		External OB Dump		Block & Avenue		Total	
	Area	Plants	Area	Plants	Area	Plants	Area	Plants
Belpahar OCP	108.80	266750	55.33	138250	252.50	413664	416.63	818664
Lakhanpur OCP	129.70	268350	17.50	43750	41.92	200244	189.12	512344
Lilari OCP	26.00	58015	25.40	72251	70.10	178939	121.50	309205
Total	264.50	593115	98.23	254251	364.52	792847	727.25	1640213

Further, as per the approved Mining Plan & Mine Closure Plan of Integrated Lakhanpur Belpahar- Lilari OCP, the present area of Lakhanpur OCP and Belpahar OCP have been proposed to be re-

handled and for dumping respectively. Therefore, the existing reclaimed areas will be utilized for mining and its allied activities in the proposed Integrated Lakhanpur-Belpahar-Lilari OCP (40MTY). Hence, at present it is not feasible to offer the reclaimed areas of the projects for ACA.

- e. Regarding implementation of the Site-Specific Wildlife Management Plan it has been informed by the State that it has been approved by the PCCF (WL) & CWLW, Odisha and Lakhanpur OCP and Belpahar OCP of MCL have deposited ₹2,05,00,000/- on 18.05.2011 and ₹3,35,17,000/- on 20.01.2014 respectively in the CAMPA fund. The user agency (MCL) has incurred an expenditure of ₹1,48,57,425/- (against the approved amount of ₹36,00,000/-) in respect of Lakhanpur OCP. In case of Belpahar OCP, the user agency (MCL) has incurred an expenditure of ₹19,47,12,15/- (against the approved amount of ₹1,54,00,000/-) for carrying out approved project area interventions. Further, the DFO, Jharsuguda Forest division has reported that as regards to Impact Area Activities of the approved SSWLCP in both the cases, the same have not been implemented till date. However, the approved interventions will be included in CAMPA APO-2024-25 for implementation in both the projects.
- f. Regarding not filling the precaution report in the violation cases it has been noticed that OR case No.113 of 96/97, OR case No.120 of 97/98, OR case No.125 of 97/98, OR case No.17 of 1999/2000, OR case No.18 of 1999/2000 of Belpahar Range have been booked against the MCL authorities at that time. Further, the DFO, Jharsuguda Forest division has reported that as per available records of his office, no prosecution report has been filed in the court and the reason for the same is unknown as per the available records. The Jharsuguda Forest Division has been created after reorganization of Forest Department with effect from 1st October, 2003 and the Division was then named as Sambalpur (North) Division. Subsequently, the Division has been renamed as Jharsuguda Division with Headquarters at Jharsuguda in 2013. However, the prosecution report will be filed in the court as soon as possible after obtaining relevant records from the Divisional Forest Officer, Sambalpur Forest Division. In respect of OR case No.17 of 1999/2000 and OR case No.18 of 1999/2000, the cost of Penal Compensatory Afforestation has been deposited by the user agency and subsequently, 138 ha i.e. four times the area under violation has been raised over degraded forest land in Grindola RF by erstwhile DFO, Sambalpur Division.

4. **Decision of the Advisory Committee:** After thorough deliberation and discussion with Nodal Officer (FCA), GoO and DDGF (Central), RO Bhubaneswar the Advisory Committee recommended the proposal for granting the '*in-principle*' approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of Mahanadi Coalfields Ltd. for non-forestry use of 417.073 ha & Re-diversion (Change of Land use) of 171.774 ha forest land in

respect of Integrated Lakhanpur-Belpahar-Lilari Opencast Project of Lakhanpur area in district Jharsuguda in Odisha subject to the General, standard and following specific conditions:

- i. Status of the court cases booked against the MCL shall be provided.
- ii. The penalty for reported 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 five (5) times the NPV plus 12 percent simple interest till the deposit is made. The required admissible amount shall be paid by the UA.

Agenda No -10

File No. 8-31/2022-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Bhusan Power & Steel Limited for non-forestry use of 112.621 ha of Forest land (including 1.808 ha earmarked for Safety Zone) in village Baldihi under Koira Tahasil and Koira Range of Bonai Forest Division of Sundargarh District within the block area of 139.223 ha in respect of Netrabandha Pahar iron Ore Block in Odisha State (Online proposal no. FP/OR/MIN/26965/2017).

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha from Govt. of Odisha and DDGF (Central), MoEF&CC's RO at Bhubaneswar was present in the meeting.
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. The Ministry vide letter dated 24.04.2023 has granted approval under Section 2 (iii) of the Forest (Conservation) Act, 1980 for grant of lease in favour of M/s Bhusan Power & Steel Limited for non-forestry use of 112.621 ha of Forest land (including 1.808 ha earmarked for Safety Zone) in village Baldihi under Koira Tahasil and Koira Range of Bonai Forest Division of Sundargarh District within the block area of 139.223 ha in respect of Netrabandha Pahar iron Ore Block in Odisha State.
 - ii. Government of Odisha vide their letter dated 09.11.2022 submitted the proposal under section-2 (ii) of the Forest (Conservation) Act, 1980 also.
 - iii. The mining lease of Netrabandh Pahar Block iron Ore Mines has been e-auctioned in favour of Bhusan Power & Steel Ltd on 19.05.2017 and the letter of intent (LoI) has issued to Bhusan Power & Steel Ltd by Govt. of Odisha, Department of Steel and Mines on 24.06.2017 for 50 years.
 - iv. The Govt. of Odisha, Department of Steel & Mines further modified the letter of intent vide letter No.6285/SM dated 27.07.2017 by revising area of allotment as 139.223 ha instead of 139 ha.
 - v. The block is comprised of 139.223 ha of land and within the Baldihi village in Koira Tahasil of Sundargarh District. The total area (as per DGPS) over

- 139.223 ha consists of 48.346 ha PRF, 19.532 ha of Revenue Forest, 44.743 ha of DLC Forest and 26.602 ha of Non-forest land.
- vi. An area of 1.808 ha is the Safety Zone area which is within the applied area for Forest Diversion.
 - vii. The non-forest Revenue land over 110.813 ha has been identified in village Jhurmur & Jaidega of Biramitrapur Tahasil in Sundargarh district for the purpose of Compensatory afforestation against the diversion of 110.813 ha (112.621 ha-1.808 ha Safety Zone) of forest land.
 - viii. The Mining plan including Progressive Mine Closure Plan has been approved by the Regional Controller of Mines, Office of the Regional Controller of Mines, BBSR (IBM) over an area of 139.223 ha in respect of Netrabandha Pahar iron Ore Block.
 - ix. The project does not involve displacement of any human habitation in Bonai Forest Division.
 - x. A Comprehensive Wildlife Management Plan covering the entire forest area for Wildlife Management of Bonai & Keonjhar Forest Division has already been prepared. The user agency has furnished undertaking to bear the cost of Comprehensive Wildlife Management Plan.
 - xi. Since the applied area for diversion is characterized by the movement of elephants, a Site-Specific Wildlife Conservation Plan is suggested to be prepared and implemented after getting the same approved by the PCCF (WL) & CWLW, Odisha. The user agency has furnished an undertaking to bear the cost of the SSWLCP Plan.
 - xii. Despite the said iron Ore Block has been allotted to M/s BPSL in June, 2017, minimal progress has been made in terms of obtaining statutory approvals and clearances such as the EC/FC/Land Acquisition, the clearance for the forest diversion proposal, the issuance of the terms of reference, etc. primarily because of the following reasons:
 - a. Corporate Insolvency Resolution Process (CIRP) was initiated in respect of BPSL vide the Order passed by the Hon'ble National Company Law Tribunal, New Delhi (NCLT) dated 26.07.2017.
 - b. The CIRP resulted in approval of the resolution plan dated 03.10.2018 as amended by addendum letter dated 10.10.2018 of JSW Steel Limited, which was the Resolution Applicant on 16.10.2018. Pursuant thereto, the resolution plan was filed before the NCLT for its approval and was accorded the same under Section 31 of the code vide order passed by it on 05.09.2019.
 - c. Through the NCLT Order was challenged before the Hon'ble NCLT, the Hon'ble NCLT vide its judgement dated 17.02.2020 disposed of the said challenges and approved the Resolution plan after making certain modification in the NCLT Order.
 - d. The NCLT Order approving the resolution plan was further challenged before the Hon'ble Supreme Court. Since the Hon'ble Supreme Court did not grant a stay on the implementation of the resolution plan, the M/s JSW Steel Ltd. has started the implementation of the Resolution Plan w.e.f. 26.03.2021.
 - xiii. The PCCF & (HoFF), Odisha has reported that during verification of the land schedule allotted for the said mining lease area, it is found that the total area (as per the DGPS) over 139.223 ha consists of 48.346 ha PRF, 19.532 ha of Revenue Forest, 44.743 ha DLC forest and 26.602 ha of non-forest land.

- xiv. The CWLW has submitted their specific comments in respect of this proposal through CF (Ecotourism) letter dated 01.02.2023. The views/recommendations of the PCCF(WL) & CWLW noted by the Committee;
 - a. Area around the mining lease is characterized by presence of variety of wildlife including movement of elephants. To address the impact of project activities on such wildlife and its habitat; and, to mitigate the said impact, there is a requirement for implementation of the Site-Specific/Wildlife Conservation Plan (SSWLCP) by, prescribing specific interventions for protection of forests, prevention of forest fire, habitat management, mitigation of human-elephant conflict, public awareness, community participation, Eco-development activities, immunization of domestic livestock etc. in the Zone of Impact. In fact, such plan with the objective to minimize the adverse impact of the project on elephant and other wildlife, has-been prepared by the DFO Bonai Forest Division in compliance to Standard ToR No.18.of Letter No. of IA- J-11015/51/2021-IA-II(M), dt 04.08.2021 of MoEF&CC IA Division for mitigative measures for Schedule-1 fauna including the flagship species Asiatic Elephant. The said SSWLCP has also been approved by the PCCF(WL)&CWLW, Odisha with financial outlay of ₹549.33 lakh only prescribing-specific interventions over a period of five years for-protection and management of wildlife in Bonai and Keonjhar Divisions to be carried-out by the State Forest Department. Besides, the Project Proponent has also-been mandated Under-the said plan to carry out fire prevention measures, immunization of domestic livestock and; public awareness programme etc. in the project- area. With mitigative measures as proposed and, reflected at Chapter-V of the said-Plan, the project when undertaken will certainly address the impact of the project-on the wildlife including elephants.
- xv. It is pertinent to mention that when the proposal under section 2 (iii) was considered by the Advisory Committee in its meeting held on 01.08.2022, the AC deferred the said proposal and decided 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.
- xvi. The Subcommittee as constituted above submitted their report in respect of the proposal submitted under Section 2 (iii) and the Important observations made by the sub-Committee has been noted in the meeting of the Advisory Committee:
 - 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-I). 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.
- xvii. AC has also 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 study. 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.

- xviii. The AC in the meeting held on 09.12.2022 in respect of the proposal under Section 2 (iii) was decided that a copy of Committee Report may be provided to the State Government and Regional Office of the MoEF&CC at Bhubaneswar to carry out 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:

- a. 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.
- b. 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.

- xix. In reply to the observations of the AC the State Govt. has informed that:

- a. A meeting was held on 13.02.2023 under the Chairmanship of PCCF (HoFF), Odisha for holistic & joint analysis of the observation and recommendation made in the report of the team of MoEF&CC and WII officials in context to entire landscape along with detailed deliberation of the recommendation of the sub-committee with due weightage to the measures envisaged in the report. The Regional Officer, IRO Bhubaneshwar was also present in the meeting.
- b. With reference to the efficacy of individual site specific plans to address issues related to entire elephant landscape, it was observed that the Site Specific Wildlife Conservation Plan (SSWLCP) prepared for individual mining as per approved guidelines of State Govt. prescribes specific interventions for protection of Forest and Wildlife, prevention of forest fire, Habitat Management, Mitigation of Human-Elephant Conflict, Public Awareness, Community Participation, Eco-Development activities, Immunization of domestic live-stock and surveillance of health of wildlife in the Zone of Impact around 10 kms radial distance of the project site. Besides the project proponent has also been mandated under the said plan to carry out fire prevention measures, public awareness and mitigation of "Human Elephant interface in the Project area. The mitigative measures as per SSWLCP address the impact of the project on wildlife including elephants in and around the project area. It is pertinent to state that the recommendations as per final report of the

- study conducted by CSIR-NERRI on Carrying Capacity vis-a-vis pollution in these areas and the Suggested Ore Transportation Mode (SOTM) will be implemented. This is likely to facilitate unhindered movement of elephants.
- c. The comprehensive Action Plan (CAP) for conservation of elephants and mitigation of Human-Elephant Conflict in Odisha prepared in consultation with Experts, Field Level Functionaries and NGOs as per the direction of the Hon'ble High Court, Orissa in Writ Petition (Civil) PIL No. 14706/2022 has already been approved by the High Power Committee (HPC) under the Chairmanship of Chief Secretary, Odisha. Action Points under 10 Pillars strategy have been envisaged in the CAP with Short Term, Medium Term and Long Term mitigative measures. The Action Plan will act as a perspective plan for elephant management in the state in the years to come.
 - d. To address the issue of interstate movement of elephants in the larger landscape comprising of Odisha, Jharkhand, Chhattisgarh and South Western part of West Bengal; MoEF & CC (Project Elephant Division) may assign reputed organization/ institution to prepare Comprehensive Elephant Management Plan for the said Region.
 - e. There are some factual errors with respect to non-working mines and no. of proposals in pipeline and Stage-I. The Director of Mines, Odisha after examining the proposal submitted by the field officials has submitted a report. As such, the land pertaining to any of the non-functional mining leases does not have any scope of being surrendered because of reasons mentioned therein by Director of Mines, Govt. of Odisha.
- xx. The Sub-committee in its report has also mentioned that considering the present situation of mining in the area and rise in human elephant conflict the committee is of the opinion that the possibility of mitigating the impact is not foreseen.
 - xxi. The report of the Director Mines as referred to by the State government does not address the issue of impact of 26-functional, 50 non-functional and 72 mines in various stages of approval on the larger landscape.
4. Along with the above facts the proposal earlier was placed before the AC meeting held on 24.03.2023, 17.07.2023 and 14.11.2023.
 5. In the AC meeting held on 24.03.2023 following decision was taken:
 - i. The Sub-committee in its report has mentioned that any additional mining lease in the area shall impact the movement of elephants not only in the Sundergarh district but also in adjoin states of Jharkhand and Chhattisgarh. Further, considering the present situation of mining in the area and rise in human elephant conflict the committee is of the opinion that the possibility of mitigating the impact is not foreseen. Mitigation measures have been suggested to reduce the impact of ongoing mining activities. Further, it has been mentioned that if these mitigation measures are implemented, in future, the government may consider for additional mining lease after due evaluation. The State Govt. shall give justification for the instant proposal in view of above.
 - ii. State Government shall submit a pointwise reply/comments/justification on the mitigation measures suggested and issues raised in the report of the sub-committee as above.

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- iii. The State Govt. shall compile the detail of all the functional/non-functional and other mines under various stages of approval and their possible impact on the larger landscape.
 - iv. The State Government has submitted that to address the issue of interstate movement of elephants in the larger landscape comprising of Odisha, Jharkhand, Chhattisgarh and South Western part of West Bengal; MoEF&CC (Project Elephant Division) may assign reputed organization/ institution to prepare Comprehensive Elephant Management Plan for the said Region. Keeping this in view the Ministry shall seek the comments of the Project Elephant Division on the instant proposal.
6. The comments provided by the PE Division of this Ministry and reply from the State on the above observations was considered in the AC meeting held on 17.07.2023 wherein it was decided that:
- i. Since many proposals of iron ore mining in this land scape are in the process at the Central Government level or being proposed for diversion. Therefore, there is a need to analyse the issue at the landscape level in order to conserve the forests and biodiversity. In this regard, detailed consultations with the State Govt authorities and other stakeholders including mining lessees shall be carried out by the DDGF (C) Bhubaneswar by involving ministry officials and WII and report shall be submitted in 45 days.
 - ii. Further, considering the present situation of mining in the area and rise in human elephant conflict the compensation mechanism for the victims by the user agencies needs to be developed.
 - iii. The CSIR- NEERI has given its recommendation on carrying capacity vis-à-vis pollution in these area and the Suggested Ore Transportation Mode (SOTM) in 2014. After lapse of about 9 years, many changes in the landscape and fresh mining in the region, the State Govt. shall examine and report with justification, whether there is a need to re-validate the said study or a need to carry a fresh study in this regard.
7. As per the above decision of the AC the Ministry has nominated Smt. Soma Das, Regional Director, FSI, Kolkata (Representative of Ministry) to consult the proposal filling in the same landscape.
8. The consultation report of the carried out by the Regional Office, State Government, WII, Officials of Steel & Mines Department, Odisha, State Pollution Control Board and Representatives of different Mining Lessees and reply on the observation form the State Government were considered in the AC meeting held on 14.11.2023 wherein it has been decided that this proposal is in the same landscape wherein there are other proposals for which the reply of the State Government is not received consequent to observations by the Advisory Committee in the earlier meeting. It was further noted that the report of Regional Office has been received on 01.11.2023 in this regard. It was decided that all the proposal from this landscape (5 proposals in total) will be deliberated in-toto together as and when the reply in all proposals is received. Accordingly, the proposal has been deferred for further decision by the AC.
9. The AC considered the instant proposal with the above background and following facts of the consultation report has been observed:
- i. During the consultation the representative has informed that as per the report of Carrying Capacity Study for Environmentally Sustainable Iron and Manganese Ore Mining Activity in Keonjhar, Sundargarh & Mayurbhanj Districts of Odisha State by NEERI (Chapter 12)) it has been reported that: -

- ii. **Joda Sector (Keonjhar District) and Koira Sector (Sundargarh District):**
In view of limited iron ore mining activity in Mayurbhanj and Jajpur district, the major iron ore producing areas that need special attention are Joda-Barbil (Keonjhar district) and Koira Sector (Sundargarh district). At present, Joda-Barbil Sector has total 27 working mines (22 iron ore mines and 5 exclusive Mn ore mines) and Koira Sector has total 26 mines (18 iron ore mines and 8 exclusive Mn ore mines). Thus the total iron ore mines (including 7 Mn ore associated mines) in Joda-Koira Sector are 40 only. The total EC Capacity of these 40 mines is 155.519 MT, whereas actual production was 48.087 MT (30.9%) during 2014-15 and 77.97 MT (50.1%) during 2015-16. Total production from Joda and Koira region during 2016-17 was 98.38 MT (63.3%), whereas total permitted dispatch was 115.541 MT (74.3%).
- iii. **Joda-Barbil, Keonjhar District:** At present total EC Capacity of 22 iron ore mines in Joda-Barbil Sector is 106.631 MT, whereas actual production during 2014-15 was 34.420 MT (32.3%) and 55.318 MT (51.9%) during 2015-16. Total production from Joda region during 2016-17 was 70.291 MT (65.9%), whereas total permitted dispatch was 79.575 MT (74.6%).
- iv. **Koira Sector, Sundargarh District** At present total EC Capacity of 18 iron ore mines in Koira Sector is 49.209 MT, whereas actual production during 2014-15 was 13.667 MT (27.8%) and 22.589 MT (45.9%) during 2015-16. Total production from Koira region during 2016-17 was 28.089 MT (57.0%), whereas total permitted dispatch was 35.966 MT (73.1 %).
- v. **Discussion on Impact on Wildlife:** In the meeting, the Representative of Chief Wildlife Warden Shri Kedar Swain, CF (Wildlife) said that to mitigate the impact of mining on wildlife, Site Specific Wildlife Plans as well as Regional Plans are prepared. In a query to Dr. Gopi, Scientist 'F', WII, the CF (Wildlife) said that every year Annual Regional Plans are prepared and approved by Chief Wildlife Warden. Dr. Gopi (WII) suggested that the Regional Wildlife Plan should be a long term plan for at least 10 years and the Site Specific Plans may be short term with special emphasis on the requirement of specific site. During the discussion, the DFO, Keonjhar informed that the proposed landscape where all these mining sites are coming is about 2 to 10 KM far from the Karo-Karampada Elephant Corridor. However, for the last few years, the Karo-Karampada Elephant Corridor is not used by the Elephants and whatever man-animal conflict is going on in and around is only due to the lone tuskiers. Regarding the man-animal conflict, Dr. Gopi, the expert from WII suggested for Radio collar tagging for the Tuskiers so that their movement can be traced.
- vi. **Discussion on Carrying Capacity:** The Joint Director (Mines) present in the meeting informed that there are 17 non-working mines in that landscape. Except 2 mines which are non-operational, all other mines are non-working due to pending statutory clearances and all will be operational after getting statutory clearances. The representative from OSPCB informed that all the mines working in that area are producing minerals below their Environmental Clearance production capacity and there is possibility of expansion of the production capacity of the mines. But, the mines should strictly comply to the stipulated conditions of Environmental Clearance. The representative from NHAI present in the meeting informed that roads joining from mines site to

NH-520 have been constructed. At present there is no problem of this transportation of ore as the newly constructed road is either blacktopped or concretized. The representative of Tata Steel BSL Limited informed that 2.8 MTPA of iron ore will be dispatched from the Kalmang (West) Iron Ore Mine through road. Out of the total ore, 70% of minerals will be transported through rail and rest 30% will be directly go to Kalinga Nagar Plant by road. The distance of NH-520 is about 8 KM from the mine site. As there is another mine lease viz. Gandhalpada Iron Ore Mines (10 MTPA) of the Lessee near the instant mining lease, minerals of both the mine leases will be transported through the slurry pipeline which will take 2 years' time for completion. The representative of Bhushan Power & Steel Limited (JSW Steel) informed that the ore will be transported to their Integrated Steel Plant at Nuagaon through road which is about 12 Km from the mine site. Rest will be transported through road to other place as per the demand. The representative of M/s Triveni Earth Movers Pvt. Limited informed the mining lease boundary is adjoining with 9 mtrs of PWD road from Bolani to Kiriburu. The material will be transported through the same road to Balani & Barbil siding and also touch to NH 520. In this regard, detail traffic study has already been completed. As per requirement there will be maximum movement of 12-15 trucks per hour will be running on this road, so dust & noise pollution will not be there, however adequate measures will be taken to mitigate the effects of pollution by adopting measures.

From the above discussion it may be concluded in this way.

1.	JSW Steel	2.68 MTPA	The majority will be for captive use at Nuagaon plant. Rest will be transported through road.
2.	Tata Steel Ltd.	2.95 MTPA	After 2 years through slurry pipe line.
3.	Raga Tradecon	1 MTPA	Through road transportation.
4.	Triveni Earthmovers	1.65 MTPA	Through road transportation.

From the above table it can be concluded that out of the above 4 cases only 2.65 MTPA + surplus of JSW will be transported through road. The officers present during discussion opined that as recently the road to NH-520 has been constructed, so transportation of the above may not be a problem at present.

- vii. **Conclusion:** From the consultation, it has observed that the Karo-Karampada Elephant Corridor which is 2 to 10 KM away from the proposed sites is presently not used by the elephants. The present extraction of ore is below in capacity than approved in the Environment Clearance. The CSIR-NEERI Report has suggested for special emphasis for Joda-Barbil and Koida Sector which is very rich in iron ore.

The Special Expert Appraisal Committee (EAC-Non Coal mining sector) in its meeting held on 12.09.2023 on “whether a cap on mining is necessitated in the case of State of Odisha and, if so, the modalities to be followed for determining such a cap” has recommended that there is no need to cap the iron

ore mining in Odisha. To reduce the impact of mining on environment and wildlife, the following remedial measures are suggested.

- a. The Site Specific Wildlife Plans need to be reviewed every year whether implementation is going in the right way or not. If required, the activities may be changed as per the site requirement.
- b. At present in Odisha Regional Wildlife Conservation Plan are prepared every year, there is no long term Plan. So the Regional Wildlife Conservation Plan should be prepared at least for 10 years covering the forest Division of Sundargarh, Jharsuguda and Keonjhar Districts. It is also suggested that a Bio-diversity Conservation Plan for this entire landscape may be prepared.
- c. Transportation of ore should be as far as possible through conveyor belt, slurry pipeline, Railways, etc. Transportation of ore through road should be minimized in a time bound manner.
- d. Transportation of ore should be strictly as per the recommendation in the report submitted by CSIR-NEERI as below.

In view of high dust pollution and noise generation due to road transport, it is proposed to regulate/guide the movement of iron and manganese ore material based on the EC capacity of the mines. Accordingly, ore transport mode has been suggested in the CSIR NEERI Report is as given below.

Code	EC Capacity	Suggested Ore Transport Mode
SOTM 1	> 5 MTPA	100% by private railway siding or conveyor belt up to public railway siding or pipeline for captive mines and 70% for non-captive mines
SOTM 2	Between 3 and < 5 MTPA	Minimum 70% by public railway siding, through conveyor belt and maximum 30% by road direct to destination or other public railway siding or above option
SOTM 3	Between 1 and < 3 MTPA	Minimum 70% by public railway siding and maximum 30% by road - direct to destination or by other public railway siding or above options
SOTM 4	< 1 MTPA	100 % by 10/17 Ton Trucks or above options

- e. Soil and moisture conservation measures should be undertaken in and around 10 KM radius of the mining lease areas at project cost.
- f. The conditions stipulated in EC should be strictly implemented and monitored.

10. The Committee has also observed that CA has been proposed on 110.813 ha non-forest Got. land (excluding 1.808 ha earmarked for Safety zone) therefore, equivalent NFL to the extent of the area is being proposed for diversion i.e. 112.621 ha is required as per the latest guideline issued by the Ministry in this regard.
11. The Committee observed that all the five proposals considered in the consultation report fall in the same landscape and have been submitted by the State at different times, but the Ministry has made best efforts to look at all the same with a bird's eye

view, and accordingly, all are being collated and considered together for a holistic decision.

12. In view of the above situation the Committee suggested that a common evacuation plan like common conveyer belt, constitution of an oversight committee with one representative each from WII, IIFM, NEERI and ICFRE, expert member on geology and other two experts under the Chairmanship of DDGF (RO) Bhubaneswar to monitor the compliance in all five proposals in the landscape and submit their yearly report to the Ministry may be constituted.
13. **Decision of the Advisory Committee:** After thorough deliberation and discussion with Nodal Officer (FCA), GoO and DDGF (Central), RO Bhubaneswar the Advisory Committee recommended the proposal for granting the 'in-principle' approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Bhusan Power & Steel Limited for non-forestry use of 112.621 ha of Forest land (including 1.808 ha earmarked for Safety Zone) in village Baldihi under Koira Tahasil and Koira Range of Bonai Forest Division of Sundargarh District within the block area of 139.223 ha in respect of Netrabandha Pahar iron Ore Block in Odisha State subject to the General, Standard and following specific conditions:
 - i. *The CA area has been provided over 110.813 ha NFL; therefore, the State Govt. shall ensure that the equivalent non-forest land to the extent of the forest land being diverted will be provided.*
 - ii. *Transportation of ore shall be as per the recommendation in the report submitted by CSIR-NEERI.*
 - iii. *A holistic transportation plan shall be prepared by the State Govt. aiming to have minimum impact in the landscape. The same shall be implemented. Transportation of ore should be as far as possible through common conveyor belt, slurry pipeline, railways, etc. Transportation of ore through road should be minimized in a time bound manner.*
 - iv. *An Oversight Committee shall be constituted under the Chairmanship of the DDGF (Central) RO Bhubaneswar for 10 years who will monitor and review the compliance of the conditions stipulated in the approval for these five mines [namely- 1. Netrabandha Pahar iron Ore Block (area 112.621 ha, 2. Netrabandha Pahar (West) area 66.242 ha), 3. Laserda Pacheri Manganese & Iron Ore Block (area 94.351 ha), 4. Kalmang West (Northern Part) Block for Iron Ore Mines Iron Ore Block (Area 42.608 ha) and 5. Guali Opencast Iron Ore Mines (area 194.683 ha)] twice a year and submit their yearly report to this Ministry in the month of December. This Oversight Committee shall consist following members and logistics of this Committee shall be borne by State Government at the cost of UAs:*
 - a. *DDGF (Central) – Regional Office Bhubaneswar- Chairman.*
 - b. *One Representative from IIFM Bhopal.*
 - c. *One Representative from WII Dehradun.*
 - d. *One Representative from ICFRE.*
 - e. *One Representative from NEERI.*
 - f. *One expert in Geology.*
 - g. *Two other experts nominated by MoEF&CC.*

The recommendation made by the said committee shall be considered by the Ministry and if agreed the same shall be binding on the UAs.

- v. *Integrated Regional Wildlife Conservation Plan shall be prepared for 10 years covering the forest Division of Sundargarh, Jharsuguda and Keonjhar Districts at the cost of UA. The works shall be executed as per APO and the regional plan shall have site/species specific wildlife sub plans/prescriptions.*
- vi. *A Bio-diversity Conservation Plan for this entire landscape shall also be prepared by the State Govt at the cost of UA.*
- vii. *Soil and moisture conservation measures shall be undertaken in and around 10 KM radius of the mining lease areas at project cost.*
- viii. *The conditions stipulated in EC should be strictly implemented and monitored.*

Agenda No. 11

File No. 8-96/1996-FC (Part-I)

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Odisha Mining Corporation Ltd. 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 under Forest Division and District Keonjhar, Odisha (Online Proposal No. (FP/OR/MIN/140713/2021))

1. The agenda item was considered by the AC in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Govt. of Odisha and DDGF (Central) were present in the the meeting.
2. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the AC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The AC 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 ion Koraput District. Detailed CA scheme of 10 years' duration with financial provisions of ₹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. 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
- vi. An amount of ₹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.
- vii. 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.
- viii. 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.
- ix. 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.
- x. 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.
- xi. Approval dated 14.01.2005 granted in favour of M/s R.P Sao over an area of 42.417 ha.
- xii. Approval dated 6.09.2011 granted in favour of M/s R.P Sao over an area of 95.0 ha.
- xiii. 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.
- xiv. 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 Govt. has informed that process for transfer of the same is under process in the State Forest Department.
- xv. 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.
- xvi. 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 carry out 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.

- xvii. The above facts were placed before the AC meeting held on 09.12.2022 and the proposal deferred the proposal for seeking certain information for the State. The reply on the observation of the State has been examined by the Committee and it was observed that:

- a. The forest kissam area of 332.100 ha (as per HAL and SABIK record) has been jointly verified by Mining, Revenue and Forest Officials and authenticated by the Survey Officer of Director of Mines, Department of Mining and Geology, Odisha, Bhubaneswar sending therewith one set of authenticated DGPS surveyed map and land schedule over 358.258 ha. (as per DGPS) in respect of Guali Iron Ore mines in village Guali, Laharpada, Panduliposi, Rugudihi, Tapadihi & Sidhamatha R.F. Further, M/s OMC Ltd. vide letter dated 22.05.2023 had requested the Regional Controller of Mines, IBM, Bhubaneswar to issue an amendment order with respect to change in the forest area. In reply, the Regional Controller of Mines, IBM, Bhubaneswar vide his letter No. MCDR-MIFLOFE/11/2022-BBS-IBMRO-BBS dt 02.06.2023 has informed M/s OMC Ltd. as given hereunder: -

"In view of the above, the total forest area in the approved mining plan may be read as 332.100 ha and the land schedule in chapter 2.0 (b) lease area details page-9) is modified as follows: -

Government Land	10.226 ha
Forest Land	331.100 ha
Private Land	15.932 ha
Total	358.258 ha

All other parts of approved Mining Plan remain same. -

- b. After re-casted the cost of the forest proposed for diversion as 5272.417 lakh and the project proponent has also revised the benefit of the project that amounts to 2814341.09 lakh. Accordingly, the cost—benefit ration comes to 1:533.68
- c. The Site Specific Wildlife Conservation Plan that is in place was approved more than 10 years back. The PCCF (WL) & CWLW, Odisha has revisited the said plan and approved the revised plan vide his letter dated 10.08.2023 with a total financial outlay of ₹381.894 lakhs which includes ₹177.750 lakhs towards activities in project impact area of Keonjhar Division and ₹204.144 lakh in the project impact area of Bonai Division for a plan period of five years which shall be revisited at least one year before expiry of its implementation. The copy of the letter of approval have been provided.
- d. As reported by the DFO, Keonjhar Division, revised amount of SSWLCP could not be deposited by the User Agency due to technical issues in e-parivesh web portal and because proposal is still awaiting Stage-I approval. The user agency has submitted an undertaking duly countersigned by the DFO, Keonjhar Division.
- e. The non-forest Govt. land allotted over 209.54 ha in village Mayurdihi (207.3670 ha) and Tentulikhunti (2.56 ha) against earlier diversion

- (42.417 ha + 95.00 ha) in two phases have been mutated in favour of State Forest Department and notified as Mayurdihi Protected Forest.
- f. Regarding transfer of earlier approval from R.P. Sao to OMC Ltd. the State has informed that as per the provisions under the condition No. 3(v) (a) to (g) of the guideline issued vide letter F.No.11-599/2014-FC dated 01.04.2015 and point No.7.1 (iv) (a to h), Handbook of Forest Conservation Act, 1980 & Forest (Conservation) Rule, 2003 (Guidelines & clarification) issued on dated 29.03.2019 all the formalities required for transfer of FC including deposit of ₹1,00,000/- towards processing fees have been fulfilled by OMC and the State Forest Department vide letter dated 22.08.2023 have transferred the FC in the name of OMC Ltd.
 - g. Regarding the following issues as indicated below were examined in detail by Integrated Regional Office, Bhubaneswar and PCCF (FD & NO, FC Act), Odisha:
 - (a) Rationalization of project components especially with regards to OB dumps.
 - (b) Progress made in the implementation of provisions of the Site Specific Wildlife
 - (c) Management Plan prepared in 2009 and its updates proposed in the extant proposal.
 - (d) justification for assignment of lease without prior approval under the Forest (Conservation) Act, 1980.
 - h. The report prepared jointly by Integrated Regional office, Bhubaneswar and PCCF (FD&NO, FCA), Odisha on the above stated issues has been examined by the Committee and found that the area for over dump is justified. The reasons for poor implementation of the SSWCP and RWMP.
 - i. Regarding the recommendation made by the Committee under item no. 3 discussed in the FAC meeting held on 09.12.2022, after examination of the report of the team of officers of the MoEF&CC and Wildlife Institute of India on the elephant's habitat, there movement and mitigation measures, shall apply *mutatis mutandis* to the extant case.
 - j. The State Government informed that the Site Specific Wildlife Conservation Plan prepared and approved on 17.01.2009 has been re-visited recently by the PCCF (WL)&CWLW, Odisha and he has approved the revised plan vide his letter dated 10.08.2023 with a total financial outlay of ₹381.894 lakhs which includes ₹177.750 lakhs towards activities in project impact area of Keonjhar Division and ₹204.144 lakh in the project impact area of Bonai Division for a plan period of five years. Different activities like interventions for protection of forest and wildlife, prevention of forest fire, Habitat management, Mitigation measure for Human-Elephant conflict, Public awareness, Community participation, Eco-Development activities, immunization of domestic live-stock and surveillance of health of wildlife in the impact area around 10 Rkm radial distance of the project site have been incorporated. It is pertinent to state that the recommendations as per final study conducted by CSIR-NERRI on carry capacity vis-à-vis pollution in these areas and the suggested Ore Transportation Mode (SOTM) will be implemented. This is likely to

facilitate unhindered movement of elephants. As per the decision of the FAC held on 09.12.2022, a meeting was held on 13.02.2023 on hybrid mode under the chairmanship of PCCF & HoFF, Odisha with regards to mitigative measures to address the issue relating to wild life in general and elephants in particular, while considering the forest clearance for Netrabandha Pahar Iron Ore block of M/s Bhusan Power & Steel Ltd, Guali Iron Ore Mines of OMC Ltd and Kalamanga West Northern part) Block Iron Ore Mines of M/s Tata BSL Ltd.

- k. The item no. 3 of the minutes envisages about the Comprehensive Action plan prepared by the Odisha for conservation of the elephants and mitigation of Human-elephant conflict. The Comprehensive Action plan has been prepared in consultation with field experts, Field level functionaries and NGOs as per the direction of the Hon'ble High Court of Odisha in writ Petition (Civil) PIL No. 14706/2022 has already been approved by the high Power Committee (HPC) under the Chairmanship of Chief Secretary, Odisha. Action points under 10 pillars strategy have been envisaged in the CAP with Short term, medium term and Long term mitigative measures. The Action Plan will act as a perspective plan for elephant management in the state in the years to come. In item no.3 of the minutes, it is suggested that to address the issue of interstate movement of elephants in the larger landscape comprising of Odisha, Jharkhand, Chhattisgarh and South Western part of West Bengal; MoEF & CC (Project Elephant division) may assign reputed organization/Institution to prepare Comprehensive Elephant Management Plan for the said Region.
- l. The Director of Mines & Geology, Odisha, Bhubaneswar after detailed field enquiry by the DFO, Bonai Forest Division under Sundargarh District in Odisha has furnished a report regarding the status of functional, Non-functional and surrender of leased out Mines in the entire landscape in question. The copy of the report of the Director of Mines & Geology, Odisha have been provided.
- xviii. It has also been noted by the Committee that the reply from the State Govt. was received later when the other proposals of this land scape were placed before the AC and the AC has decided that since many proposals of Iron Ore Mining in Netrabandha Pahar landscape are in the process at the Central Government level or being proposed for diversion. Therefore, there is a need to analyze the issue at the landscape level in order to conserve the forests and biodiversity. In this regard, detailed consultations with the State Govt. authorities and other stakeholders including mining lessees shall be carried out by the DDGF(C) Bhubaneswar by involving Ministry officials and WII and report to be submitted to the Committee.
- xix. As per the above decision of the AC the Ministry has nominated Smt. Soma Das, Regional Director, FSI, Kolkata (Representative of Ministry) to consult the proposal filling in the same landscape.
- xx. The consultation report of the carried out by the Regional Office, State Government, WII, Officials of Steel & Mines Department, Odisha, State Pollution Control Board and Representatives of different Mining Lessees and reply on the observation form the State Government were considered in the AC meeting held on 14.11.2023 wherein it has been decided that this proposal is in the same landscape wherein there are other proposals for which the reply

of the State Government is not received consequent to observations by the Advisory Committee in the earlier meeting. It was further noted that the report of Regional Office has been received on 01.11.2023 in this regard. It was decided that all the proposal from this landscape (5 proposals in total) will be deliberated in-toto together as and when the reply in all proposals is received. Accordingly, the proposal has been deferred for further decision by the AC.

- xxi. The AC considered the instant proposal with the above background and the facts of the consultation report as mentioned in detail at Para 9 in agenda no.10 above.
 - xxii. The Committee has also observed that CA has been proposed on equivalent non-forest land i.e. 194.683 ha including 1.5 times of DFL in lieu of the area proposed for safety zone.
4. The Committee has also considered the component which is non-site specific and proposed in the forest land mainly Over Dump area for which a detailed report has been provided by the regional office along with scientific reasons.
 5. The Committee observed that all the five proposals considered in the consultation report fall in the same landscape and have been submitted by the State at different times, but the Ministry has made best efforts to look at all the same with a bird's eye view, and accordingly, all are being collated and considered together for a holistic decision.
 6. In view of the above situation the Committee suggested that a common evacuation plan like common conveyer belt, constitution of an oversight committee with one representative each from WII, IIFM, NEERI and ICFRE, expert member on geology and other two experts under the Chairmanship of DDGF (RO) Bhubaneswar to monitor the compliance in all five proposals in the landscape and submit their yearly report to the Ministry may be constituted.
 7. **Decision of the Advisory Committee:** After thorough deliberation and discussion with Nodal Officer (FCA), GoO and DDGF (Central), RO Bhubaneswar the Advisory Committee recommended the proposal for granting the 'in-principle' approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Odisha Mining Corporation Ltd. 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 under Forest Division and District Keonjhar, Odisha subject to the General, Standard and following specific conditions:
 - i. *Transportation of ore shall be as per the recommendation in the report submitted by CSIR-NEERI.*
 - ii. *A holistic transportation plan shall be prepared by the State Govt. aiming to have minimum impact in the landscape. The same shall be implemented. Transportation of ore should be as far as possible through common conveyor belt, slurry pipeline, railways, etc. Transportation of ore through road should be minimized in a time bound manner.*
 - iii. *An Oversight Committee shall be constituted under the Chairmanship of the DDGF (Central) RO Bhubaneswar for 10 years who will monitor and review the compliance of the conditions stipulated in the approval for these five mines [namely- 1. Netrabandha Pahar iron Ore Block (area 112.621 ha, 2. Netrabandha Pahar (West) area 66.242 ha), 3. Laserda Pacheri Manganese & Iron Ore Block (area 94.351 ha), 4. Kalmang West (Northern Part) Block for Iron Ore Mines Iron Ore Block (Area 42.608 ha) and 5. Guali Opencast Iron Ore Mines (area 194.683 ha)] twice a year and submit their yearly*

report to this Ministry in the month of December. This Oversight Committee shall consist following members and logistics of this Committee shall be borne by State Government at the cost of UAs:

- a. DDGF (Central) – Regional Office Bhubaneswar- Chairman.*
- b. One Representative from IIFM Bhopal.*
- c. One Representative from WII Dehradun.*
- d. One Representative from ICFRE.*
- e. One Representative from NEERI.*
- f. One expert in Geology.*
- g. Two other experts nominated by MoEF&CC.*

The recommendation made by the said committee shall be considered by the Ministry and if agreed the same shall be binding on the UAs.

- iv. Integrated Regional Wildlife Conservation Plan shall be prepared for 10 years covering the forest Division of Sundargarh, Jharsuguda and Keonjhar Districts at the cost of UA. The works shall be executed as per APO and the regional plan shall have site/species specific wildlife sub plans/prescriptions.*
- v. A Bio-diversity Conservation Plan for this entire landscape shall also be prepared by the State Govt at the cost of UA.*
- vi. Soil and moisture conservation measures shall be undertaken in and around 10 KM radius of the mining lease areas at project cost.*
- vii. The conditions stipulated in EC should be strictly implemented and monitored.*

Agenda No. 12

File No. 8-02/2023-FC

Sub: Proposal for seeking prior approval of the Central Government under Section-2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Thriveni Earthmovers Private Limited for non-forestry use of 94.351 ha of forest land including 4.261ha of safety zone (3.858 ha along the ML boundary and 0.403 ha along the PWD road) within the granted LoI for MI over 131.800 ha for Laserda Pacheri Manganese & Iron Ore Block in Keonjhar district of Odisha – reg. (Online Proposal no. FP/OR/MIN/149499/2021).

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha and DDGF (Central), MoEF&CC's RO at Bhubaneswar was present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Proposal was considered in the last AC meeting held on 21.08.2023 wherein the Nodal Officer (FCA) could not attend the meeting and the proposal was deferred and it was decided that Nodal Officer (FCA) government of Odisha shall give a

presentation before the AC on the complete proposal including the issues of elephant conservations, HEC and the details of requirement of forest land for developing water, transport and electricity facilities in the instant proposal.

4. Advisory Committee after through deliberation and discussion observed that:

- i. The Proposal was considered in the last AC meeting held on 21.08.2023 wherein the Nodal Officer (FCA) could not attend the meeting and the proposal was deferred and it was decided that Nodal Officer (FCA) government of Odisha shall give a presentation before the AC on the complete proposal including the issues of elephant conservations, HEC and the details of requirement of forest land for developing water, transport and electricity facilities in the instant proposal.
- ii. Government of Odisha vide letter No. FE-DIV-FLD-0002-2023-381/FE&CC dated 07.01.2023 submitted a proposal to obtain prior approval under section-2 of the Forest (Conservation) Act, 1980 for non-forestry use of 94.351 ha of forest land including 4.261 ha of Safety Zone (3.858 ha along the ML boundary and 0.403 ha along the PWD road) within the granted LoI for ML over 131.800 ha in Laserda Pacheri Manganese & Iron Ore Block of M/s Thriveni Earth Movers private Limited in Keonjhar district of Odisha.
- iii. Government of Odisha, Steel & Mines Department issued the Letter of Intent (LoI) vide letter No.IV(MISC)SM-06/2017/848/SM, Bhubaneswar dated 27.01.2017 under Rule 18(1) of Mineral Auction Rules 2015 for grant of Composite License (CL) in favour of M/s Thriveni Earthmovers Pvt. Ltd (TEMPL).
- iv. The total area over 131.800 ha consists of 53.467 ha of Revenue Forest, 40.884 ha of Non-Forest land recorded as forest as on 25.10.1980 and 37.449 ha of Non-Forest land.
- v. The area proposed for diversion does not form a part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor.
- vi. No archaeological heritage/ defence establishment or any other important monuments located in the proposed area for diversion.
- vii. There is no rare/ endangered/ unique species of flora and fauna in the forest area proposed for diversion.
- viii. As per Site Inspection report of DFO, Keonjhar Forest Division, the proposed site for the project does not come under eco-sensitive zone of any protected area.
- ix. As reported by the User Agency the project will generate permanent employment to 335 persons and temporary employment to 35 persons. The estimated cost of the project is 9600 lakhs.
- x. Earlier the user agency had applied FDP u/s 2 (iii) & 2 (ii) of FC Act, 1980 as per guideline dt. 01.04.2015 of MoEF&CC, Govt. of India. Now, the user agency has rectified the application and applied the entire forest land over 94.351 ha only under Section 2 (ii) of FC Act, 1980 within the granted ML area over 131.800 ha.

- xi. The User Agency has furnished an undertaking duly countersigned by the DFO, Keonjhar Forest Division that the forest area involved in this proposal is unavoidable and barest minimum forest area.
- xii. The State has informed that there is small patch of non-forest land available for waste dumping and other ancillary activities. Most of the non-forest land is under mineralised zone area. The User Agency has taken the available non-forest land over 23.016 ha for the above said purpose. The forest land which is adjoining to the non-forest land and non- mineralised area is being taken for waste dump and ancillary activities like storing and sizing of mineral, mineral stacking area etc. Though the said mine is for both manganese and Iron, in Manganese the waste generation is more and sizing and storing of mineral is very vital part. In Laserda part, only 3.209 ha of private non-forest is coming which is within the proposed mining area. The above activities are very essential for mining and are shown in the Mining Plan approved by IBM.
- xiii. The total forest land located in the safety zone area of the Mining lease is 4.261 ha and non-forest land is 1.853. Hence the total safety zone area is 6.11 ha. The density of vegetation is 0.3 and Eco-Value Class-I. Total no. of tree has been enumerated above 30 cm girth is 2696 and below 30 cm girth is 4399. The tree enumeration in non-forest Private land over 35.77 ha and 1.684 ha in non-forest Govt. land will be carried out during processing of R&R plan and submitted before final approval.
- xiv. Non-forest land of 90.493 ha (excluding 3.858 ha earmarked for Safety zone) equal in extent to the forest land proposed for diversion, the Non-Forest Govt. land over 91.00 ha in village Uperbirikala under BJP Range of Banspal Tahasil allotted vide letter No.2366/Rev dt.07.12.2021 of Collector, Keonjhar for raising Compensatory Afforestation.
- xv. The CA scheme has provision for AR plantation @1000 seedlings per ha over 39 ha (NFL) there by accommodating 39000 seedlings. The balance 52 ha (NFL) will be treated as ANR without gap plantation model for which provision for SMC measure has been kept over 91 ha. In order to accommodate the balance seedling of 52000 nos., the DFO, Keonjhar Forest Division has identified degraded forest land of 104 ha in Jyotipur RF under Champua Range of Keonjhar Division and prepared the CA Scheme over an area of 104 ha of degraded forest land at the current wage rate of Rs.333/- per manday with provision for ANR plantation @500 seedlings per ha with 10 years' maintenance with required SMC measure (one-time cost norm). Compensatory Afforestation schemes in respect of aforementioned Non-forest land over 91.00 ha and de-graded forest land over 104.00 ha.
- xvi. The financial outlay of CA scheme over 91 ha non-forest Govt. land identified in Uperbirikela village of BJP Range has been technically approved by PCCF (FD & NO, FC Act) for ₹2,78,03,600/-.
- xvii. The financial outlay of Addl. CA scheme over 104 ha degraded forest land identified in Jyotipur RF of Champua Range has been technically approved by PCCF (FD & NO, FC Act) for ₹3,13,62,800/-.
- xviii. The project involves displacement of 25 families out of which 23 scheduled tribes and 2 other category families. The User Agency has submitted an

undertaking duly countersigned by the DFO, Keonjhar Division that the approved R&R Plan will be submitted prior to final approval of the diversion proposal over 94.351 ha within 131.80 ha of mining lease area.

- xix. The certificate under Forest Rights Act (FRA), 2006, the LoI holder has applied to Collector, Keonjhar for issue of certificate under FRA, 2006 vide letter No.78 dated 16.10.2021. The User Agency has submitted an undertaking duly countersigned by the DFO, Keonjhar Forest Division to submit the certificate under FRA, 2006 during the compliance Stage-I approval.
- xx. Term of Reference (ToR) for Laserda-Pacheri block has been issued by the Director, Member Secretary, MoEF& CC, New Delhi vide letter No.87 dated 01.12.2021.
- xxi. Protection and monitoring of wildlife, wildlife habitat management, support to local forest dependent communities through proper eco-development measures etc. are some of the areas which need specific attention. Since the area is characterized by the movement of elephants, measures need to be adopted for its protection, monitoring, habitat management and mitigation of HEC issues. In the above said context, a Site-Specific Wildlife Conservation Plan is suggested to be prepared and implemented. The User Agency has submitted an undertaking duly countersigned by the DFO, Keonjhar Division to bear the cost of the said plan.
- xxii. To reduce the impact of this project on wildlife and wildlife habitat Regional Wildlife Management Plan will be implemented at the cost of the UA.
- xxiii. Approved Mining Plan of Laserda Pacheri Iron and Manganese Block along with progressive mine closure plan over an area of 131.800 ha in Keonjhar district is given. The Mining Plan along with progressive mine closure plan is also given.
- xxiv. The total benefit of the proposal comes to ₹126850 lakhs. The total loss on forests including environmental loss comes to ₹3244.4589 lakhs. Hence, the Cost-Benefit Ratio is coming to 1:39.09.
- xxv. Regarding violation of FC Act it has been noticed that a fresh lease granted through e-auction to M/s Thriveni Earthmovers Pvt. Ltd by the Department of Steel & Mines, Govt. of Odisha vide No.IV (B)SM-100/2007-433/SM, dated 19.01.2019 as a Composite License. Lol holder has carried out exploration through putting bore holes and 1 no. of trial pit of size 17m x 10 m for which Lol holders had obtained Stage-II forest clearance vide F. No. 8-62/2017-FC dt.08.10.2018 of MoEF& CC, Govt. of India. However, 3.666 ha (Forest 3.312 ha and Non-Forest 0.354 ha) of land was disturbed by old pits over 2.491 ha and 1.175 ha for road prior to grant of Composite License. Hence as per the Site Inspection Report of DFO, Keonjhar Division, the Lol holder has not violated under FC Act, 1980. As per satellite time series analysis, pits are dug over almost last 20-25 years ago.
- xxvi. From the SIR of the DFO, Keonjhar Forest Division and RCCF, Rourkela Circle following observations have been noticed:
 - a. There are 48 existing small illegal mining pits covering 2.5 ha land at least more than 10-year-old.

- b. There are 25 nos. houses exists within sabik forest land inside lease area, needs to be rehabilitated, for which R&R work is going on.
 - c. Plenty of old Bara trees exists inside lease area not to be felled as a keystone species.
 - d. Dry seasonal first order stream in Pacheri block (Dhanurjaypur-Kanarda village) draining into Karoriver.
 - e. Seasonal Elephant movement is seen at 3 km distance from the project site.
 - f. Complete retaining wall and catch drain should be erected along Karo river side boundary of lease area including two dump site along river.
 - g. All snag trees are to be kept as such for conservation of wildlife.
 - h. Lease area and safety zone pillars are at place as per norm including demarcation of Revenue and Sabik forest land.
 - i. Tree felling as per approved mining plan must be gradual and must satisfy the criteria of bare minimum requirement.
- xxvii. Proposed area for diversion does not fall in High Conservation Value Zone based on Decision Rule 1 and Decision Rule 2.
- xxviii. DDGF (C) Regional office Bhubaneswar during the Site visit has noticed that a good number of old Banyan trees exists inside the lease area. These trees should be felled only when it is absolutely necessary to be felled. Efforts should be made to conserve the Banyan trees.
- xxix. Regarding violation, it has been noticed by Regional Office that there are 48 existing small illegal mining pits covering 2.5 Ha land at least more than 10 years old. During site visit, mining pits were covered with vegetation. This illegal mining activity is not attributed to the user agency.
- xxx. The Karo River is crossing between two blocks of the Mining lease. The mining project will affect the catchment of this Karo river. So there is a need for soil and moisture conservation measures in the rest catchment of this river and the forest lands in and around the proposed site. Safety zone with plantation of at least 50meter width may be maintained along the lease boundary close to river. The user agency will construct bridge over the Karo River to connect the two patches of the mining lease. No excavated materials should be rolled down into the Karo River.
- xxxi. Protection and monitoring of wildlife, wildlife habitat management, support to local forest dependent communities through proper eco-development measures etc. are some of the areas which need specific attention. Since the area is characterized by the movement of elephants, measures proposed for their protection and mitigation of HEC issues are required to be examined.
- xxxii. The Committee also observed that there is a need to examine the evacuation plan for minerals and how to meet the requirement of Water, transport and electricity.

- xxxiii. The above facts were deliberated in the Advisory committee meeting held on 11.09.2023 wherein the AC decided that recommendation made under agenda item no. 11 discussed in the AC meeting held on 17.07.2023 will apply *mutatis-mutandis* to the extant proposal. The committee therefore decided to defer the proposal with following observations:
- a. Directions were given that in this regard, detailed consultations with the State Govt. authorities and other stakeholders including mining lessees shall be carried out by the DDGF (C) Bhubaneswar by involving ministry officials and WII and report shall be submitted in 45 days. As almost 60 days have already elapsed and such report has not yet been received, DDGF(C) Bhubaneswar should expedite and submit its report latest by 30.09.2023 and present all the cases in next FAC.
 - b. Regarding violation, it has been noticed by Regional Office that there are 48 existing small illegal mining pits covering 2.5 Ha land at least more than 10 years old. During site visit, mining pits were covered with vegetation. DDGF(C) should get details from the division about the agency to which this illegal mining activity is attributed.
 - c. The Karo River is crossing between two blocks of the Mining lease. The mining project will affect the catchment of this Karo river. So there is a need for soil and moisture conservation measures in the rest catchment of this river and the forest lands in and around the proposed site.
 - d. Protection and monitoring of wildlife, wildlife habitat management, support to local forest dependent communities through proper eco-development measures etc. are some of the areas which need specific attention. Since the area is characterized by the movement of elephants, measures proposed for their protection and mitigation of HEC issues are required to be examined.
 - e. The Committee also observed that there is a need to examine the evacuation plan for minerals and how to meet the requirement of Water, transport and electricity.
- xxxiv. The AC considered the instant proposal with the above background and the facts of the consultation report as mentioned in detail at Para 9 in agenda no.10 above.
- xxxv. The committee discussed the component proposed on forest land which is non-site specific in nature and noted that the State has informed that there is small patch of non-forest land available for waste dumping and other ancillary activities. Most of the non-forest land is under mineralised zone area. The User Agency has taken the available non-forest land over 23.016 ha for the above said purpose. The forest land which is adjoining to the non-forest land and non- mineralised area is being taken for waste dump and ancillary activities like storing and sizing of mineral, mineral stacking area etc. Though the said mine is for both manganese and Iron, in Manganese the waste generation is more and sizing and storing of mineral is very vital part. In Laserda part, only 3.209 ha of private non-forest is coming which is within the proposed mining area. The above activities are very essential for mining and are shown in the Mining Plan approved by IBM.
- xxxvi. The Committee has also observed that CA has been proposed on 90.493 ha non-forest Got. land (excluding 3.858 ha earmarked for Safety zone) therefore,

equivalent NFL to the extent of the area is being proposed for diversion i.e. 94.351 ha is required as per the latest guideline issued by the Ministry in this regard.

- xxxvii. The Committee observed that all the five proposals considered in the consultation report fall in the same landscape and have been submitted by the State at different times, but the Ministry has made best efforts to look at all the same with a bird's eye view, and accordingly, all are being collated and considered together for a holistic decision.
- xxxviii. In view of the above situation the Committee suggested that a common evacuation plan like common conveyer belt, constitution of an oversight committee with one representative each from WII, IIFM, NEERI and ICFRE, expert member on geology and other two experts under the Chairmanship of DDGF (RO) Bhubaneswar to monitor the compliance in all five proposals in the landscape and submit their yearly report to the Ministry may be constituted.
5. **Decision of the Advisory Committee:** After thorough deliberation and discussion with Nodal Officer (FCA), GoO and DDGF (Central), RO Bhubaneswar the Advisory Committee recommended the proposal for granting the 'in-principle' approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Thriveni Earthmovers Private Limited for non-forestry use of 94.351 ha of forest land including 4.261ha of safety zone (3.858 ha along the ML boundary and 0.403 ha along the PWD road) within the granted LoI for MI over 131.800 ha for Laserda Pacheri Manganese & Iron Ore Block in Keonjhar district of Odisha subject to the General, Standard and following specific conditions:
- i. *The CA area has been provided over 90.493 ha NFL; therefore, the State Govt. shall ensure that the equivalent non-forest land to the extent of the forest land being diverted will be provided.*
 - ii. *Transportation of ore shall be as per the recommendation in the report submitted by CSIR-NEERI.*
 - iii. *A holistic transportation plan shall be prepared by the State Govt. aiming to have minimum impact in the landscape. The same shall be implemented. Transportation of ore should be as far as possible through common conveyor belt, slurry pipeline, railways, etc. Transportation of ore through road should be minimized in a time bound manner.*
 - iv. *An Oversight Committee shall be constituted under the Chairmanship of the DDGF (Central) RO Bhubaneswar for 10 years who will monitor and review the compliance of the conditions stipulated in the approval for these five mines [namely- 1. Netrabandha Pahar iron Ore Block (area 112.621 ha), 2. Netrabandha Pahar (West) area 66.242 ha), 3. Laserda Pacheri Manganese & Iron Ore Block (area 94.351 ha), 4. Kalmang West (Northern Part) Block for Iron Ore Mines Iron Ore Block (Area 42.608 ha) and 5. Guali Opencast Iron Ore Mines (area 194.683 ha)] twice a year and submit their yearly report to this Ministry in the month of December. This Oversight Committee shall consist following members and logistics of this Committee shall be borne by State Government at the cost of UAs:*
 - a. *DDGF (Central) – Regional Office Bhubaneswar- Chairman.*
 - b. *One Representative from IIFM Bhopal.*
 - c. *One Representative from WII Dehradun.*
 - d. *One Representative from ICFRE.*

- e. *One Representative from NEERI.*
- f. *One expert in Geology.*
- g. *Two other experts nominated by MoEF&CC.*

The recommendation made by the said committee shall be considered by the Ministry and if agreed the same shall be binding on the UAs.

- v. *Integrated Regional Wildlife Conservation Plan shall be prepared for 10 years covering the forest Division of Sundargarh, Jharsuguda and Keonjhar Districts at the cost of UA. The works shall be executed as per APO and the regional plan shall have site/species specific wildlife sub plans/prescriptions.*
- vi. *A Bio-diversity Conservation Plan for this entire landscape shall also be prepared by the State Govt at the cost of UA.*
- vii. *Soil and moisture conservation measures shall be undertaken in and around 10 KM radius of the mining lease areas at project cost.*
- viii. *The conditions stipulated in EC should be strictly implemented and monitored.*

Agenda No. 13

File No. 8-14/2023-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Raga Tradecon Pvt. Ltd. for grant of mining lease over 66.242 ha of forest within Netrabandha Pahar (west) iron ore block in Villages Baldihi and Sanua under Bonai Forest Division of Sundergarh District of Odisha State (Online Proposal No. FP/OR/MIN/153576/2022)

1. The agenda item was considered by the AC in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting.
2. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the AC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The AC after through deliberation and discussion observed that:
 - i. The Ministry vide letter dated 21.08.2023 has granted approval under Section 2 (iii) of the Forest (Conservation) Act, 1980 for grant of lease in favour of M/s Raga Tradecon Pvt. Ltd. for grant of mining lease over 66.242 ha of forest within Netrabandha Pahar (west) iron ore block in Villages Baldihi and Sanua under Bonai Forest Division of Sundergarh District of Odisha State.
 - ii. Govt. of Odisha issued the notice inviting tender dated 07.07.2021 for commencement of the auction process for grant the mining Lease for Netrabandha Pahar (West) Iron Ore Block located in Koira Tahasil of Sundargarh District of Odisha along with the Mines and Minerals (Development and Regulation) Act, 1957 and the Mineral (Auction) Rules, 2015. The e-auction process was conducted in accordance with the tender document and the mineral auction Rule, 2015 for said Mineral Block and M/s Raga Tradecon Pvt. Ltd. was declared as the preferred Bidder under Rule 9(9) (iii) or Rule 10 (A) of Auction Rules having quoted a final price offer of

- 139.50% and, the Director of Mines, Steel & Mines Department, Government of Odisha is declared M/s Raga Tradecon Pvt. Lid as preferred bidders for grant of mining lease of Netrabandha Pahar (West) Iron ore block.
- iii. The PCCF & HoFF, Odisha has reported that M/s Raga Tradecon Pvt. Lid has made payment of ₹5,84,05,424/- (Rupees Five crore eighty-four lakhs Five Thousand Four Hundred Twenty-four) only through treasury challan vide e-challan No.0853/4736, 0853/4730 and 0853/4729 on dated 22.10.2021 towards the first instalment being twenty percent of the upfront money. Accordingly, the Government of Odisha, Steel & Mines Department has issued letter of Intent (LoI) vide letter No.8722/IV(B)SM-53/2021/SM, Bhubaneswar, dated 28.10.2021 under Rule 10(2) of Mineral Auction Rules 2015 in favour of M/s Raga Tradecon Pvt. Lid. for grant of Mining Lease for Netrabandha Pahar (West) Iron Ore Block over an area of 74.370 ha near south of Bhaliadiha village, Koira Tahasil of Sundargarh district of Odisha for a period of 50 years.
 - iv. As per the LoI condition, the letter of intent is valid subject to the compliance of provision of the Act and the Rules made there under as amended from time to time and M/s Raga Tradecon Pvt. Ltd shall be designated as the Successful Bidder and subsequently will be granted the mining lease only upon satisfactory completion of all the requirements under the Act and Rules made there under. This Letter of Intent is valid for a period of 3 (Three) years from the date of its issuance, within which time all the above condition must be fulfilled and the mining lease deed must be executed. The valid period shall be extended for maximum period of 2 years and the total period for which the Letter of Intent would remain valid upto 5 (Five) years from the date of issuance.
 - v. Accordingly, the Government of Odisha vide their latter No. FE-DIV-FLD-0028-2023-10F (Cons) 20/2023- 5713/FE&CC dated 28.03.2023 has submitted a proposal to obtain prior approval under section-2 (ii) of the Forest (Conservation) Act, 1980 for non-forestry use of 66.242 ha of forest land including 2.09 ha of Safety Zone in Netrabandha Pahar (west) Iron Ore Block of M/s Raga Tradecon Ltd. in in villages Baldini and Sanua under Bonal Forest Division of Sundargarh District of Odisha.
 - vi. The State has also submitted the same proposal under Section 2 (iii) which has been accorded S-I approval by the Ministry vide letter No. 8-12/2023-FC dated 21.08.2023.
 - vii. The proposed forest land involved 66.242 ha area which fall in Bonai Forest Division. Out of 66.242 ha of forest land having 49.411 ha Proposed Reserved Forest, 8.032 ha Revenue Forest and 8.799 ha DLC Forest.
 - viii. The total forest land located in the safety zone area is 2.090 ha within the applied area for diversion.
 - ix. The applied area is not highly vulnerable to erosion and does not form part of seriously eroded area.
 - x. The applied area is composed of Sal (*Shorea robusta*), Sidha (*Lagerstroemia parviflora*), Saguan (*Tectona grandis*), Shisu (*Dalbergia latifolia*), Amla (*Emblica officinalis*), Kusum (*Schleichera oleosa*), Bara (*Ficus bengalensis*), Harida (*Termilalia chebula*), Bahada (*Terminalia belerica*), Char (*Buchananialanjan*), Jamu (*Syzygium cuminii*), Asan (*Terminalia tomentosa*), Kendu (*Diospyros melanoxylon*), Mahul (*Madhuca indica*), Kumbhi (*Careya arborea*), Mango (*Mangifera indica*) etc. are major species

- among flora available in the applied area.
- xi. The density of the vegetation is 0.5 and Eco-class –I and total no. of trees enumerated is 22671 (Which includes 715 nos. of trees within Safety Zone area). Out of 22671 trees, 5476 are above 30 cm girth.
 - xii. No violation has been reported under Forest (Conservation) Act, 1980.
 - xiii. In this proposal 66.242 ha of forest land (including 2.09 ha of safety zone) area has been proposed for diversion for which 64.152 ha (66.242 ha - 2.090 ha) of non-forest Govt. land is required for CA. Accordingly, compensatory afforestation scheme has been prepared over 64.50 ha of Govt. non-forest land identified in village Mahupada under Koira Tahasil of Rourkela Forest Division.
 - xiv. The compensatory afforestation scheme has been prepared at the wage rate of ₹333/- per man day on the basis of one-time cost norm having provision for AN plantation @ 500 seedling per ha over 32.50 ha and @200 seedling per ha over 32.0 ha accommodating 22600 seedlings only by the DFO, Rourkela Division. Further, an area of 73.462 ha degraded reserve forest land has been identified in Mahupada RF of Bonai Division and balance nos. of seedlings (41502 nos.) have been proposed to be planted over 73.462 ha from the identified patch of degraded reserve forest i.e. a 1600 seedlings per ha over 3 ha, @1000 seedlings per ha over 5 ha and @500 seedlings per ha over 65.462 ha.
 - xv. Total financial outlay for CA is ₹2,22,54,100/- on NFL and financial outlay of Addl.CA scheme over 73.462 ha of degraded reserve forest land identified in Mahupada RF of Bonai Forest Division has been technically approved by PCCF is ₹1,98, 10,200/-
 - xvi. The site suitability certificate of DFO, Rourkela Division in respect of CA land is given and in respect of Addl. CA land is also given.
 - xvii. The phased reclamation plan and scheme for Netrabandha (West) Iron Ore Block has been furnished in the Detailed Proposal (DP) duly authenticated by the DFO, Bonai Forest Division.
 - xviii. DFO, Bonai Forest Division has reported that the User Agency has filed online application dated 27.04.2022 for issue of Terms of Reference (ToR) vide Proposal No.SIA/OR/MIN/ 74953/2022 and State Environment Impact Assessment Authority, (SEIA), Odisha issued ToR vide No.4917/SEIAA dt.19.07.2022, which is valid for four years for submission of EIA/ EMP report.
 - xix. Revised Mining Plan of Netrabandha Pahar (West) Iron Ore Block along with Progressive Mine Closure Plan over an area of 74.370 (66.242 ha forest land and 8.128 ha non-forest land) has been approved with validity of 50 years by the Indian Bureau of Mines (IBM) vide their Letter No.MP/A/24-ORI/BHU/2021-22 dated 07.02.2022. The Mining plan along with progressive Mine closure plan of Netrabandha Pahar (West) Iron Ore Block has been provided.
 - xx. A comprehensive Wildlife Management Plan covering the entire forest area for wildlife management of Bonai & Keonjhar Division has already been prepared. Accordingly, the User Agency has to pay @₹82,000/- per hectare for the entire area of 74.370 ha as per revised norm approved by Govt. of Odisha communicated vide Memo No.26159/F&E dt.05.12.2018 of Forest & Environment Department. The User Agency has furnished undertaking to bear the cost of Regional Wildlife Management Plan.
 - xxi. The area proposed to be diverted under the project and neighbouring forest

area are characterized by variety of flora and fauna. There are many working mining leases exist within 10 Kms boundary of the proposed project area to be diverted. Hence, impact of this project on wildlife and wildlife habitat needs to be studied and properly addressed. Protection and monitoring of wildlife, wildlife habitat management, support to local forest dependent communities through proper eco-development measures etc. are some areas which need specific attention. Since the area is characterized by the movement of elephants, measures need to be adopted for its protection, monitoring, habitat management and mitigation of HEC issues. Surrounding Forest areas are vulnerable to fire and hence fire protection activities also need to be ensured. In the above said context a Site-Specific Wildlife Conservation Plan is suggested to be prepared and implemented. The User Agency has submitted an undertaking to bear the cost of the said plan.

- xxii. FRA certificate has been provided by the DC Surdargarh vide letter No. 3799/ITDA (FRA) dated 22.11.2022 for 66.242 ha of forest land proposed to be diverted in favour of M/s Raga Tradecon Pvt. Ltd. for Mining purpose in the district falls within the jurisdiction of Balidhi Village of Palamunda GP under Korla Tehsil. The proceeding of the DLC and SDLC has also been provided.
- xxiii. The DFO, Bonai Forest Division has reported that, the total benefit of the proposal comes to ₹76860 lakhs. The total loss on forests including environmental loss comes to ₹2438.815 lakhs. Hence the Cost-Benefit Ratio is coming to 1:32.00.
- xxiv. As reported by the DFO, Bonai Forest Division in Site Inspection Report there is no displacement of people due to the project. Hence, no Rehabilitation & Resettlement Plan has been insisted upon.
- xxv. The copy of the ownership/revenue record and the documentary evidence regarding allotment of Non-Forest Govt. land for the purpose of Compensatory Afforestation has been submitted.
- xxvi. There are many non-site specific activities like Waste dump, Mineral stacking yard/Mineral Storage/processing etc. which have been proposed on forest land. The state should explore the possibility to locate the same on non-forest land.
- xxvii. Further, the committee noted that the Government of Odisha has submitted several proposals in the landscape for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980. Out of these several proposals one proposal in favour of M/s Bhusan Power & Steel Limited for non-forestry use of 112.621 ha of Forest land (including 1.808 ha earmarked for Safety Zone) in village Balidhi under Korla Tahasil and Korla Range of Bonai Forest Division of Sundargarh District within the block area of 139.223 ha in respect of Netrabandha Pahar Iron Ore Block in Odisha State (Online proposal no. FP/OR/MIN/26965/2017) having common boundary with the instant proposal. The above said proposal was considered in the Advisory Committee meeting held on 17.07.2023 and following decisions were made.
- xxviii. Since many proposals of iron ore mining in this land scape are in the process at the Central Government level or being proposed for diversion. Therefore, there is a need to analyse the issue at the landscape level in order to conserve the forests and biodiversity. In this regard, detailed consultations with the State Govt authorities and other stakeholders including mining lessees shall be carried out by the DDGF (C) Bhubaneswar by involving ministry

- officials and WII and report shall be submitted in 45 days.
- xxix. Further, considering the present situation of mining in the area and rise in human elephant conflict the compensation mechanism for the victims by the user agencies needs to be developed.
- xxx. The CSIR- NEERI has given its recommendation on carrying capacity vis-à-vis pollution in these area and the Suggested Ore Transportation Mode (SOTM) in 2014. After lapse of about 9 years, many changes in the landscape and fresh mining in the region, the State Govt. shall examine and report with justification, whether there is a need to re-validate the said study or a need to carry a fresh study in this regard.
- xxxi. Further, the Committee observed that the landscape where these mines are located is a good habitat for the elephants and other wildlife. The transportation of the minerals is mostly done by road which is the main reason for the Human Elephant Conflict as the number of vehicles running is very high. There is a need to reduce the transportation burden by road.
- xxxii. The Committee also observed that as a mitigation measure, the Regional Wildlife Management plan and a Site-Specific Wildlife Conservation Plan is being prepared and implemented by the State in various such mines. However, there is a need to check the efficacy of the implementation of these plans. Such plans may therefore be got vetted by the Wildlife Institute of India Dehradun.
- xxxiii. The above facts were placed before the AC meeting held on 11.09.2023 wherein the AC decided that recommendation made under agenda item no. 11 discussed in the AC meeting held on 17.07.2023 will apply ***mutatis-mutandis*** to the extant proposal. The committee therefore decided to defer the proposal with following observations:
- a. Directions were given that in this regard, detailed consultations with the State Govt. authorities and other stakeholders including mining lessees shall be carried out by the DDGF (C) Bhubaneswar by involving Ministry officials and WII and report shall be submitted in 45 days. As almost 60 days have already elapsed and such report has not yet been received, DDGF(C) Bhubaneswar should expedite and submit its report latest by 30.09.2023 and present the cases in next FAC.
 - b. There are many non-site specific activities like Waste dump, Mineral stacking yard/Mineral Storage/processing etc. which have been proposed on forest land. DDGF (C) during consultation as proposed in para (i) above, shall also explore the possibility to locate the same on non-forest land.
- xxxiv. The AC considered the instant proposal with the above background and the facts of the consultation report as mentioned in detail at Para 9 in agenda no.10 above.
- xxxv. The Committee has also observed that CA has been proposed on 64.152 ha non-forest Govt. land (excluding 2.090 ha earmarked for Safety zone) therefore, equivalent NFL to the extent of the area is being proposed for diversion i.e. 66.242 ha is required as per the latest guideline issued by the Ministry in this regard.
- xxxvi. The Committee observed that all the five proposals considered in the consultation report fall in the same landscape and have been submitted by the State at different times, but the Ministry has made best efforts to look at all the same with a bird's eye view, and accordingly, all are being collated and

considered together for a holistic decision.

xxxvii. In view of the above situation the Committee suggested that a common evacuation plan like common conveyer belt, constitution of an oversight committee with one representative each from WII, IIFM, NEERI and ICFRE, expert member on geology and other two experts under the Chairmanship of DDGF (RO) Bhubaneswar to monitor the compliance in all five proposals in the landscape and submit their yearly report to the Ministry may be constituted.

4. Decision of the Advisory Committee: After thorough deliberation and discussion with Nodal Officer (FCA), GoO and DDGF (Central), RO Bhubaneswar the Advisory Committee recommended the proposal for granting the '*in-principle*' approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Raga Tradecon Pvt. Ltd. for grant of mining lease over 66.242 ha of forest within Netrabandha Pahar (west) iron ore block in Villages Baldihi and Sanua under Bonai Forest Division of Sundergarh District of Odisha State subject to the General, Standard and following specific conditions:

- i. *Cvv The CA area has been provided over 64.152 ha NFL; therefore, the State Govt. shall ensure that the equivalent non-forest land to the extent of the forest land being diverted will be provided.*
- ii. *Transportation of ore shall be as per the recommendation in the report submitted by CSIR-NEERI.*
- iii. *A holistic transportation plan shall be prepared by the State Govt. aiming to have minimum impact in the landscape. The same shall be implemented. Transportation of ore should be as far as possible through common conveyor belt, slurry pipeline, railways, etc. Transportation of ore through road should be minimized in a time bound manner.*
- iv. *An Oversight Committee shall be constituted under the Chairmanship of the DDGF (Central) RO Bhubaneswar for 10 years who will monitor and review the compliance of the conditions stipulated in the approval for these five mines [namely- 1. Netrabandha Pahar iron Ore Block (area 112.621 ha, 2. Netrabandha Pahar (West) area 66.242 ha), 3. Laserda Pacheri Manganese & Iron Ore Block (area 94.351 ha), 4. Kalmang West (Northern Part) Block for Iron Ore Mines Iron Ore Block (Area 42.608 ha) and 5. Guali Opencast Iron Ore Mines (area 194.683 ha)] twice a year and submit their yearly report to this Ministry in the month of December. This Oversight Committee shall consist following members and logistics of this Committee shall be borne by State Government at the cost of UAs:*
 - a. *DDGF (Central) – Regional Office Bhubaneswar- Chairman.*
 - b. *One Representative from IIFM Bhopal.*
 - c. *One Representative from WII Dehradun.*
 - d. *One Representative from ICFRE.*
 - e. *One Representative from NEERI.*
 - f. *One expert in Geology.*
 - g. *Two other experts nominated by MoEF&CC.*

The recommendation made by the said committee shall be considered by the Ministry and if agreed the same shall be binding on the UAs.

- v. *Integrated Regional Wildlife Conservation Plan shall be prepared for 10 years covering the forest Division of Sundargarh, Jharsuguda and Keonjhar Districts at the cost of UA. The works shall be executed as per APO and the regional plan shall have site/species specific wildlife sub plans/prescriptions.*
- vi. *A Bio-diversity Conservation Plan for this entire landscape shall also be prepared by the State Govt at the cost of UA.*
- vii. *Soil and moisture conservation measures shall be undertaken in and around 10 KM radius of the mining lease areas at project cost.*
- viii. *The conditions stipulated in EC should be strictly implemented and monitored.*

Agenda No. 14

File No. 8-13/2022-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 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) (Online proposal no. FP/OR/MIN/49169/2020).

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Govt. of Odisha and the DDGF (central), MoEF&CC's RO at Bhubaneswar was present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts relevant to the proposal and their significance.
3. Advisory Committee after through 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 ₹4,78,41,500/- and ₹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 elephant's 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 roads.
- viii. Nodal Officer (FCA) was apprised the Committee in the AC meeting 09.12.2022 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.
- ix. The applied area does not form part of any National Park/ Wildlife Sanctuary/ Biosphere reserve, Tiger Reserve, Elephant Corridor, etc.

However, movement of wild Elephants in the proposed forest blocks for diversion is noticed. The project area is 8.6 Km from the Karo- Karampada Elephant Corridor.

- x. The Compensatory Afforestation is proposed to be taken up in Keonjhar Division over 42.608 ha non Forest land identified in village Jaladihi of Bansapal Tahsil in Keonjhar district
- xi. The instant proposal was examined by the Advisory Committee in its meeting held on 09.12.2022 and the AC decided that the recommendation made by the Committee in the case of Netrabandha Pahar Iron Ore Block allotted to M/s Bhusan Power and Steel Limited (under agenda items no. 3 in the minutes of meeting of AC dated 09.12.2022) will apply mutatis mutandis to the extant proposal.
- xii. The proposal was again placed before the Advisory Committee in its meeting held on 24.03.2023. The Advisory Committee after thorough deliberation and discussion decided to defer the proposal and sought the additional information from the State Government and comments from the Project Elephant Division of this Ministry.
- xiii. The reply of the State Government and comments of PE division was taken into record.
- xiv. Further, the committee noted that the Government of Odisha has submitted a proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Bhusan Power & Steel Limited for non-forestry use of 112.621 ha of Forest land (including 1.808 ha earmarked for Safety Zone) in village Baldihi under Koira Tahasil and Koira Range of Bonai Forest Division of Sundargarh District within the block area of 139.223 ha in respect of Netrabandha Pahar Iron Ore Block in Odisha State (Online proposal no. FP/OR/MIN/26965/2017). The above said proposal was considered in the Advisory Committee meeting held on 17.07.2023 and following decisions were made.
 - a. Since many proposals of iron ore mining in this land scape are in the process at the Central Government level or being proposed for diversion. Therefore, there is a need to analyse the issue at the landscape level in order to conserve the forests and biodiversity. In this regard, detailed consultations with the State Govt authorities and other stakeholders including mining lessees shall be carried out by the DDGF (C) Bhubaneshwar by involving ministry officials and WII and report shall be submitted in 45 days.
 - b. Further, considering the present situation of mining in the area and rise in human elephant conflict the compensation mechanism for the victims by the user agencies needs to be developed.
 - c. The CSIR- NEERI has given its recommendation on carrying capacity vis-à-vis pollution in these area and the Suggested Ore Transportation Mode (SOTM) in 2014. After lapse of about 9 years, many changes in the landscape and fresh mining in the region, the

State Govt. shall examine and report with justification, whether there is a need to re-validate the said study or a need to carry a fresh study in this regard.

- xv. The above facts were placed before the AC meeting held on 09.12.2022 and the Committee deferred the proposal for want of the following information:
 - a. FAC, after deliberations decided that that a copy of report may be provided to the State Government and Integrated Regional Office of the MoEF&CC at Bhubaneswar to carry out 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.
- xvi. On the above observation the State Govt. has replied which was placed before the Advisory committee on 24.03.2023 and after detailed discussion and deliberation on the proposal the AC decided that recommendation made under agenda item no. 11 of the proposal Netrabandha Pahar iron Ore Block in Odisha, discussed in the AC meeting held on 17.07.2023 will apply ***mutatis-mutandis*** to the extant proposal. The committee therefore decided to defer the proposal with following observations:
 - a. Since many proposals of iron ore mining in this land scape are in the process at the Central Government level or being proposed for diversion. Therefore, there is a need to analyse the issue at the landscape level in order to conserve the forests and biodiversity. In this regard, detailed consultations with the State Govt. authorities and other stakeholders including mining lessees shall be carried out by the DDGF (C) Bhubaneshwar by involving ministry officials and WII and report shall be submitted in 45 days.

- b. Further, considering the present situation of mining in the area and rise in human elephant conflict the compensation mechanism for the victims by the user agencies needs to be developed.
 - c. The CSIR- NEERI has given its recommendation on carrying capacity vis-à-vis pollution in these area and the Suggested Ore Transportation Mode (SOTM) in 2014. After lapse of about 9 years, many changes in the landscape and fresh mining in the region, the State Govt. shall examine and report with justification, whether there is a need to re-validate the said study or a need to carry a fresh study in this regard.
 - ii. The AC considered the instant proposal with the above background and the facts of the consultation report as mentioned in detail at Para 9 in agenda no.10 above.
 - xvii. The Committee has also observed that CA has been proposed on equivalent non-forest Got. land in addition to 1.5 times DFL in lieu of the area marked for safety zone.
 - xviii. The Committee observed that all the five proposals considered in the consultation report fall in the same landscape and have been submitted by the State at different times, but the Ministry has made best efforts to look at all the same with a bird's eye view, and accordingly, all are being collated and considered together for a holistic decision.
 - xix. In view of the above situation the Committee suggested that a common evacuation plan like common conveyer belt, constitution of an oversight committee with one representative each from WII, IIFM, NEERI and ICFRE, expert member on geology and other two experts under the Chairmanship of DDGF (RO) Bhubaneswar to monitor the compliance in all five proposals in the landscape and submit their yearly report to the Ministry may be constituted.
4. **Decision of the Advisory Committee:** After thorough deliberation and discussion with Nodal Officer (FCA), GoO and DDGF (Central), RO Bhubaneswar the Advisory Committee recommended the proposal for granting the 'in-principle' approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Tata Steel BSL Limited (Formerly known as Bhusan Steel Ltd) 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 subject to the General, Standard and following specific conditions:
- i. *Transportation of ore shall be as per the recommendation in the report submitted by CSIR-NEERI.*
 - ii. *A holistic transportation plan shall be prepared by the State Govt. aiming to have minimum impact in the landscape. The same shall be implemented. Transportation of ore should be as far as possible through common conveyor belt, slurry pipeline, railways, etc. Transportation of ore through road should be minimized in a time bound manner.*

- iii. *An Oversight Committee shall be constituted under the Chairmanship of the DDGF (Central) RO Bhubaneswar for 10 years who will monitor and review the compliance of the conditions stipulated in the approval for these five mines [namely- 1. Netrabandha Pahar iron Ore Block (area 112.621 ha), 2. Netrabandha Pahar (West) area 66.242 ha), 3. Laserda Pacheri Manganese & Iron Ore Block (area 94.351 ha), 4. Kalmang West (Northern Part) Block for Iron Ore Mines Iron Ore Block (Area 42.608 ha) and 5. Guali Opencast Iron Ore Mines (area 194.683 ha)] twice a year and submit their yearly report to this Ministry in the month of December. This Oversight Committee shall consist following members and logistics of this Committee shall be borne by State Government at the cost of UAs:*
- a. *DDGF (Central) – Regional Office Bhubaneswar- Chairman.*
 - b. *One Representative from IIFM Bhopal.*
 - c. *One Representative from WII Dehradun.*
 - d. *One Representative from ICFRE.*
 - e. *One Representative from NEERI.*
 - f. *One expert in Geology.*
 - g. *Two other experts nominated by MoEF&CC.*

The recommendation made by the said committee shall be considered by the Ministry and if agreed the same shall be binding on the UAs.

- iv. *Integrated Regional Wildlife Conservation Plan shall be prepared for 10 years covering the forest Division of Sundargarh, Jharsuguda and Keonjhar Districts at the cost of UA. The works shall be executed as per APO and the regional plan shall have site/species specific wildlife sub plans/prescriptions.*
- v. *A Bio-diversity Conservation Plan for this entire landscape shall also be prepared by the State Govt at the cost of UA.*
- vi. *Soil and moisture conservation measures shall be undertaken in and around 10 KM radius of the mining lease areas at project cost.*
- vii. *The conditions stipulated in EC should be strictly implemented and monitored.*

Agenda No. 15

File No. 8-27/2017-FC

Sub: Grant of permission to surrender 98.731 ha out of 103.198 ha approved forest area granted by MOEF & CC, Government of India over 106.016 ha of forest land pertaining to Daltari Conveyor Corridor proposal of OMC Ltd., located in Keonjhar District, Odisha (Proposal No. FP/OR/MIN/10335/2015).

1. The agenda item was considered by the AC in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Govt. of Odisha and DDGF (Central) RO Bhubaneswar also attended the meeting.
2. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the AC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the

proposal and their significance.

3. The AC after through deliberation and discussion observed that:

- i. The Government of Odisha vide their letter No. FE-DIV-FLD-0068-2021-21286/FE&CC dated 10.10.2023 submitted a proposal for grant of permission to surrender 98.731 ha out of 103.198 ha approved forest area granted by MOEF & CC, Government of India over 106.016 ha of forest land pertaining to Daltari Conveyor Corridor proposal of OMC Ltd., located in Keonjhar District, Odisha.
- ii. Ministry has accorded **final approval** under Section 2 of the Forest (Conservation) Act, 1980 for non-forestry use of 106.016 ha of forest land (Diversion of 103.198 ha + change in land use pattern of 2.818 ha) in Rebana RF under Keonjhar Wildlife Division, anandapur of Keonjhar district, Odisha for installation of mechanized facilities by OMC Ltd. For production and dispatch of 2.5 MTPA of Iron Ore from their Daitari iron Ore Mines vide letter No. 8-27/2017-FC dated 22.03.2021, subject to certain conditions.
- iii. The compliance to the conditions stipulated in the final approval has been submitted by the State vide letter No. 13766/FE&CC dated 03.07.2023.
- iv. The PCCF & HOFF, Odisha vide letter No.8375 intimated that the user agency submitted an application on 24.08.2022 to surrender 98.731 ha forest land out of diverted land of 103.198 ha.
- v. Further, the user agency has made a request to revoke re- diversion of 2.818 ha (1.89 ha of Daitari ML + 0.928 ha of Daitari extension area) approved for re-diversion, out of 106.016 ha forest land diverted and also requests for re-diversion of 4.467 ha in Daltari ML area from plant and conveyor Belt to Mining and green belt out of 103.198 ha forest land accorded Stage-II approval.
- vi. Justification for surrender of approved land basing on the report submitted by PCCF & HOFF, Odisha are as follows:
 - a. While the present proposal was under pipeline for getting forest clearance, Indian railways come up with guidelines permitting development of additional terminals for handling rail cargos on 15.12.2021
 - b. The initial cost of the rail project estimated by L&T, engaged by OMC was ₹592.32 crores during 2014. After new guidelines it can be reduced to ₹142.00 Crores.
 - c. OMC had engaged the RITES Limited, a Government of India undertaking under the Ministry of Railways to conduct preliminary engineering survey and preparation of feasibility study report to find out an alternate alignment vide Letter No.4388/OMC/PROJECT/20 dtd.19.03.2020 confirmed that the possibility of existing Daitari.
 - d. The RITES after detailed survey Railway line up to Ballparbat stack yard for making the mechanical loading possible.
 - e. Based on the recommendation of the RITES, Railways vide letter No.PL- 3/ SIDING/FSR/OMC/DATR/22 dtd. 28.04.2022 has also issued NOC for the project.
 - f. **The proposed project requires 35.597 ha forest land instead of approved 103.198 ha forest land for conveyor belt project.**
 - g. The new project requires felling of 40,000 trees as against felling of 1,25,000 trees for the approved project.
 - h. The financial out lay of the project is estimated to 142.00 crores instead of 592.32 crores made during, 2014.
 - i. The time of completion of the project is estimated to 24 months as against earlier 36 months. 13.43 Kms. of conveyor belt will be reduced to 4.767

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- Kms. railways line within Rebena RF.
- j. Use of 4.467 ha, out of 106.016 ha primary crushing and stacking facilities within Daitari ML area is now proved to contain around 8.0 million tons of Iron ore.
 - k. The proposal is as per the stipulation of NEERI.
 - l. Rehabilitation of more than 190 families envisaged along conveyor corridor can be avoided.
 - m. Maintenance cost and energy consumption for approved 13.43 kms length of conveyor corridor can be avoided.
 - n. Environment friendly rapid loading systems will evacuate 6.0 million tons ore to buyers' destination in time.
- vii.** The detail breakup of 106.016 ha forest land approved for Daitari Conveyor belt MoEF & CC, Gol on 22.03.2021 is furnished below:

SL.	Pattern of Utilization	Rebana RF (in ha.)
1	Crushing and Screening plant	1.641
2	Conveyor corridor	20.410
3	Approach Road to plant and conveyor for operation and maintenance	3.496
4	Tertiary crushing and screening plant, material storage, weighbridge, office, colony, site service center, pump house etc.	48.960
5	Railway siding	28.961
	Sub-total	103.198
6	Area proposed for re-diversion (Crushing plant, Conveyor corridor, Road, Pump House & Pipeline)	2.818
	Total	106.016

- viii.** The details of pattern of utilisation land proposed for surrender is furnished below as intimated by the PCCF & HOFF, Odisha:

Pattern of Utilisation	Rebana RF In ha	Revenue/Village Forest in ha	Total in ha
OSCTC left out area	48.960	0	48.960
Virgin forest	49.771	0	49.771
	98.731	0	98.731

- ix.** In view of the above the State has submitted the three requests which are as given below:
- a. Surrender of 98.731 ha forest approved land of Rebana RF.
 - b. Re-Diversion of 4.467 ha Stage-II approved forest land of Daitiri ML.
 - c. Revocation of Re-diverted area of 2.818 ha
- x.** The State has informed that No violation under Forest (Conservation) Act, 1980 has been committed by the user agency to the area surrendered in Rebana RF as reported by the FCCF & HOFF, Odisha.
- xi.** Further, State Authority requested to consider the following:
- a. Surrender of 98.731 ha of land in Rebana RF of Daltari Conveyor corridor already taken over by the DFO, Keonjhar (WL) Division may be accepted.

- b. Approval conveyed for re-diversion of 2.818 ha (1.89 ha of Daltari ML + 0.928 ha of Daitari extension) forest land may be revoked.
 - c. 4.467 ha forest land out of the approved 103.198 ha of forest land by MOEF & CC, Gol on 22.03.2021 of Daitari Conveyor Corridor project in land use pattern Crushing and Screening Plant Conveyor Corridor and approach road to plant and conveyor corridor for operation and maintenance may be changed to Mining (0.105 ha) and creation of green belt (4.362 ha).
- xii. The committee noted that the due diligence was done by all authorities for giving the approval and the UA by its own willing want the area surrendered in lieu of the proposed railway line. In view of this situation the NPV amount deposited in this proposal shall not be refunded however, the CA land and amount may be adjusted by the State in the forthcoming projects of OMC.
4. **Decision of the Advisory Committee:** After thorough deliberation and discussion with Nodal Officer (FCA), GoO and DDGF (Central), RO Bhubaneswar the Advisory Committee recommended to accept the request of the State Government on the following proposed application:
- i. Surrender of 98.731 ha forest approved land of Rebana RF.
 - ii. Re-Diversion of 4.467 ha Stage-II approved forest land of Daitiri ML.
 - iii. Revocation of Re-diverted area of 2.818 ha
- subject to the condition that:
- “The NPV, CA land and amount received for other levies may be adjusted by the State Govt. as per extant guidelines in the forthcoming projects of UA.*

Agenda No. 16

Online Proposal No. FP/OR/MIN/QRV/438708/2023

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of the Shri Shakti Dash for non-forestry use of 11.34 ha of forest land for Iron & Manganese Ore Mines (12.942 ha lease area including 1.602 ha NFL) under Sundargarh Division and District, Odisha.

1. The agenda item was considered by the AC in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Govt. of Odisha and DDGF (Central) RO Bhubaneswar also attended the meeting.
2. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the AC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The AC after through deliberation and discussion observed that:
 - i. The Government of Odisha under clause 9 (5) (a) of the Forest (Conservation) Rules, 2022 has submitted the above mentioned proposal on PARIVESH portal on 02.11.2023.
 - ii. Proposed forest land is 11.34 ha comprising 6.891 ha is revenue forest and 4.479 ha is DLC forest land. The density of proposed forest land is 0.09 and Eco class-I. The DFO has mentioned the area is area is highly vulnerable to erosion.
 - iii. The State has informed that Sal (*Shorea robusta*), Kusum (*Schleichera oleosa*), Bara

(*Ficus bengalensis*), Mahul (*Madhuca indica*) etc. are the major species among flora available in the applied area.

- iv. Total 301 no. of trees have been enumerated in the proposed forest land. However, no trees are found in Non-forest area over 1.602 ha.
- v. Fauna such as Elephant, Sloth bear, Hanuman Langur, Indian giant squirrel, Jungle cat, Mongoose, Indian Hare, Fox, Rat, Wild pig, Jackal, Indian pangolin, Porcupine, Hyaena, Peacock and different kinds of snakes and birds are noticed in the applied area.
- vi. The proposed forest land is not a part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. No RET species of flora and fauna are found in the area. No protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.
- vii. The State has informed that the UA has committed the violation in this case. The detailed of the violation of the FCA, 1980 are as given below:
 - a. Grant of lease in forest land on 07.05.1985 without prior approval of Central Govt. is a violation of F.C. Act' 1980 by the Mining & Geology Department. The Lessee has commenced mining operation in the broken Revenue Forest and DLC land over 10.824 ha. during original lease period and thereafter up to 28.10.2009 as per Letter No.18496 dt.28.10.2009 of the DDM, Koira which is a violation of F.C. Act' 1980. Since the above land comes under the category of Revenue and DLC forest land, the Collector, Sundargarh has been requested vide this office Letter No.7644 dt.10.10.2023 to take necessary legal action under relevant Revenue Laws.
 - b. The period of work has been reported in 1994 to 2009 however, the the period of work is not clear because the land belong to the Revune and DLC forest.
 - c. No action has been taken by the State against the person (s) responsible for violation. However, the Collector, Sundargarh has been requested vide this office Letter No.7644 dt.10.10.2023 to take necessary legal action under relevant Revenue Laws.
- viii. The requirement of forest land as proposed by the user agency in col. 2.1 of Part-I is unavoidable and barest minimum for the project.
- ix. State Government ha informed that State Environment Impact Assessment Authority (SEIAA), Odisha vide Letter No.561 dt. 04.11.2011 intimated the User Agency that recommendation has been made for issue of EC subject to production of Stage-I clearance of the project.
- x. CA has been proposed on equivalent Non-Forest Revenue land in village Sianbahal of Koira Tahasil in Sundargarh district and jointly verified by the Tahasildar, Koira, Range Officer, Banki & R.I, Koira under the jurisdiction of Rourkela Division.
- xi. CA scheme has been provided along with all requisite details with total financial outlay of ₹1,11,28,900/- which is duly approved by the Nodal Officer (FCA) GoO.
- xii. No rehabilitation of people is involved in the proposal.
- xiii. FRA is not required to this project at the Central Government level as per clause 6 (b) (ii) of the Forest (Conservation) Rules, 2022 however, FRA certificate has to be ensured by the State Government after final approval of the Central Government.
- xiv. CB ratio has been calculated as 1:164.14.
- xv. State has also mentioned that the area has been worked since 1945; the total area has been worked out. The entire forest area which has already been broken up contains the main reserve of iron and manganese. The BF grade iron ore and high grade manganese ore is confined to the broken up forest area only so, there is no other alternative other than exploit the ore deposits of the forest land to cater the

requirement of iron and steel industries based in India and abroad. This ore body needs to be judiciously exploited to meet the growing demand of raw materials for indigenous steel plants, sponge iron plants, pellet plants, Ferro manganese plants for utilization of iron and manganese ore and also for export of low-grade iron ore for conservation of minerals to earn foreign exchange for development of our country.

- xvi.** As per DFO report the total land required for different mining activities of the project is furnished below:

Sl. No.	Pattern of utilization	Area proposed in Ha
1	Mining	9.910
2	Dumping	0.21
3	Road	0.212
Sub-Total		10.333
4	Safety Zone around ML boundary	1.007
Grand Total		11.340

- xvii.** An area of 1.120 ha. has been earmarked for Safety zone within the ML area which includes forest area ove|1.007 ha and non-forest area over 0.113 ha. Hence total safety zone area is 1.120 ha.

- xviii.** Mining plan including Progressive Mine closure plan has been approved by the Regional Controller of Mines, Office of the Regional Controller of Mines, BBSR over an area of 12.942 ha in respect of Nuagaon Iron & Manganese Ore Mines.

- xix.** A detailed scheme of reclamation and afforestation has been prepared to reclaim and stabilize the mined out undulating areas and the saturated dumps and by taking up plantations is given.

- xx.** The State Govt. has informed that the UA has undertaken to deposit the amount for implementation of the RWLMP and SSWCP in the area.

- xxi.** The User agency has deposited ₹94,47,660/- towards NPV (₹41,09,880/- vide DD No. 009422 dt. 09.06.2009 + ₹53,37,780/- vide DD No.011810 dt.9.6.2010) over 12.942 ha. of forest area involved in the Mining Lease. Further, the User Agency has submitted an undertaking to deposit the additional NPV, if demanded by the Forest Department.

- xxii.** The Committee has also noted that the Regional Office Bhubaneshwar has carried out the SIR in this proposal however neither State nor Regional Office has clarified the following issues:

- Period of violation should be clarified by the State and RO
- Details of the court cases and for what period Rs. 29, 62, 03, 002/- for EC and MP/CTPO was deposited for and the present status of the court cases.
- Action under 3A/3B by State Government-Status.

- 4. Decision of the Advisory Committee:** After thorough deliberation and discussion with Nodal Officer (FCA), GoO and DDGF (Central), RO Bhubaneshwar the Advisory Committee deferred the proposal for seeking the following information from the State Government:

- The period of violation shall be clarified by the State Government with clear recommendations.
- Details of the court cases and for what period penal amount of ₹29, 62,03,002/- for EC and MP/CTPO violations was deposited for and the present status of the court

cases.

- iii. Status of the action taken under 3A/3B by State Government and Regional Office against the persons responsible for reported violation.

Agenda No. 17

Proposal No. FP/OR/MIN/QRY/439309/2023

Sub: Proposal for diversion of 55.348 ha forest land for maintenance of Safety Zone within Bolani Iron & Manganese Ore Mines (6.90 Sq. miles ML, 1586.36 haj) by M/s SAIL in village Balagoda, Bolani, Limitur & Karo RF under Barbil Tahasil of Keonjhar District, Odisha in Keonjhar Forest Division.

1. The agenda item was considered by the AC in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Govt. of Odisha and DDGF (Central) RO Bhubaneswar also attended the meeting.
2. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the AC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The AC after through deliberation and discussion observed that:
 - i. The Government of Odisha vide their letter No. FE-DIV-FLD-0018-2022-22195 dated 20.10.2023 submitted above subject proposal seeking prior approval of Central Government under Section-2 (ii) of Forest Conservation Act, 1980 through PARIVESH 2.0 proposal.
 - ii. Bolani Iron & Manganese Ore Mines (6.90 Sq. miles ML) under Rourkela Steel Plant (RSP) of M/s Steel Authority of India Limited (SAIL), is situated in villages Balagoda, Bolani and Limitur under Barbil, Tahasil of Keonjhar district under the jurisdiction of Barbil Forest Range of Keonjhar Forest Division. The original Mining Lease, granted over 1786.74 ha (6.90 Sq. Miles) for Manganese Ore in favour of M/s Bolani Ores Limited, was executed on dated 14.11.1962 for a period of 20 years with validity from 14.11.1962 to 13.11.1982. The said mining lease, subsequently, transferred in favour of M/s Steel Authority of India Limited in the year 1978. Nonetheless, supplementary Lease deed was executed for inclusion of Iron Ore in the said Mining Lease on 13.11.1981. 1st RML application was submitted, on 12.11.1981 and subsequently the 1st RML was granted over 1786.74 ha vide Proceeding No.6040/SM dated 29.05.1984 of Steel & Mines Department, Govt. of Odisha for the period 14.11.1982 to 13.11.2002. The Mining Lease, granted during 1st RML over 1786.74 ha, involved 706.52 ha forest land (Karo RF - 339.21 ha, Uliburu RF- 174.44 ha and Revenue Forest-192.87 ha) and 1080.220 ha Non-Forest Land. The 2nd RML application was submitted by M/s SAIL on reduced area over 1586.36 ha (after reverting 200.38 ha from original ML), to comply the condition of Stage-I forest clearance, which involved 506.140 ha forest land (Karo RF — 339.210 ha and Revenue Forest-166.930 ha) and 1080.220 ha Non-Forest Land.
 - iii. Application for diversion of total forest land inside the Original Mining Lease (over an area of 1786.74 ha) i.e. to the extent of 706.52 ha Forest land was submitted vide proposal No.FP/OR/MIN/189/1996 including the safety zone of 40.6 ha. The MoEF, Gol granted Stage-II Forestry clearance for an area 465.62 ha excluding the Safety Zone area over 40.60 ha vide F.No.8-87/1996-FC dated.26.05.2023.
 - iv. Further, application was submitted for diversion of 238.093 ha Sabik Kisam Forest land

(Non-Forest Land recorded as Forest as on 25.10.1980) inside the said Mining Lease including 139.061 ha (which includes 14.748 ha Safety Zone area) under Section 2 (ii) and 99.032 ha under Section 2 (iii) vide proposal No.FP/OR/MIN/20126/2016 including the safety zone of 14.748 h. The MoEF, Gol had granted Stage-II Forestry clearance for an area 124.313 ha excluding the Safety Zone area over 14.748 ha vide F.No.8-87/1996-FC dated 29.04.2019.

- v. As per the recent Guideline No. FC-11/151/2022-FC dated 07.11.2022 stipulates as follows:
The Ministry vide letter No.FC-11/151/2022-FC dated.07.11.2022 has issued guidelines regarding maintenance of safety zone review of guidelines given under Para 7.8 of the Handbook of Forest (Conservation) Act, 1980 vis-a-vis approvals obtained under the Forest (Conservation) Act, 1980 the State Government shall take immediate necessary action for diversion of the 40.60 ha and 14.748 ha forest land involved in the safety zone, as per said guidelines."
- vi. As per the stipulated conditions in the Stage-I grant order dated.24.02.1999 (Proposal No. FP/OR/MIN/189/1996) & 12.09.2017 (Proposal No. FP/OR/MIN/20126/2016), the Bolani Ores Mines, M/s SAIL has already completed all required formalities (viz. Payment of NPV, Compliance of FRA, Payment towards Compensatory Afforestation over 1.5 times SZ elsewhere, Scheme for Protection, Maintenance & Regeneration of Safety Zone Prepared and approved) for diversion of safety zone within the Mining Lease. The earlier calculated Safety Zone area to the tune of 55.348 ha (40.60 ha + 14.748 ha) were calculated considering 7.5-meter inner side of ML boundary, 50 meter to the left of River Karo and Green Belt. Hence, the instant proposal is for maintenance of 55.348 ha Forest Land which includes diversion of Forest land inside 7.5-meter inner boundary of ML. As such, the Renewal of Mining Lease has been executed. As Safety Zone is an integral part to Mining Lease and to be maintained, the same cannot be shifted to any other location. Hence, locating the project inside above forest land is justified.
- vii. 55.348 ha coming under Barbil Tahasil of Keonjhar Forest Division is as follows:

Sl. No.	Type of forest land	Forest land applied for diversion as Safety zone (in ha)
1	Reserved Forest	35.934
2	Khesra Forest	4.666
3	Sabik Kisam Forest	14.748
Total		55.348

- viii. The prevailing vegetation in the forest land proposed for diversion includes Sal and Sal associates such as Sal (*Shorea robusta*), Sahaja (*Termfialla alata*), Sidha (*Lagerstroemia parviflora*), Karanja, (*Anogeissus latifolia*), Bahada (*Terminalia belerica*), Jamun (*Syzygium cumin*), Amba (*Mangifera Indica*), Mahul (*Madhuca indica*) etc.
- ix. Density of the proposed forest land is 0.3 and Eco Class-I. No tree will be affected in the proposed forest land.
- x. The State has informed that the Karo Reserved Forest is the dwelling habitat for bear, barking deer, porcupine and etc. Occasional movement of wild elephants is used to be witnessed in the applied forest land. The applied site falls under Elephant Habitat Zone-2 as mentioned by ORSAC, Bhubaneswar supplied Forest block wise canopy density maps based on Forest Survey of India, State of Forest Report 2019. However, there is no elephant movement in the lease area since last 10 years.
- xi. The applied area does not form part of any National Park/ Wildlife Sanctuary/

Biosphere reserve, Tiger Reserve, Elephant Corridor etc. No protected archeological/heritage site/ defence establishment or any other important monument is located in the area.

- xii.** No rare and endangered species available in the applied are for diversion.
- xiii.** Karo Karpada Elephant Corridor is reported at a distance of 8 km from the mining lease.
- xiv.** No violation of the Forest (Conservation) Act, 1980 has committed by the User Agency in this proposal.
- xv.** The requirement of forest land as proposed by the user agency is unavoidable and barest minimum for the project.
- xvi.** The user agency has obtained Environment Clearance vide No.J-11015/396/2008-IA.II(M) Dated 21.12.2012 of MoEF&CC, GoI for production of 15000 TPA Manganese Ore from Bolani Iron & Manganese Ore Mines of M/s SAIL.
- xvii.** DFO, Keonjhar Division has reported that, as the forest land proposed for diversion is coming within the safety Zone of mining lease, the requirements for Fencing, Protection and Regeneration of the said safety zone area has been complied with as per conditions stipulated in the Stage-I approval order as follows:
 - a. The Scheme for Fencing, Protection and Regeneration of the Safety zone over 40.60 ha was prepared and technical approved vide Memo No.3667 dated 07.12.2018 of O/o RCCF, Rourkela Circle. Accordingly, the user agency has already deposited an amount of ₹1,53,62,037/- in two phases: ₹1,32,99,000/- only @₹224.30/- per MD through online portal in the account of Ad-hoc CAMPA vide UTR No.SBIN52018111600051494 dated 16.11.2018 in ORISSA CAMPA A/c- 150825818900475, Lodhi Complex, New Delhi and ₹20,63,037/- only, being the differential cost @₹280/- per MD, through online portal in the account of Ad-hoc CAMPA vide UTR No. SBIN319051464771 dated.20.02.2019 in ORISSA CAMPA A/c-150825818900945, Lodhi Complex towards cost of Fencing, Protection and Regeneration of the safety zone area over 40.60 ha.
 - b. The user agency has already prepared a scheme for Fencing, Protection and Regeneration of the sabik safety zone area over 14.748 ha at a cost of ₹83,81,063/- which has been Technically approved by the RCCF, Rourkela vide Memo No.3550 dated 30.11.2018 for execution by the user agency himself. The undertaking duly countersigned by the DFO, Keonjhar Forest Division in this regard is submitted.

xviii. Amount of NPV paid for forest land etc. of the said mining lease are furnished below:

Total area involved in the Bolani Iron & Manganese Mining Lease of M/s SAIL	1586.36 ha (DGPS area 1582.099 Ha)	
Total Forest Land involved in the Mining Lease	Reserved Forest	337.980 Ha
	Revenue Forest	146.100 Ha
	Sabik Forest	238.093 Ha
	DLC Forest	NIL
	Total	722.173 Ha
Amount of NPV realized over 744.233 Ha Forest Land	₹73,91,15,656/-	

- xix.** No rehabilitation is involved in this proposal.
- xx.** FRA certificate is not required as the proposal has submitted as per the FCR, 2022 however, FRA certificate in the earlier approved proposal has been provided by the UA.
- xxi.** State authorities have recommended the proposal.
- xxii.** The Regional office has carried out the Site inspection report in this proposal which

has been observed by the Committee and noted that the Regional Office has recommended the proposal for diversion of 55.348 ha of forest land for maintenance of Safety Zone with the condition that the State Govt. will identify equivalent land for C.A. as admissible and deposit the amount as per the approved scheme for raising C.A. in the CAMPA account.

5. **Decision of the Advisory Committee:** After thorough deliberation and discussion with Nodal Officer (FCA), GoO and DDGF (Central), RO Bhubaneswar the Advisory Committee recommended the proposal for granting 'in-principle' approval for diversion of 55.348 ha forest land for maintenance of Safety Zone within Bolani Iron & Manganese Ore Mines (6.90 Sq. miles ML, 1586.36 haj) by M/s SAIL in village Balagoda, Bolani, Limitur & Karo RF under Barbil Tahasil of Keonjhar District, Odisha in Keonjhar Forest Division subject to the General, Standard and following specific conditions:
 - i. The State Govt. will identify equivalent NFL land for C.A. as admissible under Rule (11) of Forest Conservation Rules, 2022 and deposit the amount as per the approved scheme for raising C.A. in the CAMPA account.

Agenda No. 18

File No. 8-13/2023-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Kashvi Power & Steel Pvt. Ltd. for non-forestry use of 60.508 ha of forest land including 2.331 ha of safety zone in Dholta Pahar Iron Ore Block for iron ore mining in Bonai Forest Division under Sundargarh District, Odisha –reg. (Online No. FP/OR/MIN/150522/2021)

1. The agenda item was considered by the AC in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Govt. of Odisha and DDGF (Central) RO Bhubaneswar also attended the meeting.
2. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the AC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The AC after through deliberation and discussion observed that:
 - i. The Government of Odisha vide letter no. FE-DIV-FLD-00-0030-2023- 5799/FE&CC dated 28.03.2023 seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Kashvi Power & Steel Pvt. Ltd. for non-forestry use of 60.508 ha of forest land including 2.331 ha of safety zone in Dholta Pahar Iron Ore Block for iron ore mining in Bonai Forest Division under Sundargarh District, Odisha.
 - ii. Legal status of the proposed forest land is Reserve Forest and density is 0.6, Eco Class-I.
 - iii. The area is not Vulnerability to erosion.
 - iv. Flora and Fauna found in the area is Amla (*Embllica officinalis*), Asan (*Terminalia tomentosa*), Bahada (*Terminalia belerica*), Bara

(*Ficus bengalensis*), *Bela* (*Aegle marmelos*), *Bija* (*Pterocarpus marsupium*), *Champa* (*Michelia champaca*), *Chara* (*Buchanania lanzan*), *Dam Kuruda* (*Gardenia latifolia*), *Dhaura* (*Anogeissus latifolia*), *Dimiri* (*Ficus racemosa*), *Gambhari* (*Gmelina arborea*), *Gangasiuli* (*Nyctanthes ArborTristis*), *Harida* (*Terminalia Chebula*), *Jadi* (*Ficus religiosa*), *Jamu* (*Syzygium cumini*), *Kangada* (*Xylia Xylocarpa*), *Karanja* (*Pongamia pinnata*), *Kasi* (*Bridelia retusa*), *Kathsiali* (*Xylia Xylocarpa*), *Kendu* (*Diospyros melanoxylon*), *Khakhada* (*Casearia elliptica*), *Kuli* (*Ziziphus jujuba*), *Kumbhi* (*Careya arborea*), *Kurei* (*Holarrhena antidysenterica*), *Kurum* (*Adina cordifolia*), *Kusuma* (*Schleichera oleosa*), *Mahaneem* (*Ailanthus excelsa*), *Mahul* (*Madhuca indica*), *Mango* (*Mangifera indica*), *Mundi* (*Mitragyna parviflora*), *Saguan* (*Tectona grandis*), *Sal* (*Shorea robusta*), *Sishu* (*Daibergia sisoo*), *Sidha* (*Lagerstroemia parviflora*), *Simoli* (*Bombax ceiba*), *Siris* (*Albizia lebbeck*), *Sunari* (*Cassia fistula*), *Tenguli* (*Tamarindus indica*), others, etc.

- v. Total 29,838 numbers of trees of have been enumerated for proposed to be felled.
- vi. Elephant, Wild boar, Hanurhan langur, Rhesus macaque, Indian Hare, Indian Palm Squirrel, Jungle Cat, Mongoose, Porcupine, Jackal, Hyaena and different types of Snakes and Birds are recorded in the proposed area.
- vii. The proposed area is not part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc.
- viii. No RET species of flora and fauna are found in the area.
- ix. N heritage site/defence establishment or any other important monuments is located in the area proposed for diversion.
- x. No violation of FCA, 1980 has been committed by the User Agency.
- xi. The requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project.
- xii. ToR vide letter no. 4224/SEIAA dated 15.03.2022 by State Environment Impact Assessment Authority.
- xiii. Compensatory afforestation scheme has been proposed over 58.757 ha of Govt. Non-Forest land identified in village San-Sibnathpur under Gurundia Tehsil of Bonai Range in Bonai Forest Division. However, equivalent non-forest land is required for CA.
- xiv. Total financial outlay of the CA scheme is ₹2,80,84,400/- All details of the CA along with site suitability certificate has been provided.
- xv. The User Agency has given an undertaking to produce the relevant certificate under FRA, 2006 after getting from Collector, Sundargarh for forest land of 60.508 ha involved in the Dholta Pahar iron ore Block leased out in favour of M/s Kasvi Power & Steel Pvt. Ltd.

- xvi. State authorities in the State have recommended the proposal.
- xvii. The State has informed that in pursuant to the Mines and Minerals (Development and Regulation) Act, 1957 and the Mineral (Auction) Rules, 2015, Govt. of Odisha issued the notice inviting tender dated 07.07,2021 for commencement of the auction process to grant the mining lease for Dholta Pahar Iron Ore Block located in Koira Tahasil of Sundargarh district of Odisha. The e-auction process was conducted in accordance with the tender document and the mineral auction rule. 2015 for said mineral block and M/s Kashvi Power & Steel Pvt. Ltd. was declared as the preferred Bidder under-Rule 9(9) (iii) or Rule10(A) of Auction Rules having quoted a final price offer of 126.55%.
- xviii. The PCCF & HoFF, Odisha has reported that M/s Kashvi Power & Steel Pvt. Ltd has made payment of ₹6,99,89,5871- (Rupees Six Crore Ninety-Nine Lakhs Eighty-Nine Thousand Five Hundred Eighty-Seven only) "through treasury challan on dated 21.10.2021 against the first installment being twenty percent of the upfront money. Accordingly, the Government of Odisha have' issued Letter of Intent under Rule 10(2) of Mineral Auction Rules, 2015 to M/s Kashvi Power & Steel Pvt Ltd for grant of Mining Lease for Dholta Pahar Block for iron ore over an area of 60.508 ha near Dengula village, Koira Tahasil of Sundargarh district of Odisha for a period of 50 years. This Letter of Intent is valid subject to the provision of the Act and the Rules made there under as amended from time to time and M/s Kashvi Power & Steel Pvt. Ltd. shall be designated as the Successful Bidder and subsequently granted, the mining lease only upon satisfactory compilation of all requirements under the Act and Rules made there under.
- xix. As per the DSS report the proposed area is falling under the VDF category and inviolate under the decision Rule 1 and 2. The AC observed that the area proposed for mining is within a pristine and very dense forest and the proposal will have an impact on the biodiversity.
- xx. The State has given the justification for proposing the area under VDF and stated that the Mining is a site specific activity irrespective of the land status and Govt. of Odisha allocated this block through c-auction to carry out mining operation and exploitation of iron ore. M/s Kasvi Power and Steel Pvt. Limited has been declared as preferred bidder for grant of mining lease of Dholta Pahar Iron Ore Mines. As per the data provided by the Director of Mines, Steel and Mines Department, Government of Odisha,, the total mining lease DGPS surveyed area is 60.508 ha. The total area comes under Reserved Forest. The ore body needs to be judiciously exploited in view of systematic mining with optimum exploitation of ore to meet the growing demand of raw materials for indigenous steel plant, sponge iron plant, pellet plants etc. for ultimate production of Steel and also for export to earn foreign exchange for development of the country. Now, for grant of mining lease of Dholta Pahar iron ore Block and use of 60.508 ha of forest land for the mining and ancillary activities purposes, it is required to apply for diversion of forest land under Section 2 (ii) of the Forest (Conservation) Act, 1980 for approval of the Central Government.
- xxi. Hence, diversion of 60.508 ha forest land under Section-2 (ii) of the Forest (Conservation) Act, 1980 is very much essential for grant

of mining lease of Dholta Pahar iron ore Block in the district of Sundargarh of Odisha for systematic and scientific mining as well as optimum exploitation of iron ore in the project area. The proposed mining project will be beneficial to the peripheral community as there will be ingress of floating population along with cash flow and the affect will on the local economy by direct and indirectly through ancillary activities and through employment, CSR and other activities and infrastructural developments like roads, electricity, drinking water supply schools & hospitals.

xxii. During the examination of the proposal the Ministry asked the justification for proposing mining in this biodiversity rich area. However, no convincing reply from the State has been received.

xxiii. The Committee further noted that since the area proposed for mining is within a pristine and very dense forest mining activities in this area would be requiring road, electricity, and water provisions. The State has informed that another proposal will be submitted for road connectivity. However, for electricity the User Agency will apply to NESCO to provide them 11 KV power line to their Mines and same will be drawn in the RoW of the proposed connecting road so that requirement of additional forest land will be avoided. In regard to the requirement of water, the User Agency have already obtained NOC from CGWA, Gol to draw groundwater to the tune of 97 m3 /day.

xxiv. As per the FCA, 1980 Rules and Guidelines a comprehensive proposal along with all ancillaries' activities have not been submitted.

xxv. Regarding non site specific activities the State Govt. has informed that the area earmarked for dumping is 7.265 ha as because during plan period, ore will not be exhausted in any place and hence the waste generated during mining operation has to be kept in the external dump. After exhaust of mineral the User Agency will not use any forest land for dumping purpose and waste materials will be used for reclamation. The area earmarked for storing of minerals is 6.021 ha for the purpose of storing of sub-grade ore (45%fe to 55%fe) which has no market and it has to be preserved as per Rule 14 of MCDR, 2017-"Separate stacking of non-saleable minerals. - (1) All the non-saleable or unusable minerals or ores above the threshold value of the mineral, as may be notified by Indian Bureau of Mines from time to time, or otherwise shall be stacked separately on the ground earmarked for the purpose. The balance area is for stacking & storing of Minerals. Considering the grade wise and size wise requirement of the consuming industries, the ore raised is to be segregated and stacked separately for sale purpose. Considering from the mineral conservation point of view, the Indian Bureau of Mines, Govt. of India is emphasizing on assessment of the iron ore reserve with the cut-off grade of 45%Fe and stacking of the sub grade ore properly. Presently, the good quality ore is only marketable and the sub-grade ore raised are normally not sold presently, which are required to be stacked separately for the future use. Again for removal of ore from mining lease hold area, stacking of minerals is essential. The State Government vide notification 3973 dated 28.04.2021 have issued operational guideline for Stacking, Sampling & Chemical Analysis. As per the guideline each stack should not be more than 20000 MT and the height should not be more than 3 meter. To accommodate 20000MT, the required surface area is approximately more than 25005sq.M. Road has to be kept in between the stacks, so considering all the above, area required for each stack is 5000 Sq.M or 0.5 ha. Depending on the placement of Rakes, the

average time for removal of one stacks take about a month. To dispatch 1 lakh tone of material every month and to achieve the quantity, 7 to 8 nos. of stack of different grade and size are required. So minimum 3 ha of land is required for stacking of Ore of processed ore. Again, some area is required for un-processed ore. Looking to the above, 6.021 ha. has been earmarked for Mineral storage.

xxvi. The Committee also noted that the State Government has submitted the same proposal under section 2 (iii) wherein the Regional Office was submitted the SIR however, the Ministry requested to the RO to submit the revised SIR along with the details of connectivity, density on ground, crop composition and Impact of the mining on the watershed of the surrounding area.

xxvii. The details provided by the Regional Office in their SIR was thoroughly discussed in the Advisory committee and it has been observed that the proposed ML area of 60 ha is predominantly very dense forest with certain gaps on the top as it is situated on a plateau. There is no approach road to the proposed ML area. Road has been proposed and seen to be demarcated with pillar posting through the Sarkunda RF. The stream order 1 and 2 are seen to emanate from the proposed mining lease area as per the water shed map of the mining lease site. Hence, mining will impact the water table, water sources and may lead to contamination with nearby nallah and streams, if adequate precaution is not taken. Elephant movement along the water sources is noticed at 1.2 km from the proposed RF within the boundary of the Sarkunda RF. Mining and movement of heavy machinery in the Sarkunda RF will result in degradation of the forest and loss of habitat as is the case in many mines already operating in the area and may also result in human elephant conflict. 18 number of non-working mines; 12 number of working mines; and 2 auctioned mines are present in the 10 km radius of the proposed mining lease area. The area around the proposed mining lease area is already disturbed. However, the proposed mining lease area is on an elevated plateau within the Sarkunda RF with very dense vegetation that makes it inviolate. Moreover, the proposed mining area is placed almost in the middle of the Sarkunda RF, which does not have any mining activity at present and is undisturbed housing a very good chunk of forest at this point of time and the Sarkunda RF is a contiguous and intact patch of sal forest in the heavily mined periphery and its strategic location on an elevated area makes it vulnerable to contamination of water sources down streams in case of mining in the proposed site.

xxviii. The Committee also notes that studies need to be conducted on the impact of mining in Sarkunda RF on loss of habitat of wildlife including mesopredator and small mammals, movement and dispersal of elephant. Studies on impact of mining on the hydrological regime of Sarkunda RF as well as the watershed of the proposed mining lease area within 10 km zone of influence need to be undertaken. Also studies on the eco-cultural linkages of the local communities with the Sarkunda sal forest needs to be studied to find the organic link between the forest and the people of the region which is already heavily mined district, and this forest chunk of 1901.108 ha appears to be a contiguous patch of forest in the mining dominated landscape.

xxix. As per the SIR 18 number of non-working mines; 12 number of working mines; and 2 auctioned mines are present in the 10 km radius of the proposed mining lease area. The proposed mining area is at a distance of 3.6 km from SAIL mines and 1.8 km distance from C P Sharma mines and reported that the

proposal may be considered after receipt of the satisfactory compliance of the mitigative measures suggested in the SIR.

4. **Decision of the advisory Committee:** After thorough deliberation and discussion with Nodal Officer (FCA), GoO and DDGF (Central), RO Bhubaneswar considering the fact that the proposed area is falling under the VDF category and inviolate under the decision Rule 1 and 2 of the DSS and the area proposed for mining is within a pristine and very dense forest and the proposal will have an impact on the biodiversity, the Advisory Committee recommended to reject the proposal.

Agenda No. 19

File No. 8-15/2023-FC

Sub: Permission for grant of lease under Section -2 (iii) of Forest (Conservation) Act, 1980 in favour of M/s Kashvi Power & Steel Pvt. Ltd. for non-forestry use of 60.508 ha of Dholta Pahar Iron Ore Block through e-auction sale in sarkunda Reserved Forest in Bonai Forest Division under Sundargarh District, Odisha –reg. (Online No. FP/OR/Others/152380/2022)

1. The agenda item was considered by the AC in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Govt. of Odisha and DDGF (Central) RO Bhubaneswar also attended the meeting.
2. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the AC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The AC after through deliberation and discussion observed that:
 - i. Government of Odisha vide letter no. FE-DIV-FLD-0029-2023 -5748/FE&CC dated 28.03.2023 seeking permission for grant of lease under Section-2 (iii) of Forest (Conservation) Act, 1980 in favour of M/s Kashvi Power & Steel Pvt. Ltd. for non-forestry use of 60.508 ha of Dholta Pahar Iron Ore Block through e-auction sale in sarkunda Reserved Forest in Bonai Forest Division under Sundargarh District, Odisha
 - ii. Legal status of the proposed forest land is Reserve Forest and density is 0.6, Eco Class-I.
 - iii. The area is not Vulnerability to erosion.
 - iv. Flora and Fauna found in the area is Sal (*Shorea robusta*), Sidha (*Lagerstroemia parviflora*), Kangada (*Xylia xylocarpa*), Siali (*Bauhinia vahlii*), Teak (*Tectona grandis*), Sishu (*Daiberigia sisoo*), Kusum (*Schleichera oleosa*), Bara. (*Ficus bengalensis*), Harida (*Terminalia chebula*), Bahada (*Terminalia belerica*), Char (*Buchanania lanjan*), Jamu (*Syzygiurn cumini*), Asan (*Tertninalia tomentosa*), Kendu (*Diospyros melanoxylon*), Mahul (*Madhuca indica*), Kumbhi (*Careya arborea*), Mango (*Mangifera indica*) etc.
 - v. Total 29,838 numbers of trees of have been enumerated.

- vi. Elephant, Wild boar, Hanurhan langur, Rhesus macaque, Indian Hare, Indian Palm Squirrel, Jungle Cat, Mongoose, Porcupine, Jackal, Hyaena and different types of Snakes and Birds are recorded in the proposed area.
- vii. The proposed area is not part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc.
- viii. No RET species of flora and fauna are found in the area.
- ix. N heritage site/defence establishment or any other important monuments is located in the area proposed for diversion.
- x. No violation of FCA, 1980 has been committed by the User Agency.
- xi. The requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project.
- xii. ToR vide letter no. 4224/SEIAA dated 15.03.2022 by State Environment Impact Assessment Authority.
- xiii. Compensatory afforestation scheme has been proposed over 58.757 ha of Govt. Non-Forest land identified in village San-Sibnathpur under Gurundia Tehsil of Bonai Range in Bonai Forest Division. However, equivalent non-forest land is required for CA.
- xiv. CA is not applicable as the proposal is submitted under Section 2 (iii) of the FCA, 1980.
- xv. The User Agency has given an undertaking to produce the relevant certificate under FRA, 2006 after getting from Collector, Sundargarh for forest land of 60.508 ha involved in the Dholta Pahar iron ore Block leased out in favour of M/s Kasvi Power & Steel Pvt. Ltd.
- xvi. State authorities in the State have recommended the proposal.
- xvii. The State has informed that in pursuant to the Mines and Minerals (Development and Regulation) Act, 1957 and the Mineral (Auction) Rules, 2015, Govt. of Odisha issued the notice inviting tender dated 07.07,2021 for commencement of the auction process to grant the mining lease for Dholta Pahar Iron Ore Block located in Koira Tahasil of Sundargarh district of Odisha. The e-auction process was conducted in accordance with the tender document and the mineral auction rule. 2015 for said mineral block and M/s Kashvi Power & Steel Pvt. Ltd. was declared as the preferred Bidder under-Rule 9(9) (iii) or Rule10(A) of Auction Rules having quoted a final price offer of 126.55%.
- xviii. The PCCF & HoFF, Odisha has reported that M/s Kashvi Power & Steel Pvt. Ltd has made payment of ₹6,99,89,5871- (Rupees Six Crore Ninety-Nine Lakhs Eighty-Nine Thousand Five Hundred Eighty-Seven only) "through treasury challan on dated 21.10.2021 against the first installment being twenty percent of the upfront money. Accordingly, the Government of Odisha have' issued Letter of Intent under Rule 10(2) of Mineral Auction Rules, 2015 to M/s Kashvi Power & Steel Pvt Ltd for grant of Mining Lease for Dholta Pahar Block for iron ore over an area of 60.508 ha near Dengula village, Koira Tahasil of Sundargarh district of Odisha for a period of 50 years. This Letter of Intent is valid subject to the provision of the Act and the Rules made there under as amended from time to time and M/s Kashvi Power & Steel Pvt. Ltd. shall be designated as the Successful Bidder and subsequently granted, the mining lease only upon satisfactory compilation of all requirements under the Act and Rules made there under.

- xix. As per the DSS report the proposed area is falling under the VDF category and inviolate under the decision Rule 1 and 2. The AC observed that the area proposed for mining is within a pristine and very dense forest and the proposal will have an impact on the biodiversity.
- xx. The State has given the justification for proposing the area under VDF and stated that the Mining is a site specific activity irrespective of the land status and Govt. of Odisha allocated this block through c-auction to carry out mining operation and exploitation of iron ore. M/s Kasvi Power and Steel Pvt. Limited has been declared as preferred bidder for grant of mining lease of Dholta Pahar Iron ore Mines. As per the data provided by the Director of Mines, Steel and Mines Department, Government of Odisha,, the total mining lease DGPS surveyed area is 60.508 ha. The total area comes under Reserved Forest. The ore body needs to be judiciously exploited in view of systematic mining with optimum exploitation of ore to meet the growing demand of raw materials for indigenous steel plant, sponge iron plant, pellet plants etc. for ultimate production of Steel and also for export to earn foreign exchange for development of the country. Now, for grant of mining lease of Dholta Pahar iron ore Block and use of 60.508 ha of forest land for the mining and ancillary activities purposes, it is required to apply for diversion of forest land under Section 2 (ii) of the Forest (Conservation) Act, 1980 for approval of the Central Government.
- xxi. Hence, diversion of 60.508 ha forest land under Section-2 (ii) of the Forest (Conservation) Act, 1980 is very much essential for grant of mining lease of Dholta Pahar iron ore Block in the district of Sundargarh of Odisha for systematic and scientific mining as well as optimum exploitation of iron ore in the project area. The proposed mining project will be beneficial to the peripheral community as there will be ingress of floating population along with cash flow and the affect will on the local economy by direct and indirectly through ancillary activities and through employment, CSR and other activities and infrastructural developments like roads, electricity, drinking water supply schools & hospitals.
- xxii. During the examination of the proposal the Ministry asked the justification for proposing mining in this biodiversity rich area. However, no convincing reply from the State has been received.
- xxiii. The Committee further noted that since the area proposed for mining is within a pristine and very dense forest mining activities in this area would be requiring road, electricity, and water provisions. The State has informed that another proposal will be submitted for road connectivity. However, for electricity the User Agency will apply to NESCO to provide them 11 KV power line to their Mines and same will be drawn in the RoW of the proposed connecting road so that requirement of additional forest land will be avoided. In regard to the requirement of water, the User Agency have already obtained NOC from CGWA, Gol to draw groundwater to the tune of 97 m3 /day.
- xxiv. As per the FCA, 1980 Rules and Guidelines a comprehensive proposal along with all ancillaries' activities have not been submitted.
- xxv. Regarding non site-specific activities the State Govt. has informed that the area earmarked for dumping is 7.265 ha as because during plan period, ore will not be exhausted in any place and hence the waste generated during mining operation has to be kept in the external dump. After exhaust of mineral the User Agency will not use any forest land for dumping purpose and waste materials will be used for

reclamation. The area earmarked for storing of minerals is 6.021 ha for the purpose of storing of sub-grade ore (45%Fe to 55%Fe) which has no market and it has to be preserved as per Rule 14 of MCDR, 2017-"Separate stacking of non-saleable minerals. - (1) All the non-saleable or unusable minerals or ores above the threshold value of the mineral, as may be notified by Indian Bureau of Mines from time to time, or otherwise shall be stacked separately on the ground earmarked for the purpose. The balance area is for stacking & storing of Minerals. Considering the grade wise and size wise requirement of the consuming industries, the ore raised is to be segregated and stacked separately for sale purpose. Considering from the mineral conservation point of view, the Indian Bureau of Mines, Govt. of India is emphasizing on assessment of the iron ore reserve with the cut-off grade of 45%Fe and stacking of the sub grade ore properly. Presently, the good quality ore is only marketable and the sub-grade ore raised are normally not sold presently, which are required to be stacked separately for the future use. Again for removal of ore from mining lease hold area, stacking of minerals is essential. The State Government vide notification 3973 dated 28.04.2021 have issued operational guideline for Stacking, Sampling & Chemical Analysis. As per the guideline each stack should not be more than 20000 MT and the height should not be more than 3 meter. To accommodate 20000MT, the required surface area is approximately more than 25005sq.M. Road has to be kept in between the stacks, so considering all the above, area required for each stack is 5000 Sq.M or 0.5 ha. Depending on the placement of Rakes, the average time for removal of one stacks take about a month. To dispatch 1 lakh tone of material every month and to achieve the quantity, 7 to 8 nos. of stack of different grade and size are required. So minimum 3 ha of land is required for stacking of Ore of processed ore. Again, some area is required for un-processed ore. Looking to the above, 6.021 ha. has been earmarked for Mineral storage.

- xxvi. The Committee also noted that the State Government has submitted the same proposal under section 2 (ii).
- xxvii. It has been also noted that the Regional Office was submitted the SIR however, the Ministry requested to the RO to submit the revised SIR along with the details of connectivity, density on ground, crop composition and Impact of the mining on the watershed of the surrounding area.
- xxviii. The details provided by the Regional Office in their SIR was thoroughly discussed in the Advisory committee and it has been observed that the proposed ML area of 60 ha is predominantly very dense forest with certain gaps on the top as it is situated on a plateau. There is no approach road to the proposed ML area. Road has been proposed and seen to be demarcated with pillar posting through the Sarkunda RF. The stream order 1 and 2 are seen to emanate from the proposed mining lease area as per the water shed map of the mining lease site. Hence, mining will impact the water table, water sources and may lead to contamination with nearby nallah and streams, if adequate precaution is not taken. Elephant movement along the water sources is noticed at 1.2 km from the proposed RF within the boundary of the Sarkunda RF. Mining and movement of heavy machinery in the Sarkunda RF will result in degradation of the forest and loss of habitat as is the case in many mines already operating in the area and may also result in human elephant conflict. 18 number of non-working mines; 12 number of working mines; and 2 auctioned mines are present in the 10 km radius of the proposed mining lease area. The area around the proposed mining lease area is already disturbed. However, the proposed mining lease area is on an elevated

plateau within the Sarkunda RF with very dense vegetation that makes it inviolate. Moreover, the proposed mining area is placed almost in the middle of the Sarkunda RF, which does not have any mining activity at present and is undisturbed housing a very good chunk of forest at this point of time and the Sarkunda RF is a contiguous and intact patch of sal forest in the heavily mined periphery and its strategic location on an elevated area makes it vulnerable to contamination of water sources down streams in case of mining in the proposed site.

xxix. The Committee also notes that studies need to be conducted on the impact of mining in Sarkunda RF on loss of habitat of wildlife including mesopredator and small mammals, movement and dispersal of elephant. Studies on impact of mining on the hydrological regime of Sarkunda RF as well as the watershed of the proposed mining lease area within 10 km zone of influence need to be undertaken. Also studies on the eco-cultural linkages of the local communities with the Sarkunda sal forest needs to be studied to find the organic link between the forest and the people of the region which is already heavily mined district, and this forest chunk of 1901.108 ha appears to be a contiguous patch of forest in the mining dominated landscape.

xxx. As per the SIR 18 number of non-working mines; 12 number of working mines; and 2 auctioned mines are present in the 10 km radius of the proposed mining lease area. The proposed mining area is at a distance of 3.6 km from SAIL mines and 1.8 km distance from C P Sharma mines and reported that the proposal may be considered after receipt of the satisfactory compliance of the mitigative measures suggested in the SIR.

4. **Decision of the advisory Committee:** After thorough deliberation and discussion with Nodal Officer (FCA), GoO and DDGF (Central), RO Bhubaneswar considering the fact that the proposed area is falling under the VDF category and inviolate under the decision Rule 1 and 2 of the DSS and the area proposed for mining is within a pristine and very dense forest and the proposal will have an impact on the biodiversity, the Advisory Committee recommended to reject the proposal.

Agenda No. 20

File No. 8-64/2007-FC

Subject: Diversion of 116.589 hectare of forest land in favour of M/s. Lafarge Umiam Mining Private Limited for limestone mining and other Ancillary activities in Sohra Tehsil, East Khasi Hills District of Meghalaya-change in CA condition/sites- regarding.

1. The agenda item was considered by the AC in its meeting held on 29.11.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. While deliberating on the proposal, AC observed that:

- i. The proposal for diversion of 116.589 hectare of forest land in favour of M/s. Lafarge Umiam Mining Private Limited for limestone mining and other Ancillary activities in Sohra Tehsil, East Khasi Hills District of Meghalaya was discussed in Forest Advisory Committee (FAC) on 09.08.2007 and recommended the proposal with certain conditions. In-principle approval was accorded by this Ministry on 22.04.2010 and on receipt of satisfactory compliance report, Stage-II approval under FCA,1980 was accorded on 29.02.2012 by this Ministry subject to certain conditions prescribed therein.
- ii. The Stage I approval was granted by Ministry on 22/04/2010 subject to certain conditions which includes the following conditions for CA purpose:
Condition No.2: Compensatory Afforestation shall be raised and maintained over double the degraded forest land (i.e. over $116.589 \times 2 = 233.178$ ha) at the cost of the User Agency. The cost of the CA shall be transferred to the State Forest Department by the User Agency.
Condition No.3: Penal CA shall be raised and maintained over an area 5 (five) times in extent to the forest land worked in violation of the Forest (Conservation) Act,1980 i.e. 5 (five) times of the broken up area or $38.089 \times 5 = 190.445$ ha of degraded forest land. The User Agency shall transfer the cost of the Penal CA and its maintenance to the State Forest Department.
- iii. The above two conditions remained and State Government was supposed to comply the condition No.2 that is to raise Compensatory Afforestation over double the degraded forest land over 233.178 ha from the funds realized from the user agency. Secondly to raise Penal Compensatory Afforestation over an area of 190.445 ha of degraded forest land from the funds realized from the user agency. Thus, the total Compensatory Afforestation which includes Penal Compensatory Afforestation comes out to be 423.623 ha and to be done at the cost of User Agency.
- iv. The Regional Office, Shillong, on perusal of the compliance report of M/s Lafarge Umiam Mining Pvt Ltd, observed that in compliance to conditions stipulated in the approval, the CA has not been carried out by the State Government.
- v. The Regional Office, Shillong in 2018 on 13.06.2018, 09.08.2018 and 27.08.2018 asked the State Government to clarify the reason for not taking up Compensatory Afforestation and Penal Compensatory Afforestation and the PCCF & HoFF, Meghalaya vide letter dated 11.09.2018 informed that the matter has been already been taken up with MoEF & CC, Government of India, New Delhi and opinion of the State Government is that M/s Lafarge Umiam Pvt. Ltd. be asked to pay for acquisition of requisite land required for Compensatory Afforestation. Further, Secretary, Government of Meghalaya, has enquired from PCCF Meghalaya about the actual quantum of land to be provided by Lafarge Umiam Pvt Ltd since, the figure of 428.483 ha is based on the premise of degraded forest land. It is also informed that the degraded forestland is not available to facilitate the User Agency to undertake Compensatory Afforestation.
- vi. Ministry vide its letter 28.02.2019 clarified that if degraded forest land is not available for CA then the CA may be raised over non forest land as proposed, provided non-forest land is transferred to State Forest Department and notified as 'forest' under Indian Forest Act. The same was endorsed to PCCF & HoFF, Govt of Meghalaya vide RO's letter dated 13.03.2019.

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- vii. The CCF & Nodal Officer, Govt. of Meghalaya vide letter dated 22.04.2019 informed Regional Office that it is evident that the MoEF & CC has agreed to the proposal of the State Govt. for substituting degraded forest land with non-forest land (to be provided by the user agency) for the purpose of raising compensatory afforestation in respect of prescription for CA land at condition (ii) of the final approval. It is clear that the extent of the non-forest land that would need to be provided by the user agency would be half the prescribed degraded forest land but in respect of penal CA land the same logic may not be applicable.
- viii. MoEF&CC vide its letter dated 08.05.2019 requested the Regional Office to examine the issue keeping in view the user agency is a private agency who is entitled to take up CA over non forest land and the CA has been allowed over double degraded forest land. After examination this issue on the provisions of the Forest (Conservation) Act, 1980 and guidelines, the detailed report may be submitted to this Ministry at the earliest so that the same could be deliberated in Forest Advisory Committee (FAC).
- ix. Further, a meeting with the officials of State Govt., Regional Office, Shillong and User Agency was convened on 06.08.2020 through Video Conference (VC) to discuss the issue for raising compensatory afforestation in lieu of diversion of 116.589 ha of forest land in favour of M/s. Lafarge Umiam Mining Private Limited. After meeting convened on 06.08.2020 through Video Conference (VC) under the chairmanship of IGF(FC), it was intimated to State Govt. –“ If State Government want to deviate from any or more conditions specified in the approval granted to M/s Lafarge Umiam Mining Pvt. Ltd under FCA 1980, then the State Government may submit a proposal for the same, with justification for the same and consent of user agency, to the Ministry for necessary action.
- x. M/s Lafarge Umiam Mining Private Limited, the User Agency in their letter dated 17/02/2020 has mentioned that LUMPL complied with the conditions confirmed by the Hon’ble Supreme Court and made all relevant payments under the FCA Approvals. Further it was mentioned that keeping in mind the long history in this matter and in the interest of the collective obligation to protect the environment, without prejudice to the rights and remedies of LUMPL in this respect, LUMPL is agreeable to pay for 116.589 ha of non-forest land for compensatory afforestation provided, the conditions are changed by the competent authority to the effect that LUMPL would only have to provide funds for 116.589 ha of non- forest land and the Government of Meghalaya would undertake to ensure full compliance of Total Compensatory Afforestation of the project with the funds already deposited by LUMPL.
- xi. Regional office, Shillong vide their letter dated 10.11.2020 requested the State Govt to furnish the following information:
 - A. The proposal be sent for change of condition No. (ii) i.e. change from 233 ha compensatory afforestation over degraded forest land to CA over equivalent land on non-forest land of 116.589 ha with justification and other details.
 - B. Proposal for change of CA site for 190 ha of Penal CA giving details of the earlier proposed and the new proposed sites along with the following: -

- a) Justification for the change with explanation why the same could not be done since 2012.
 - b) To submit shape/kml file, SoI toposheet, GPS Coordinates of the proposed new CA sites.
- xii. State Government vide their letter MFG.16/18/PCCF(T)/Vol.III/14763 dated 17.12.2020 submitted the reply as follows:
 - a) Initially 233 ha CA over degraded forest land was earmarked in the Reserved Forest under Garo Hills Territorial Division. The CA could not be implemented on the said land as the State Govt. has to implement the provisions specified in the ST&TFD (R&FR) Act, 2006, as there are forest dwellers in the area earmarked for implementation of CA and difficult to undertake the activity without settling the forest rights vested on them.
 - b) In the meeting (video conference) held on 6th August, 2020 with IGF (FC) Division, MoEF & CC, New Delhi, Principal Secretary, Govt of Meghalaya, PCCF & HoFF, Meghalaya and officer of Regional Office, NER, MoEF&CC, Shillong along with user agency, it was approved in-principle that an alternative area of 116.589 ha (equivalent to the forest land diverted) non-forest land will be procured by User Agency and transferred to Forest Department from the 'Land bank' identified by the Committee to create land bank for CA.
 - c) Initially 190.445 ha PCA over degraded forest land was earmarked in the Reserved Forest under Garo Hills. The Penal CA could not be implemented in the said land for the same reason as mentioned at (a) above. In the VC meeting, it was approved in-principle that State Govt will take up 190.445 ha for Penal CA in the other degraded Reserved Forest of the State.
- xiii. It was noted by the RO Shillong that the submitted shape file of the CA area is found to be 197.43 ha with an excess area of 6.43 ha as proposed for penal CA area i.e. 191 ha. State Govt. was requested to furnish the following for further processing of this proposal: -
 - a) The excess area of 6.43 ha of the submitted CA area may be reduced from the submitted CA patches.
 - b) State Govt. to find alternates sites for area under VDF and/or MDF. If the State Govt feels that the density reflected in DSS report is not as per actual field condition, a detailed report mentioning the density of forest cover along with photographs after ground verification by an officer not below the rank of Conservator of Forests in respect of the proposed CA area falling under the moderately dense forest (MDF) mentioned in the table above.
- xiv. The State Govt vide their letter No. FOR.7/2007/Pt-I/VI-II/2165 dated 13.05.2021 informed that the CA as per condition No. 2 over 233 ha of degraded forest land could not be carried out as identified land became unavoidable due to settlement under FRA. 116.589 ha of Non-Forest Land is now available for CA at the cost of the user agency which will subsequently be transferred to the State Forest Department and declared as "Forests" under

- relevant Act & Rules. PF/RF, the degraded forest land identified for penal CA over 191 ha, the VDF area has been excluded and some MDF patches replaced with suitable patches which are open forests as per site inspection.
- xv. The proposal was discussed in Forest Advisory Committee (FAC) meeting on 17.09.2021 and the committee observed that at first instance IRO Shillong and the State Government in consultation with Ministry may verify, besides others, if the change in the condition of CA from degraded forest to non-forest land has any implication on the Stage-II approval (particularly the condition) by the Ministry, which were informed to Hon'ble Supreme Court by way of filing an affidavit in IA Nos 1868, 2091, 2225-2227, 2380, 2568 and 2937 in the WP (C) No. 202 of 1995 Lafarge Umiam Mining Pvt. Ltd. vs Union of India & Ors.
 - xvi. RO, Shillong vide their letter dated 05.11.2021 has provided its considered opinion on the likely implication of the changing the conditions of CA stipulated in the Stage- II approval granted under the FC Act, 1980.DDG,RO, Shilong informed the Committee that Ministry may amend the condition of Stage-II approval in light of the following:
 - a) Modification will not lead to any dilution of the Stage II approval.
 - b) Hon'ble Supreme Court while hearing the matter also left the decision of granting approval under the FC Act on the MoEF&CC.
 - c) Proposed change in CA condition will add to the environmental benefits.
 - d) There has been a genuine underlying circumstances justifying modification of Stage II approval. CA could not be undertaken over the said land as there are forest dwellers in the area and their rights under the FRA, 2006 needs to be settled before undertaking CA.
 - xvii. The proposal was again considered by FAC in its meeting on 31.03.2022 wherein FAC noted that main IA 1868 in W. P. No. 202/1995 wherein the matter was dealt has already been disposed off by Hon'ble Supreme Court. Further the FAC on 31.03.2022 recommended to amend the condition of Stage-II approval to raise the CA over non-forest land as proposed by the State Government. Cost of afforestation on this land will be deposited by user agency as per current rates of afforestation in State of Meghalaya. This will be adjusted against the money already deposited by user agency for compensatory afforestation if any. Moreover, if any excess amount is found to have been paid by user agency for compensatory afforestation that will not be refunded and will be used by Meghalaya Forest Department for plantation in any degraded Forest land. The Committee also recommended that Forest Conservation Division in consultation with Central Agency Section will ascertain if the amendment in condition of raising CA over non-forest land is required to be informed to Hon'ble Supreme Court by way of filing an IA or otherwise.
 - xviii. As per the recommendation of Advisory Committee, Ministry vide it's letter dated 18.04.2022 and subsequent reminder dated 30.05.2022 requested Central Agency Section to intimate whether the amendment in condition of raising CA over non-forest land instead of degraded forest land is required to be informed to Hon'ble Supreme Court by way of filing an IA.
 - xix. Central Agency Section vide their e-mail dated 07.06.2022 referring Ministry's letter dated 30.05.2022 informed that Department concerned may contact

Advice Section of Department of Legal Affairs, Shastri Bhawan, New Delhi for opinion.

- xx. Department of Legal Affairs, Ministry of Law & Justice vide their OM No. A-60011(IT)/2/2020-Admn.IV(LA) dated 03.06.2022 clarified that the Department of Legal Affairs has switched to electronic mode of processing of files using e-Office software of NIC and requested that all files for inter-departmental consultations may be sent through e-Office to: Mr. Prateek Kumar Tiwari, Supt-Lgl(prateekkr.tiwari@gov.in) in MoLJ.
- xxi. The E. File No. 82973 (F. No. 8-64/2007-FC) was sent through Nodal Division of this Ministry on 16.08.2022 to MoLJ with a request to opinion of Department of Legal Affairs (DoLA) , Ministry of Law & Justice (MoLJ) whether the amendment in condition of raising CA over non-forest land is required to be informed to Hon'ble Supreme Court by way of filing an IA since the Ministry had given the affidavit for carrying out CA on degraded forest land towards the referred proposal. Further, the concerned officer in MoLJ was reminded through telephonically and also through e-mails dated 14.11.2022,11.01.2023 and 16.03.2023.
- xxii. The Ministry vide its letter dated 20.09.2023 again requested the concerned Joint Secretary & Legal Adviser with a copy to the Secretary, Deptt. of Legal Affairs, Ministry of Law and Justice for expediting the advice as sought by Ministry on 16.08.2022. MoLJ vide their Note dated 27.09.2023 informed that the concerned file is pending with office of the Ld. Additional solicitor General (Shri Balbir Singh), Central Agency Section and it was suggested to contact the office of ASG for desired purpose.
- xxiii. Sh. G.S.Makkar, Addl. Govt. Advocate vide his e-mail dated 30.10.2023 addressed to Sh.Shyam Gopal in the O/o ASG with a copy to this Ministry forwarded the opinion of Shri Balbir Singh, Ld.ASG. The opinion of Ld.ASG was examined by the Committee. The said opinion inter-alai mentioned that:

"The undersigned has gone through the entire case record including the opinion of the Forest Advisory Committee dated 31.03.2022 in this regard. It is seen that there has been a genuine change in underlying circumstances justifying modification of Stage II FCA Approval. Furthermore, by virtue of amendment in condition of raising CA over non- forest land instead of degraded forest land will not be detrimental as this will add to the existing forest cover. However, since the said conditions were stipulated in Stage II FCA Approval pursuant to order of the Hon'ble Supreme Court while deciding the Lafarge Case (supra), it would be appropriate that an IA may be filed to apprise such change in the condition in order to avoid future complications in the project".

- xxiv. A meeting under the chairmanship of DGF&SS was held in the ministry on 20.11.2023 to review the matter and take decision for further necessary action in the instant case.
- xxv. The Committee observed that the e-file sent for seeking the opinion has been received back in the Ministry from DoLA on 23.11.2023 with above mentioned opinion, and it has been intimated that Shri Shyam Gopal Panel Adv. is engaged to draw I.A on 01/11/2023 in all connected Application and scanned copy of file has been given to counsel for drafting I.A.

5. Decision of the Advisory Committee:

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The Committee had detailed discussion and deliberation on the matter. After going through the facts of the proposal and the opinion given in the matter by Ld ASG, the Committee recommended to modify the condition no. 2 of the stage-II approval dated 29.02.2012 for the diversion of 116.589 hectare of forest land in favour of M/s. Lafarge Umiam Mining Private Limited for limestone mining and other Ancillary activities in Sohra Tehsil, East Khasi Hills District of Meghalaya as under:

- i. Condition no. 2: *Compensatory Afforestation shall be raised and maintained over 116.589 ha non-forest land provided by the user agency to the State. Cost of afforestation on this land will be deposited by user agency as per current rates of afforestation in State of Meghalaya. This will be adjusted against the money already deposited by user agency for compensatory afforestation if any. Moreover, if any excess amount is found to have been paid by user agency for compensatory afforestation that will not be refunded and will be used by Meghalaya Forest Department for plantation in any degraded Forest land.*
- ii. The Ministry shall file an IA in the Hon'ble Supreme Court to apprise the Hon'ble court of the change in factual position as above with a request to take the same on record.

Agenda No. 21

Policy issue no. 1:

Sub: Issue referred by the Regional Office Bengaluru seeking clarification on the rate of interest rate to be levied on the delayed payment of NPV and notification of non-forest land identified for CA as RF/PF before Stage-II approval

The policy issue was deliberated and it was decided that the matter will be further deliberated again in the next AC meeting. The RO Bengaluru shall be making a presentation in this regard.

Policy issue no. 2:

Sub: Residential or dwelling houses in the Mussoorie Dehradun Development Authority (MDDA) areas of Uttarakhand as well as Private area (Deemed Forest) of Goa

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 29.11.2023. The Member Secretary briefed the Advisory Committee about the issue and development in the matter. Further, the PCCF (HoFF) and the State Nodal Officer Uttarakhand also apprised the AC about the issues wrt the subsequent subdivisions in the original land and consequent mushrooming of the built up area and reduction in the green area.
2. The Advisory Committee, after examination of the matter, observed as under:
 - (i) Ministry vide its guidelines dated 11.02.2011 issued guidelines wherein construction over 250 sq meters of built up area was allowed for domestic purpose by the homestead owners in the Private Forests falling in the jurisdiction of the Mussoorie Dehradun Development Area.
 - (ii) Subsequently, on the representation of the State, the Ministry based on the recommendation of the Advisory Committee issued guidelines dated 27.09.2018 wherein the State Government was inter-alia directed to demarcate the notified forest area as per the direction of Hon'ble Supreme Court in a time bound manner. In the

said guidelines it was also directed that the word "*Homestead*" should continue to be retained in the existing Guidelines dated 11.02.2011. The removal of this word from the existing Guidelines is likely to lead to fragmentation of the private forest estate through sale of small plots and holdings with each subsequently built with building over 250 sq mts as per Guidelines. This would decimate the existing greenery around Mussoorie as most of the forest that one sees today around Mussoorie is in fact private forest. However, Ministry recommends that definition of homestead may be incorporated into the existing Guidelines.

- (iii) Provisions contained in the guidelines dated 27.09.2018 were incorporated into the Handbook of Forest (Conservation) Act, 1980 which was issued on 28.03.2019.
- (iv) During a recent review of the matter in the Ministry, it was deliberated that the terms Homestead needs to be defined as it may be misused and may result in mushrooming of construction activities in the MDDA and other similar Private Forest areas.

3. **Decision of the Advisory Committee:** The Advisory Committee, after deliberations and discussion with the Regional Officers and official of the Forest Conservation Division, upheld the guidelines issued by the Ministry and recommended that homestead owner may be defined by the Ministry as below and the existing guidelines on construction of residential or dwelling houses in the Mussoorie Dehradun Development Authority (MDDA) areas of Uttarakhand as well as Private area (Deemed Forest) of Goa may be retained as under:

- (i) Construction activity for residential purpose in private forest shall be allowed only for domestic purpose and shall not be extended to any institutional buildings or commercial development.
- (ii) The construction activities shall be restricted to a maximum of 250 square meter of built-up area in each case.
- (iii) The construction of residential building in private forest is permitted in MDDA areas and other parts of Uttarakhand State and Goa only in order to alleviate hardship of homestead owners for constructing/completing their bonafide residential buildings.
- (iv) For deciding the status of the homestead, the cut of date shall be 11.02.2011 and the limit of 250 square meter as in (ii) above will be applicable to such owner. In case of any sub division of ownership of the forest land post 11.02.2011, the construction activities shall be restricted in such a way that the total of all construction activities in such subdivided portions post 11.02.2011 should not exceed a maximum of 250 square meter of built-up area.
- (v) The permission will be subject to:
 - (a) Tree felling should be minimum.
 - (b) Sufficient soil conservation measures should be taken.
 - (c) Permission of MDDA and other regulatory bodies for construction in hill areas shall be obtained.
- (vi) All other standard conditions required for such projects including planting of tree species and NPV.
- (vii) Above stipulation is strictly restricted to construction of residential or dwelling houses in private forest land in MDDA areas of Uttarakhand and Goa, where non-forest land is not available.

Policy issue no. 3:**Sub: Necessary modification in the flow of PARIVESH 2.0 portal – regarding.**

1. As per the existing procedure on PARIVESH 2.0 portal the observations raised by the Regional Offices of this Ministry related to the essential documents required for further processing, the proposal directly goes to the State Secretary level.
2. In this regard the various Regional Offices of the MoEF&CC have reported that as and when the EDS gets approved by the Dy. DGF (Central) or by the Authority in the Ministry in PARIVESH 2.0 portal, the proposal directly goes to the State Secretary level. However due to involvement of various channels of submission the proposal takes time to reach to the Nodal or concerned User Agency for compliance of the EDS. This leads to the delay in the overall processing time.
3. **Decision of the Advisory Committee:** The Advisory Committee, after deliberations and discussion with the Regional Officers and officials of the Forest Conservation Division it has been recommended that the NIC shall update the present process flow on PARIVESH 2.0 portal so that the EDS raised by the Dy. DGF (Central) or by the Authority in the Ministry in PARIVESH 2.0 portal, the proposal may also go directly to the Nodal Officer level for further perusal in case the EDS need not to addressed at State Secretary level.

(Not present)

Dr. Naveen Chandra Bisht
(non-official Member)

(Not present)

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

(Confirmed through email)

Shri Manoj Pant
(non-official Member)

(Not present)

Dr. Mehraj A. Shaikh
Deputy Commissioner (NRM)
(Member)

(Confirmed through email)

Shri Bivash Ranjan
Additional Director General of Forests(WL)
(Member)

(Confirmed)

Shri S. P. Yadav
Additional Director General of Forests(FC)
(Member)

(Confirmed)

Shri Ramesh Kumar Pandey
Inspector General of Forests
(Member Secretary)

(Approved)

Shri C. P. Goyal

(Director General of Forests and Special Secretary)

(Chairperson)