

Minutes of the Meeting of Advisory Committee meeting dated 25.04.23**Agenda No. 1****F. No. 8-56/2009-FC (Vol)**

Subject: Proposal for non-forestry use of 331.198 ha of forest land in favour of M/s NTPC Limited for Pakribarwadih (North West) Opencast Coal Mining Project in West Forest Division, District Hazaribagh (Jharkhand) - regarding.

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 25.04.2023. 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 relevant to the proposal and their significance.
3. The AC after thorough deliberation and discussion observed that:
 - i. The Government of Jharkhand vide their letter No. Van Bhumi-10/2021-1664/V.P. dated 14.06.2022 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. Legal status of the forest land proposed for diversion is Protected Forest land and Jungle Jhadi land comprising of 306.36 ha and 24.82 ha, respectively. Density of the area has been reported to be 0.8 by the DCF concerned with 30,521 project affected trees.
 - ii. Compensatory afforestation has been proposed over an area of 683.863 ha of degraded forest land in Hazaribagh West Forest Division. CA scheme involving financial provision of ₹87,62,282/- has been submitted for a period of 10 years.
 - iii. The area proposed for diversion is adjoining the 1026.438 ha forest land already diverted in favour of the same user agency. A nallah namely Khorra Nallah separates the extant forest area of 331.198 ha from the 1026.438 ha of forest land approved in the past. As reported by the concerned DCF in his report the said nallah will be largely affected by the mining activities.
 - iv. The total area involved in the project is 485.161 ha, with 331.198 ha of forest land included in the present proposal, 133.27 ha of non-forest land and 20.6925 ha forest area proposed to be re-diverted from the 1026.438 ha of forest land already diverted by the Central Government vide order dated 17.09.2010 in favour of user agency.
 - v. As per Mining Plan approved in the past, the total lease area was 4625.84 ha comprising of 1124.08 ha of forest land and 806.82 ha of recorded forest land and 2694.9 ha of private non-forest land. Now, Mining Plan has been revised and as per revised Mining Plan, total project area is 4695 ha, comprising of 1787 ha of forest land and 2908 ha of non-forest land. Out of total forest area, with regards to the status of balance forest area of 428.582 ha, Nodal Officer informed the Committee that said area may be required by the user agency in future and is currently under the possession of the State Forest Department.
 - vi. The Hon'ble NGT vide order dated 18.02.2019 in OA No.

182/2016(EZ), constituted a committee to inspect the Pakri Barwadih Coal Mining Project of M/s NTPC Ltd. and to verify as to whether the conditions of the Forest Clearance (FC) and Environmental Clearance (EC) are meticulously complied with by the M/s NTPC. During inspection, it was observed that some of the conditions of FC approval (Stage-I and Stage-II) were still partially complied/ or where the project proponent has to take actions for complete compliance.

- vii. IRO in its inspection report, adverted to the violation committed by the user agency in respect of contiguous forest area of 1026.438 ha and recommended that extant proposal should only be considered after the penalty of Rs. 81,89,82,060 / - (Rupees Eighty One Crore Eighty Nine Lakh Eighty Two Thousand and Sixty only) is realized from user agency for violating the FC conditions and creating *fait-accompli* situation.
- viii. The proposal was earlier considered by the Advisory Committee (AC) in its meeting held on 09.12.2022 and the AC observed that since the lease area of the user agency is transacted by various nallahs and therefore, the issue related to impact assessment on hydrological regimes by shifting of nallah needs to be considered holistically and accordingly, the Committee recommended that Sub-Committee of the AC may be reconstituted to ascertain and report on the following:
 - a. Assessment of hydrological regimes of the area and impact of ongoing mining operations of the user agency in general and Dumuhani Nallah in particular and changes brought in by the User Agency and its impact on the ecology of the area.
 - b. Efficacy of mitigation measures, if any, undertaken by the user agency in their lease area.
 - c. Holistic assessment of 1787 ha of forest land involved in the mining lease of the user agency, its present status and legitimacy of future use proposed by the user agency.
- ix. On the basis of the recommendations of the AC, and approval of the same by the competent authority of the MoEF&CC, New Delhi, Ministry vide letter dated 28.12.2022 and 07.03.2023 constituted a sub-committee to visit the area. The Integrated Regional Office, Ranchi vide their letter dated FP/JH/Min/38798/2019/1014 dated 03.04.2023 submitted a report of Sub- Committee which recommended that: -
 - a. A team of specialists from field of soil Engg, agriculture Engg, Hydrology, GIS & amp; Geology may be constituted under chairpersonship of DFO who shall continuously study the area for assessing the impact of on-going mining on various environmental/ecological parameter and shall submit finding report to IRO annually.
 - b. UA shall generate drone survey data on spatial and seasonal status of Khorra Nalla & Pakwa Nalla watersheds for having first-hand information on the current status of the Khorra and Pakwa Nana watershed parallel to the ongoing mining activities. The data hence collected shall help user agency to design and develop green belt under super vision of Forest Department. For this purpose, a reputed institute, preferably located in the state, may be engaged for data collection, processing and interpretation in effective and exclusive manner. The institute can also be requested to study the entire region of 10 km from the lease boundaries for temporal land use and its changes.

- c. Study of river-aquifer interaction using non-invasive geo-physical technique in 10 km radius of NTPC Pakribarwadih Coal mine site. The study may help in delineation of groundwater potential zones, ground water variation in these zones and may help in water budgeting to the surrounding.
 - x. The AC observed that the present forest patch of 331.198 Ha of forest land proposed for diversion is part of larger forest landscape in the area and is source to many perennial streams. It was noted that the area doesn't have any perennial river and the water availability is enhanced only by the forests of the area. Hence, a Catchment Area Treatment plan should be prepared and adhered to.
 - xi. The AC observed that as the present area of diversion is adjacent to an existing mine and more mines would come up in future leading to cluster mining in the area. Since, the cluster mining would involve activities like breaking of land and removal of earth in the area and beyond the entire landscape will be vulnerable to soil erosion and sedimentation. Therefore, an integrated soil and water conservation plan should be prepared and implemented treating the entire landscape.
 - xii. It has been reported by the field officers that the present area is just adjoining to the already diverted forest area of 1026.438 Ha and Khorra Nallah separates these two blocks. The said nallah will largely be affected by the mining activities hence it should be protected by identifying and developing green belts upto 100 metres on either side to prevent sedimentation and choking. As observed in the existing mine of NTPC Pakri Barwadih no amount of siltation dams could prevent the sediment deposition and choking of streams as overburden is dumped just adjacent to the nallahs/ streams. A serious view may be taken in this regard failing which a few decades down the line, the entire area would be affected by water crises.
 - xiii. Further it has been recommended by CF Hazaribagh that a water security plan should be prepared by the group of experts and adhered to. Since the area is rich in species composition, eco-restoration plan, Conservation Plan and Reclamation Plan may be prepared by conducting proper study before initiating mining activities and should be implemented in its spirit. An integrated soil and water conservation plan should be prepared and implemented treating the entire landscape. The mining in the area should be in consonance with the "Integrated Wildlife Management Plan" of North Karanpura.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Nodal Officer (FCA), Jharkhand and Regional Officer, IRO Ranchi. After going through the facts of the proposal and submissions made by the Regional Officer, IRO Ranchi, the Committee recommended the proposal for grant of Stage-I approval subject to fulfilment of general, standard and the following additional conditions:
- i. A team of specialists from field of Soil Engg, Agriculture Engg, Hydrology, GIS & Geology shall be constituted under chairpersonship of DFO concerned. The team shall continuously study the area for assessing the impact of on-going mining on various environmental/ecological parameter and submit findings/ report to IRO annually.

- ii. UA shall generate drone survey data on spatial and seasonal status of Khorra Nalla & Pakwa Nalla watersheds for having first-hand information on the current status of the Khorra and Pakwa Nallas watershed parallel to the ongoing mining activities. For this purpose, a reputed institute, preferably located in the State, may be engaged for data collection, processing and interpretation in effective and exclusive manner.
- iii. Study of river-aquafer interaction using non-invasive geo-physical technique in 10 km radius of NTPC Pakribarwadih Coal mine site shall be conducted to facilitate the delineation of groundwater potential zones, ground water variation in these zones and help in water budgeting to the surroundings.
- iv. Since the area is rich in species composition therefore Reclamation, Eco-restoration, and Conservation Plan shall be prepared by conducting proper study before initiating mining activities.
- v. The Catchment Area Treatment Plan shall be prepared and implemented at the cost of the user agency for the treatment of all Nallahs/streams pertaining to instant mining lease/project area.
- vi. An integrated soil and water conservation plan shall be prepared and implemented at the cost of the user agency for the entire landscape affected by the mining activities of the User agency in the region.
- vii. The mining in the area should be in consonance with the "Integrated Wildlife Management Plan" of North Karanpura. The cost estimate of Integrated Wildlife Management Plan (IWMP) submitted is based on the rate of 2010, while approval is being considered in 2023, hence rate revision has to be done based on the present rate.
- viii. Remaining draft minutes are concurred with.
- ix. As observed in the existing mine of NTPC Pakri Barwadih no amount of siltation dams could prevent the sediment deposition and choking of streams as overburden is dumped just adjacent to the nallahs/ streams. The Khorra nallah will largely be affected by the mining activities hence it should be protected by identifying and developing green belt of 100 metres on the side of Khorra nallah & Pakwa Nallas that is facing the mining area, to prevent further sedimentation and choking.
- x. A violation of the conditions of approval in case of diversion of 1026.438 ha forest land diverted earlier has been reported and is being processed separately. The State Govt shall ensure that the penal NPV and other penal levies as imposed are deposited before the Stage-II approval.

Agenda No. 2

F. No. 8-56/2009-FC (Pt.)

Subject: Modification in condition of Stage-II approval and violation of FC Act: Diversion of 1026.438 ha of forest land for coal mining Pakribarwadih Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand - regarding.

1. The agenda item was considered by the AC in its meeting held on 25.04.2023. 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 relevant to the proposal and their significance.
3. The AC after through deliberation and discussion observed that:
 - i. The extant proposal was accorded Stage-I approval vide Ministry's letter dated 11.05.2010 and Stage-II/ final approval vide letter dated 17.09.2010, inter-alia stipulating the following condition:
"The user agency will take up program for at least 50 m green belt along the sides of the Pakwa nallah and Dumhani nallah from the initial years under the supervision of the state forest department"
 - ii. The user agency i.e. M/s NTPC submitted a representation dated 09.10.2018 and 18.01.2022 requested for amendment in the above mentioned stipulation which appeared as condition no. 7 and 8 in Stage-I and Stage-II approval, respectively. The Ministry vide its letter dated 29.01.2019 requested the State Government to furnish comments on the said representation and provide documents as available with the State Government related to the instant proposal.
 - iii. In the meantime, Regional Office, Ranchi of this Ministry vide their letter dated 09.07.2019 informed that a committee constituted by Hon'ble NGT vide its order dated 18.02.2019 in OA No. 182/2016(EZ) inspected the Pakri Barwadih Coal Mining Project of M/s NTPC Limited on 15.03.2019 for compliance of approvals granted by the MoEF&CC under FC Act and EP Act. The committee observed that some of the condition of FC approval (Stage-I and Stage-II) were still partially complied with, including the raising of green belt around Pakwa and Dumhani nalla. The committee advised the user agency to ensure compliance of conditions stipulated in the FC approval.
 - iv. The Ministry, vide letters dated 3.09.2019 and 23.02.2022, after examination of the said report, requested comments from the State and also requested the IRO to take appropriate action in the matter as per provisions of the Ministry's guidelines given under para 1.21 (iii) of Handbook of Forest (Conservation) Act, 1980.
 - v. The Government of Jharkhand vide letter dated 08.07.2022 submitted their reply in response to Ministry's letter dated 29.01.2019 and 23.02.2022 wherein the following was informed:
 - a. Inspection report of the DFO revealed that Dumuhani Nallah which is running in the midst of the mining area which is also the quarry area has been found to be diverted by the user agency while as per condition stipulated in the approval, green belt should have been developed around the said nallah.
 - b. Despite repeated cautions from the officials of the Forest Department, the user agency has violated the provisions of condition no 8 of the Stage-II approval by diverting the Dumuhani nallah and carried out mining over a stretch of 31 km involving an area of 37.20 ha of forest land without prior approval under the Forest (Conservation) Act, 1980.
 - vi. The Ministry, after examination of reply received from the State, vide letter dated 13.09.2022 requested additional information from the State, including justification from the user agency and comments on various representation received in the Ministry on the alleged violation of the

Act by the user agency. The IRO of the Ministry was also requested to inspect the area and submit a detailed report on the violation.

- vii. The proposal was earlier considered by the Advisory Committee (AC) in its meeting held on 21.09.2022 and 09.12.2022 and the AC observed that since the lease area of the user agency is transacted by various nallah and therefore, the issue related to impact assessment on hydrological regimes by shifting of nallah needs to be considered holistically and accordingly, the Committee recommended that Sub-Committee of the AC may be constituted to ascertain and report on the following:
 - a. Assessment of hydrological regimes of the area and impact of ongoing mining operations of the user agency in general and Dumuhani Nallah in particular and changes brought in by the User Agency and its impact on the ecology of the area.
 - b. Efficacy of mitigation measures, if any, undertaken by the user agency in their lease area.
 - c. Holistic assessment of 1787 ha of forest land involved in the mining lease of the user agency, its present status and legitimacy of future use proposed by the user agency.
- viii. On the basis of the recommendations of the AC, and approval of the same by the competent authority of the MoEF&CC, New Delhi, Ministry vide letter dated 28.12.2022 and 07.03.2023 constituted a sub-committee to visit the area. Integrated Regional Office, Ranchi vide their letter dated FP/JH/Min/38798/2019/1014 dated 03.04.2023 submitted a report and observed that:
 - a. Prima-facie the three watersheds (Khorra, Pakwa and Dumuhani) have been subject to extreme diversion by locals for their livelihood amelioration well before the mining activities begun in the region.
 - b. The technical expert member of the committee has suggested that the green belt development can be notified for Khorra Nalla instead of Dumuhani Nalla (a tributary of Khorra Nalla).
 - c. The hydrological expert member of the committee, after taking into consideration the holistic approach, has concluded with the recommendation of (i) diversion of the Dumuhani Nalla (a tributary of Khorra Nalla) for coal mining and (ii) restoration and conservation of the Khorra Nalla (west) and Pakwa Nalla (east) watersheds on priority basis under supervision of the forest department and expert hydrologists/agencies and develop their watershed status as per the Survey of India toposheet no. 73 E/I.
- ix. Further the following is recommended by the sub-committee:-
 - a. A team of specialists from field of Soil Engg, Agriculture Engg, Hydrology, GIS & Geology may be constituted under chairpersonship of DFO who shall continuously study the area for assessing the impact of on-going mining on various environmental/ecological parameter and shall submit finding report to IRO annually.
 - b. UA shall generate drone survey Data on spatial and seasonal status of Khorra Nalla & Pakwa Nalla watersheds for having first-hand information on the current status of the Khorra and Pakwa Nana watershed parallel to the ongoing mining activities. The data

hence collected shall help user agency to design and develop green belt under super vision of Forest Department. For at his purpose a reported institute, preferably located in the State, may be engaged for data collection, processing mid interpretation in effective and exclusive manner. The institute can also be requested to study the entire region of 10 km from the lease boundaries for temporal land use and its changes.

- c. Study of river-aquifer interaction using non-invasive geo-physical technique in 10 km radius of NTPC Pakribarwadih Coal mine site. The study may help in delineation of groundwater potential zones, ground water variation in these zones and may help in water budgeting to the surrounding.
 - x. The AC observed that DFO Hazaribagh and the State government in the proposal of the 331.198 ha of the mine has mentioned that a 100 m green belt could be developed along Khorra nallah which is an important rivulet providing water security to people living downstream. Likewise, in the Eastern extremity of mining area a 100 m green belt can be developed along the riverside. However, Dumuhani Nallah which is running in the midst of the mining area which is also the quarry area has been found to be diverted by the user agency and again recommended to the same rivulet downstream. But as per the condition a green belt has to be developed along the sides of Dumuhani Nallah. However, the earlier recommendation for raising green belts along the nallas were for 50 meters. The AC deliberated on this point in length and comments of PCCF & HoFF Jharkhand was also taken. After deliberation and keeping in view the issue of water security in the area, raising green belt of 100 meters along Khorra and Pakwa, which are flowing flanking the mining area should be done.
 - xi. The AC also observed that the State Government has informed that the user agency has violated the provisions of condition no 8 of the Stage-II approval as the user agency at its own diverted the Dumhani nallah without prior approval of the Central Government under the Forest (Conservation) Act, 1980.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Nodal Officer (FCA), Jharkhand and Regional Officer, IRO Ranchi. After going through the facts of the proposal and submissions made by the Regional Officer, IRO Ranchi, the Committee recommended to modify the condition no. 8 in Stage-II approval as under:

'The user agency shall restore and conserve the Khorra Nalla (west) and Pakwa Nalla (east) watersheds on priority basis under supervision of the forest department and expert hydrologists/agencies and develop their watershed status as per the Survey of India toposheet no. 73 E/I. A greenbelt of 100 meters on either side of both Khorra Nala and Pakwa Nalla shall be maintained'.

The Committee further observed that in total disregard to the conditions of approval the user agency has mined out the area and changed the course of the Dumuhani nala which was actually required to be protected and maintained as green belt. Keeping this in view the Committee recommended that the penalty shall be imposed for violation committed over the forest area (1026.438 ha) without approval equal to five times the normal NPV plus

simple interest of 12 % from the date of actual violation committed till the deposition of penalty shall be imposed.

Agenda No. 3

File no. 8-14/2018FC(VOL)

Sub: Diversion of 15.981 ha of forest land in RM Block & other villages for Approach Road, Downhill Pipe Line Conveyer and Feed & Transfer Point area for Rama Iron Ore Mine (ML.No. 2621) in favour of M/s JSW Steel Ltd., Vijaynagar works Bellary in Bellary District of Karnataka. (Online proposal No. FP/KA/Others/27780/2017). –regarding.

1. The above subject agenda item was considered by Advisory Committee (AC) in its meeting held on 25.04.2023. The Nodal Officer (FCA), Government of Karnataka and IRO Bangalore were present in the meeting.
2. The details of the proposal may be seen at www.parivesh.nic.in.
3. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the Advisory Committee for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
4. The Advisory Committee after thorough deliberation and discussion observed that:
 - i. The proposal is for construction of approach road, downhill pipe line conveyer and feed & transfer point area for Rama Iron Ore Mine (ML.No. 2621) in favour of M/s JSW Steel Ltd., Vijaynagar works Bellary in Bellary District.
 - ii. The instant proposal has been accorded Stage-I approval by the Ministry vide its letter of even number dated 31.12.2018 subject to certain conditions prescribed therein.
 - iii. The Government of Karnataka vide letter dated 14.06.2022 submitted the compliance report informing that the CA land has been changed and recommended for Stage-II approval. After analysing the compliance report the Ministry observed certain observation and the same was communicated to the State vide this Ministry's letter dated 05.07.2022.
 - iv. In response to the Ministry's observation, the State govt. on 15.03.2023 submitted/uploaded a complete report on compliance to conditions stipulated in the in-principle/Stage-I approval letter dated 31.12.2018.
 - v. The user agency has submitted the necessary undertakings to comply with the conditions stipulated in the Stage-I approval dated 31.12.2018.
 - vi. The UA has deposited the all the compensatory levies into National Authority, CAMPA account through e-portal.
 - vii. The FRA certificate in Form-I (for linear project) issued by Deputy Commissioner, Ballari District vide No.REV/Mining/FRA/08/2018-19 dated 13.09.2019, REV/mining/FRA/73/2018-19 dated 13.09.2019 and REV/Mining/FRA/63/2017-18 dated 28.11.2019 and rectification letter No. BLR-DC -33011/12-2021-BLRDC/Forest Ballari DC dated 01.09.2021 and proceeding of village Forest Right Committee held 30.11.2018 along with documentary evidences has been submitted.
 - viii. AC observed that the State Government has changed the CA land without Central Government approval providing the justification that

earlier CA land (NFL) proposed for this instant proposal i.e. 16 ha in Sy No. 137 (2.18 ha), 138 (11.10 ha) & 140 (2.72 ha) of Halabhavi Village, Lingasuguru Taluk, Raichur District could not be registered because the land owner refused to transfer the land.

- ix. The State Govt. has identified new CA land (NFL) to an extent of 19.05 Ha, 27-17 acre Gunte (10.29 ha) in Sy No. 139 and 21.26 acre gunte (8.76 ha) in Sy No. 143 at Halbhavi village, Lingasuguru Taluk, Raichuru District.
 - x. AC also observed that as per site suitability certificate submitted by DCF (Raichur), plantation can only be done in the identified CA (NFL) at a rate of 200 plants per hectare. Therefore, another CA site (DFL) has been identified for the plantation of balance seedlings over an extent of 30 ha in Lingasuguru RF of Raichur District.
 - xi. AC also deliberated that as per the DSS the proposed CA land is located at an approx. aerial distance of 1.5 Km from Tangarbal RF (nearest RF/PF).
5. **Decision of the Advisory Committee:** - After thorough deliberation and discussion with PCCF/Nodal Officer, Karnataka and IRO Bengaluru observed that the CA land has been changed after Stage I approval since the earlier identified CA land could not be registered. In this regard the State Government has identified new CA land (NFL) to an extent of 19.05 Ha in Sy No. 139 (10.29 ha) and in Sy No. 143 (8.76 ha) at Halbhavi village, Lingasuguru Taluk, Raichuru District. It was also informed that plantation can only be done in the identified CA (NFL) at a rate of 200 plants per hectare, therefore State Government has also identified 30 ha of DFL in Lingasuguru RF of Raichur District for plantation of balance seedlings.

Advisory Committee agreed to the justification by the State Government w.r.t. the change of CA land and recommended to accept the changed CA area as proposed by the State Government, further noting that other compliances wrt the stipulated conditions as per Stage-I approval accorded vide letter dt 31.12.2018 has been made by the user agency & State Govt. while seeking final approval in the instant proposal.

Agenda No. 4

F. No. 8-28/2021-FC

Sub: Diversion of 1305.142 ha (instead of 1248.821 ha) forest land for the construction of Maa Ratangarh Multipurpose Project in favour of Executive Engineer, Dabra under Datia and Gwalior Districts of Madhya Pradesh State (Online No. FP/MP/IRRIG/40397/2019) - reg.

1. This proposal was considered by the AC in its meeting held on 26.04.2023. The details of the proposal may be seen at www.parivesh.nic.in.
2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the AC which after thorough deliberation and discussion observed that:
 - i. The Government of Madhya Pradesh vide their letter No. F-3/50/2019/10-11/6/3729 dated 11.11.2021 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the

Section-2 of the Forest (Conservation) Act, 1980 on the above-mentioned subject.

- ii. The AC noted that the present project is spread over two Forest Divisions Datia(T) and Gwalior(T) and total of 51,121 no. of trees are marked for felling at FRL-4-meter Level.
- iii. Legal status of land proposed for diversion: 651.135 ha is Protected Forest land, 654.007 ha is Reserved Forest land and 1840.11 ha non-forest land is also involved in the project. Density of the area proposed for diversion is reported to be 0.3, Eco-class-03.
- iv. Proposal does not form part of any PA, Biosphere Reserve, Elephant corridor etc. No protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.
- v. Wildlife like Wolf, Wild bear and other wild animals such as Hyna, Chital, Nilgai, wild pig etc. are reported in the forest land proposed for diversion under Datia District and Blue Bull, Jackal, chinkarka, rabbit, crocodile etc. are reported under Gwalior district.
- vi. The Nodal Officer, FCA, Government of Madhya Pradesh attended the meeting and informed that the main purpose of this project is irrigation of the areas having medium to low rainfall in Bundelkhand Region and purposed to be constructed on the River Sindh which is a tributary of the River Chambal.
- vii. The Regional Officer, Integrated Regional Office, Bhopal who has conducted the Site Inspection for this proposal attended the meeting. The Site inspection report inter-alia mentions the following with regard to forest land for diversion:
 - a. **Gwalior Division:** soil is highly prone to erosion causing formation of ravine which is expanding on either side of the river with passage of time. Due to erosion the river is also having large quantity of Sand in it.
 - b. **Datia Division:** the ravine formation on the banks on either side of the river is expanding inlands. Therefore, it is suggested to provide strong bunds with suitable culverts all regular intervals with silt traps to allow the rain water to drain in with minimum silt load. This would also prevent spread of ravines further in the plain lands and also siltation of the project would be minimised.
- viii. The IRO in its inspection report revealed that one CA patch of Birdha Village is overlapping with the CA area of another approved proposal. Therefore, the State Govt. has revised the CA sites.
- ix. The AC observed that the Compensatory afforestation has been proposed over non forest land (Ravine land) in Bhind and Shivpuri District, Madhya Pradesh.
- x. The issue of raising plantation on ravine land was deliberated. The concerned CCF had earlier recommended that ravine areas should be avoided for raising the Compensatory Afforestation. The State thereafter constituted a committee of the senior officers, which recommended that the ravine areas can be used for planting 200-300 plants per hectare.
- xi. The Nodal Officer, FCA, Govt. of M.P. informed that the plantation in the Ravine areas proposed for CA may not be possible at the rate of 1000 plants/ha but the area may accommodate about 200 to 300 plants/ha. The balance no. of plants have to be taken up for plantation on Degraded Forest Land.

- xii. The proposal is for the construction of barrage and submergence area. The details of distribution network like canals and pipelines are not there. The nodal Officer MP informed that the distribution will be done through underground pipelines. The committee however observed that a holistic proposal is required to be submitted as forest land may be required for laying of underground pipelines as well.
- xiii. The AC observed that river Chambal is important for aquatic fauna. The construction of any project over a tributary of Chambal will affect the quality and quantity of water in Chambal, which may be detrimental for the protection and conservation of wildlife. The matter would therefore require detailed examination from wildlife point of view.
3. **Decision of the Advisory Committee:** After thorough deliberations and discussions with the Nodal Officer, FCA, Government of Madhya Pradesh and Regional Officer, IRO, Bhopal. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee deferred the proposal for diversion of 1305.142 ha forest land for the construction of Maa Ratangarh Multipurpose Project and sought the following details:
- i. The details of distribution network like canals and pipelines, which may further have required diversion of forest land etc. has not been given. A holistic proposal is required to be submitted as forest land may be required for laying of underground pipelines as well. The State Govt. shall therefore provide the complete lay out plan indicating all the components like canal, pipelines etc. The detail of the area requirement for these components shall also be submitted.
 - ii. Sindh is a Tributary of Chambal River and therefore the impact of the proposed project on Chambal Wildlife Sanctuary and its surrounding water regimes shall be provided by the State Govt. along with the recommendations of the Chief Wildlife Warden of the State.
 - iii. The detailed Compensatory Afforestation scheme for the proposed non forest land (Ravine land) and degraded forest land shall be submitted.

Agenda No. 5

F. No. 6- MPC018/2021-BHO

Subject: Proposal for diversion of 12.8042 ha (previous proposed area 13.1959 ha) of Protected Forest land in Survey No. PF-112 of forest range, Sirmour in Rewa division for construction of Hydro Power Project in favour of Manager, Marshal Small Hydro Power Private Limited, in Rewa District of Madhya Pradesh (Online No. FP/MP/HYD/42686/2019) – regarding.

1. The agenda item was considered by the AC in its meeting held on 25.04.2023. 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 relevant to the proposal and their significance.
3. The Regional Officer, IRO, Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh attended the meeting:

- i. The Government of Madhya Pradesh vide their letter No. F-4/49/2021/10-11/673 dated 11.02.2021 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 12.8042 ha (previous proposed area 13.1959 ha) of Protected Forest land in Survey No. PF-112 of forest range, Sirmour in Rewa division for construction of Hydro Power Project in favour of Manager, Marshal Small Hydro Power Private Limited, in Rewa District of Madhya Pradesh.
- ii. The proposed diversion area is 12.8042 ha and a total of 2,938 no. of trees are marked for felling at FRL.
- iii. The proposal envisages construction of Hydro Electric Project of 24.75 MW capacity in village Chachai of Rewa District of Madhya Pradesh. Entire land proposed for the project is forest land (Protected Forest). No non-forest land is involved in the project.
- iv. Compensatory afforestation has been proposed over equivalent non-forest land in a single patch. A small patch is observed to be sandwiched between the CA patch identified for CA. The User Agency has provided access by way of an approach road to the said small patch. Suitability of the area has been certified by the Nodal Officer.
- v. The Regional Empowered Committee discussed and recommended the proposal in its meeting held on 03.03.2021 for approval under the Forest (Conservation) Act, 1980. Hydel projects involve earth cutting and quarrying requiring scientific disposal of muck generated from such activities. All hydel projects are invariably accompanied with the Muck Disposal Plan and Techno-economic clearance (TEC). No such plan/TEC has been submitted along with the proposal. The Muck Disposal Plan was neither demanded by the IRO nor this issue was deliberated in the REC meeting. Keeping in view the importance of Muck Disposal Plan, the IRO was asked to ensure that a detailed plan in this regard is provided by the State Government.
- vi. The IRO Bhopal vide letter dated 02.08.2021 and 18.04.2022 requested the Government of Madhya Pradesh for sending details regarding muck disposal plan. Govt. of Madhya Pradesh vide letter dated 28.12.2021 and letter dated 23.09.2022 informed as below:
 - a. The Nodal Officer submitted a muck disposal plan on 0.42 ha non- forest land and informed that the muck will be disposed on private land which is acquired by UA on lease.
 - b. The Nodal Officer, Govt. of MP also requested that the UA had demanded 0.3917 ha area in the original proposal for disposal of muck. Further as per revised proposal the muck would be disposed on private land, hence requested to revise the proposed diversion area to (13.1959 ha - 0.3917 ha) 12.8042 ha only and the vacant area (previous proposed muck area 0.3917 ha) may be used as Green Belt.
 - c. The IRO, Bhopal observed that the area indicated in the muck disposal plan is 42026 Sq. m. = 4.20 ha but the covering letter of the Nodal Officer indicated that the area is only 0.42 ha which is not supported by any documentary proof.
 - d. Muck Disposal Plan with revised non forest area (3.48 ha) and countersigned by DFO Rewa is submitted.

- e. The UA submitted an undertaking that no muck shall be disposed on forest land.
 - vii. The proposed forest area for diversion has been revised from 13.1959 ha to 12.8042 ha and the proposal was again discussed in REC Meeting held on 18.11.2022. The REC examined the proposal for diversion of forest land under the Forest (Conservation) Act, 1980 and recommended the proposal for diversion of 12.8042 ha on usual terms and conditions.
 - viii. The AC observed that a patch of thick forest is existing between the water body and area proposed for diversion and no precautions as such have been proposed for saving this while construction. Moreover, the REC while recommending the proposal for diversion of 12.8042 ha has not taken this important aspect into consideration.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Nodal Officer (FCA), Madhya Pradesh and Regional Officer, IRO Bhopal. After going through the facts of the proposal and submissions made by the Regional Officer, IRO Bhopal, the Committee decided that the proposal cannot be accepted in its present proposition due to following reasons:
- i. A patch of thick forest is existing between the water body and area proposed for diversion. The measures to safeguard the said forest patch while construction have not been submitted.

Agenda No. 6

F. No. 8-69/2018-FC

Subject: Proposal for diversion of 353.764 ha. of forest land (instead of 390.264 ha. of forest land) in favour of M/s Northern Coalfields Limited, for Bina Kakri Open Cast Coal Mining, under Forest Division and District Singaruali in the State of Madhya Pradesh -regarding (Online proposal No. FP/MP/MIN/20225/2016) – regarding.

1. The agenda item was considered by the AC in its meeting held on 25.04.2023. 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 relevant to the proposal and their significance.
3. The Regional Officer, IRO, Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh attended the meeting:
 - i. This proposal was considered in the FAC meeting held on 19.12.2019.
 - ii. FAC, while deliberating on the proposal, observed that the State Govt. was advised to review the proposal and submit report in the light of estimated area under VDF and MDF. They were also requested to redraw the proposed diversion proposal on the lines of analysis of Amelia Coal Block by FAC, excluding the certain area from proposal. For this purpose, State Govt. was asked to seek help from FSI Nagpur.
 - iii. The response to the above observations was furnished by the State Government vide letter dated 09.12.2019 wherein it has been informed

that the KML file of proposed diversion had been forwarded to FSI, Nagpur for examination/ analysis on the similar lines as per the analysis of Amelia Coal Block by FSI, Nagpur. The FSI, Nagpur on examination of KML file has reported that within the proposed forest area two patches possess Very Dense Forest and eradicating this area is not possible. Hence it is not possible to reduce the forest area within this proposal like Amelia Coal Block. Moreover, Amelia Coal Block engulfs dense forest on the upper top part of the proposal whereas in present proposal dense forest is scattered in different pockets within the proposed area. However, the copy of the said report was not submitted by the State Government and accordingly the FAC recommended the proposal with specific condition no. (iii) of Stage-I approval dated 13.01.2020 "The copy of report of FSI, Nagpur regarding inability to redraw the proposal on the lines of analysis of Amelia Coal Block shall be submitted prior to Stage-II approval".

- iv. The Government of Madhya Pradesh vide their letter dated 01.02.2021, dated 10.06.2021, dated 21.10.2022, dated 18.01.2023 and dated 29.03.2023 submitted report on compliance of conditions stipulated in the Stage-I approval.
 - v. However, the State Govt. expressed its inability to submit the report of FSI, Nagpur citing the reason that such technical expertise is now not available in Nagpur.
 - vi. The FAC earlier observed that FSI, Nagpur has reported that it is not possible to reduce the forest area within this proposal like Amelia Coal Block. However, the said report could not be produced and now a report from FSI Dehradun has been submitted. The report of FSI Dehradun is however not conclusive and does not answer the specific questions asked.
 - vii. The Member Secretary informed that now the State Govt. has submitted a request that report of FSI Dehradun be sent to Shri P. Subramanyam, Regional Officer, IRO, Bangalore who was posted in FSI, Nagpur at that time, to comment and confirm it on the lines of Amelia block.
 - viii. The AC examined the area on DSS and observed that the proposed area is on the edge of already mined out area. Apparently, it is the last patch between the already existing mines and the habitation. If this patch is also diverted, then we may not be left with any other buffer or green belt. The committee expressed their concern over the presence of very dense forest, hydrological regimes and effect on the catchment of adjoining area due to mining activity.
 - ix. The committee observed that the status of reclamation measures in the already existing mines are also required to be examined before taking any further decision in this regard.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Nodal Officer (FCA), Madhya Pradesh and Regional Officer, IRO Bhopal. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee deferred the proposal and decided that the Government of Madhya Pradesh shall submit the following information:
- i. The details of total number of proposals approved in favour of M/s Northern Coalfields Limited in the existing landscape.
 - ii. The Status of reclamation of mined out areas in case of mines under

the control of M/s Northern Coalfields Limited in this region.

- iii. The status of compliance of conditions stipulated in all approved proposals in favour of M/s Northern Coalfields Limited in the existing landscape will be submitted by the State through IRO Bhopal, who in turn examine the same and will visit the areas if needed and submit a comprehensive report in this regard within 45 days.

Agenda No. 7

File No. 8-18/2022-FC

Sub: Application for Permission under Section-2 (iii) of Forest Conservation Act, 1980 by M/s Dalmia Cement (Bharat) Limited) (DCBL) over 575.16 ha of forest land within the granted ML area over 802.255 ha for Kottameta Lime Limestone mining in Katamateru village under Malkangiri Tahasil of Malakangiri District, Odisha (Online Proposal No. FP/OR/MIN/144696/2021)

1. The agenda item was considered by the AC in its meeting held on 25.04.2023. 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 proposal was also discussed in the AC meeting held on 17.10.2022 wherein after detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Odisha and Regional Officer, Bhubaneswar, the AC observed that since the area falls into High Conservation Value Zone due to its close proximity with river Kolab, therefore before taking further view on the proposal, to ensure in-depth examination and to avoid *fait accompli* situation in the matter, following detail will be furnished by the concerned IRO:
 - a. Likely impact of mining on the river Kolab and mitigating measures required to be undertaken to minimize the impact on hydrological regimes of the area.
 - b. As per progressive Mine Closure Plan an area of 2.584 ha has been used for roads, the IRO may ascertain if the use of road in the past was with prior approval or otherwise and factual position may be intimated to the Ministry.
 - ii. The report of IRO, Bhubaneswar dated 24.02.2023 on the above observation mentions that if the untreated water from lime stone mining area is released into Kolab River, there will be substantial increase in Water Temperature, pH level of water, Electrical Conductivity (EC), Total Dissolved Solids (TDS), Alkalinity, Hardness, Calcium, Magnesium, Dissolved Oxygen (DO), content of the water, Sulphates (which needs to be quantified, monitored regularly). Due to non-availability of any empirical study in the proposed area, the presence or absence of other elements and heavy metals cannot be ascertained.

Thus, the change in chemical composition in untreated disposed water from mining lease area will have impact on the ecosystem and will change the flora & fauna composition of Kolab river eco- system.

- iii. Mitigative measures like Establishing an inviolate green buffer zone, Catchment Area Treatment Plan etc have been proposed to reduce the likely impact of the proposed lime stone mining on hydrological regime of the river Kolab.
 - iv. The report submitted by the IRO mentioned that a 1250 square meter structure with a defined barricade was observed in the satellite imagery, however there was no clarity whether the structure involved violation of Forest (Conservation) Act 1980 or not. Accordingly, the Ministry sought the comments from the State Govt. and also asked the IRO Bhubneshwar to verify the status of violation within the proposed lease area.
 - v. With respect to the violation of the provisions of FCA,1980, the IRO Bhubneshwar reported that:
 - a. There is a temporary, small thatched shed made up of dried wood and covered with locally available leaves. The space in front of the shed is being used to dry the collected Mahua flowers and the thatched shed is being used to store the dried Mahua flowers. As enquired, it is known that it was erected a year ago by some villagers.
 - b. There is also a temporary water body excavated adjacent to thatched hut to store rain water which is about a meter depth and almost dried up at the time of the visit.
 - c. A temporary barricade was made all around like a fence with brushwood and bamboos, which were dried and damaged at some points. All these are temporary structures were made by unknown villagers and according to DFO Malkangiri, can be removed.
4. **Decision of the Advisory Committee:** After detailed discussion and deliberation with the Nodal Officer(FCA) , The Regional Officer, IRO Bhubneshwar and considering all aspects, the Advisory Committee recommended the proposal for approval under Section 2 (iii) of Forest (Conservation) Act, 1980 for grant of lease over in favour of M/s Dalmia Cement (Bharat) Limited) (DCBL) over 575.16 ha of forest land within the granted ML area over 802.255 ha for Kottameta Lime Limestone mining in Katamateru village under Malkangiri Tahasil of Malakangiri District, Odisha subject to the General, Standard and following specific conditions:
- i. This approval under section 2(iii) will automatically lapse within a period of two years from the date of in principal approval by Central Government, unless the user agency applies for approval under section 2(ii).
 - ii. The approval under section 2(iii) does not in any manner exempt the user agency from obtaining prior approval under section 2(ii) of the FCA,1980 in regard to such area of forest land which is to be used for non-forest purpose.
 - iii. Grant of approval under section 2(iii) does not in any manner create any right or equity in favour of the user agency for grant of approval under section 2 (ii) of the Forest (Conservation) Act,1980 and decision on proposal under section 2 (ii) will be taken purely on the merit of the

case.

- iv. The State govt. shall ensure that breaking up of land or mining operations within the lease area are not allowed without prior approval of the Central Govt. under Section 2(ii) of Forest (Conservation) Act, 1980. The user agency shall be responsible for the protection of the forest land located in the mining lease. However, administrative and management control of such forest land will remain with the State Forest department or other forest land owning agencies.

Agenda No. 8

File No. 8-01/2023-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 Rungta Mines Ltd. for non-forestry use of 83.602 ha of forest land including 2.529 ha of Safety Zone in Chandiposhi Iron Ore Block in Koira Tahasil of Bonai Forest Division of Sundargarh District, Odisha (Online proposal no. FP/OR/MIN/150057/2021)- reg.

1. The agenda item was considered by the Advisory Committee in the meeting held on 25.04.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended 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 AC 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 AC after through deliberation and discussion observed that:
 - i. The Government of Odisha vide their latter No. FE-DIV-FLD-0001-2023-300/FE&CC dated 06.01.2023 submitted a proposal to obtain prior approval under section-2 of the Forest (Conservation) Act, 1980 for non-forestry use of 83.602 ha of forest land including 2.529 ha of Safety Zone in Chandiposhi Iron Ore Block of M/s Rungta Mines Ltd. in Koira Tehsil of Bonai Forest Division of Sundargarh District, Odisha.
 - ii. The Government of Odisha, Steel & Mines Department issued Letter of Intent (LOI) for grant of Mining Lease for Chandiposhi Iron Ore Block over 131.580 ha for Iron Ore located at a distance of 8 km to the east of Koira town, Koira Tahasil, Sundargarh district to Rungta Mines Ltd. for a period of 50 (Fifty) years.
 - iii. Out of 131.580 ha DGPS surveyed lease area, 83.602 ha (including 2.529 ha of safety zone) is forest land (DLC Forest-57.215 ha + Revenue Forest- 26.387 ha) and the remaining 47.978 ha is non-forest land.
 - iv. The purpose wise breakup of the forest land applied for diversion was examined and it was observed that certain non-site-specific components like mineral stack yard, ore processing site etc. have been proposed on forest land.
 - v. The Nodal Officer informed during the meeting that 1.985 ha area (Mine

road-1.967 ha + Infrastructure-0.018 ha are all temporary features) will come under active mining operation to mine out the total Iron Ore resource, before the expiry of the lease period. Hence total mined out area will be 87.548 ha. DLC forest land over 4.536 ha and 5.687 ha will be used for Ore processing site and Mineral stack yard respectively as the part of the forest land is non-mineralized and there is no other free non-forest land available within the block area for the said purpose.

- vi. As far as other non-site-specific components like mineral stack yard, ore processing site etc. are concerned, the Nodal officer explained that no suitable non-forest land is available for these essential works.
- vii. Faunal species such as Elephant, Wild boar, Hanuman langur, Indian Hare, Indian Palm Squirrel, Jungle Cat, Rat and different types of Snakes and Birds have been recorded from the applied area. The distance of the project site from the nearest Protected area (Similipal WL Sanctuary) is 80.460 Km. The project site is 11.53 Kms away from the nearest Elephant Corridor (Karo-Karampada).
- viii. Total No. of trees over forest land proposed to be diverted is 19013 nos. (which includes 575 nos. of trees within Safety Zone area) The DFO, Bonai Forest Division has reported that, enumeration has been conducted in 21 nos. of sample plot of 1.0 ha each within 83.602 ha of forest land including 2.529 ha of Safety Zone area and total 4,776 nos. of tree enumerated above 30 cm girth. By extrapolation of the above said data, total no. of trees (above 30 cm girth) has been calculated.
- ix. Compensatory Afforestation Scheme has been prepared over 83.602 ha of Govt. non-forest land identified in village Talabarada under Banspal Tahasil of Keonjhar Forest Division of Keonjhar District The 83.602 ha of Non-Forest land identified in village Talabarada has been allotted by Collector, Keonjhar for raising compensatory Afforestation.
- x. There are few houses located in the north-eastern side within the auctioned block. There will not be any mining and ancillary activity in that area and will not affect those people. Hence, no rehabilitation plan has been envisaged. Moreover, these houses are situated on the non-forest land.
- xi. A Comprehensive Wildlife Management Plan covering the entire forest area Bonai & Keonjhar Division for management of wildlife has already been prepared. Accordingly, the User Agency has to pay @₹82,000/- per hectare for the entire Block area of 131.580 ha as per revised norm approved by Govt. of Odisha. The User Agency has furnished an undertaking duly countersigned by the DFO, Bonai Forest Division to bear the cost of Comprehensive Wildlife Management Plan.
- xii. The forest area proposed to be diverted under the project and neighbouring forest area are characterized by variety of flora and fauna. A Site-Specific Wildlife Conservation Plan has been suggested to be prepared and implemented. The User Agency has submitted an undertaking duly countersigned by the DFO, Bonai Forest Division to bear the cost of the said plan.
- xiii. The proposal for diversion of forest land has been submitted for 50 years whereas the Mining Plan of Chandiposhi Iron Ore Block along with progressive mine closure plan over an area of 131.58 ha has been approved by IBM, for five years. In this regard the State has reported and it was also informed by the Nodal officer during the meeting that the proposal for diversion of forest land has been submitted for 50

years, which is in accordance with the notification of Govt. of India vide No. 11-51/2015-FC dt.01.04.2015 which states that *“period of the validity of approvals accorded under Section-2 of the FC Act shall be extended and shall be deemed to have been extended upto a period co- terminous with the period of mining lease, i.e, 50 years”*.

- xiv. Further, the mining plan for Chandiposhi Iron Ore block was approved for 5 years by India Bureau of Mines. This is in accordance with Rule 13 of MCR, 2016, which states that, *“No mining operation shall be undertaken except in accordance with a mining plan and the mining plan shall incorporate, a tentative scheme of mining and annual programme and plan for excavation from year to year for five years”*. Further, as per Rule 17 (1) of MCR, 2016 *“The mine plan once approved shall be subject to review and updation at an interval of every five years, starting from date of execution of the duly executed lease deed”*. Moreover, mining is a dynamic process and changes may happen keeping in view, change in the business environment, for facilitating increase in production capacity or in the interest of safe and scientific mining, conservation of minerals, protection of Environment, technological transformation or any other reasons.
- xv. A nalla is passing through the mining lease area, and the natural course of flow of water in this nalla has to be maintained. It is very important to stabilize the bank to avoid siltation and flood. At the same time, it is essential to ensure that no discharge from the mining site enters to the natural river and stream. The IRO in its report has recommended that a safety zone of 50 meters on both side of nala shall be maintained as green belt. There is a need for soil and moisture conservation measures in the rest catchment of this nala and the forest lands in and around the proposed site to ensure recharge of water.
4. **Decision of the Advisory Committee:** After detailed discussion and deliberation with the Nodal Officer (FCA) Govt. of Odisha, the Regional Officer, IRO Bhubneshwar and considering all aspects, the Advisory Committee recommended the proposal for seeking prior approval under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Rungta Mines Ltd. for non-forestry use of 83.602 ha of forest land including 2.529 ha of Safety Zone in Chandiposhi Iron Ore Block in Koira Tahasil of Bonai Forest Division of Sundargarh District, Odisha subject to the General, Standard and following specific conditions:
- i. A Site-Specific Wildlife Conservation Plan shall be prepared and implemented at project cost;
 - ii. An Integrated Regional Wildlife Conservation Plan specially addressing the movement of elephant in the entire Sundargarh and Keonjhar district comprising Jharsuguda, Sundargarh, Bonai and Keonjhar Forest Division may be prepared by the State Govt. to mitigate adverse impact of mining on the movement of elephant and other wildlife by proportional share from the lease holders.
 - iii. The State/User Agency shall raise thick plantations as a green belt, to minimize air and sound pollution, around habitations near to their mine. A far as possible the user agency should address the livelihood of the villagers by providing direct/indirect employment and should regularly

- check their health issues and related treatment as long as they are not properly rehabilitated;
- iv. The Nalla situated in the mining lease area shall not be diverted so as to retain the natural course of flow of water. No discharge from the mining site should enter the natural river and stream. To stabilize the bank of Nalla and to avoid siltation and flood a safety zone of 50 meter on both sides of Nala shall be maintained as green belt;
 - v. Soil and moisture conservation measures in the rest of the catchment of this Nala and the forest lands in and around the proposed site shall be carried out to ensure recharge of water;
 - vi. As per the mining plan no activities have been proposed in 6.120 ha of non-forest land. Fruit bearing trees shall be raised in this 6.120 ha of land wherever possible;
 - vii. Transportation of ore should be done as per the recommendation of NEERI;

Agenda No. 9

File No. 8-28/2015-FC

Sub: Diversion of balance forest land of 746.3325 ha including 1.8305 ha for safety zone (excluding 95.60 ha Pre-1980 broken up forest land already diverted and 4.467 ha of forest land being proposed for diversion in separate proposal mining infrastructure of Daitari ML) within total forest of 846.3995 ha located within approved Mining Lease area of 1018.3085 ha for Iron Ore Mining in Daitari Mining Lease in Cuttack Forest Division of Jujpur District and Keonjhar (WL) Division of Keonjhar District, Odisha of OMC Ld. During Mining Lease period as extended under the Amendment provision MMDR Act- submission of final Study Report regarding (Online Proposal No. FP/OR/MIN/9112/2015)

1. The agenda item was considered by the Advisory Committee in the meeting held on 25.04.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended 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 AC 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 AC after through deliberation and discussion observed that:
 - i. The State Government of Odisha, Department of Environment, Forests & Climate Change, vide his letter No. 10F (Cons) 210/2015, 16637/F/E, Bhubaneshwar, dated 19.09.20115 submitted a proposal to obtain prior approval of the Central Government for the diversion of forest land.
 - ii. Total lease area of the project is 1018.3085 ha. Out of which forest area is 846.3995 ha. Out of 846.3995 ha forest land, diversion is sought for 746.3325 ha. and 95.60 ha had already been diverted in 2005. Remaining 4 ha is included in another proposal which is in the process

of submission for diversion.

- iii. The mining lease was originally granted over an area of 7 Sq. Miles in Talpada (Daitari) for iron ore mining in favour of Orissa Mining Corporation by the erstwhile Mining and Geology Department of State Government vide Proceedings No. III (G) M - 1/ 65-2272 MG dated 16.03.1965 and the Mining lease was executed on 27.01.1966 for a period of 30 years. Thus, the original lease period expired on 26.01.1996. The surface rights were granted to OMC Ltd. by the Collector, Cuttack vide his letter dt. 17.11.1966. First renewal was done on 27.01.1996 up to 26.01.2016 which was extended up to 21.03.2020 under the amended provision of MMDR Act.
- iv. The lease area is located in two forest divisions i.e. in Keonjhar WL Division (533.659 ha) and Cuttack Forest Division (193.2666 ha). Legal status of forest land is Reserve Forest & Gramya Jungle in Keonjhar WLD and DPF in Cuttack FD. Density of vegetation as reported by state is 0.8-1.0 (Eco-class-I in Keonjhar WLD) and 0.6 (Eco-class-I in Cuttack FD).
- v. A total no. of trees of 1,65,869 in Keonjhar WLD and 70,697 & 35,838 No. of poles in Cuttack FD are assessed to be affected under this mining project.
- vi. The area applied for diversion in Keonjhar WL does not involve any notified Eco-Sensitive Zone/ National Park / sanctuary. However, this area was supporting Royal Bengal Tigers. Recently, National Tiger Conservation Authority (NTCA) has proposed a tiger corridor interlinking Similipal Tiger Reserve & Satkosia Tiger Reserve in Odisha which is essential for long term Tiger/Wildlife conservation in our country. The area proposed for forest diversion comes within the proposed tiger corridor.
- vii. It has been reported that a big patch of Gramya Jungle was found without vegetative cover, which was abnormal considering the dense canopy of the adjacent forest. During field verification by the DFO it was found that approximately 28.67 ha. of Gramya Jungle coming within the lease hold area was found to be Podu/Jhoom/shifting cultivation ravaged. It has been further mentioned that since the area is within the Mining lease, therefore the same amounts to violation of FCA,1980 by the User Agency.
- viii. The above facts along-with SIR, were considered in the meeting of Forest Advisory Committee (FAC) held on 12.07.2016 and FAC recommended that:
 - a. It has been reported by the DFO, Keonjhar (WL) division and RCCF, Rourkela, that the area was supporting Royal Bengal Tigers in the past. The last confirmed presence of Tigers in this area was in the year 1997. National Tiger Conservation Authority has proposed a Tiger corridor interlinking Similipal Tiger Reserve and Satkosia Tiger Reserve in Odisha for long term Tiger/ Wildlife conservation in the country. The area proposed for forest diversion for this infrastructure project comes within the proposed Tiger corridor. The same shall be examined by National Tiger Conservation Authority in view of section 38(G) of Wild life protection Act 1972 and their views will be provided to FAC for consideration.
 - b. Upon examination of the proposal under Decision support System

of the MOEF and CC, it is evident that the area falls in the proposed inviolate category. The shape files of the proposed area shall be provided to FSI Dehradun so that the status of the forest land can be reconfirmed in accordance with the draft criteria for classifying forest area as inviolate.

- ix. Along with the comments of IA Division and NTCA recommendation on the above points, the proposal was again considered by the FAC in its meeting held on 20.07.2017. FAC after thorough deliberations and discussion with the user agency, the representative of State Government and Regional office observed that the forest area is of pristine nature which has more than 2,72,535 trees with density about 0.8 and National Tiger Conservation Authority (NTCA) has proposed a tiger corridor interlinking Similipal Tiger Reserve & Satkosia Tiger Reserve in Odisha which is essential for long term Tiger / Wildlife conservation in our country. In this backdrop FAC recommended that:
 - a. State government in consultation with Regional Office shall take a holistic view of all mines existing in that area and analyse how this mine along with other existing mines in the area will affect the corridor connectivity and biodiversity value of the area.
 - b. It is reported that a big patch of Gramya Jungle was found without vegetative cover, which was abnormal considering the dense canopy of the adjacent forest, the area is adjacent to village Talapada. Approximately 28.67 ha. of Gramya Jungle coming within the lease area. The state government shall enquire the reason for less vegetation in the lease area under the control of the user agency and submit the report to the Ministry. Comments of IA Division of MOEF and CC may be sought regarding applicability of NEERI report.
- x. Accordingly, the State Government was requested vide this Ministry's letter dated 24.08.2017 to take necessary action in accordance with recommendation of FAC on 20.07.2017 as given in para above.
- xi. The State Government of Odisha vide letter dated 01.05.2018 submitted their response on Ministry's letter dated 24.08.2017. The point wise information as sought by this Ministry and reply there of given by the State Government was placed before the FAC meeting held on 26.07.2018.
- xii. The Committee inter alia observed that the said diversion proposal is situated, in a virgin, very dense, nearly undisturbed pristine forest having immense biodiversity value. It was also observed (DSS) that the said OMC mine (currently operating in 95.60 ha) is a lone mine situated on hill top and is aerially 5 KM (approx.) apart/ away from the Chromite mine cluster which are situated in the valley.
- xiii. Taking all these factors into consideration FAC inter-alia recommended that MoEF&CC may conduct a study through ICFRE, which may take help of IBM, to ascertain the technical feasibility of the fact that how much quantity of ore material can be extracted from already opened up area without further expansion of the existing mining area (i.e. 95.60 ha). Further it has been asked that the recommendation of study shall clearly come with comparative statement of environmental loss vis a vis

benefit (comparison in monetary terms including both tangible and intangible benefits/loss) which will be accrued/lost if the area is allowed for mining."

- xiv. The Government of Odisha vide letter No. dated 17.03.2023 has submitted a copy of the final report in Vol.I and Vol-II and Executive Summary on Carrying Capacity and Biodiversity Assessment Study Report of Daitari Iron Ore Mine of Odisha Mining Corporation Ltd., Odisha prepared by ICFRE, Dehradun in association with Wildlife Institute of India, Dehradun.
 - xv. The ICFRE suggested modifications in the configurations of the mining interventions contributing to reduction in an area of 309.66 ha from the applied area by M/s. OMCL (i.e., 746.33 ha) and preserve an area of 613.05 ha intact within DIOM lease (Table ES-6) comprising of very dense forest (367.98 ha) moderate forest (87.85 ha) and open forest (129.01 ha) that fall both in Keonjhar Wildlife Division and Cuttack Forest Division as well as non- forest area (28.21 ha) within the total DIOM mining lease area.
 - xvi. The Committee observed that the report submitted requires in-depth analysis. Further, the analysis of the report shall be more fruitful in case a field visit of the area is also carried out.
4. **Decision of the Advisory Committee:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Odisha and Regional Officer, IRO, Bhubaneswar on the recommendations of the Study report of ICFRE, the Advisory Committee deferred the proposal and decided to seek the following details:
- I. The State Government shall submit a detailed report on the present status of Jhum/Shifting cultivation and the time period during which the Jhum/shifting cultivation has taken place within the mining lease area.
 - II. A subcommittee consisting of following members shall visit the area and submit a detailed report along with their recommendations after in-depth analysis of the report prepared by the ICFRE:
 - i. Shri S.D. Vora, Member of the Advisory Committee
 - ii. Shri Manoj Pant, Member of Advisory Committee.
 - iii. DDGF (Central) IRO, Bhubaneshwar.
 - iv. Nodal Officer (FCA), Govt. of Odisha
 - v. AIGF (NTCA), MoEF&CC, New Delhi.

Agenda No. 10

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 agenda item was considered by the Advisory Committee in the meeting held on 25.04.2023. The corresponding agenda note may be seen at

www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended 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 AC 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 AC after through deliberation and discussion observed that:
 - 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.
 - 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.
 - v. The proposal has been submitted for prior approval of the Central Govt under Section 2(ii) of the FCA,1980. The State Govt earlier submitted a proposal under Section 2(iii) for this area and the said proposal has been approved vide letter dated 31.01.2022.
 - vi. 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.
 - vii. 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
 - a. It has been reported that the land for compensatory Afforestation is suitable from plantation and management point of view. During site inspection also, it was found that it is a non-forest land and suitable for plantation. *DSS report showed presence of agriculture land in the CA area but it could not be located at site.*
 - b. 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.

- c. 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).
- d. The above said proposal was considered in the Advisory Committee meeting held on 24.03.2023 and following decisions were made:

4. **Decision of Advisory Committee:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Odisha and Regional Officer, IRO, Bhubaneswar, the Advisory Committee decided that recommendation made in the proposal mentioned at agenda item no. 7 placed before the Advisory Committee meeting held on 24.03.2023 will apply *mutatis mutandis* to the extant proposal and decided to defer the proposal and seek the following information:

- 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 point wise reply/comments/justification on the mitigation measures suggested and issues raised in the report of the sub-committee as above.
- 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.

Agenda No. 11**File No. 8-87/1998-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 465.62 ha of forest land (160.73 ha already broken up area+ 37.25 ha area to be worked during present renewal period + balance 267.64 ha to be maintained as forest) in favour of M/s Steel Authority of India Ltd (SAIL) for first renewal of their Bolani Ores Mines, Keonjhar District, Odisha –reg. (Online Proposal Id: FP/OR/MIN/189/1996)- (For acceptance of CA land for issuing of Stage-II approval)

1. The agenda item was considered by the Advisory Committee in the meeting held on 25.04.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended 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 AC 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 AC after through deliberation and discussion observed that:
 - i. The Ministry vide letter dated 24.02.1999 had accorded Stage-I approval for above subject proposal subject to fulfilment of certain conditions prescribed therein.
 - ii. The State vide letter dated 31.01.2014 submitted a request to modify the conditions as stipulated in the Stage-I approval regarding change in Compensatory Afforestation area from NFL to DFL.
 - iii. The proposal for change in the conditions related to raising of Compensatory Afforestation on NFL instead of DFL was placed before the FAC in its meeting held on 16.05.2017. The FAC recommended the proposal from changing the condition of CA from NFL to DFL and after the approval of the competent authority, the Ministry vide letter dated 24.07.2017 modified the conditions for raising Compensatory Afforestation.
 - iv. At the time of modification of the conditions the details of the CA areas identified on DFL were not available, therefore the proposal was placed before the AC for ratification of CA areas. The inspection of the Compensatory afforestation was not done by the Regional office as the areas were revised after the Stage-1 approval.
 - v. The Government of Odisha vide letter dated 02.07.2019 has submitted the details of the identified CA areas on DFL along with revised CA schemes, site suitability certificate, KML files DGPS Maps, Sol top sheets etc. The State Government/User agency has reported the compliance of all conditions stipulated in the Stage-I approval dated 24.02.1999 read with letter dated 24.07.2017.
 - vi. Total 1319.8 ha of degraded forest land has been proposed for raising Compensatory Afforestation comprising of 609.78 ha of normal CA in lieu of 304.89 ha of fresh forest land, 321.46 in lieu of land broken before 25.10.1980, Penal CA over 367.89 ha in lieu of 160.73 ha of broken up forest land and afforestation over 60.9 ha in lieu of 40.6 ha of forest land located in the safety zone.

- vii. The DSS analysis of the proposed Compensatory Afforestation areas was examined by the Committee which found the areas to be suitable. The committee observed that the State Government has provided the site suitability certificates of the areas proposed for Compensatory Afforestation and the areas proposed over Degraded Forest land are suitable as per DSS analysis therefore field inspection of the areas is not required at this stage.
4. **Decision of the Advisory Committee:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Odisha and Regional Officer, IRO, Bhubaneswar, the Advisory Committee decided to accept the areas proposed for Compensatory afforestation over Degraded Forest Land (DFL) in case of the instant proposal for diversion of 465.62 ha of forest land (160.73 ha already broken up area+ 37.25 ha area to be worked during present renewal period + balance 267.64 ha to be maintained as forest) in favour of M/s Steel Authority of India Ltd (SAIL) for renewal of their Bolani Ores Mines, Keonjhar District, Odisha.

Agenda No. 12

File no. 8-107/2014-FC

Subject: Proposal for diversion of 149.3002 ha of forest land for open cast Iron Ore Mining in favour of M/s Ojaswi Marble & Granite Pvt. Ltd. in District Sikar, Rajasthan (Online proposal No. FP/RJ/MIN/3869/2013) -regarding.

1. The agenda item for above subject proposal was considered by the Advisory Committee in the meeting held on 25.04.2023.
2. The corresponding agenda note may be seen at www.parivesh.nic.in.
3. The Nodal Officer (FCA), Government of Rajasthan was present in the meeting.
4. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the AC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
5. The AC after through deliberation and discussion observed that:
 - i. The State Government of Rajasthan vide their letter No. P. 1(11) Van/2014 dated 03.12.2014 submitted the above-mentioned proposal seeking prior approval of the Central Government under Section-2 (ii) of the Forest (Conservation) Act, 1980. Proposal envisages mining of Iron Ore over 180 ha of lease area in Ramliyawas Village & Ghata Ganwar in Nim Ka Thana Tehsil in Sikar District. The lease area involves 149.3002 ha of forest land while 30.9758 ha of non-forest (revenue land).
 - ii. State Government vide their letter dated 29.11.2016 also forwarded an application of M/s Ojaswi Marble & Granite Pvt. Ltd seeking approval of MoEF & CC under Section 2(iii) of Forest Conservation Act, 1980 over 149.3002 ha forest land pertaining to open cast Iron Ore Mining in District Sikar, Rajasthan and the said proposal was examined by the Forest Advisory Committee. After recommendations of the Forest Advisory Committee and its acceptance by the competent authority, approval of the Central Government was accorded on 06.01.2017 under

Section 2(iii) of FC Act, 1980.

- iii. The instant proposal under section 2(ii) has earlier been considered in Advisory Committee Meetings held on 30.04.2015, 16.02.2016, 16.03.2016 and 07.11.2022.
- iv. The proposal under section 2(ii) was considered by the FAC on 16.03.2016 which recommended the proposal for diversion subject to the standard conditions and specific condition that no mining will be done in a width of 150 mts on either side of the water course and regular monitoring of the silt levels in the water body will be done by the State Forest Department. However, the file will be put up to the competent authority for approval only after receipt of revised Compensatory Afforestation scheme as per actual site conditions and certificate from the DFO that the Compensatory Afforestation site is free from all encumbrances.
- v. The Revised CA scheme has been submitted and thereafter the state govt has forwarded the certificate that the CA land is free from all encumbrances, which also mentioned that the said certificate has been given with the condition that the 0.15 ha of govt land situated in-between the NFL proposed for CA will be kept reserved for allotments in the interest of the state.
- vi. The Compensatory Afforestation has now been proposed in two patches i.e. 135.03 ha non-forest land in Udaipur District and 14.27ha. in Pratapgarh District. Since the non-forest land cannot accommodate 1000 plants/ha therefore, in addition the State Govt. has also identified a total of 242.31 ha degraded forest land (DFL) [(226 ha DFL in Udaipur District) and (16.31 ha DFL in Pratapgarh District)] with a view to accommodate the balance seedlings.
- vii. As per DSS analysis the NFL proposed for CA was found to be partially situated within the boundary of the forest. The observation of the DSS cell was based upon the boundaries of forests as available on the website of the Rajasthan Forest Department and those available on the DSS software. The boundaries on DSS software are also based upon the information provided by the State Govt.
- viii. The State Govt. and IRO Jaipur have now verified that the land proposed for Compensatory Afforestation is non-forest land.
- ix. The proposal was considered by the Committee in its meeting dated 07.11.2022 wherein it was deferred and the state was asked to remove the discrepancy in case of digital boundaries of forest land overlapping with that of the NFL proposed for CA, and submit an undertaking that it will not have any right to claim the Right of Way (RoW) for the 0.15 ha Govt. land in the Khasra No.3186/88, Vikas Nagar, Tehsil Khairwada, through the non-forest land block proposed for Compensatory Afforestation.
- x. State Govt. of Rajasthan has carried out the necessary corrections in forest compartment boundaries and now the corrected forest compartment boundary has been uploaded on the State Forest Department website i.e. <https://forest.rajasthan.gov.in> and State Govt. has also intimated that the corrected boundaries have been sent to the Forest Survey of India, Dehradun for correction in DSS.
- xi. The 0.15 ha Govt. land in the Khasra No.3186/88, Vikas Nagar, Tehsil Khairwada, Rajasthan which is located inside the non-forest land block designated for CA has been transferred in favour of State Forest

Department vide Order No.450-456 dated 03.02.2023 issued by District Collector Udaipur.

6. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Regional Officer In-charge, IRO Jaipur and Nodal Officer (FCA), Rajasthan. After going through the facts of the proposal, the Committee recommended the proposal for Stage-I approval under Forest (Conservation) Act, 1980 with general, standard and following specific conditions:
- i. As recommended by the committee during its meeting dated 16.03.2016, no mining will be done in a width of 150 mts on both side of the water course and regular monitoring of the silt levels in the water body will be done by the State Forest Department.
 - ii. Green belt will be created mining will be done in a width of 100 mts on both side of the water course
 - iii. 0.15 ha Govt. land in the Khasra No.3186/88, Vikas Nagar, Tehsil Khairwada, Rajasthan which is transferred in favour of State Forest Department by vide District Collector Udaipur's order dated 03.02.2023 shall be notified as RF/PF along with the NFL proposed for Compensatory Afforestation prior to Stage-II approval.

Agenda No. 13

File No. 8-04/2023-FC

Subject: Proposal for diversion of 74.2490 Ha. Forest Land infavour of RDSA Mining LLP for opencast Marble Mining in Revenue Village - Danta, Tehsil-Pipalkhunth, District – Pratapgarh, Rajasthan- regarding.

1. The agenda item for above subject proposal was considered by the Advisory Committee in the meeting held on 25.04.2023.
2. The corresponding agenda note may be seen at www.parivesh.nic.in.
3. The Nodal Officer (FCA), Government of Rajasthan was present in the meeting.
4. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the AC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
5. The AC after through deliberation and discussion observed that:
 - i. The Govt. of Rajasthan has submitted the above-mentioned proposal seeking prior approval of the Central Govt. under Forest (Conservation) Act,1980.
 - ii. Legal status of land proposed for diversion is Protected Forest land. The Density of the area proposed for diversion is reported to be 0.3, Eco-class-03 and 26321 number of trees are reported to be felled.
 - iii. The diversion proposal is for Marble Mining through fully mechanized open cast method. As per the approved Mine plan, the mode of transportation of mined-out mineral has been mentioned through road.
 - iv. Out of total 74 ha (as per DSS) forest area of instant project, 46 ha of land is characterized with Open Forest, 11 ha is Scrub and 17 ha as

Non-Forest or Non-wooded (land devoid of tree cover) in terms of forest classes (as per the ISFR 2019) based on the interpretation of satellite data period 2017-2018.

- v. Proposal does not form part of any Protected Area, Biosphere Reserve, Elephant corridor etc. No protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.
- vi. The instant proposal for diversion falls under Inviolable area or In-High conservation zone value (HCV) as per DSS Rule-I due to presence of Hydrological feature i.e. Mahi River adjacent to the land proposed for diversion. However, the proposed forest land for diversion is falling in Not- Inviolable area or Not In-High conservation zone value (NHCV) as per the DSS Rule-II considering the average score of four major layers i.e. Forest Cover Map, Forest Type Map, Biological Richness & Landscape Integrity. Thus, the final result is Not-Inviolable.
- vii. It is reported that the 0.75 ha forest area proposed for roads and buildings in the proposal, 0.71 ha will be used for roads is essentially required to carry out mining activities such as extraction and transportation of mined out mineral while only 0.04 hectare (400 square metre) area is to be used for temporary portable structures such as workshop, storage of tools and plants, rest Shelters and small office essential on site to carry out mining activities. All these structures will be temporary in nature and will be removed at the time of closure of mining activities and before handing over the proposed forest land back to the State Forest Department.
- viii. The District Collector, Pratapgarh vide their order No. राजस्व/ भूआ./2022-23/2535-45 dated 17.08.2022 set apart the 75 ha Government Revenue land and transferred the same in the name of Forest Department for carrying out Compensatory Afforestation.
- ix. Compensatory afforestation (CA) has been proposed over 75 ha. Non-forest land (NFL) in three patches located in Villages namely Amlikhora (16 ha), Miyala (13.50 ha) and Pahada (45.50 ha) located in Pratapgarh district of Rajasthan. wherein 200 plants/ha can be planted and to accommodate the balance saplings a degraded forest patch comprising 85 ha. has also been proposed.
- x. Out of identified 75 ha. non-forest land for CA, 13 ha. is Moderately Dense (MDF), 39 ha. is Open Forest (OF), 02 ha is Scrub and remaining 21 ha is Non-forest. In addition, 85 ha degraded forest land (DFL) has been proposed in a single patch located under Sukad (R.F.), Dhawada Village, Chotisadri Tehsil under Pratapgarh District of Rajasthan State. Out of 85 ha forest land for CA, 2 ha of land is having Open forest and 83 ha land as Non-forest/ Non-wooded in terms of forest classes (as per the ISFR 2019) based on the interpretation of satellite data period 2017- 2018.
- xi. The AC noted that one of the CA patch namely Village Pahada was earlier falling in the forest compartment boundary as per the DSS analysis. In this regard, the Nodal Officer informed that the forest compartment boundaries available on the department website have been updated recently.
- xii. Site suitability certificate of the proposed NFL for compensatory Afforestation identified in Village Amlikhora (16 ha) , Pahada (45.50 ha) and Village Miyala has been given. In addition, the state has also

informed that 85 ha DFL identified for raising balance plants is also suitable for raising plantation.

- xiii. The Site Inspection report of the IRO also mentions that the NFL proposed for CA is found to be suitable for carrying out the CA plantation and already have good number of trees and only about 200 trees per hectare is possible to plant. State Govt. proposed to carry out remaining CA plantation on 85.00-hectare DFL in Pratapgarh Division to accommodate the remaining plants.
 - xiv. A road measuring 452.18 meter length connects the instant mine lease boundary and out of which only 56.80 meter length falls under the forest land. It is reported that the said road existed since long and it is currently used by the local people. Moreover, Govt. of Rajasthan has further informed that an approach road already existing since many years which has been in use by the inhabitants of the Danta village. The road is partially passing through the fringe of the proposed forest area and connects the school. The user agency will not block the said approach road and the road will always be available for use of general public.
 - xv. As per the Mining plan, it is reported that the 'waste produced during mining like Marble Khanda (40%) and 10% other waste will be dumped within Mining Lease (ML) and explored for utilization in other industries at nearby areas. Other waste will be used for road development within lease. With regard to void filling plan, it is indicated that there is no proposal for back filling of excavated area around pit nor has a stage reached where back filling of mined out area can be started in next five years.
 - xvi. The IRO, Jaipur in their Site inspection report has recommended the proposal with the following specific recommendations:
 - a. Embankment of sufficient height will be constructed by the User Agency along the bank of the River Mahi so that the muck and waste will not enter into the river.
 - b. Muck will not be disposed on forest/charagah land outside the proposed diversion land area.
 - c. Six feet boundary wall shall be constructed along the boundary of the Non-Forest Land (NFL) proposed for CA in all the three patches towards the habitation and agriculture fields to prevent encroachment at the cost of user agency.
6. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Regional Officer, IRO Jaipur and Nodal Officer (FCA), Rajasthan. After going through the facts of the proposal, the Committee recommended the proposal for Stage-I approval under Forest (Conservation) Act, 1980 with general, standard and following specific conditions:
- i. Embankment of sufficient height shall be constructed by the User Agency along the bank of the River Mahi so that the muck and waste does not enter into the river.
 - ii. A green belt along with this embankment should be raised for a width of 50 mtrs at the cost of User Agency.
 - iii. Muck will not be disposed on forest/charagah land outside the proposed diversion area.
 - iv. Six feet boundary wall shall be constructed along the boundary of the

Non-Forest Land (NFL) proposed for CA in all the three patches towards the habitation and agriculture fields to prevent encroachment at the cost of user agency.

Policy Issue No. 1

Sub: Policy issues referred by the Department of Telecommunication, Ministry of Communication regarding streamlining the process of approval under the Forest (Conservation) Act, 1980 – reg.

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 25.04.2023. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
2. The Advisory Committee, after examination of the matter, observed as under:
 - i. The Department of Telecom vide their DO dated 13.03.2023 requested the MoEF&CC to issue instructions/revise guidelines in respect of proposals pertaining to DoT. Interventions have been sought by the Department of Telecommunication on the following:
 - a. Authorizing the user agency of already diverted forest land in its Right of way (ROW) to allow at their own level for laying of optical fibre on available ROW.
 - b. Installation of towers and laying of OFC by TSPs/IPs in forest Area
 - c. Inclusion of Mobile towers in the definition of "Communication Posts" under clause 4.3 of Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules.
 - d. Submitting the RoW approval document for existing EB poles may not be insisted to lay aerial OFC over existing poles.
 - ii. As regards to authorisation of the user agency for laying OFC in the RoW at their own, the DoT has adverted to the minutes of the meeting of the FAC dated 21.12.2022 wherein FAC turned down the change in the land use at the level of user agency citing the fact that number of such cases is very small, therefore, such cases may be dealt at the MoEF&CC level on case-to-case basis. The Committee observed that proposal for laying of Optical Fiber Cables in the RoW of roads is categorized as re-diversion i.e. when forest land is transferred from the primary agency to secondary agency for a different land use. While change in land use is perceived as change in the land use for the same project by the same user agency. Therefore, re-diversion and change in land use cannot be equated, as the both are different in nature. Moreover, Ministry has recently taken several initiatives to streamline the process of approval for laying of OFC in the forest areas such as authorizing the Nodal Officer to issue permission, allowing laying of above ground OFC over existing poles, development of simplified Form-E for submission of re-diversion proposals. Given the initiatives already undertaken by the Ministry to streamline and simplify the process and keeping in view the protection of forest land, it may not be prudent for the Ministry to allow the user agency for laying of OFCs at their own.

- iii. Regarding inclusion of private operators for laying of OFCs in the forest areas under para 4.3 (General Approval) of the Handbook of FC Act, 1980, the Committee observed that as per the provisions of the said Guidelines, General Approval has been considered for the public utility projects to be implemented by the Government Department. Provisions of Indian Telegraph Act, 1985, referred by the DoT, may hold good for implementing the provisions of said Act, however, such provisions are not be a binding on the provisions of Forest (Conservation) Act 1980 and hence the request to include private operators/Licensee in the General Approval category does not seem to be tenable.
 - iv. On the matter related to consideration of mobile towers at par with communication posts, the Committee opined that the General Approval has been granted to the public utility projects to be implemented by the Government. As per para 4.3 of Handbook of Forest (Conservation) Act, 1980, 15 categories of public utilities projects to be implemented by the Government Department involving area up to 1 ha and felling of 50 trees per ha, have been granted General Approval. Communication post is one of the category included in the array of General approval categories allowed by the Central Government which is under consideration for a clarification. However, these days mobile towers are being constructed by the private enterprises also. Moreover, in comparison to communication post, the density of mobile towers per unit area is quite high requiring more forest lands.
 - v. The Committee also observed that construction of mobile towers in the forest areas relatively involves more disturbances to the forest due to ancillary activities such construction of approach/access road, establishment of generator sets, electric lines, maintenance, etc. Therefore, consideration of mobile towers at par with the communication posts will tantamount to more biotic disturbances to forests.
 - vi. Issue related to exemption from submission of documents pertaining to the existing poles for laying of overhead OFCs, has already been resolved by the Ministry in consultation with the NIC.
3. **Decision of the Advisory Committee:** The Advisory Committee, after deliberations and discussion with the Regional Officers and official of the Forest Conservation Division, recommended the following:
- i. Authorisation of the user agency for laying OFC in the RoW at their own is not tenable in view of the fact that the proposals for laying of OFCs cable fall under re-diversion category and not under change in land use category and Ministry has already taken a number of initiatives such as replacement of length Form-A with simpler Form-E and authorization of Nodal Officer (FCA) in the State Government to grant approval to proposals pertaining to laying of OFC cable.
 - ii. Considering the mobile towers as a commercial activity, the provisions of General Approval given under para 4.3 of the Handbook of FC Act, 1980 may not be extended to the private operators for laying of OFCs in the forest areas as the same was considered only for the public utility projects to be implemented by the Government Departments involving area up to 1 ha and felling of maximum up to 50 trees per ha, which is under consideration for a clarification.
 - iii. Construction of mobile towers in the forest areas may not be

considered at par with the communication posts as mobile towers involve much more area for construction and it will also tantamount to more biotic and abiotic disturbances to forests due to ancillary activities such construction of approach/access road, establishment of generator sets, electric lines, maintenance, etc.

Policy Issue No. 2

Sub: General Approval granted under the Forest (Conservation) Act, 1980, incorporated under para 4.3 of the Handbook of Forest (Conservation) Act, 1980 for specified public utility projects to be implemented by Government Department involving area up to 1 ha and felling of 50 trees per ha – reg.

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 25.04.2023. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
2. The Advisory Committee, after examination of the matter, observed as under:
 - i. General approval has been granted under the Forest (Conservation) Act, 1980 to States/UTs for public utilities projects to be implemented by the Government Departments involving forest land up to 1 ha and felling of 50 trees per ha to develop public utility and other critical infrastructure, including roads, in forest fringe areas, including in LWE Districts.
 - ii. Ministry has been continuously receiving representations from the various Ministries and States to clarify on the extension of General Approval granted under the FC Act, 1980. Accordingly, the issue related to extension of General Approval was consulted with the MoL&J and their opinion in the matter was solicited. The MoL&J on various occasion has opined that *As such, the guidelines issued by the administrative Ministry granting general approval under section 2 of the Act of 1980 for diversion of forest land for non-forest purposes are not in conformity with the provisions of the Act of 1980 and Rules of 2003.*"
 - iii. The Committee also observed the during the last two decades, the Ministry has introduced a number of systemic reforms to ensure more streamlined process of approval under the Act. Important initiatives are as under:
 - a. Rationale for Considering the General Approval in the past to develop public utility and other critical infrastructure, including roads, in forest fringe areas. Grant of general approval in the past was appropriate in light of the various facts such as delay in processing the cases, lesser number of Regional Officer (6 Nos), non-availability of technological interventions reducing human interface in the process of approval, etc. Therefore, to ensure that implementation of smaller projects of public utility such drinking water pipelines, telecommunication lines, schools, etc. by the State not suffer from the process of obtaining approval under the FC Act, 1980, general approval was granted to the State. In present times, the situation prevalent 20 years back has been transformed drastically i.e. number of Regional Officer have been increased from 6 to 19 thereby increasing outreach of Ministry

almost in every State, technological intervention (Online submission and monitoring of proposals through PARIVESH) have been introduced which have reduced the human interface substantially.

- b. Introduction of Technological Intervention have been introduced in the process of approval i.e. approval process has been made online since 15.07.2014. Recently, upgrade version of PARIVESH has been made live by the Ministry to simplify the process and reducing the human interface. With the introduction of online module, the time taken for granting approval under the FC Act has been reduced substantially. Further simplification of online portal is continuously being undertaken by the Ministry to make it more user friendly and streamline the process of approvals.
 - c. Ministry has increased the number of its Integrated Regional Offices (IROs). Initially 6 IROs were operating at 6 locations which were subsequently increased to 10 in 2014. Recently, Ministry vide its Notification dated 13.08.2020 has increased the number of Regional Offices of Ministry to nineteen (19) i.e. 9 more Regional Offices of the Ministry have been added to enhance the outreach of the Ministry to almost all States.
 - d. MoEF&CC promulgated Forest (Conservation) Rules, 2022 wherein the process of approval has been further streamlined and concerned IRO have been empowered to finally dispose of the cases, except de-reservation, encroachment and violations, involving areas up to 5 ha (including mining) and REC has been empowered to dispose off the cases involving area from 5 to 40 ha and linear projects irrespective of area involved. Earlier, such cases were used to be submitted to MoEF&CC for the approval of competent authority.
 - e. Frequency of conduction of meeting of Regional Empowered Committee has been increased to twice a month besides organizing Fortnightly Review and Coordination Meetings (FRCM) at IROs to review the pending project.
 - iv. The Committee noted that the Ministry has already undertaken a number of initiatives to streamline and simplify the process of approval envisaged under the Forest (Conservation) Act, 1980. Therefore, in view of the aforementioned initiatives, it may not be prudent for the Ministry to continue the General Approval in future.
3. **Decision of the Advisory Committee:** The Advisory Committee, after deliberations and discussion with the Regional Officers and official of the Forest Conservation Division, observed that in view of the opinion of the M/o Law and Justice and initiatives undertaken by the Ministry, the General Approvals granted by the Ministry should not be continued further and accordingly, the Committee recommended that General Approval granted by the Ministry under the Forest (Conservation) Act, 1980 for construction of public utility projects by Government involving area of up to 1 ha felling of trees up to 50 per ha may be withdrawn by the Ministry.

(Confirmed through email)

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