

Government of India
Ministry of Environment, Forests & Climate Change
(FC Division)

MINUTES OF MEETING OF FOREST ADVISORY COMMITTEE HELD ON
26TH JULY, 2018

Sandeep Sharma, AIGF (FC)

Agenda No. 1

F. No. 8-145/2006-FC
F.No.8-145/2006-FC (Vol.)

Sub: This is regarding a proposal for diversion **502.00 ha of forest land** for renewal of lease for Rajnagar RO / Under – Ground Coal Mining project in Anup-nagar District of **Madhya Pradesh** in favour of CGM Hasdeo region of SECL, and also diversion of 123.56 ha forest land (a part of 52.00 ha) for surface use for the same project.

and

Additional diversion of 4.20 ha of forest area for Rajnagar OCP in **Chhattisgarh** and the same is the extension of the already approved proposal of Rajnagar mining lease in adjoining Madhya Pradesh

1. The above stated agenda item was considered by FAC in its meeting on 26.07.2018
2. FAC after thorough deliberation and discussion with the Nodal officer (FCA) of Chattisgarh and Madaya Pradesh and APCCF Regional office Bhopal observed that the present proposal was granted Stage I approval under the provisions of FCA 1980 by MoEF&CC on 10.1.2008 and 26.11.2008.
3. It was pointed out that state government could not submitt complete compliance of all the stipulations of stage I approval dated 10.01.2008 and 26.11.2008 because MoEF&CC had imposed a condition that the Compensatory Afforestation (CA) shall be done by the state government over equivalent non forest land. User agency through state government has been contestiong that as per FCA guideline 3.2(ix) Central PSU's are exempted from giving equivalent non forest land for CA in lieu of forest land being diverted. It was also pointed out by the Nodal officer MP that the user agency had already raised CA in some area in lieu of the forest area for which renewal is being sought. As per FCA guideline 3.2(viii(d)), Compensatory afforestation shall not be insisted upon renewal cases if CA had been done earlier.
4. It was also reported that the NPV amount paid by the user agency had not been confirmed by AdHoc CAMPA. State government and user agency reported that they have paid total amount of Rs 350 crore to the CEC for NPV of 21 different projects of same user agency. This amount had been deposited as per direction of Hon'ble Supreme Court.



Recomendations of FAC:

FAC after thorough deliberation and discussion with the Nodal officer (FCA) of Chattisgarh and Madaya Pradesh and APCCF Regional office recommended that:

1. State government shall submit the status of CA carried by state government in lieu of the diverted forest land for which renewal proposal is under consideration of MoEF&CC.If the CA done in the past against the same land is as per MoEF&CC guideline,No CA shall be insisted upon on renewal of approval.If there is gap between the requisite CA as per the guideline and actually carried out in the field than the balance CA shall be raised over degraded forest land equivalent to double the extent of the gap.State government shall submit the revised CA scheme accordingly.
2. Compensatory afforestation ,if done,shall be done as per the MoEF&CC guidelines dated 08.11.2017.
3. MoEF&CC shall take the matter related to payment of NPV with member Secretary CEC.The amount paid by user agency against NPV of the area shall be reconciled with CEC,User agency,State government and AdHoc CAMPA.

Agenda No. 2

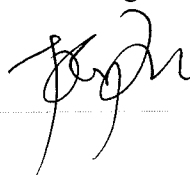
F. No. 8-36/2018-FC

Sub: Proposal for diversion of 841.538 hectares of forest land for non-forest purpose under Forest Conservation Act. 1980 for the proposed Parsa Open Cast Mine (5MTPA) in favour of M/s. Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL), in Surguja and Surajpur Districts in the State of Chhattisgarh.

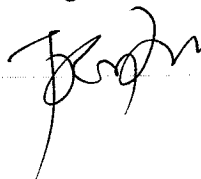
1. The above stated agenda item was considered by FAC in its meeting on 26.07.2018.
2. FAC after thorough deliberation and discussion with the Nodal officer (FCA) of Chattisgarh , Representative of APCCF Regional office Nagpur and user agency observed that The User Agency has three coal blocks allotted in its favour in Hasdeo-Arand Coal field as per detail given below:

S. No.	NameofCoalBlock	ForestArea (Ha)	Non-forestland (Ha)	TotalArea(H)
1.	Parsa	841.538	410.909	1252.447
2.	ParsaEastandKeteBasan	1898.328	812.706	2711.034
3.	KeteExtension	1745.883	16.956	1762.839
	Total	4485.749	1240.571	5726.32

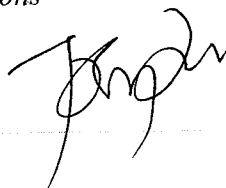
3. The Parsa coal block is located in the north central part of the Hasdo-Arand Coalfield in Udaipur and Premnagar Tehsil, Surguja and Surajpur Districts of Chhattisgarh State.
4. Hasdeo-Arand coalfield is one of the major coalfields of the central India located in the upper reaches of Mhanadl Valley Master Gondwana Basin. It is spread over an area of approximately 1200 sq km.
5. Major part of the coalfield is still virgin with huge resources of power grade coal.



6. There are 18 coal block in Hasdeo-Arand Coal fields. Out of the 18 coal blocks, currently, mining operations are being carried out in 2 coal blocks namely Parsa East and Kete Basan and Chotia coal blocks while proposal in respect of other 4 coal blocks are under consideration in the State/Central Government level.
7. The Parsa Coal Block was earlier allotted to M/s Chhattisgarh State Power Generation Company Limited (CSPGCL) and Mining Plan and Mine Closure Plan (5 MTPA) was approved by Ministry of Coal vide Letter No.-13016/90/2006-C A-I (Part) on 19th May, 2014. However, Hon'ble Supreme Court vide its order dated 24th September 2014 de-allocated coal blocks including Parsa Coal Block. Subsequently, in accordance with the provisions of the Coal Mines (Special Provisions) Ordinance, 2014, the Ministry of Coal, GOI vide its letters dated 18th December 2014 and 18th February 2015 earmarked coal blocks for allotment and invited applications from the Government Companies. The User Agency applied to Nominated Authority of Ministry of Coal, GOI for allotment of Parsa Coal Block for captive use in its thermal Plants located in the State of Rajasthan. Subsequently, Ministry of Coal, Government of India on 24.03.2015 allotted Parsa Coal Block to the User Agency in accordance to Coal Mines (Special Provisions) Act, 2015 & Coal Mines (Special Provision) Rules, 2014 and executed the allotment agreement.
8. The Parsa coal block is contiguous to Parsa East and Kete Basan (PEKB) and Tara coal blocks.
9. Parsa Coal Block is located in six villages, namely Salhi, Hariharpur, Ghatbara, Fatepur under Udayapur Tahasil of Surguja district and Janardanpur , village of Premnagar Tahasil of Surajpur district.
10. The block is rectangular in shape and extends about 3.10 km along the strike direction (NW-SE) and about 4.3 km along the dip direction (SW).
11. Total geological reserves estimated for stands at 256.40 MT while mineable reserves estimated by opencast mining stands at 200.41 MT. Mining plan was approved for production capacity of 5 MTPA.
12. **It is reported that the area is sensitive from erosion point of view. The vegetation density in the area is reported to be 0.5. total number of trees reported to be felled are 95,458**
13. **FAC took a note of the fact that similar case of PEBK and Tara Coal block in Hasdeo-Arand Coal was granted approval by the competent authority by overriding the recommendation of the then FAC.**
14. In case of PEBK (Parsa East and Kante Basan) coal block open cast mining in Hasdeo Arand forest the State Government of Chhattisgarh, vide their letter dated 28.04.2010, submitted a proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of **1898.328 ha** .
15. The proposal for PEBK along with the site inspection report submitted by the RO, Bhopal was considered by the then FAC in its meeting held on 10.03.2011 and the Committee desired that area may be visited by the Sub-Committee of the FAC to have a better appreciation of the proposal. The site was visited by the Sub-Committee of FAC and report submitted to the FAC. Subsequently, the proposal was again considered by the FAC in its meeting held on 20-21st June, 2011 and the Committee noted the following:
 - i. The coal block is on the northern fringe of Hasdeo-Arand.



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



20. On the basis of the order dated 23.06.2011 of the then Minister, this Ministry decided to give Stage-I clearance to diversion proposal of (I) Tara Coal Block and (II) PEKB Coal Block in Hasdeo-Arand Coal Block. MoEF granted Stage-I clearance dated 06.07.2011 to the diversion of 1898.328 ha of forest land (for mining in two phases) in Parsa East and Kante Bassan captive coal blocks open cast mining project in favour of M/s RVUNL in South Sarguja Forest division in Sarguja district of Chhattisgarh subject to fulfilment of certain terms & conditions, as specified therein.
21. The State Government of Chhattisgarh has furnished the satisfactory compliance report on conditions stipulated in the Stage-I approval dated 6.07.2011 vide their letter no. 331-53/2455 dated 31.12.2011. After having found the compliance report submitted by the State Government complete, the stage –II approval was granted by MoEF on 15.3.2012 for the said proposal subject to fulfilment of certain conditions.
22. Subsequently, an appeal was filed by Mr. Sudiep Shrivastava before the Hon'ble NGT challenging the order dated 28-3-2012 passed by the State Govt. of Chhattisgarh under section-2 of the FCA for diversion of 1898.328 Ha of forest land of Parsa East and Kante Besan Captive Coal Blocks open cast mining project. Matter was concluded after series of hearing conducted by the Hon'ble NGT and judgment was passed on 24.03.2014 wherein the Hon'ble NGT inter-alia directed as under:
- a) *“Order dated 23rd June, 2011 passed by the respondent no. 2- MoEF Government of India and consequential order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;*
 - b) *The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the proposal discussed herein above with emphasis on seeking answers to the following questions: (i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.*
 - c) *The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.*

d) *All work commenced by the respondent no. 3 project proponent and respondent no.4 pursuant to the order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand suspended till such further orders are passed by the MoEF in accordance with law.”*

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

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

26. Based on the stay order the user agency continued the work. Since 2014, the matter is pending in the Supreme Court and user agency is working in the area based on the stay order of Hon'ble Supreme Court.
27. In the meanwhile the user agency had approached the IA division of MoEF&CC for **grant of EC** to the expansion project “Parsa East and Kanta Basan (PEKB)” Opencast Coal Mine **from 10 MTPA to 15 MTPA** along with the expansion of Pit Head Coal Washery from 10 MTPA to 15 MTPA
28. The file was processed and Hon'ble Minister of State for EF&CC directed that *“since the matter is pulling for long, FAC may convene a meeting and decide the matter in 4 weeks*
29. The Ministry observed that since the Supreme Court has stayed the part (4) of the order of the NGT whereby the ongoing operation of mining was suspended, the matter should be placed before the FAC in compliance of the remaining part of the NGT order namely (1), (2), and (3) and seek advice of FAC on the whole issue.
30. The Ministry is of the opinion that since the Supreme Court has not stayed the complete order of the NGT except the part 4 whereby the mining operation was suspended, the case was remanded to the FAC for reconsideration as directed by NGT and the Hon'ble Minister of State MoEF&CC.
31. The matter of PEBK was discussed in FAC meeting on 25.01.18. FAC analyzed the existing condition of the mining lease area using the shape file on the DSS of the Ministry and google images and satellite imageries. FAC observed that the mining in the area is under process and forest has been cut as per the mining plan after the stay order granted by the Hon'ble Supreme Court against NGT order. The mining cannot be stopped now due to the stay order on suspension of mining operation. Since the matter has become a *fait accompli* situation, the user agency has to comply the mitigation measure as recommended in the Stage-II granted by the Ministry. FAC decided to



recommend that the Ministry should ensure compliance of all conditions referred in Stage-II clearance subject to the final Decision of Hon'ble Supreme Court in Civil Appeal No. 4395 of 2014 in the matter of Rajasthan Rajya Vidyut Nigam Ltd. Vs. Sudiep Shrivastava.

32. Now the matter related to adjoining area of Parsa Coal block is proposed for diversion. The area is located in the same Hasdeo Arand Coal field. This cannot be taken in isolation.
33. FAC also considered the representations of BNHS, eRC and other such agencies.
34. In concluding remarks of his note the then Hon'ble MOS(I/S)E&F dated 23.06.2011 has mentioned that '*After taking all factors into account, I am of the view that permission should be granted to opening the Tara and Parsa East-kante Basan Coal blocks as proposed by Chattisgarh government, while granting this permission I must reiterate that any more opening of Coal blocks in the main Hasdeo-Arand forest area will severely disturb the fragile ecosystem of the region. perhaps the Chattisgarh government could be compensated through some sort of 'green bonus' (either through additional central assistance or through additional allocation of power from the central pool) for not giving any further permissions for coal mining in Hasdeo-Arand region. This green bonus policy will, of course, apply to the project in other states as well which may not see the light of day on account of ecological factors.*

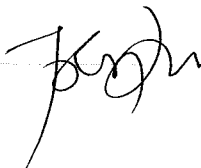
Since the Parsa block of Chattisgarh state electricity board is in between the Tara and the Parsa East-Kante basan Coal blocks permission for prospecting only as sought for by the state government is also hereby accorded. this block should not be worked commercially for atleast the next five year till after some reclamation on portion of two other coal block has commenced in a visible manner.

Recommendation of FAC:

Vide Judgment dated 24th March 2014 the Hon'ble NGT set aside the orders of MOEF dated 23 June 2011, which is related to Forest Clearance accorded for Parsa East & Kanta Basan coal block (PEKB) and is limited only to that. There is no mention of Parsa coal block in the order of NGT. However, considering that conservation of biodiversity and wildlife cannot be limited to this coal block only and has to cover the entire region, the FAC in its previous meetings had expressed serious concern and had instructed State Government to get a comprehensive study conducted by a reputed institution like ICFRE or WII and prepare a holistic report of the area which will be funded and executed by the user agencies. State government has already initiated the process.

At that point of time MoEF&CC has taken a decision that Parsa coal block should not be worked commercially for at least 5 years till visible reclamation is done in the other two coal blocks (Tara & PEKB). The mining operation in PKEB has been continuing in view of the stay granted by the Hon'ble Supreme court on the impugned orders of the NGT and is in operation since February 2013 and more than five years have elapsed. The User Agency also presented documentary evidence regarding successful reclamation works. In view of this MoEF&CC may take a view.

FAC felt that final orders by the Hon'ble Supreme Court in this case would facilitate taking a clear-cut view for granting FC for Parsa coal block. However, FAC



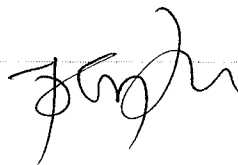
recommended that expert legal opinion may be obtained from ASG whether in-principle approval can be considered for this coal block/other coal blocks in Hasdeo-Arand forest area pending final disposal of the case in the Apex court.

Agenda No. 3

F. No. 8-15/2018-FC

Sub: Proposal for diversion of 157.702 h of DLC forest land including 5.660 ha of DLC forest land in safety zone in mouza Humuri Bana, Agasti Nuagaon and Arjipalli within total ML area of 2464.054 ha under Chhatrapur Tahasil of Ganjam District, Odisha in favour of Indian Rare Earths Ltd, Orissa Sand Complex (OSCOM) for mining and separation of heavy minerals like Ilmenite, Rutile, Zircon, Sillimanite, Garnet and Monazite from beach sand.

1. The above stated agenda item was considered by FAC in its meeting on 26.07.2018
2. It is reported that the Indian Rare Earth Ltd. (IREL) was incorporated as a Private Ltd. company on 18.08.1950 jointly owned by GoI and Government of Travancore (Cochin) with the primary intention of taking commercial scale of processing of Monazite sand at its 1st unit namely Rare Earth Division, Aluva (Kerala) for recovery of Thorium . IREL become a fully owned GoI Central Public Sector Undertaking under the administrative control of the Department of Atomic Energy (DAE) in 1963.
3. This Govt. of India company is having four production units as (i) Mineral Division at manavalakurichi (TN) (ii) Mineral Division at Chavara (Kerala), (iii) Orissa Sands Complex (OSCOM), Chhatrapur (Odisha) and (iv) Rare Earth Division (REED) at Aluva (Kerala). IREL, OSCOM unit was commissioned to exploit the huge placer deposit across mining area of 24.64 sq. K to produce 2,20,000-ton Ilmenite having 50% TiO₂ content and associated minerals. The purpose of beach sand mining is to recover Ilmenite, Rutile, Zircon, Monazite, Garnet and Sillimanite from the dune sand material. A stretch of 18 Km with an average width of 1.5 km is earmarked as mining leasehold area of OSCOM.
4. After the Central Government conveyed their approval to grant mining lease under section 5 (2) and 11(4) of the MMDR Act, 1957 in favour of M/s IREL and grantee agreeing to the terms and conditions of grant, the mining lease was granted in favour of IREL over 7400 acres (2994.7389 ha) by the State Government in erstwhile Mining and Geology Department proceeding No. III (L) M-1/72-6038/MG dated 07.06.1973 for mining of dune sand material containing Ilmenite, Rutile, Zircon, Monazite, Garnet and Sillimanite in village Uppulaputi, Basanputi in Chhatrapur sub-division of Ganjam district for a period of 20 years.
5. The ML area as reduced to 7111.20 acres or 2877.76 ha after field survey. The lease deed during original ML period was executed on 21.03.1979 having validity of 20 years i.e. up to 20.03.1999. IREL submitted 1st renewal of mining lease application to Collector, Ganjam on 19.12.1997 for 2728.49 ha . The Government of Odisha, Department of Steel & Mines vide their proceeding No. 94159/III (D)SM/2/01(pt.) dated 15.09.2005, granted revised 1st RML over 2464.054 ha for 20 years after final survey and demarcation. The lease deed was executed on 27.10.2005 having validity from 21.03.1999 to 20.03.2019 during 1st RML period.



6. As reported in office letter no. 2776 dated 11.10.2012 of Settlement Officer, Ganjam-Koraput Major Settlement Berhampur, date of final publication of RoR of villages coming within the ML area is between 19.03.1976 to 03.05.1977 which is prior to 25.10.1980. **In course of original lease period the entire area of ML was treated as non-forest land.** DLC forest land was finalized in the year 1998 consequent upon the judgement dated 12.12.1996 in WP(C) no. 202/1995, was found to be within lease hold at a later stage in 2010 which contain valuable strategic atomic minerals i.e. Ilmenite, Rutile, Zircon, Monazite, Sillimanite and Garnet. The non-cognizance of DLC forest land status of the proposed area is a failure of the revenue Dept. The details of 157.702 ha DLC forest in the three villages coming within ML area is given below:

S.No.	Name of village	Area of DLC forest in Acre.
1	Humuribana	218.149
2	Agastinuagaon	164.379
3	Arjipalli	7.155
	Total	389.683 (157.702 ha)

As reported by the UA, mining project was operating since 1979 in the Southern Block. However, the user agency has planned to expand its activities in the northern block of the ML as well for which DLC forest land existing in the said portion of ML is required to be diverted under Section-2 (ii) of FC Act, 1980 for mining purpose to exploit the aforesaid rare and atomic minerals from strategic point of view.

7. It is has been reported by the RCCF, Berhampur in his SIR that no portion of DLC forest land now applied for diversion, has been broke up in course of mining
8. FAC also considered the representations of BNHS,eRC and other such agencies.

Recomendation of FAC:

FAC after thorough deliberation and discussion with the Representative of APCCF Regional office Bhubneshwar and user agency recommended the proposal with standard general and following specific conditions:

1. The approval for the diversion of forest land shall be subject to CRZ clearance(if applicable).
2. The user agency's work involves seashore sand mining, which is also the site for nesting of endangered Olive Ridley turtle. While the 52 Km length of sea shore is the location of nesting, out of this 5 Km length of sea shore with large sand beds on both sides of Rushikulya river is the mass nesting site, other areas are sporadic nesting sites. So, the area involving 5 km distance (2.5 km on both sides of Rushikuylya river mouth) to be religiously conserved without any disturbance as prescribed by Chief Wildlife Warden, Odisha vie letter No. 3536/WL(C)(SSP)-149/2012 dated 11th May, 2012 which is also endorsed by the user agency.
3. The proposed compensatory land is found to be a natural habitat of Peafowl and other shrub dwelling species, accordingly the existing thorny/shrubby vegetation ecosystem should be maintained, without any attempt to alter by undue over planting. However, soil moisture conservation should be given prime focus with

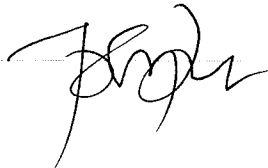
- possible creation of small water bodies and planting shall also be limited and confined to local thorny, fruit bearing species only.
4. User agency shall submit approved R&R plan before stage II approval.
 5. 320 ha of degraded forest land has been identified in Dumanagiri DPF of Khalikote range in Berhampur Division for taking up ANR with gap plantation @ 200 plants per ha with 10 years maintenance, Bamboo fencing around plantation and soil moisture conservation with staggered trenches. . This area will accommodate only 64000 plants. To compensate further the balance 800 plants per ha of plantation 120 ha of degraded forest land has been identified in Ranibar DPF of Rambha Section, Khalikote Range of Berhampur Division to accommodate balance ceiling 93,702 (157.702 ha x 1000 plants per ha. 320 ha x plants per ha) as per MoEF &CC Guideline dated 08.11.2017. The GPS reading of this plantation area at Ranibar has not yet been submitted .The same may be submitted prior to stage II approval.
 6. It is learnt that the lease deed was executed on 27.10.2005 having validity from 21.03.1999 to 20.03.2019 during first RML.DLC forest land is a part of this lease.The DLC land was identified in Odisha in 1998.State government may clarify how the lease was executed(which include DLC forest land) in 2005 without prior approval of government of India

Agenda No. 4

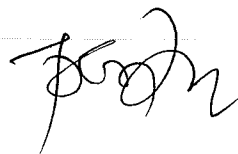
F. No. 8-28/2015-FC

Sub: Proposal for diversion of balance forest land of 746.3325 ha including 11.8305 ha for safety zone (excluding 95.60 ha of pre-1980 broken up forest land already diverted and 4.467 ha of forest land being proposed for diversion in separate proposal for mining infrastructure of Daitari ML) within total forest land 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 Jajpur District and Keonjhar (WL) Division of Keonjhar District, Odisha) M/s OMC Ltd. during Mining lease period as extended under the amended provision MMDR Act

1. The above stated agenda item was considered in FAC meeting on 26.07.2018.FAC observed that
2. The State Government of Odisha, Department of Environment, Forests & Climate Change, vide his letter No. 10F (Cons) 210/2015, 16637/F/E, Bhubaneshwar, dated 19.09.15. submitted a proposal to obtain prior approval of the Central Government.
3. The proposal was placed before FAC in its meeting held on **12.07.2016 and 20.07.2017.**
4. Total lease area 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.
5. 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 26.1.1996. The



- surface rights were granted to OMC Ltd. by the Collector, Cuttack vide his letter dt. 17.11.1966. First renewal was done on 27.1.96 up to 26.1.2016. which was extended up to 21.3.2020 under the amended provision MMDR Act.
6. 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).
 7. Legal status of forest land is Reserve Forest & Gramya Jungle in Keonjhar WLD and Daitri DPF in Cuttack FD.
 8. **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).**
 9. 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 used under this mining project.
 10. **Keonjhar WL:** The area applied for diversion 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 & Satkosia Tiger Reserve in Odisha which is essential for long term Tiger/Wildlife conservation in our country.** Field verification of the proposed corridor is going on. **The area proposed for forest diversion comes within the proposed tiger corridor.**
 11. **Cuttack FD:** Do not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve etc.
 12. No protected archaeological/ heritage site/defence establishment or any other important monument is located in the area such type of monument is noticed while conducted SIR by the respective DFO. However, the user agency advised to obtain NOC from concerned authority in this regard.
 13. **Keonjhar WL division:** Upon scrutiny of the high resolution satellite image provided by the user agency, **it was noticed that a big patch of Gramya Jungle was found without vegetative cover, which was abnormal considering the dense canopy of the adjacent forest. Moreover, the area was adjacent to village Talapada. So, during field inspection the area was verified in detail and approximately 28.67 ha. of Gramya Jungle coming within the lease hold area was found to be Podu/Jhoom/shifting cultivation ravaged.** GPS readings of that area were taken and it was cross verified in Google Earth imagery using timeline feature. The Google Earth image dated 16.04.2010 corroborated the above findings. So, this is a violation of Forest (Conservation) Act. 1980 as Podu/Jhoom /shifting cultivation within the lease hold area is a non-forestry activity. The matter is under further investigation.
 14. **Cuttack forest division:** No violation noticed.
 15. Total financial outlay for compensatory Afforestation scheme is Rs. 7,24,66,200 (Rs.5,56, 66, 000 for an area of 717.853 ha.+1,68, 00, 200 for an area of 16.649 ha.
 16. Cost Benefit Analysis for **Keonjhar WL is 1:7.72 and Cuttack FD is 1:622**
 17. The DFO, Kalahandi (South) Division has certified that the land identified for C.A. is found suitable for plantation
 18. The DFO, Kalahandi (South) Division has certified that the land identified for C.A. is found suitable for plantation
 19. Environment clearance has already been obtained by the user agency vide Ministry's letter No. J11015/1003/2007-IA.II (M) dated 22.09.2010 of MoEF, Govt. of India.
 20. Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been given separately
 21. **DFO Keonjhar WL and RCCF Rourkela in their recommendation had mentioned that the project may be considered on merits and DFO Cuttack had**



recommended the project. RCCF Angul Circle recommended the project subject of implementation of a site Specific Wildlife Conservation Plan, in view of the area to the potential Tiger and Elephant migration route

22. Nodal officer/PCCF and State Government had recommended the project.

23. Site inspection Report by Regional Office, Bhubaneswar:

The Site inspection report of this project has been carried out by Conservator of Forests (Central), Regional Office, Bhubaneswar during 05-06 November, 2015 along with Sri Sangram Behera, Divisional Forest Officer, Keonjhar Wildlife Division, Anandapur, Sri Sudarshan Behera, Divisional Forest Officer, Cuttack Forest Division and Shri D.K. Pattanaik, Sr. Manager (Geology, F&E), & Representatives from M/S OMC Ltd M/s OMC The details of SIR are as under:

1. Legal status of the forest land proposed for diversion:

Keonjhar WL Division : Reserve Forest & Gramya Jungle.

Cuttack Forest Division : Daitari DPF.

2. Item-wise break-up details of the forest land proposed for diversion:

The purpose-wise break-up of the total land of 746.3325 ha is furnished below:

(A) Area coming within Keonjhar Wildlife Division in Keonjhar district:

Item wise break up of Forest land proposed for diversion.	Item	Forest area in (ha)			
		Rebana RF	Daitari PF	Gramya Jungle	Total
	Mining	383.1188	Nil	18.5965	401.7153
	Dumping	16.0229	Nil	34.5754	50.5983
	Magazine & its Safety	91.9608	Nil	Nil	91.9608
	Safety zone	8.2554	Nil	0.5361	8.7915
	Total	499.3579	Nil	53.7080	553.0659

(B) Area-coming within Cuttack Forest Division in Jajpur district.

Item -wise break up of Forest land proposed for diversion.	Item	Forest area in (ha)			
		Rebana RF	Daitari PF	Gramya Jungle	Total
	Mining	Nil	190.2276	Nil	190.2276
	Safety zone	Nil	3.0390	Nil	3.0390
	Total	Nil	193.2666	Nil	193.2666

(C) Table-C

(Area in Ha)

S.NO.	Purpose	Keonjhar (Wildlife) Division				Cuttack Division			Total Forest	Non Forest	Grand total	
		Diverted (Rebena RF)	Now Proposed for diversion (Rebena RF)	V.F	Remarks	Total	Diverted (Daitari PF)	Now proposed (Daitari)				Total
1	Mining	27.064	383.188	18.5965	4.4670 ha out of the MI, area has been proposed for	42:81793	34.566	190.2276	224.7936	653.5729	171.90 (including private land) in	653.5729
2	Dumping	4.22	16.0229	34.5754		54:8183	1.28		1.28	56.0983		56.1283
3	Ore stacking & processing	13.50				13.50	0.50		0.50	14.00		14.00
4	Camp office, workshop etc.	5.50	-			5.50			-	5.50	.	5.50
5	Construction of mad	8.97				8.97		-	-	8.97		8.97
6	Magazine & its safety		91.9608			91.9608			-	91.9608		91.9608
	Total	59.254	491.1025	533719		603.5284	36.346	190.2276	226.5736	830.102		830.102

7	Safety zone	-	8.255 4	0.536 1	8.791 5	3.0390	3.039 0	11.8 305		11.8305	
				4_467 0	612.3 199			84 1.9 32 5		841.9325 +	
	Grand Total	59.25 4	499.3 579	53.70 80	4.467 =	36.346	193.266 6	229.6 126	4.4 67 =	171.9 09	4.467+
					616.7 869 d			846. 3995		171.909= 1018.308 5	

3. **Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:** As reported in Point No.2 above.

4. **Total cost of the project at present rates:** The total cost of this project is Rs. 198.78 Crores.

5. **Wildlife:** Forest area proposed for diversion is a known habitat of various wild animals including Schedule 1 species like Indian Elephant (*Elephas maximus*), Indian wolf (*Canis lupus pallipes*) etc. Other wildlife animals found in the area are Mouse deer (*Trangulus meminna*), Ratel (*Mellivora capensis*), Sloth Bear (*Melursus ursinus*), Jackal (*Canis aureus linnaeus*), Barking deer (*Muntiacus muntjak*), Sambar (*Cervus unicolor*), Peafowl (*Pavo cristatus*), King Cobra (*Ophiophagus hannah*), Russel's viper (*Vipera russelli*), Hill Myna (*Gracula religiosa*), Indian soft-shelled turtle (*Lissemys punctatopunctata*), Large Bengal monitor lizard (*Varanus bengalensis*) etc. As reported by the DFO, Keonjhar(WL) division and RCCF, Rourkela, **the area was supporting Royal Bengal Tigers in the past.** The last confirmed presence of Tigers in this area was in the year 1997.

It has been further reported that 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. Field verification of the proposed corridor is going on. The area proposed for forest diversion for this infrastructure project comes within the proposed Tiger corridor.

Similarly, a part of Daitari PF coming within Cuttack Forest Division is included in this mining lease. The area is having dry deciduous forest land dominated by Sal species. Density of vegetation is reported to be 0.6. Wildlife species such as Migratory Elephant, spotted deer, wild boar, fox, Barking Deer, Common Languor, Jackal, Sloth Bear, Hyena, Squirrel, Mongoose, Ratel, Hare, Pangolin, Peacock, Red Jungle fowl, Porcupine, Ringed dove, parrot, Koel, Indian wild lizard, King cobra, Python etc. are found in the area.

Whether forest area proposed for diversion is important from wildlife point of view or not:



The State Government has suggested the following two plans:

(a) **Regional Wildlife Management Plan:** Though the area does not form a part of any National Park/Wildlife Sanctuary/Elephant Corridor, due care is to be taken for conservation of wildlife. For this purpose, user agency is required to proportionately contribute towards implementation Regional Wildlife Manage Plan @ revised rate of Rs.43,000/- per hectare over the mining lease of 1018.3085 ha. The user agency has furnished an undertaking to bear the cost of Regional Wildlife Management Plan.

(a) **Site Specific Wildlife Conservation Plan:** Due care has to be taken for conservation and protection of Wildlife. PCCF (WL) & Chief Wildlife Warden, Odisha has approved the Combined Site Specific Wildlife Conservation Plan prepared by M/s OMC Ltd. for Daitari Mining project and Daitari Extension area at a financial out lay of Rs 1798.70 lakhs. Out of this amount, an amount of Rs 1518.35 lakh is to be spent by DFOs of Keonjhar (WL) Division and Cuttack Forest Division for implementation of approved components of Plan in Project impact area and Rs. 280.35 lakh is to be spent by M/s OMC Ltd in project area coming within the jurisdiction of Cuttack and Keonjhar (WL) Division as per approved components of the Plan., The financial break-up of the amount is given as under:

For activities to be implemented in Project area:

- | | | |
|----|--|-----------------|
| a. | By M/s OMC Ltd in Keonjhar WL Division | Rs. 211.26 lakh |
| b. | By M/s OMC Ltd in Cuttack Division | Rs.69.09 Lakh |

Sub-Total Rs. 280.35 Lakhs

For activities to be implemented at project impact area:

- | | | |
|----|------------------------------|------------------|
| a. | By DFO, Keonjhar WL Division | Rs. 1092.83 Lakh |
| b. | By DFO, Cuttack Division | Rs. 425.52 Lakh |

Sub-Total Rs. 1518.35 Lakh

Grand total Rs. 1798.70 Lakh

The user agency has already deposited an amount of Rs 15, 18, 35,000/- in the account of Ad-hoc CAMPA in Corporation Bank, Lodhi Road, New Delhi through RTGS mode on 24.03.2014.

6. **Vegetation:** Average density of vegetation appears to be about 0.8 in Keonjhar WL Division and 0.6 in Cuttack Forest division.

(a) **Total number of trees to be felled:** It is reported by the State Government, in the area proposed for diversion under this project in Keonjhar (WL) Division, sample enumeration has been taken up over 38 plots of 2 ha each, where 22793 no. of trees has been reported to be existing. By extrapolating this figure over 553.0659 ha of forest land of this lease coming within Keonjhar (WL) Division, **1,65,869 no. of trees are assessed to be existing over the forest land proposed to be used in this mining project.** Similarly in the area proposed for diversion under this project in Cuttack Forest Division, sample enumeration has been taken up over 22 plots of 2 ha. each, where 16095 no. of trees has been reported to be existing. By extrapolating this figure over 193.2666 of forest land of this lease coming within Cuttack Division, **70,697 no. of trees are assessed to be existing over the forest land proposed to be used in this mining project.**

The impact of felling of such large number of trees can be minimized by taking up tree felling in phased manner strictly as and when required.

Effect of removal of trees on the general ecosystem in the area:As there are a large number of trees to be felled, it will naturally adversely affect the general eco-system in the area.

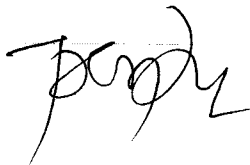
(b) Important species:

The type of forest found in the area is 3 C/C2e Moist. Peninsular Valley Sal, 5B/C2 Northern Dry Mixed Deciduous Forests, E4 Lateritic Semi Evergreen Forest and 5B/C1o Dry Peninsular Sal Forests. As reported by RCCF, Rourkela in his site inspection report, tree Species which are commonly noticed in this area are Sal (*Shorea robusta*), Piasal (*Pterocarpus marsupium*), Gambhar (*Gmelina arborea*), Kangara (*Xylia xylocarpa*) Asan (*Terminalia tomentosa*), Jamun (*Syzygium cumini*), Ku rum (*Adina cordifolia*), Dhaura (*Anogeissus latifolia*), Mango (*Mangifera indica*), Pansa (*Artocarpus heterophyllus*), Siris (*Albizia lebbek*), Kasi (*Bridelia retusa*), Neem (*Azadirachta indica*), Kendu (*Diospyros melanoxylon*) etc., Sal (*Shorea robusta*) being the predominant species.

Number of trees of girth below 60 cm: The No. of trees of girth below 60 cm in Cuttack division is 41189 and in Keonjhar WL division are 99013.

Number of trees of girth above 60 cm. :The No. of trees of girth above 60 cm in Cuttack division is 29508 and in keonjhar WL division is 66856.

7. **Background note on the proposal:** Originally the mining lease was 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. Accordingly the Mining lease was executed on 27. 01.1966 for a period of 30 years. Thus the original lease period expired on 26.1.1996. Surface rights were granted in favour of OMC Ltd, by the Collector, Cuttack vide his letter dt. 17.11.1966. The 1st renewal application was filed by the user agency on 21.01.1995 over an area of 1812.99 ha of Daitari iron ore Mining lease for a period of 20 years more than one year prior to expiry of original lease period. While the application for 1st RML was under consideration, the user agency decided to surrender part of the Mining lease retaining only 190.20 ha of forest land and accordingly they submitted revised RML application on 22.5.1997. over 190.20 ha for a period of 20 years. During this period, the user agency had also filed a forest diversion proposal for 95.60 ha of pre-1980 broken-up forest land only thereby excluding 94.60 ha of forest land which is prohibited and protected for safety zone. Government of India, MoEF vide their letter F.No. 8-164/ 1997-FC dt. 27.1.2005 accorded final forest clearance to this diversion of 95.60 ha which was consisting of 59.254 ha in Rebana RF in Keonjhar (WL) Division of Keonjhar district and 36.346 ha of Daitari PF of Cuttack division of Jajpur district. While the application for 1st RML was yet to be disposed by the State Government, the user agency, considering the market demand and requirement of more area for exploitation, requested the State Government in Steel 86 Mines Department vide their representation dt. 9.2.2006 to consider their case for 1st RML over entire leasehold area of 1812.99 ha. Accordingly, the scheme of Mining along with Progressive Mine Closure Plan in respect of Daitari iron ore mines was approved by IBM vide their letter No.314(3)2012-MCCM(CZ)/MS-52/223 dt. 12.7.2013. Subsequently based on the report of Geological Survey of India,



the user agency decided to surrender 794.6815 ha of land in this lease citing it to be non-ore bearing area and accordingly represented before the Steel 86 Mines Department vide their letter dt. 9.1.2012 to retain 1018.3085 ha land only. The State Government vide their order No. 6450 dt. 15.7.2015 have extended the validity period of this mining lease over 1018.3085 ha up to 31.3.2020. The surrendered area of 794.6815 ha of land is entirely within Daitari PF of Cuttack Forest division of Jajpur district.

Similarly the retained area of 1018.3085 ha in this lease, which is valid till 31.3.2020, consists of 846.3995 ha of forest land (i.e. 616.7869 ha of forest land in Keonjhar (WL) division of Keonjhar district (53.708 ha of village forest in Talapada village and 563.0789 ha of Rebana RF) and 229.6126 ha of Daitari PF of Cuttack Forest division of Jajpur district), 171.637 ha of Government non-forest land and 0.272 ha of Tenanted land in Talapada village of Keonjhar district. Out of 846.3995 ha of forest land in Daitari Iron ore Mining lease, 95.60 ha of pre-1980 broken up forest land has already been diverted by MoEF, Gol vide their letter F.No. 8-164/ 1997-FC dt. 27.1.2005 in course of 1st RML, the validity of which has got extended up to 31.3.2020 as per MoEF&CC guidelines bearing F.No. 11-51/2015-FC dt. 1.4.2015. Besides, an area of 4.467 ha of forest land in Rebana RF of Daitari Mining lease has been proposed for diversion separately within a total area of 106.016 ha for the proposed mechanized facilities to be set up for facilitation of mining in Daitari Iron ore Mines. Hence the instant forest diversion proposal has been filed/processed for the reduced forest area of 746.3325 ha for Daitari mines out of total forest land of 846.3995 ha as per provision of MOB' F&CC guidelines bearing F.No.11- 51/2015-FC dt. 1.5.2015.

8. **Compensatory afforestation:** Out of 746.3325 ha of forest land proposed for diversion under this project, Mining allied activity is proposed to be taken up over 734.502 ha. 11.8305 ha of forest land has been earmarked as safety zone. As such, compensatory afforestation is required to be raised over 734.502 ha of non-forest land against this proposed diversion. As non-forest land of large extent is not available in Keonjhar/Jajpur district, an extent of 734.502ha of non-forest land has been identified in two patches i.e. 717.853 ha in village Tebhakalam and 16.649 ha in Barkaudi village, both under Thuamul Rampur Tehsil of Kalahandi District in lieu of the virgin forest land of 734.502 ha excluding the safety zone area of 11.8305 ha proposed for diversion in the instant proposal.

The identified non-forest land is reported to be suitable for plantation in ANR mode. The Tahasildar has also furnished non-encroachment and non-encumbrance certificate for the identified non-forest land.

Similarly, 16.649 ha of non-forest land has also been identified in Barkaudi village under Thuamul Rampur Tahasil of Kalahandi district for compensatory afforestation purpose. The identified non-forest land is also reported to be suitable for plantation in ANR mode. The Tahasildar has also furnished non-encroachment and non-encumbrance certificate for the identified non-forest land.

The DFO, Kalahandi (South) has prepared two separate schemes for compensatory afforestation in ANR mode details of which are given below. (i) The scheme of Compensatory Afforestation over 717.853 ha of non-forest land in village Tebhakalam has been prepared by the Divisional Forest Officer, Kalahandi (South) Division with provision of ANR plantation @ 200 Plants per ha. according to suitability of the site as

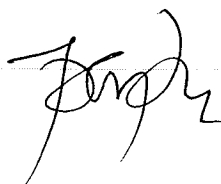
per current wage rate of Rs. 200/ - per manday, which has been technically approved by Addl. PCCF(Forest Diversion)& Nodal Officer, FC Act with a financial forecast of Rs. 5,61,53,500/-including maintenance cost of 10 years. The approved CA scheme has also provisions for Barbed wire fencing and Soil Conservation measures etc. Trees to be planted under the scheme are Teak (*Tectona grandis*), Karanja (*Pongamia pinnata*), Neem (*Azadirachta indica*), Amla (*Embllica officinalis*) Bahada (*Terminalia bellerica*), Mahul (*Madhuca indica*), Sissoo (*Dalbergia Sissoo*) etc. The user agency has furnished an undertaking to bear the cost of the CA scheme.

- (ii) Similarly another scheme of Compensatory Afforestation over 16.649 ha of non-forest land in village Barkaudi has also been prepared by the Divisional Forest Officer, Kalahandi (South) Division with provision of ANR plantation @ 200 Plants per ha. according to suitability of the site as per current wage rate of Rs. 200/- per manday, which has been technically approved by Addl. PCCF (Forest Diversion) Nodal Officer, FC Act with a financial forecast of Rs.1,70,59,500/- including maintenance cost of 10 years.

The approved C.A. scheme has also provisions for Barbed wire fencing and Soil Conservation measures etc. Tree species to be planted under the scheme are Teak (*Tectona grandis*), Karanja (*Pongamia pinnata*), Neem (*Azadirachta indica*), Amla (*Embllica officinalis*), Bahada (*Terminalia bellerica*), Mahul (*Madhuca indica*), Sissoo (*Dalbergia Sissoo*) etc. The user agency has furnished an undertaking to bear the cost of the CA scheme.

C.A. sites could not be visited as they are quite far from the lease area. However, survival rate, status etc. can be monitored when C.A. is raised in the sites.

- (a) **Whether land for compensatory afforestation is suitable from plantation and management point of view or not:**The Divisional Forest Officer, Kalahandi (South) Division has certified that the land identified for C.A is found suitable for plantation.
- (b) **Whether land for compensatory afforestation is free from encroachment/other encumbrances:** The Tehsildar, Thuamulrampur has certified that the land identified for C.A. is free from encroachment and encumbrances.
- (c) **Whether land for compensatory afforestation is important from Religious/Archaeological point of view:** Not reported.
- (d) **Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not:** 02 (two) patches
- (e) **Map with details:** Enclosed.
- (f) **Total financial outlay:** As reported at Point No.8 above.
9. **Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:** The State Government has reported that a big patch of Gramya Jungle was found to be without vegetative cover, which was abnormal considering the dense canopy of the adjacent forest. **The area was adjacent to village Talapada. During field inspection by the DFO, Keonjhar (WL) Division, the area was verified in detail and approximately 28.67 ha of Gramya Jungle coming within the lease hold area was found to be under Podu/Jhum/ Shifting cultivation.** During the site inspection by the RCCF, Rourkela Circle on 24.04.2015, the said patch of Gramya Jungle was also inspected and through local enquiry it was ascertained that the area was used for Podu cultivation by the adjoining villagers.



The said patch was also inspected by the CF, RO, Bhubaneswar and found that it is near Talapada village and also verified that the area was used for podu cultivation. Since the area comes within the mining lease, a suitable PCA may be imposed by the Ministry.

10. **Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not:** As reported by user agency, DFO, Cuttack, DFO, Keonjhar (WL), RCCF, Rourkela and RCCF, Angul, this project does not involve displacement of any human habitation. The User agency informed during inspection that no mining activity will be carried out in the inhabited area as it is not ore bearing area.

11. **Reclamation plan:** The user agency has furnished a Phased Reclamation Plan with afforestation scheme. The user agency has furnished an undertaking for reclamation of the mined out area as per plan approved by IBM. As of now, no reclamation has been started.

Details and financial allocation: Not submitted.

12. **Details on catchment and command area under the project:** Not applicable.

Catchment area treatment plan to prevent siltation of reservoir: Not applicable.

13. **Cost benefit ratio:**

The cost benefit analysis has been computed for both the Divisions i.e. Keonjhar (WL) Division and Cuttack Forest Division. The details of the Cost Benefit Analysis of the project duly reported by the DFOs concerned are given below:

Keonjhar (Wildlife) Division:

- (i) Total loss of this project = Rs. 242,83,76,919/-
(ii) Total benefit of this project = Rs. 1875.3900 Crore
(iii) Cost Benefit Ratio = Rs. 1875.3900 /242.8376 = 1:7.72

Cuttack Forest Division:

- (i) Total loss of this project = Rs. 27.76 Crore
(ii) Total benefit of this project = Rs. 17287.20 Crore
(iii) Cost Benefit Ratio = Rs. 27.76 /17287.20 = 1:622

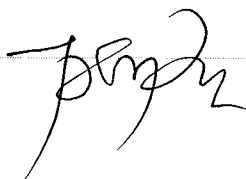
14. **Recommendations of the Principal Chief Conservator of Forests/State Government:**

Recommended by PCCF, Odisha / State Government.

15. **Recommendations of Additional Principal Chief Conservator of Forests (Central) along with detailed reasons:** Appended separately.

16. **Conservator of Forests (Central) shall give detailed comments on whether there are any alternative routes/alignment for locating the project on the non-forest land:** The mining project is site specific; hence alternative alignment is not possible.

17. **Utility of the project:** As reported, this project will help in generating employment opportunity for 1064 persons. Besides, this being a large mining project should provide indirect livelihood opportunities to thousands of tribal population in this Maoist infested region.



- Numbers of Scheduled Caste/Scheduled Tribes to be benefited by the project: Not reported separately.
18. (a) Whether land being diverted has any socio-cultural/ religious value: Not reported.
- (b) Whether any sacred grove or very old growth trees/ forests exist in the areas proposed for diversion: Not reported.
- (c) Whether the land under diversion forms part of any unique ecosystem: Not reported.
19. **Situation with respect to any Protected Area:** The nearest Protected Area is Hadgarh WL sanctuary which is at a distance of about 45 km from the project site.
20. **Any other information relating to the project in SIR:**
- i. Demarcation of boundary pillars was not proper and complete though DGPS survey has been conducted and DGPS map has been submitted. The User agency was asked to complete the job within 10 days of inspection. The State Government was also asked to comply vide this office letter dated 12th November, 2015 (enclosed as Annexure-V-Pg.1181-1182). In response to the above letter, the State Government vide their letter dated 15.02.16 has informed that this condition has been complied (enclosed as Annexure-VI-Pg.1183-1186/c).
 - ii. Felling of trees at one go of the entire area proposed for diversion is not required as the mineral reserve in the broken area has not been exhausted and therefore only after complete extraction of iron ore from the broken area, user agency may be allowed to mine out in the mineral bearing area of the virgin forest and felling of trees may be permitted accordingly.
 - iii. The User agency has been asked to produce joint verification certificate of surrendered area of 794.6815 ha within 10 days of inspection. State Government was also asked to comply vide this office letter dated 12th November, 2015 . In response to the above letter, the State Government vide their letter dated 15.02.16 has informed that this condition has been complied
 - iv. Like other Greenfield projects in Keonjhar district, a study of environmental impact of mining may be conducted by NEERI or other reputed institute.
 - v. Since the proposed tiger corridor passes through the mining lease, a suitable ameliorative/ mitigative measures may be advised by Ministry regarding this.
 - vi. The copies of DGPS and Topo-sheets are given in Annexure-I and Annexure-II respectively.
 - vii. The Collector Jajpur and Keonjhar have submitted the FRA certificates.
21. **Recommendations of APCCF (Central), Regional Office, Bhubaneswar) :** It is reported by the Addl.PCCF, Regional Office , Bhubaneswar that he endorsed the SIR of CF(Central) for the instant proposal and accordingly recommended for consideration.
22. **The proposal was considered in meeting of Forest Advisory Committee (FAC) held on 12.07.2016 and FAC recommended that:**
- i. 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. Field verification of the proposed corridor is going on. 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.
- ii. 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 as per the draft criteria of MOEF and CC for classifying forest area as *inviolate*. 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*.
 - iii. Comments of IA Division of MOEF and CC may be sought regarding applicability of NEERI report.
24. Ministry vide its letter dated 03.08.2016 requested to the Impact Assessment (IA) Division, Forest Survey of India and National Tiger Conservation Authority to submit clarification/comments/document as per FAC recommendation to this Ministry.
25. Shri Vaibhav C. Mathur, Assistant Inspector General (NTCA), **National Tiger Conservation Authority** of this Ministry vide their letter no. 7-27/2016-NTCA dated 08.03.2017 (Pg-1220-1239/c) submitted a report in respect of Ministry's letter dated 03.10.2016 on above said proposal. Comments of National Tiger Conservation Authority under Section 38 O (1) of the Wildlife (Protection) Act, 1972 is as under:

Recommendations of NTCA:

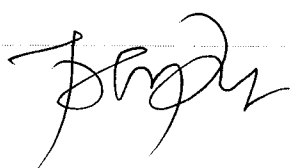
1. The proposed mining activity with the observation that proposed mining should be limited to the iron ore bearing areas per the geological map with different ore bearing areas that has been provided.
2. **No human settlement or colony will be allowed in the forest area of proposed extension.**

The following are the suggestions for improving biodiversity value within and in surrounding landscape:

- a) Monitoring committee to be formed comprising of DFOs of concerned Divisions, Member from NTCA, Odisha Pollution Control Board, OMC and Civil society representative (to be decided by State Govt.). this monitoring committee will oversee the wildlife and environmental issues on annual basis and suggest the action needed for betterment of wildlife conservation in the area.
- b) OMC should provide an annually when production is three million tones per annum, not less than Rs. 3 crore annually when production is stepped up to four million tones per annum, not less than Rs. 4 crore when production is stepped up to six million tones per annum to do conservation work in surrounding landscape especially in the Forest Divisions through which there is forest connectivity with protected areas. The OMC Ltd should deposit Rs. 10 crore with the PCCF (WL) at the beginning of each five year block period and further amount if any may be deposited on a year to year basis based on iron ore production and the profitability of this mine. At present there is undertaking of providing Rs. 280.35 lakhs towards implementation of conservation measure inside ML areas of Daitari and Daitari Extension areas.
- c) OMC through its corporate responsibility fund ensure that people dependent on biomass extraction from extension are as well as its own staff colonies should be provided with LPG connections. OMC should adopt green technology for its colonies and ensure minimum carbon foot print.



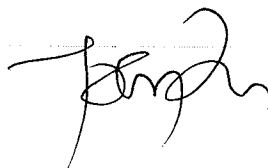
- d) The conservation work from the overall compensation money to be paid for extension and annual recurring grant proposed in point (b) above should include following:
- Improving quality of forest by Afforestation of native species including at least 10% of bamboo, reducing dependencies of people in terms of biomass requirement.
 - Resettlement of villages from protected areas as per policy of the State Govt.
 - Development appropriate protection mechanism, inclusive of personnel needed and guard chowkies.
 - Development of Eco-development infrastructure for betterment of wildlife and people.
 - Add other neighboring forest Diversion and protected area for improving the overall biodiversity value and conservation.
 - Implement wildlife monitoring protocol developed by NTCA-WII
- e) At present only compensatory Afforestation plan in Kalahandi of few tree species is envisaged which need to be extended to include more native species with at least 10% of bamboo species. The plan should be to reclaim land mimicking natural forest. It is better to relook at this option and instead areas in the divisions having elephant and tiger corridors should be chosen for Afforestation to improve the quality of connectivity and gaps if any.
26. Forest Survey of India (FSI) vide letter no. 308/2016-NFDMC/1733 dated 15.09.2016 (Pg-1240-1254/c) has informed that the **area is falling under inviolate category** as per DSS application.
27. Director (S), IA Division of this Ministry vide their letter no. Z-11013/40/2017-IA-II (M) dated 23.06.2017 (Pg- 1257/c) has informed that the Mine leases of Iron Ore & Manganese Ore are **in the ambit of carrying Capacity Study** in the State of Odisha. The Final Study Report is awaited as of now.
28. The above mentioned facts was 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 & Satkosia Tiger Reserve in Odisha which is essential for long term Tiger / Wildlife conservation in our country. In this backdrop FAC recommended that:
- i. 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.
 - ii. 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.
29. Accordingly, the State Government was requested vide this Ministry's letter dated 24.08.2017 (Pg No. 1259/c) to take necessary action in accordance with recommendation of FAC on 20.07.2017 as given in para (28) above.
30. The Regional Office, Bhubaneswar vide their letter dated 25.04.2018(Pg.1285-86/c) informed that this office organized a meeting on 07.02.2018 with the State Govt. officials to discuss various aspects of the existing mines and its possible impact on wildlife and biodiversity of the area with request to different Departments of State Govt. including the user agency i.e. OMC Limited to furnish



additional information as discussed in the meeting, so that a holistic view may be taken up by the Ministry on the consolidated report from the State Govt. and the Regional Office. **The formal consolidated view of the State Govt. has not been received from the State Govt. yet.** Since, the matter has already been examined holistically and views of the concerned Departments of the State Govt. have also been received, the State Govt. is advised herewith to send its formal endorsement directly to the Ministry marking a copy of the this office, Accordingly, the required information including the reports furnished by the Director of Mines, Odisha and PCCF (WL), Odisha along with the copy of Minutes of Meeting dated 07.02.2018 along with view of Addl. PCCF (Central is enclosed for subsequent consideration of the proposal by the Ministry, as may be deemed appropriate.

In the meeting minutes, the following observations are made by Regional Office:

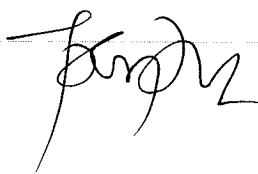
- (i) It was observed that the said diversion proposal is situated, in a virgin, very dense, nearly undisturbed pristine forest having immense biodiversity value and is serving as a crucial tiger corridor interlinking Similipal Tiger Reserve and Satakosia Tiger Reserve, which is very near to the proposed diversion boundary and is a prized habitat, of elephants and many species of very important wildlife, which is of grave concern and utmost importance.
- (ii) 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 aeri ally 5 KM (approx.) apart/ away from the Chromite mine cluster which are situated in the valley.
- (iii) It was also observed that the mining disturbance and related biotic interference including transport route of ore are not limiting to each other.
- (iv) The proposed diversion along with the existing iron ore mine is situated in a pristine very dense undisturbed forest, excepting the pre-existing mining activities of the OMC, which is also attenuated/ reduced in recent years due to unavailability of areas for further ore extraction as stated by OMC representative.
- (v) Accordingly, the additional diversion is proposed for extension of mine. The subsequent evacuation/transport of ore, OMC has conveyers to bring ore to downhill, for further disposal by existing express way and railway line.
- (vi) The said existing OMC mine is a very old mine started since 1966 and for its ore evacuation an express highway constructed before 1970, terminating at Paradeep Port.
- (vii) The transport of ore from Chromite mine cluster, where OMC also has two mines, commences initially through different routes, out of which one route joins express highway much later at Tomka and at Duburi. Accordingly, OMC authorities were requested to submit an undertaking for transport plan/truck transport liability for evacuation of ore in future. (Action: OMC authorities)
- (viii) Considering the large scale proposed cutting of 2.7 lakh trees in a pristine forest and OMC proposed additional safety zone of 112 ha, an undertaking regarding the Proposed number of trees to be saved from felling along with site maps shall also be submitted by OMC.
- (ix) The Director of Mines informed that there is no other mining proposal pending with Govt. on the said hill top. **The Director of Mines shall provide a confirmation to that effect along with a list of mines operating in iron ore zone and Chromite mine clusters of that area.**
- (x) As pointed out in the NTCA report, **a chunk of 112 ha out of proposed ML area of 746.3325 ha to be kept conserved by de-linking from mining activity to**



maintain a manageable safe distance (3 km) from the corridor, for which OMC was unwilling earlier, has now consented.

- (xi) It was observed that there is ambiguity on the implementation of fund collected for Regional Wildlife Management Plan or in the area or elsewhere in the State. **The CWLW is requested to submit a report on utilization/ implementation of fund (for Chromite and iron ore mines) in the said area as well as elsewhere with regard to (a) Regional Wildlife Management Plan, (b) Site Specific Wildlife Conservation Plan.**
- (xii) As pointed out in the NTCA report, CA area should be in the Tiger/Elephant areas. Accordingly, **PCCF/Nodal Officer shall review and report. It was also requested to report, if there is any plan in preparation or in operation for corridor improvement in the mining zones/ state.**
31. The State Government of Odisha vide their letter no. 10F(Cons)-37/2018-10150/F&E 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 are as under:

<p>Information sought by Ministry</p>	<p>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.</p>
<p>Response of State Government</p>	<p>In the above context, it is reported by the State Govt. that a meeting was held on 7.2.2018 at the level of Addl. PCCF(Central), MoEF&CC, Eastern Regional Office with the concerned officers of State Mining/Forest Department to take a holistic view on existing mines in Daitari area of Jajpur district and its impact on corridor connectivity and bio-diversity of the area with specific reference to Daitari Iron ore Mines of OMC Ltd. The Minutes of the above mentioned meeting was communicated by the Eastern Regional Office vide its letter No. 5-ORA263/2015-BHU dt. 12.2.2018 to all concerned.</p> <p>With regard to points of discussion held at RO, Bhubaneswar, the State Govt. reported that the PCCF, Odisha and others were also requested by this department vide communication dt. 3.3.2018 for furnishing required compliance on the minutes of the meeting. While the point 1 to 6 of minutes are the observations made in course of discussion based on DSS analysis of the area with regard to nature forest growth available in the area, possible location of a crucial tiger corridor interlinking Similipal Tiger Reserve and Satakosia Tiger Reserve, mines if any located near the Daitari Iron ore mines, necessity of expansion of Daitari Iron ore mines, ore evacuation routes etc.,</p> <p>The point No. 7,8, 10 require compliance of OMC Ltd. Similarly point No. 9 and 11 of the minutes are to be replied by the Director of Mines and PCCF(WL)&CWLW, Odisha</p>



respectively.

On **point 12 of the minutes**, Nodal Officer is required to furnish his report. The OMC Ltd. in its representation dt. 16.2.2018 to F&E department has furnished the required compliance on all the three points of the minute. The point 7 of the minutes requires OMC authorities to submit an undertaking for transport plan/truck transport liability for evacuation of ore in future. OMC have furnished in detail about the mode of transport adopted by them for evacuation of extracted ore from their chromite and iron ore mines in the area. They have also undertaken to maintain the truck transport liability on Daitari-Paradeep Express highway pertaining to chrome ore transport from OMC mines. Similarly, they have also undertaken to limit the transportation of iron ore from Daitari Iron ore mines up to a maximum of 1.0 MTPA even during expansion through Ghat road to Baliparbat stockyard.

On **point No. 8 of the minutes**, the OMC Ltd. has undertaken to retain 33,600 no. of trees in the proposed additional safety zone.

Similarly, on **point 10 of the minutes**, it has been undertaken that a chunk of 112 ha. of forest land within the Daitari ML area is to be maintained as additional safety zone. The Submission of OMC Ltd. to have additional safety zone of 112 ha. within ML area was also earlier furnished to GoI vide F&E Department letter dt. 16.10.2017 referred to above. As indicated in the **minutes at point 9**, the Director of Mines, Odisha informed in the meeting that there is no other mining proposal pending with State Government on the said hill top. He has also furnished his report to Eastern Regional Office in this context.

Regarding **point 11 of the minutes** of the meeting, the CCF(WL) vide letter No. 2686 dt. 21.3.2018, has furnished details of expenditure made through Annual Plan of Operations of State-CAMPA from 2009-10 to 2015-16 in the State in executing the Regional Wildlife Management Plans and Site Specific Wildlife Conservation Plans with specific reference to Chromite/iron ore mines and other mining/industrial area. Besides, the RCCF, Angul based on the report of DFO, Cuttack has furnished details of allotment of fund and expenditure made in execution of Regional Wildlife Management Plan and Site Specific Wildlife Conservation Plan in Cuttack Forest Division .

As regards **point 12 of the minutes** of the meeting regarding



	<p>NTCA report and proposal for corridor improvement in the area, based on the report of DFO, Cuttack, the PCCF, Odisha vide his letter No. 9269 dt. 27.4.2018 has reported that no elephant/tiger corridor is passing through or nearby this ML area of OMC Ltd. The area was inspected by the DFO, Cuttack on 8.4.2018. The only non-forest patch available in the village limit of Talapada is mostly used for agriculture purpose by the local tribal people who are dependent upon this crop for their livelihood. Therefore, this land should not be covered under plantation. Further entire area proposed for corridor comes under Rebena RF having very high density of forest growth.</p> <p>It is further ascertained that the Eastern Regional Office vide its letter No. 5-ORA263/2015 dt. 25.4.2018 has furnished detailed report on the observation 2(i) of MoEF&CC dt. 24.8.2017 to the Ministry for consideration of the forest diversion proposal.</p>
Information sought by Ministry	<p>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</p>
Response of State Government	<p>In this regard, it is informed by the State Govt. that as reported while forwarding this diversion proposal, a big patch of Gramya Jungle land measuring approximately 28.67 ha. located adjacent to village Talapada within ML area was found to be without vegetative cover. This deforestation was reported to be owing to Podu/ Jhum/ Shifting cultivation. This has been re-confirmed by the report of DFO, Keonjhar(WL) Division. Such type of cultivation activities in forest land amounts to violation Forest Conservation Act, 1980. Appropriate penal measures as per latest guidelines of MoEF&CC bearing guidelines F.No. 11-42/2017-FC dt. 29.1.2018.</p>

32. FAC also considered the representations of BNHS,eRC and other such agencies

Recomendations of FAC:

FAC after thorough deliberation and discussion with the Representative of APCCF Regional office Bhubneshwar and user agency observed that the said diversion proposal is situated, in a virgin, very dense, nearly undisturbed pristine forest having immense biodiversity value and is serving as a crucial tiger corridor interlinking Similipal Tiger Reserve and Satakosia Tiger Reserve, which is very near to the proposed diversion boundary and is a prized habitat, of elephants and many species of very important wildlife, which is of grave concern and utmost

importance. 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. Besides it is proposed to fell 2.7 lakh trees in a pristine forest. It is also informed that the best iron ore of the country is available under these pristine forests. It is not prudent to go for mining in such a pristine forest without having full knowledge of the mineable reserve under already opened up area.

Taking all these factors into consideration FAC 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). The study may also indicate the time duration for which the extraction of material can be done from already opened up area. ICFRE study shall also have specific recommendation regarding environmental stability in the area if expansion of mining activity is allowed beyond already broken up area. 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. Study may also explore the possibility of specific technological interventions for ore extraction without disturbing the green cover of the area. MoEF&CC may explore the possibility of funding for study from CAMPA or charging the same from user agency.

Agenda No. 5

F. No. 8-47/2018-FC

Sub: Proposal for prospecting (Research) for 121.83 ha. Forest land under Forest (Conservation) Act-1980 for Laser Interferometer Gravitational Wave Observatory in India (LIGO) in village Dudhala, Anjanwada, Nandgaon Sawali (B), Tal-Aundha (Nagnath), District – Hingoli by taking 150 Bore Holes in 0.375 ha forest area.

1. The above stated agenda item was considered by FAC in its meeting on 26.07.2018.

Recommendation of FAC:

FAC after thorough deliberation and discussion with the Representative of APCCF Regional office Nagpur, Nodal Officer Maharashtra recommended the proposal with standard general and following specific conditions:

1. User agency shall prepare a soil and moisture conservation plan of the area duly approved by the state government. The plan shall be submitted prior to stage II approval.
2. The permission for prospecting is granted for 6 months from the date of work commencement on the field.

3. Construction of temporary dwelling/ hutments etc. For labourers will not be allowed in the forest areas.
4. Adequate precautions shall be taken to safeguard the adjoining areas from explosives and it shall not be stored in the forest area.
5. The user Agency will not dump the overburden on the forest land.
6. The UA should clearly understand that this permission is being granted only for prospecting of 150 boreholes over 0.375 ha.
7. The proposal for road, building, beam tube and Laser Interferometer Gravitational Wave Observatory (LIGO) will be considered independently later on merit. The permission for prospecting in the area do not confer any right to the user agency to claim forest land diversion in future for ancillary activities related to the project under section 2(ii) of FCA 1980. All such cases will be dealt on merits.
8. All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.
9. State government shall calculate compensatory levies and NPV for the prospecting proposal as per MoEF&CC guidelines no 5-3/2007-FC dated 09/05/2018. The amount shall be deposited in Adhoc CAMPA account prior to Stage II approval.
10. The amount of CA scheme shall be deposited online in the Adhoc CAMPA account.
11. User agency shall seek permission of DFO of concern Forest Division before entering into the forest area.
12. User agency shall not sublease the prospecting work
13. Each bore-hole shall be dug with prior permission of the DFO.
14. Proper plugging of boreholes shall be made after prospecting activities are complete.
15. User agency shall report the progress of prospecting work to the DFO, and also furnish detailed report thereof on completion of the project.
16. No tree felling shall be undertaken for prospecting activities. Project activities shall be restricted to clearing of bushes and lopping of tree branches if any for the purpose of site preparation.
17. Adequate measures shall be taken by the user agency to ensure that prospecting activities do not harm the wildlife in the area. Any damage done in this context, shall be compensated by the user agency as per assessment by the local DFO.
18. The user agency shall be responsible for any loss to the flora and fauna in the surrounding. Any damage done in this regard shall be compensated by the user agency from the project cost as per assessment of the local DFO
19. DFO Hingoli, may impose any other condition for protection and conservation of the flora and fauna in the forest area.
20. In case, rights over forest land proposed to be used for prospecting purpose, has already been settled in favour of eligible claimants as per provisions of the Forest Rights Act, 2006, the claimants shall either be compensated appropriately or location of boreholes be suitably re-located.
21. No fire will be kindled inside and in the vicinity of the forest area.
22. User Agency shall provide a list of authorised officials/ workers engaged in prospecting to the forest department before commencing the work and also provide the Identity Cards/ Documents to each such official/ worker, to be produced when demanded by the forest department.



Agenda No. 6

F. No. 8-50/2016-FC

Sub: Application of Sri Sunandan Pradhan (Legal heir of Late Dr. S. Pradhan and Constituted Attorney on behalf of all other legal heirs of Late Dr. S. Pradhan) seeking approval of MoEF&CC under Section 2(iii) of Forest Conservation Act, 1980 over entire forest land of 94.259ha. within total applied Mining lease area of 94.259 ha. located entirely inside Sidhamatha Reserved Forests in Keonjhardistrict, Odisha for Iron and manganese ore mining.

The recommendation of FAC has been kept in sealed cover till further orders of Hon'ble High Court of Odisha

Agenda No. 7

F. No. 8-50/2018-FC

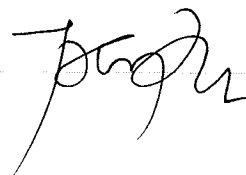
Sub: Proposal for according permission for use of 5.782 ha. of forest land within total PL area of 153.571 ha. in PL Block No. II (Chromite) Ore located in village Kaliapani and Forest Block No. 27 under Sukinda Tahasil of Jajpur District (Within jurisdiction of Cuttack Forest Division), Odisha for undertaking exploratory drilling of 95 nos. of boreholes (95 boreholes @ 0.02 ha each totalling 1.90 ha and 3.882 ha. for construction of road) by M/s Odisha Mining Corporation Ltd.

The above stated agenda item was considered in FAC meeting on 26.07.2018.

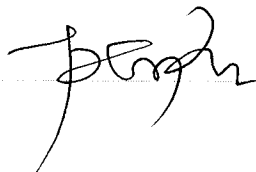
Recommendation of FAC:

FAC after thorough deliberation and discussion with the Representative of APCCF Regional office Odisha and representatives of User agency recommended the proposal with standard general and following specific conditions:

1. The user agency shall complete the exploration work within 2 years.
2. State government shall calculate compensatory levies and NPV for the prospecting proposal as per MoEF&CC guidelines no 5-3/2007-FC dated 09/05/2018. The amount shall be deposited in Adhoc CAMPA account prior to Stage II approval.
3. Permission granted for prospecting under the provisions of FCA 1980, shall not confer any right of user agency to get permission for extraction of mineral and diversion of Forest land under section 2(ii) of FCA 1980.
4. Existing path and roads only will be used by the user agency for the purpose of prospecting activities. In addition to existing paths and forest road, user agency is allowed to use 3.88 ha. of forest land for construction of temporary path. The



- temporary path construction shall not involve any tree cutting and same shall be restored to original land use after the work of exploration is accomplished
5. User agency shall provide 3.88 ha of Non- Forest land for CA. The same shall be mutated and transferred in favour of forest department prior to stage II approval. State forest department shall certify that the land is suitable for plantation and free from encroachment. CA scheme shall be prepared and submitted accordingly along with the shape files.
 6. The amount of CA scheme shall be deposited online in the Adhoc CAMPA account.
 7. User agency shall seek permission of DFO, Cuttack Forest Division before entering into the forest area.
 8. Each bore-hole shall be dug with prior permission of the DFO, Cuttack Forest Division.
 9. Proper plugging of boreholes shall be made after exploration activities are complete.
 10. No tree felling shall be undertaken for exploration activities. Project activities shall be restricted to clearing of bushes and lopping of tree branches if any for the purpose of site preparation.
 11. **Existing path and roads only will be used by the user agency for the purpose of prospecting activities in addition to 3.882 ha. of forest land to be used for this purpose in the ML area.**
 12. Drilling of boreholes will be limited to 95 no. with diameter of 4" within forest land.
 13. No labour camp shall be established on the forest land.
 14. No work shall be allowed after sunset.
 15. No other construction activities shall be done by the user agency on forest land.
 16. User agency shall report the progress of drilling work to the DFO, Cuttack and also furnish detailed report thereof on completion of the project.
 17. Adequate measures shall be taken by the user agency to ensure that prospecting activities do not harm the wildlife in the area. Any damage done in this context, shall be compensated by the user agency as per assessment by the DFO, Cuttack.
 18. The user agency shall be responsible for any loss to the flora and fauna in the surrounding. Any damage done in this regard shall be compensated by the user agency from the project cost as per assessment of the DFO, Cuttack.
 19. Instant permission of Govt. of India for prospecting in forest area, if accorded, would not confer any rights on the user agency to obtain diversion of forest land for mining of chromite from this area in future.
 20. In case, rights over forest land proposed to be used for prospecting purpose, has already been settled in favour of eligible claimants as per provisions of the Forest Rights Act, 2006, the claimants shall either be compensated appropriately or location of boreholes be suitably re-located.
 21. DFO, Cuttack Forest Division may impose any other condition for protection and conservation of the flora and fauna in the forest area.
 22. Prospecting activities within the PL area shall be subject to having valid lease.
 23. Compliance of stipulations indicated at point (vi),(viii), (ix) of GoI, MoEF&CC guidelines on prospecting dt 9.5.2018 shall be furnished.



Agenda No. 8

F. No. 8-51/2018-FC

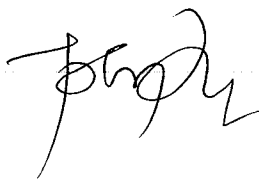
Sub: Proposal for according permission for use of 7.540 ha. of forest land within total PL granted area of 242.265 ha. in PL Block No. I(Chromite) located in village Kalarangiatta, Ransol, Mahulkhal & Forest Block No. 27 under Sukinda Tahasil of Jajpur district (Within jurisdiction of Cuttack Forest Division), Odisha for undertaking exploratory drilling of 122 no. of boreholes (122 boreholes @ 0.02 ha each totalling 2.44 ha and 5.100 ha. for construction of road) by M/s Odisha Mining Corporation Ltd. OSFMCP – Proposal No: FP/OR/MRL/4/2017.

The above stated agenda item was considered in FAC meeting on 26.07.2018.

Recomendation of FAC:

FAC after thorough deliberation and discussion with the Representative of APCCF Regional office Odisha and representatives of User agency recommended the proposal with standard general and following specific conditions:

1. The user agency shall complete the exploration work within 2 years.
2. State government shall calculate compensatory levies and NPV for the prospecting proposal as per MoEF&CC guidelines no 5-3/2007-FC dated 09/05/2018. The amount shall be deposited in Adhoc CAMPA account prior to Stage II approval.
3. Permission granted for prospecting under the provisions of FCA 1980, shall not confer any right of user agency to get permission for extraction of mineral and diversion of Forest land under section 2(ii) of FCA 1980.
4. Existing path and roads only will be used by the user agency for the purpose of prospecting activities. In addition to existing paths and forest road, user agency is allowed to use 5.10 ha. of forest land for construction of temporary path. The temporary path construction shall not involve any tree cutting and same shall be restored to original land use after the work of exploration is accomplished
5. User agency shall provide 5.100 ha of Non- Forest land for CA. The same shall be mutated and transferred in favour of forest department prior to stage II approval. State forest department shall certify that the land is suitable for plantation and free from encroachment. CA scheme shall be prepared and submitted accordingly along with the shape files.
6. The amount of CA scheme shall be deposited online in the Adhoc CAMPA account.
7. User agency shall seek permission of DFO, Cuttack Forest Division before entering into the forest area.
8. Each bore-hole shall be dug with prior permission of the DFO, Cuttack Forest Division.
9. Proper plugging of boreholes shall be made after exploration activities are complete.
10. No tree felling shall be undertaken for exploration activities. Project activities shall be restricted to clearing of bushes and lopping of tree branches if any for the purpose of site preparation.



11. **Existing path and roads only will be used by the user agency for the purpose of prospecting activities in addition to 5.100 ha. of forest land to be used for this purpose in the ML area.**
12. Drilling of boreholes will be limited to 122 no. with diameter of 4" within forest land.
13. No labour camp shall be established on the forest land.
14. No work shall be allowed after sunset.
15. No other construction activities shall be done by the user agency on forest land.
16. User agency shall report the progress of drilling work to the DFO, Cuttack and also furnish detailed report thereof on completion of the project.
17. Adequate measures shall be taken by the user agency to ensure that prospecting activities do not harm the wildlife in the area. Any damage done in this context, shall be compensated by the user agency as per assessment by the DFO, Cuttack.
18. The user agency shall be responsible for any loss to the flora and fauna in the surrounding. Any damage done in this regard shall be compensated by the user agency from the project cost as per assessment of the DFO, Cuttack.
19. Instant permission of Govt. of India for prospecting in forest area, if accorded, would not confer any rights on the user agency to obtain diversion of forest land for mining of chromite from this area in future.
20. In case, rights over forest land proposed to be used for prospecting purpose, has already been settled in favour of eligible claimants as per provisions of the Forest Rights Act, 2006, the claimants shall either be compensated appropriately or location of boreholes be suitably re-located.
21. DFO, Cuttack Forest Division may impose any other condition for protection and conservation of the flora and fauna in the forest area.
22. Prospecting activities within the PL area shall be subject to having valid lease.

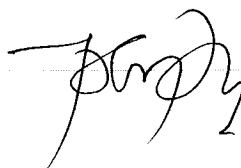
Agenda No. 9

F. No. 7-27/2014-ROHQ

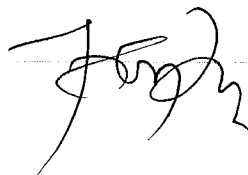
Sub: Guidelines under Forest (Conservation) Act, 1980 for diversion of private forest land for construction of residential building-reg.

The above stated agenda item was considered by FAC in its meeting on 26.07.18. FAC observed that this issue for allowing construction of residential or dwelling houses in private forest land located in areas falling under jurisdiction of the Mussoorie Dehradun Development Authority (MDDA) was also discussed in FAC in its meeting held on 26.04.2018 and the Committee, after examination of the proposal and discussion with user agency, had observed as below:

- (i) MOEF vide letter dated 11th February 2011 stipulated guidelines for allowing construction of residential or dwelling houses in private forest land located in areas falling under jurisdiction of the Mussoorie Dehradun Development Authority (MDDA):
- (ii) These guidelines inter-alia provides that construction of residential houses in private forest / deemed forest in MDDA areas of Uttarakhand can be permitted on the following conditions:



- a. Construction activity for residential purpose in private forest area shall be allowed only for domestic purposes and shall not be extended to any institutional building or commercial development.
 - b. The constructional activities shall be restricted to a maximum of 250 sq. meter of built up area in each case.
 - c. The construction of residential buildings in private forests is permitted in MDDA areas and other parts of Uttarakhand State only in order to alleviate hardship of homestead owners for constructing/completing their bona-fide residential building.
 - d. Permission will be subject to:
 - i. Tree felling should be minimum.
 - ii. Sufficient soil conservation measures should be taken.
 - iii. Permission of MDDA and other regulatory bodies for construction in hill areas shall be obtained.
 - iv. Construction shall be in accordance with the master plan of Mussoorie /Doon valley Notification and other regulatory conditions imposed by other regulatory bodies.
 - v. Building plan should be approved by MDDA.
 - e. All other standard conditions required for such projects including planting of tree species and NPV.
- (iii) Regional Office (North Central Zone), Dehradun was informed the MoEF that they have received applications seeking prior approval of Central Government under the FC Act for construction of residential or dwelling houses in private forest land located in areas falling under jurisdiction of MDDA. However, according to them, as per these guidelines, none of the applicants have been found to eligible for grant of the said permission. The reasons for the same are as below:
- a. The applicants are not homestead owners.
 - b. The applicants are not local residents of Mussoorie.
 - c. Permission can be granted only in those areas where slope is not more than 30 degree. But the factual position is that there would hardly be any forest land in Mussoorie which has slope less than 30 degree.
- (iv) Regional Office (North Central Zone), Dehradun has therefore, requested that the said guidelines may appropriately be amended.
- (v) This issue was also considered by the Forest Advisory Committee in its meeting held on 22nd & 23rd September, 2014 and the FAC after detailed deliberations recommended that in supersession of this Ministry' letter No. L-UP/952/1996-FC-V dated 11.02.11 said guidelines may be amended to provide that para 4.5 of the said guideline may read as below:
- a) Construction activity for residential purposes in private forest/ deemed forest area of MDDA shall be allowed only for domestic residential purposes and shall not be extended to any other type of buildings.
 - b) The constructional activities shall be restricted to a maximum of 250 sq. meter of plinth area in each case.
 - c) Persons who have resided in the area falling in municipal limit of Mussoorie for a minimum continuous period of two years and are/ were registered as voter in area falling in municipal limit of Mussoorie for election to Members of Lok Sabha, Legislative Assembly or Municipal Council may be treated as local



resident of the Mussoorie;

- d) Permission for construction shall ordinarily not be allowed if the slope of the land is more than 30 degree. However, Regional Office, after being satisfied that proposed construction will geologically and structurally be stable/safe and is not likely to trigger landslide and consequent damage to itself and areas in its vicinity, may accord permission for construction even if the slope of land is more than 30 degree.'
- (vi) Permission shall be given in such cases with the condition that:
- Tree felling should be minimum.
 - Minimum soil cutting should be done.
 - Sufficient soil conservation measures shall be taken by the land owner during and after construction period.
 - Construction shall be in accordance with the master plan of Mussoorie /Doon valley Notification and other regulatory conditions imposed by other regulatory bodies.
- (vii) The recommendation of FAC held on 22nd & 23rd September, 2014 was placed before competent authority for approval. This was further discussed by DG (Forest) and MEF and it was conveyed vide letter no. 7-27/2014-RoHQ dated 09.09.2015 that this Ministry may continue with existing guidelines.
- (viii) Meantime, various representation of different authorities was received in this Ministry, which is as follow:
- D.O. letter from Shri Vijay Bahuguna, Former Chief Minister, Uttarakhand dated 11.10.2016.
 - D. O. letter from Shri Dinesh Aggrawal, Minister, Forest and Wildlife, Uttarakhand dated 31.08.2016.
 - D. O. letter from Shri Ganesh Joshi, Member of Legislative Assemble, Vidhan Sabha, and Dehradun dated 17.03.2017.
 - D. O. letter from Shri Bhagat Singh Koshyari, Member of Parliament (Lok Sabha) (Ex. Chief Minister, Uttarakhand) dated 28.02.2017.
- (ix) In all the above D. O. references and representations of Shri Vinod Prakash Thapliyal, President, Mussoorie Estate Owners Association has been forwarded. Following issues has been highlighted in all the representations:
- Request to simplify the process and allowing owners of land in Notified Private Forest Estates, in Mussoorie, District Dehradun (Uttarakhand) to build residential houses under the guidelines issued by the MoEF&CC, vide Letter/G.O F.No. L-UP/952/1996-FC-V dated 11-02-2011.
 - That under the said Guidelines dated 11.02.2011; provision is made to allow for reversion of Private Forest land to the extent of 250 sq. mtrs of plinth area to every 'homestead' owner of land, for residential purposes only.
 - Word "HOMESTED" be deleted from para 3 of the above stated guidelines dated 11.02.2011, as the same seems to be alien in the Indian context, in order to protect the fundamental rights and interests of residents of Mussoorie.
- (x) It is alleged in the representation that benefit was given to influential bureaucrats, politicians and large business houses. Later on the a different interpretation of the guidelines dated 11.2.11 proposals had been denied the permission on following grounds:

The applicants are not home stead owners:



- A) The applicants are not local residents of Mussoorie
- B) Permission can be granted only in those areas where slope is not more than 30 degree. But the factual position is that there would hardly be any forest land in Mussoorie which has slope less than 30 degree.
2. FAC after thorough deliberation and discussion with, APCCF, In-charge Regional Office, Dehradun on 26.04.2018 observed that the matter is under discussion since long .It is a major policy decision which may have wider implications throughout the country. It is therefore recommended that: *“A sub-committee of FAC under the chairmanship of PCCF Regional office Bhopal Dr. Tejender Singh IFS, shall be formed. Sh Sanjay Deshmukh FAC member, Smt. Kamlpreet IFS, in charge regional office, Dehradun and Sh Sandeep Sharma IFS Assistant Inspector General of Forests, MoEF&CC shall be the members of the committee. The committee will visit the area and deliberate with different stake holders. The committee shall recommend necessary amendments, if any, to the MoEF&CC guidelines dated 11.02.2011. The committee will submit this report within 15 days after approval of FAC minutes”.*
3. Based on the recommendation of FAC on 26.04.2018, a Committee under the chairmanship of PCCF, Regional Office, Bhopal was constituted vide this Ministry’s letter dated 14.06.2018 for visiting the area and deliberate with different stakeholders on 19.06.2018 to 21.06.2018. The committee shall recommend necessary amendments, if any, to the MoEF&CC guidelines dated 11.02.2011.
4. The committee visited the area from 19.06.2018 to 21.06.2018 and had deliberations with stakeholders. The report submitted by the committee is placed for approval of FAC

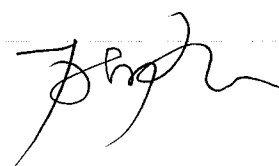
REPORT OF THE SUB-COMMITTEE OF FAC ON THE USE OF PRIVATE FOREST AREAS OF MDDA FOR CONSTRUCTION OF RESIDENTIAL PROPERTIES.

Background.

1. MoEF&CC has been receiving many representations from the State of Uttarakhand requesting relaxation in MoEF&CC Guidelines dated 11th February 2011. These Guidelines were issued in order to stream line construction of residential or dwelling houses in private forest lands located in areas falling under the jurisdiction of the Mussoorie Dehradun Development Authority (MDDA);
2. The said Guidelines, inter-alia, provides that construction of residential houses in private forest / deemed forest in MDDA areas of Uttarakhand can be permitted on the following conditions:
 - a. Construction activity for residential purpose in private forest area shall be allowed only for domestic purposes and shall not be extended to any institutional building or commercial development.
 - b. The constructional activities shall be restricted to a maximum of 250 sq. meter of built up area in each case.
 - c. The construction of residential buildings in private forests is permitted in MDDA areas and other parts of Uttarakhand State only in order to alleviate hardship of homestead owners for constructing/completing their bona-fide residential building.
 - d. Permission will be subject to:



6. The recommendations of FAC held were placed before the Competent Authority for approval. But the Competent Authority preferred to continue with existing guidelines.
7. The matter was again represented by various agencies and authorities and it was decided to again place the matter before FAC for appropriate guidance.
8. This issue was considered by the FAC in its meeting held on 26.04.2018. FAC after thorough deliberation and discussion with, APCCF, Incharge Regional Office, Dehradun observed that the matter is under discussion since long. It is a major policy decision which may have wider implications throughout the country. It is therefore recommended that:
 1. A Sub-Committee of FAC under the Chairmanship of APCCF Regional office Bhopal, Dr. Tejinder Singh IFS, shall be formed. Sh Sanjay Deshmukh FAC member, Smt. Kamalpreet IFS, in charge Regional Office, Dehradun and Sh Sandeep Sharma IFS Assistant Inspector General of Forests, MoEF&CC shall be the members of the Committee. The Committee will visit the area and deliberate with different stake holders. The Committee shall recommend necessary amendments, if any, to the MoEF&CC guidelines dated 11.02.2011. The Committee will submit this report within 15 days after approval of FAC minutes.
9. Based on the recommendation of FAC a Sub-Committee was formed under the Chairmanship of Dr. Tejinder Singh, APCCF, Regional Office, Bhopal vide Office Memorandum Order no. 7-27/2014-RoHQ dated 14.06.2018. The said Sub-Committee visited the area from 19.06.2018 to 21.06.2018 and held consultations with different stake holders. The major facts collected by the Sub-Committee are as follows:
 - i. It was informed that the areas under consideration were notified as private protected forest vide notification dated 21.04.1966. At present there are 218 forest estates under the Mussoorie Municipal Committee. On the directions of Hon'ble Supreme Court, Survey of India (SOI) has been asked to demarcate the notified forest area and non-notified land within each estate. During consultation with Stakeholders it was brought to knowledge of the Sub-Committee that even after more than a decade the SOI has not been able to complete demarcation on the ground. All stakeholders in the meeting unanimously conveyed that SOI may be asked to complete the demarcation in time-bound manner since it would ameliorate most of the difficulties being faced by the estate owners..
 - ii. The estate owners lamented that given the interpretation of the word homestead by GOI they are not able to use any portion of their estate for any new construction and because of this there are no buyers for their land. Also in view of ban on tree felling they are not allowed to harvest any tree for commercial purpose which they were doing earlier and thus earning something from their estates. Therefore at present these estates have become a liability with no earning but only expenditure towards their watch and ward since for any tree felling on these estates the Forest Department holds them accountable.
 - iii. Stakeholders also requested that the MoEF&CC Guidelines should include provisions for construction of approach roads, laying of electricity lines, construction of septic tanks etc linked to the constructed properties on their



- respective private protected forest estates. This should be over and above the permissible limit of 250 sq mts as per Guidelines.
- iv. Stakeholders were of the firm opinion that they should be given some incentives for the protection of the private forest in public interest.
 - v. It was informed by officers of the Forest Department that under different Sections of Kumaun and Uttrakhand Zamindari Abolition and Land Reforms Act, 1960 (KUZA Act) the rights, title and interest of *Hissedar* in respect of private forest lands stand ceased and vested with effect from January, 1, 1978.
 - vi. Vide Guidelines dated 11.02.2011 the word homestead is not defined. However, Regional Office, Lucknow while dealing with all such proposals has tried to define meaning of homestead as under:

Homestead refers to a person's permanent home or property that includes the land on which the home stands on and other adjoining building or property. What qualifies as a homestead is the house in which the owner and his family live on. A home that is leased for other families does not qualify. Second homes also do not qualify as homesteads as these are considered temporary dwellings. Condominiums and mobile homes that rent out their land spaces can also be registered as homesteads:

- The dwelling house and its adjoining land where a family resides,
- A single building or collection of buildings grouped together on a large agricultural holding.
- A dwelling house and its adjoining land where a family makes its home.
- A house, specially a farm house and outbuildings.
- Homestead is a classification of property that is occupied by an owner or relative of the owner and is used as a primary place of residence.
- Homestead is a dwelling where a person makes his permanent home. Also includes adjoining buildings and property.
- A house and the farmland.

Recommendation of Sub-Committee

The Sub-Committee recommends that:

1. State Government may be asked to clarify the applicability of different Sections of Kumaun and Uttrakhand Zamindari Abolition and Land Reforms Act, 1960 (KUZA Act) on the Mussoorie Dehradun Development Authority (MDDA) area and explain why these have not so far been vested with the Government.
2. State Government should take immediate steps to expedite demarcation of the notified forest area within each estate as per the direction of Hon'ble Supreme Court. The work of demarcation should be completed in time bound manner and the final decision of Hon'ble Supreme Court may be conveyed to MoEF&CC. State Government may bring to the notice of the Apex Court the extremely poor pace of work by SOI and seek further directions. The Sub-Committee feels that once the non notified areas of estates are demarcated out then these would fall out of the preview of the Forest Conservation Act, 1980 (except deemed forest areas) and these then can be used for any purpose as per the choice of the estate



owner. This would go a long way in removing the difficulties of the estate owners.

3. The word "*Homestead*" should continue to be retained in the existing Guidelines dated 11.02.2011. The removal of this word from the existing Guidelines is likely to lead to fragmentation of the private forest estate through sale of small plots and holdings with each subsequently built with building over 250 sq mts as per Guidelines. This would decimate the existing greenery around Mussoorie as most of the forest that one sees today around Mussoorie is in fact private forest. However Sub-Committee recommends that definition of homestead may be incorporated into the existing Guidelines.
4. MoEF&CC need to form certain guidelines by which the private forest estate owners get incentives and income from protection of these pristine forest areas so vitally important for the survival of Mussoorie as a hill station as well as town. One of the ways could be that Apex Court may be moved to allow very conservative green felling in these forest areas allowing some cash flow to the owner. Alternatively owners may be given some incentives by way of subsidy as well as some relaxations in the existing rules to take up eco-tourism on these estates. The Government may also consider acquisition of these private forest areas in public interest by paying compensation from CAMPA.
5. Sub-Committee recommends that condition related to slope restriction may be removed and stability of the landscape may be left to the civic authorities granting permission for construction.

Recommendation of FAC:

FAC after thorough deliberation and discussion with the chairman and members of sub-committee accepted the report in toto and recommended that state government shall act as per the recommendation of sub-committee.

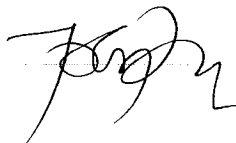
Additional Agenda No. 1

F. No. 8-95/2012-FC (Vol.)

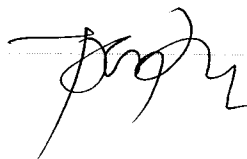
Sub: Diversion of 22.549 ha of Forest land for Public Utility infrastructure to the Rehabilitation of Project Affected Persons (PAPs) of Navi Mumbai International Airport at Pushpaknagar of Village- Dapoli, Tal.- Panvel, Dist. Raigad, Maharashtra - regarding.

The above stated agenda item was considered in FAC meeting held on 26.7.2018. FAC observed that:

1. The State Govt. Maharashtra vide their letter dated 20.06.2018 had mentioned that the total area of the Pushpaknagar project for rehabilitation of project affected people is 221.296 ha. The area include 22.549 ha of forest land.

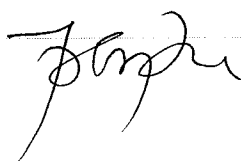


2. **It is reported that the Project Authorities previously submitted a proposal for diversion of forest land equivalent to 22.549 ha forest land for rehabilitation of Pap's of Navi Mumbai International Airport. The proposal along with Navi Mumbai international airport was place before FAC in its meeting held on 12.07.2016. FAC denied recomendadion for diversion of forest land in the present from in which forest area was requested for rehabilitation.**
3. **The project Authority has now re-planed the area by considering forest area for development of public utility infrastructure and excluding the rehabilitation of the people on the forest land.**
4. Now the user agency had proposed public utility infrastructure on forest area with in total puspaknagar rehabilitation area. these public utility infrastructure as proposed by the user agency includes Road, Garden/Play Ground, Social Infrastructure, Public Utility and Water Supply Project.
5. Deputy Conservator of Forests, Alibag has certified that no suitable alternate non - forest land is available other than proposed for project and demand for the required forest land is lowest minimum demand.
6. There are 406 trees of various species and girth class in the area proposed for diversion.
7. DCF Alibag certified that there is no violation of FCA, 1980 or its guidelines in the present project.
8. **The DCF Alibag has certified that the proposed project is within 10 Km of the boundaries of the protected area and not included in the Eco-Sensitive zone of the sanctuary and the proposed project is not likely to affect any monuments site of cultural, historical, religious, archaeological or recreational importance. The area involved does not form part of any e3isting National Park, Wildlife sanctuary and Nature Reserve etc.**
9. CA has been proposed over non forest land over two different patches. DCF, Roha has certified that 12.500 ha. non- forest land in Sur No. 21/2 at village karivane, and 10.049 ha at Vill- Temghar, Tal-Roha, Distt-Raigad proposed for alternative CA is not included in the area as forest as identified by expert committee appointed under the judgment of the Hon'ble Supreme Court order dated 12.12.1996 and also not acquired under the provisions of Private Forest (Acquisition) Act, 1975 by virtue of application of Section 35 of the Indian Forest Act 1927 and is not recognized deemed reserved forest. The DCF, Roha has certified that 12.500 ha non- forest land in Sur No. 21/2 at village Karivane, and 10.049 ha at Vill-Temghar, Tal-Roha, Distt-Raigad proposed for alternative CA is contiguous, suitable for afforestation and Management purpose and also it is free from encroachment and an encumbrances CA Scheme is submitted.
10. It is further informed by the State Govt. that the user Agency has certified that the **diversion proposal is for raising public utilities for rehabilitation of PAPs of NMIA at Pushparknagar township project area with an area 22.549 ha is outside the Scheduled Tribe area.**
11. It is informed that earlier the proposal for **diversion of 22.5490 ha of Reserved Protected and Restored (Private Forest) land in favor of CIDCO for rehabilitation of Project affected persons(PAP's) on Navi Mumbai International Airport at Pushpaknagar of Village Dapoli, Tehsil Parvel, District Raigad, Maharashtra was sent**



to Regional Office, Nagpur by the Government of Maharashtra vide their letter FLD-1315/CR-281/F-10 dated 09/09/2015, which was placed before the Regional Empowered Committee (REC) in its meeting held 30.03.2016 at Regional Office (WCZ), Nagpur. After detailed examination and discussion on the proposal and also interaction with the user agency, the REC recommended that instant proposal is linked to the proposal of Navi Mumbai International Airport for which approval under the Forest (Conservation) Act, 1980 was accorded by the MoEF&CC, New Delhi vide letter number 8-95/2012-FC dated 17.12.2013 for diversion of 250.0635 ha of forest land in favour of General Manger (Airport) CIDCO Ltd., Navi Mumbai for Establishment of Navi Mumbai international Airport in Alibag Forest Division in District Raigad of Maharashtra.

12. Accordingly, the said proposal was placed before FAC in its meeting held on 12.07.2016 and the FAC had observed that no alternatives were examined by the State Government. The CIDCO has prepared layout plan for the rehabilitation of PAP covering **three locations at Vadghar, Vahal and Pushkar**. Out of the three sites, at later stage it was noticed that rehabilitation site at Pushkar, covering an area of 221.296 ha of area includes forest land also. Out of the total forest reported to be in patches, certain lands have legal status as Private Forest land while certain other land earlier under the possession of CIDCO has been utilized for CA in lieu of diversion of Hetavne Dam and Pipe line Project. **The Committee was also noted that CIDCO has unauthorized possession of the Reserved Forests land of 10.614 ha, which now has been proposed for raising CA which amounts of violation of the Forest (Conservation) Act, 1980 and guidelines issued there under.** The FAC further noted that the forest Conservation Division of the MoEF&CC, New Delhi had earlier accorded approval vide its letter number 8-95/2012 –FC dated 17.12.2013 for diversion of 250.0635 ha of forest land in favour of General Manager (Airport) CIDCO Ltd., Navi Mumbai for establishment of Navi Mumbai international Airport in Alibag Forest Division in District Raigad of Maharashtra *inter-alia* stipulating the certain conditions including ***“The State Government shall ensure that settlement of displaced people does not take place in the forest land. In future, user agency shall not submit any proposal for extension of the project or any other project ancillary/related to this project in the forest land between the present project site and Karnala Bird Sanctuary”.***
13. The condition stated at point no 12 was modified in subsequent FAC decision and it was modified as
- ‘In future, user agency shall not submit any proposal for extension of project or any other project ancillary/related to this project in forest land falling in eco sensitive zone of Karnala bird sanctuary’**
14. The Principal Chief Conservator of Forest (HoFF), Maharashtra State, Nagpur has recommended the proposal for approval under Section -2(ii) of the Forest (Conservation) Act 1980 subject to the following conditions:
- The legal status of the land required will remain unchanged.
 - CA will be raised at the cost of the user Agency on 22.5490 ha non- forest land made available by the user agency. (12.500 ha non-forest land in sur No. 21/2 at vo;;agelarovame. Amd 10.049 ha at Vill-Temghar, Tal-Roha, Distt. Raigad).
 - The applicant will defray the cost of Net Present Value of 22.5490 ha of forest land as per the latest Guideline of Government of India.
 - The user Agency will defray the additional/revised cost of Net Present value of Forest land as per the latest Guideline of Government of India.



- E. The forest land shall not be used for any purposes other than specified in the project.
- F. The User Agency will abide by the provisions of Coastal Regulation Zone (CRZ) Notification of GoI, If required.
- G. **Public utility infrastructure for the rehabilitation of project affected families shall be done by the User Agency as per the policy**
- H. The User Agency will defray the cost of removal of 406 trees in the area. However, only the required and minimum number of trees will be felled. In situations where felling of trees is avoidable and such trees could be transplanted, all efforts to transplant such trees at a pre-designated site will be taken and additional expenditure, if any, in such cases shall be at the cost of the user Agency.
- I. The agency will pay the cost of survey, demarcation and defray the cost barbed wire fencing of CA land and fulltime Chaukidar for CA.
- J. As recommended by DCF, Alibag:
- a. The UA will needs to be lock forest land along patch No. 1, 2, 3, & 4 and two survey nos 124 and 128 against encroachment by construction of Compound wall at the cost of project Authority.
 - b. Project Authority has to provide residential quarters and office space for Urab Range Office, at their own cost.
 - c. 10 fire blower machines and 10 grass cutter machines are required for fire protection purpose of surrounding forest area.
- K. **No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.**
- L. It will be the responsibility of the User Agency to ensure that the labourers, staffs engaged in construction / Laying activity do not damage nearby forest flora and fauna.
- M. The Project Authority will raise road-side plantation on both sides of the roads in proposed project.
- N. All other conditions as may be mandatory under relevant acts, Rules and guideline shall be complied with by the user Agency.
- O. All necessary approvals required for the project as per prevailing laws of the land would be obtained by the User Agency before statutory sanction.

Recomendation of FAC:

FAC after thorough deliberation and discussion with the Nodal officer Maharashtra, Representatives of Regional office Nagpur and user agency observed that the present proposal is linked with rehabilitation of project affected people of Navi Mumbai International Airport. As per FCA 1980 guideline 2.7 *The Government of India do not allow diversion of forest land for rehabilitation of people.* It was informed by user agency that the forest area is coming in small patches of whole Puspaknagar rehabilitation area. The shape files of the forest area submitted by the state government was analysed and it was observed that the forest area is in small patches. Most of the activities proposed by the state government are not site specific and involve construction of buildings. As per FCA guideline 4.5(ii) *Diversion of forest land for construction of other buildings also will not be normally considered. However, such diversion may be allowed for construction of schools, hospitals/dispensary, community halls, cooperative, panchayats, tiny rural industrial sheds of the Government etc., which are to be put up for the benefit of the people of that area, but such diversion should be strictly*

limited to the actually needed area and further it should not exceed one hectare in each case.

Representative of user agency informed that forest area is a part of total rehabilitation area of Puspaknagar and he requested that user agency may be allowed to use forest land only to the extent of construction of road i.e only upto 1.4 ha and rest of area will be retained as a part of green zone with in total rehabilitation area of Puspaknagar.He further assured that user agency is ready to give equivalent non forest land i.e 22.5490 and corresponding NPV as proposed in the proposal folders.

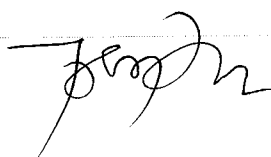
FAC accepted the request of user agency and Nodal officer Maharashtra and recommended the project proposal with Standard, general and following specific conditions:

1. User agency shall pay NPV for entire 22.5490 ha forest land.
2. CA shall be raised of 22.5490 ha non forest land and same shall be mutated in the name of forest department prior to stage II approval.
3. User agency shall not fell any trees coming with in the alignment of the road rather efforts shall be made to transplant them on predesignated site in consultation with forest department.The cost of transplantation and further maintainance shall be borne by user agency.A detail scheme duly approved by PCCF , with total cost estimate shall be submitted prior to stage II approval.
4. The green zone shall be maintained at the cost of user agency in consultation with forest department.
5. **No additional or new path (Apart from 1.4 Ha) will be constructed inside the forest area for transportation of construction materials for execution of the project work.**
6. It will be the responsibility of the User Agency to ensure that the labourers, staffs engaged in construction / Laying activity do not damage nearby forest flora and fauna.
7. The Project Authority will raise road-side plantation on both sides of the roads in proposed project.
8. All other conditions as may be mandatory under relevant acts, Rules and guideline shall be complied with by the user Agency.
9. All necessary approvals required for the project as per prevailing laws of the land would be obtained by the User Agency before statutory sanction.
10. The User Agency will abide by the provisions of Coastal Regulation Zone (CRZ) Notification of GoI, If required.
11. State government shall submit detail alignment with shape file of the proposed road prior to stage II approval

Additional Agenda No. 2

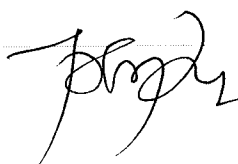
F. No. 8-119/96-FC (Pt.) &
F. No. 8-39/2016-FC

Sub.: Diversion of 24.446 ha of forest land in respect of Balda Block Iron ore Mines of M/s Serajuddin & Co under Keonjhar Forest Division in Odisha regarding extension validity of permission granted vide letter F.No.8-119/96-FC (pt) dated 12.03.2012 and diversion of 34.39 ha of sabik kism forest land as on 25th October



1980 (treated as non-forest land in hal record) in addition to 24.446 ha of forest land already diverted out of total forest land of 302.402 ha (including sabik kisam forest land of 44.269 ha) within the ML area of 335.594 ha in Balda iron ore Mines of M/s Serajuddin & Co. in village Balda, Bada kalimati under Barbil Tahasil and village Nayagarh under Jhumpura Tahasil in Keonjhar district, Odisha.

1. The above stated agenda item regarding decision on granting extension of permission to work over Broken up DLC land (112.73 ha) in total mining lease is to be allowed upto 31.03.2020 or it should be cease on 2.12.2017 as conveyed by MoEF&CC earlier.FAC after thorough deliberations on all facts presented in agenda and as reported by Special secretary(Forests) Odisha observed that a **meeting** was held under the **Chairmanship of DGF&SS** to discuss the issue regarding extension validity of permission granted vide letter F.No 8-119/96-FC (pt.) dated 12.03.2012 to Balda Block Iron Ore Mines of M/s Serajuddin& Co under Keonjhar Forest Division in Odisha.In the said meeting, the following observation made:
 - (i) It was observed that M/s Serajuddin& Co was accorded final forest clearance for diversion 24.446 ha of forest land in respect of Balda block Iron Ore mines of M/s Serajuddin& Co. Under Keonjhar Forest Division in Odisha on 11.12.1998 for a period of 10 years. However the lease deed executed between the state government and user agency on 21.06.1999 in course of the renewal of mining lease states that validity of this lease is upto 2.12.2017.Since the earlier GOI clearance order is valid for 10 years, this ministry vide their letter dated 25.3.2009 have made the above period of forests clearance in this lease co-terminus with the period of mining lease granted under MMDR act 1957 i.e from 3.12.1997 to 2.12.2017..
 - (ii) It was reported by the State Government that the total mining lease area of 335.594 ha was comprising of 38.182 ha. Of forest land and 297.412 ha. Of non-forest government land.
 - (iii) However, in view of the order dated 12.12.1996 of the Hon'ble Supreme Court of India in W.P. (C) No. 202/1996, 219.951 ha. of non-forest government land was considered to be treated as DLC land.
 - (iv) Thus in the changed scenario the status of different kind of land in this mining lease of 335.594 ha. of area became 258.133 ha. of forest land (38.182 ha. of forest land + 219.951 ha. DLC forest land) and 77.461 ha. of non-forest government land.
 - (v) Out of 219.951 ha. of DLC forest land 112.73 ha. of DLC forest land is reportedly broken up prior to 1980 in this lease in course of working of the mines.
 - (vi) Based on the clarification issued by the CEC and subsequent clarification dated 07.07.2011 the lessee was allowed to work over broken up DLC forest land till the expiry of existing mining lease i.e. till 02.12.2017 vide MoEF& CC letter no. 8-119/96-FC(pt.) dated 12.3.2012 and dated 5th May, 2016.
 - (vii) It is reported that the user agency has deposited 18,84,37,090 Rs. as NPV for entire area as per the Ministry's guidelines F.No.8-78/1996-FC(pt.) dated 10.03.2015
 - (viii) As per amended provision of MMDR Act and MoEF&CC guidelines F.No.11-51/2015-FC dt. 1.4.2015/1.5.2015 the period of validity of mining lease has been extended up to 2020.Itt was informed that the supplementary deed was executed on 1.12.2017.
 - (ix) User agency had requested to allow mining over broken DLC area i.e. 112.73 ha

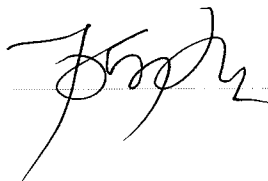


upto 2020 instead of 02.12.2017.

- (x) The special Secretary forest Odisha informed that since the lease has been extended up to 2020 for the entire area, the user agency may be allowed to work in the broken up DLC land till 2020. He further stated that user agency had already deposited NPV amount for the entire area and since the area is broken prior to 1980 so CA will not be applicable. As per the joint verification report dated 16.12.1998 by mining and forest officials, 112.73 ha land was found to be broken prior to 25.10.1980.
- (xi) It was informed that at present the user agency is working only over 24.446 ha of forest land which has been diverted under the provision of FCA, 1980, and over broken up sabik forest land. It was further informed that the user agency has been allowed to work on broken up sabik forest land based on the direction on Hon'ble High Court. The work in 112.73 ha DLC forest land beyond 2.12.2017 has been stopped by the order of DFO.
- (xii) During discussion it was observed that the user agency has moved a case against the order of DFO in which MoEF&CC is also a party. In this regard AIG(FC) informed that Ministry had already approved reply affidavit and the same has been forwarded to Regional Office for further action. The Ministry has taken following stand in this particular case.

That on the direction of the Hon'ble Supreme court and on the recommendations of Central Empowerment Committee, here is after referred as (C.E.C) due to peculiar situation in case of DLC forest land which was identified as forest after the mining was started, considering the land as non forest land, the permission to continue mining in broken part of D.L.C was a kind of Temporary working permission to avoid abrupt halt in the mining operations provided all statutory clearances which included forest clearances under Forest Conservation Act, 1980 is obtained. The user agency has not so far applied for the forest clearance for the entire DLC forest land within the lease till date and is continuing mining operations without statutory clearances.

- (xiii) DFO Keonjhar informed that the user agency has withdrawn the case.
- (xiv) In order to get more clarity to the CEC recommendation, the matter of allowing a lessee to work over broken DLC land of lease hold area, the matter was referred to CEC. The CEC in their letter dated 7.7.2011 have further clarified that working in the broken DLC land has been decided to be allowed to be continued only in respect of those leases where government of Odisha at the time of processing and /or approving the proposals under FC Act and /or MMDR Act treated such areas as non forest land and during the validity of the lease period for which such view is taken.
- (xv) From the clarification date it is clear that CEC had taken the decision prior to amendment of MMDR act vide which the validity of lease has been increased up to 2020
- (xvi) The FCA guideline 3.2 (viii)d states that ***“no compensatory afforestation shall be insisted upon in respect of the Cases of renewal of mining lease, for the forest area already broken/used for mining, dumping or overburden, construction of roads, ropeways, buildings, etc. For the balance area, compensatory afforestation shall be required to be done as stipulated, provided that no compensatory afforestation had been stipulated and done in respect of this area at the time of grant/renewal of lease earlier”.***



Decision Taken in the meeting chaired by DGF&SS

- 1) After thorough deliberation and discussion, it was observed that the user agency is working on broken up DLC land since 1997 without approval under FCA 1980. Initially when the proposal was considered for grant of approval of diversion of forest land of 24.446 ha out of total lease of 335.594 ha, the land in question i.e DLC land was treated as non forest land. This permission to work over broken up DLC land with in total mining lease was given after the clarification in this regard was received from CEC on 7.7.2011. At the time of clarification the lease period was up to 2.12.2017. Now a peculiar situation had arisen in this case, as the amended provisions of MMDR Act 2015 had extended the lease period up to 2020 and it seems that this tenure of extended lease period was not envisaged by CEC at the time of clarification. The NPV for entire area has been paid. Further the special Secretary forest Odisha informed that As per the joint verification report dated 16.12.1998 by mining and forest officials, 112.73 ha land was found to be broken prior to 25.10.1980 and since the area is broken prior to 1980 so CA will not be applicable as per FCA guidelines 3.2(viii). It states that

No compensatory afforestation shall be insisted upon in respect of the following

- d) Cases of renewal of mining lease, for the forest area already broken/used for mining, dumping or overburden, construction of roads, ropeways, buildings, etc. For the balance area, compensatory afforestation shall be required to be done as stipulated, provided that no compensatory afforestation had been stipulated and done in respect of this area at the time of grant/renewal of lease earlier.*
- 2) During discussion it was also noted that the total mining lease also contain 34.39 ha of sabik kisam forest land. The proposal for diversion of the SABIK LAND was discussed by FAC on 9th and 10th Nov., 2016. FAC had recommended the proposal with general, Standard and following specific conditions:
 - i. The user agency shall pay additional NPV at the rate 20 per cent for each year since the violation of Forest (Conservation) Act 1980 has commenced.
 - ii. User agency shall raise penal CA equivalent to the land utilized in violation of provision of Forest (Conservation) Act 1980.

However FAC further observed that the proposal file shall be placed before Competent Authority for approval on receipt of following information:

- i. State Government shall submit original certificate of complete compliance of FRA.2006.
- ii. For compensatory afforestation (CA) equivalent non forest land (NFL) is to be earmarked and plantation has to be raised @1000 plants/ha, of forest land diverted. On analysis through DSS it is found that some area of the proposed non forest land for CA is having moderately dense vegetation over it, therefore 1000 plants/ha cannot be planted. The proposed non



forest land for CA shall be accepted provided the number of plants which are not possible to be planted on proposed land, shall be planted on degraded forest land (crown density upto 40 % as per Forest Survey of India report) identified by the forest department. State Government shall identify degraded forest land (DFL) within its administrative control and submit the location of area and shape file with possible number of plants to be planted in the proposed degraded forest land. The compensatory afforestation scheme shall be for 1000 plants/ha of the forest land diverted under this proposal including maintenance cost for 10 years. The State Government shall submit the revised CA scheme.


- iii. State Government shall submit latest status of court cases related to violations pending in different Courts.
- iv. FAC took a serious note of the observation of the State Government that the user agency has violated the provisions of FC Act and change the land use of the forest land diverted without approval of competent authority. It is observed by the FAC that the user agency had violated the conditions stipulated in the approval by MoEF&CC vide letter no. 8-17/2001-FC dated 22.04.2004, for diversion of forest area within the same mining lease. User agency had been found to deviate from the approved land use plan. This speaks about the credibility of the user agency in observing the conditions imposed by this Ministry while granting permission for diversion of the forest land under Forest Conservation Act, 1980. The MOEF&CC may request the Regional Office (Eastern Zone) Bhubaneswar to initiate proceedings in accordance with the provision of section 3A and 3B of the Forest Conservation Act, 1980 and file complaint in the court having jurisdiction in matter against officials *prime facie* found guilty for changing the land use of the diverted forest land without approval of competent authority

The above recommendations of FAC was conveyed to the State Government vide letter 8-39/2016-FC dated 20th December 2016. The compliance of it is still awaited.

3. Taking all the above matter into consideration it was decided that the user agency may be allowed to work over broken up DLC land up to the end of extended lease period i.e. up to 31.3.2020 as per amended provision of MMDR Act, 2015 and MoEF&CC guideline 11-51/2015-FC dt 1.04.2015, 1.05.2015 subject to the condition that the compliance of FAC recommendations as conveyed vide letter number 8-39/2016-FC dated 20th December 2016 is submitted by the state government to MoEF&CC.
4. The decision of the meeting was placed before competent authority who after discussion with DGF&SS observed that the matter may be placed before FAC prior to any decision is taken by MoEF&CC.

Recommendation of FAC:

FAC after thorough deliberation and discussion with the Special Secretary (Forests) Odisha observed that the State Government had not submitted the compliance of the stipulations imposed by FAC while considering the diversion of Sabik kism forest land of 34.39 ha with in same mining lease area of 335.549 ha dated 20.12.2016. It



was reported by Special Secretary (Forests) Odisha that user agency had complied to all of the stipulated conditions but due to delay in obtaining complete compliance of FRA 2006, it had become difficult to submit complete compliance of FAC observation as conveyed to State by letter dated 20.12.2016. FAC took a note of this and informed that the complete compliance of FRA was pre requisite for obtaining Stage I upto year 2016 but with amendment in FCA rules in 2016, compliance of FRA is required to be submitted prior to stage II approval. In the present case State Government shall submit the compliance of FAC observations, as conveyed on 20.12.2016, other than that of FRA.

Taking all factors into consideration, FAC recommended that the user agency may be allowed to work over broken up DLC land up to the end of extended lease period i.e. 31.3.2020 as per amended provision of MMDR Act, 2015 and MoEF&CC guideline 11-51/2015-FC dt 01.04.2015, 01.05.2015 subject to the condition that the compliance of FAC recommendations(Other than FRA) is submitted by the State Government.

Sarvan Kumar Verma, DIG (FC)

Agenda - 1

File No. 8-6/2007-FC

Subject: Diversion of 1283.570 hectares of forest land for Coal Mining in Amelia Coal Block by M.P. State Mining Corporation in Singrauli District of Madhya Pradesh.

The above stated agenda item was considered by FAC in its meeting on 26.07.2018. FAC after thorough deliberation and discussion with the Nodal officer (FCA) of Madhya Pradesh and APCCF Regional office Bhopal observed that some additional information are required to be incorporated in the agenda items to have a considered view on the matter therefore it is recommended that same may be incorporated in the agenda and place it before next FAC meeting.

Agenda No. 2

F. No. 8-48/2018-FC

Sub: Proposal for diversion of 98.1004 ha. of forest land in favour of SJVN Limited, Bithal Shimla, for the construction of Luhri HEP Stage-I (219.00 MW), within the jurisdiction of Ani, Kotgarh and Rampur Forest Division, District Shimla & Kullu, Himachal Pradesh.-regarding.

The above stated agenda item was considered by FAC in its meeting on 26.07.2018

1. FAC after thorough deliberation and discussion with the APCCF Regional office Dehradun observed that:
2. The State Government of Himachal Pradesh, forest department vide their letter No. Ft.48-3369/2016 (FCA) dated 06th July, 2018 submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest



(Conservation) Act, 1980 for diversion of 98.1004 ha. of forest land in favour of SJVN Limited, Bithal Shimla, for the construction of Luhri HEP Stage-I (219.00 MW), within the jurisdiction of Ani, Kotgarh and Rampur Forest Division, District Shimla & Kullu, Himachal Pradesh.

3. It is reported that the project is located in District Shimla and Kullu district of Himachal Pradesh.
4. Total period for which the forest land is proposed to be diverted is 50 years.
5. The user agency is a Central PSU. The area falls in Rampur forest division (53.9669 ha.), Kotgarh forest division (0.9038 ha.) and Ani at Luhri forest division (43.2297 ha).
6. Legal Status of Forest land is
 - Unclassed Forests = 53.9669 ha.
 - Protected Forest = 0.9038 ha.
 - Unclassed Forests = 43.2297 ha.
 - Total = 98.1004 ha.**
7. The vegetation density of the proposed area is 0.016 to 0.1 and falls in Eco class 6
8. Total number of trees proposed to be felled are 6490.
9. It is reported that the area is not seriously eroded or is not much vulnerable to erosion
10. It is reported that the area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc
11. It is reported that there are not any rare/ endangered/ unique species of flora and fauna found in the area
12. It is reported that no protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area
13. It is reported that the requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project.
14. It is reported that no work in violation of the Act has been carried out
15. Compensatory Afforestation scheme has been proposed over 208 ha degraded forest land in an identified land bank.
16. The CA scheme with the provisions of the maintenance for 10 years has been submitted.
17. State government has submitted Certificate from competent authority regarding suitability of area identified for Compensatory Afforestation.
18. The approved CAT plan and R&R plan is not been submitted.
19. The project is recommended by DFO, CF APCCF/Nodal officer and state government.
20. The land proposed to be diverted forms a part of UPF and DPF, which falls under the jurisdiction of Ani, Kotgarh & Rampur Forest Division, District Shimla & Kullu, Himachal Pradesh. In all 1508 trees and 5000 saplings of different species are standing over the forest land proposed for diversion
21. The Dy. Commissioner, Shimla & Kullu Government of Himachal Pradesh vide his letter No. SML-SR (57)/2012/1739 dated 08th December, 2017 and 04.05.2017 has given the NON AVAILABILITY OF NON-FOREST LAND CERTIFICATE, It is certified that no suitable alternative Non-forest land is available for the C/o Luri HEP Stage-I Tehsil Rampur District Shimla, Himachal Pradesh, and diversion of forest land measuring 54.8707 ha. is essential which cannot be avoided
22. Purpose wise breakup of forest land proposed for diversion has been given by the project proponent details are given as under:

S. No.	Component	Forest land (ha.)
1.	Reservoir including river area	63.5287



2.	Dam complex and Power house	13.8682
3.	Quarry sites	5.9807
4.	Dumping sites	0.9038
5.	Underground National area	2.4698
6.	Road, Bridges and Job facilities (including office)	11.3492
	Total area	98.1004
		98.1005

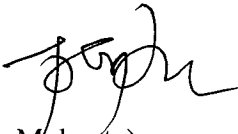
Recommendation of FAC: FAC after thorough deliberation and discussion with the APCCF Regional office and user agency recommended the proposal with standard, general and following specific conditions

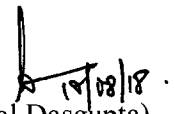
- (i) The State Government shall submit the complete FRA certificate in prescribed format as per the Ministry of Environment Forest & Climate Change, Government of India's letter no. 11-9/98-FC (pt.) dated 3rd August 2009. Prior to stage II
- (ii) Specific conditions which were laid down by the members of Gram Sabha, shall be resolved before grant of Stage-II approval
- (iii) User agency shall submit approved CAT plan and R&R plan prior to stage II approval.
- (iv) Shape file of CA area shall be submitted prior to stage II approval.
- (v) The CA land and area sought for diversion shall be depicted on SOI topo sheet. It shall be submitted prior to Stage-II approval.

Confirmed through email
 (Dr. Sanjay V. Deshmukh)
 Member

Confirmed through email
 (Dr Rajesh Kaushal)
 Member

Confirmed through email
 (S. D. Vora)
 Member


 (A. K. Mohanty)
 Inspector General of Forests (FC)


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

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


 (Siddhanta Das)
 Director General of Forests & Special Secretary