

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

Minutes of the Forest Advisory Committee Meeting Held on 29th July, 2015

(Nisheeth Saxena, Sr. AIGF (FC))

F.No. 8-16/2015-FC

AGENDA No. 1 - Proposal for according permission for use 14.642 ha. of forest land within total mining lease area of 936.22 ha.(Forest land 700.12 ha + non-forest land 236.10ha.) in Kalarangi Chromite Mining Lease located in villages like Kalarangiatta, Barangaji, Ransol and Mahulkhal in Sukinda Forest Range of Cuttack Forest Division in Jajpur district, Odisha for undertaking exploratory drilling of 214 no. of boreholes of 4" dia (134 boreholes over 2.68ha. forest land and 80 no. of boreholes in non-forest land) and 11.962 ha. for construction of road by M/s Odisha Mining Corporation Ltd.

FAC after examination of the proposal and discussion with user agency observed as below:

1. The Government of Odisha vide letter No. 10F (Cons)-82/2015/6052/F & E dated 09.04.2015 submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for according permission for use of 14.642 hectares of forest land within total Mining lease area of 936.22 ha. (Forest land 700.12 ha + non-forest land 236.10 ha.) in Kalarangi Chromite Mining Lease located in villages like Kalarangiatta, Baragaji, Ransol and Mahulkhal in Sukinda Forest Range of Cuttack Forest Division in Jajpur district, Odisha for undertaking exploratory drilling of 214 no. of boreholes of 4" dia (134 boreholes over 2.68 ha. forest land and 80 no. of boreholes in non-forest land) and 11.962 ha. for construction of road by M/s Odisha Mining Corporation Ltd. The user agency informed that the mining in the leased area is closed prior to 1980 and with a view to start mining the prospecting is being done.
2. Out of the Leased Mine area total area of forest land is 700.12 hectares and Non forest land - 263.100 hectares.
3. Forest is of Mixed Deciduous type (Sal Mixed) with 0.4 crown density.

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4. Out of the 700.12 hectares forest land only 14.642 hectares area of Forest land is proposed to be utilised for prospecting
5. The forest land proposed is neither a part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, Wildlife migration corridor etc., nor the National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor, Wildlife migration corridor etc., is located within ten kilometres from boundary of the forest land proposed to be utilised for prospecting.
6. Mineral prospecting is exempted from having environmental clearance.
7. Cost: Benefit Analysis for this exploration project is not required.
8. This exploration Project does not involve displacement of human habitation.
9. The Divisional Forest Officer, Cuttack Division has furnished his Site Inspection Report (at page no. 22/c) the Net Present Value is not applicable to this Project as per provision of GoI, MoEF & CC guidelines bearing no. 11-96/2009 FC dated 04.07.2014. However since forest land is being used for construction of road NPV has to be realized for the forest land being used for road construction and CA is to be carried out on equivalent non-forest land.
10. As per provision of Ministry's guidelines dated 04.07.2014 prospecting is exempted from the requirement of submission of documentary evidence in support of settlement of rights in accordance with provision of ST& OTFD (Recognition of Forest Rights) Act, 2006 as stipulated in MoEF & CC circular dated 03.08.2009

. After detailed discussion the FAC recommended the proposal for use of 14.642 forest land (236.10 ha.) in Kalarangi Chromite Mining Lease located in villages like Kalarangiatta, Barangaji, Ransol and Mahulkhal in Sukinda Forest Range of Cuttack Forest Division in Jajpur district, Odisha for undertaking exploratory drilling of 214 no. of boreholes of 4" dia (134 boreholes over 2.68ha. forest land and 80 no. of boreholes in non-forest land) and 11.962 ha. for construction of road by M/s Odisha Mining Corporation Ltd. subject to general, standard and following additional conditions:-

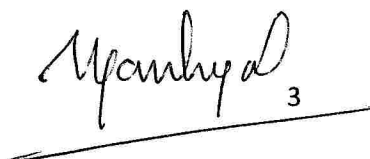
- (a). NPV shall be realized for the forest land proposed to be used for construction of road.
- (b). Non-Forest land equal to the extent of the forest land being used for construction of road shall be identified and CA scheme along with DGPS coordinates and KML format/Shape file and suitability certificate shall be submitted.



AGENDA No. 2- Proposal for according permission for use of 6.5495 hectares of forest land within total Mining lease area of 185.81 ha. (entirely within Mahagiri DPF) in Balipada – Mahagiri Chromite Mining Lease located in Sukinda Forest Range of Cuttack Forest Division in Jajpur district, Odisha for undertaking exploratory drilling of 82 no. of boreholes of 4” dia (1.64 ha for construction of road) by M/s Odisha Mining Corporation Ltd.,

FAC after examination of the proposal and discussion with user agency observed as below:

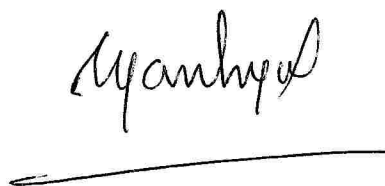
1. The Government of Odisha vide letter No. 10F (Cons)-83/2015/6045/F & E dated 09.04.2015 submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for according permission for use of 6.5495 hectares of forest land within total Mining lease area of 185.81 ha. (entirely within Mahagiri DPF) in Balipada – Mahagiri Chromite Mining Lease located in Sukinda Forest Range of Cuttack Forest Division in Jajpur district, Odisha for undertaking exploratory drilling of 82 no. of boreholes of 4” dia (1.64 ha for construction of road) by M/s Odisha Mining Corporation Ltd.
2. Forest is of Mixed Deciduous type (Sal Mixed) with 0.4 crown density having legal status of Mahagiri DPF
3. Out of the 185.81 hectares forest land only 6.5495 hectares area of Forest land is proposed to be utilised for prospecting.
4. The forest land proposed is neither a part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, Wildlife migration corridor etc nor the National park, Wildlife Sanctuary, Biosphere reserve, Tiger reserve, Elephant corridor, Wildlife migration corridor etc., are located within ten kilometres from boundary of the forest land proposed to be utilised for prospecting.
5. Mineral prospecting is exempted from having environmental clearance.
6. Cost: Benefit Analysis for this exploration project is not required.
7. This exploration Project does not involve displacement of human habitation.


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8. The Divisional Forest Officer, Cuttack Division has furnished his Site Inspection Report (at page no. 22/c) the Net Present Value is not applicable to his Project as per provision of GoI, MoEF & CC guidelines bearing no. 11-96/2009 FC dated 04.07.2014.
9. As per provision of Ministry's guidelines dated 04.07.2014 prospecting is exempted from the requirement of submission of documentary evidence in support of Settlement of rights in accordance with provision of ST& OTFD (Recognition of Forest Rights) Act, 2006 as stipulated in MoEF & CC circular dated 03.08.2009. However since forest land is being used for construction of road NPV has to be realized for the forest land being used for road construction and CA is to be carried out on equivalent non-forest land.

After detailed discussion the FAC recommended the proposal for use of 6.5495 hectares of forest land within total Mining lease area of 185.81 ha. (entirely within Mahagiri DPF) in Balipada – Mahagiri Chromite Mining Lease located in Sukinda Forest Range of Cuttack Forest Division in Jajpur district, Odisha for undertaking exploratory drilling of 82 no. of boreholes of 4” dia (1.64 ha for construction of road) by M/s Odisha Mining Corporation Ltd.subject to general,standard and following additional conditions:-

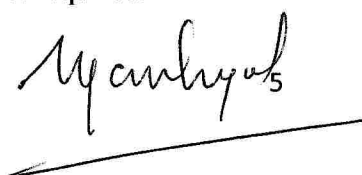
- (a). NPV shall be realized for the forest land proposed to be used for construction of road.
- (b). Non-Forest land equal to the extent of the forest land being used for construction of road shall be identified and CA scheme along with DGPS coordinates and KML format/Shape file and suitability certificate shall be submitted.



AGENDA No. 3- Proposal for according permission for use of 9.696 hectares of forest land within total Mining leased area of 971.245 ha. in Kaliapani Chromite Mining lease located in Sukinda Forest Range of Cuttack Forest Division for undertaking exploratory drilling of 96 no. of boreholes of 4" dia (96 boreholes @ 0.02 ha each totalling 1.92 ha and 7.776 ha. for construction of road) by M/s Odisha Mining Corporation Ltd.,

FAC after examination of the proposal and discussion with user agency observed as below:

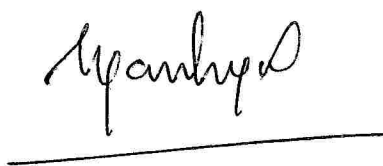
1. The Government of Odisha vide letter No. 10F (Cons)-391/2012/8944/F & E dated 27.05.2015 submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for according permission for use of 9.696 hectare of forest land within total Mining lease area of 971.245 ha. in Kaliapani Chromite Mining lease located in Sukinda Forest Range of Cuttack Forest Division for undertaking exploratory drilling of 96 no. of boreholes of 4" dia (96 boreholes @ 0.02 ha each totalling 1.92 ha and 7.776 ha. for construction of road) by M/s Odisha Mining Corporation Ltd.
2. Out of the Leased Mine area of 971.245 hectares 751.340 of the area is forest land 219.905 ha. Is Non forest
3. Out of the 751.340 hectares forest land only 9.696 hectares area of Forest land is proposed to be utilised for prospecting. The forest is of Mixed Deciduous type (Sal Mixed) with 0.4 crown density having legal status of Mahagir DPF,
4. The forest land proposed is neither a part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, wildlife migration corridor etc nor the National park, Wildlife Sanctuary, Biosphere reserve, Tiger reserve, Elephant corridor, Wildlife migration corridor etc., are located within ten kilometres from boundary of the forest land proposed to be utilised for prospecting.
5. Mineral prospecting is exempted from having environmental clearance.
6. Since this is not a proposal for diversion of forest land, Cost: Benefit Analysis for this exploration project is not required.



7. This exploration Project does not involve displacement of human habitation.
8. The Divisional Forest Officer, Cuttack Division has furnished his Site Inspection Report (at page no. 22/c) the Net Present Value is not applicable to his Project as per provision of GoI, MoEF & CC guidelines bearing no. 11-96/2009 FC dated 04.07.2014. However since forest land is being used for construction of road NPV has to be realized for the forest land being used for road construction and CA is to be carried out on equivalent non-forest land.
9. As per provision of Ministry's guidelines dated 04.07.2014 prospecting is exempted from the requirement of submission of documentary evidence in support of Settlement of rights in accordance with provision of ST& OTFD (Recognition of Forest Rights) Act, 2006 as stipulated in MoEF & CC circular dated 03.08.2009

After detailed discussion the FAC recommended the proposal for use of 9.696 hectares of forest land within total Mining leased area of 971.245 ha. in Kaliapani Chromite Mining lease located in Sukinda Forest Range of Cuttack Forest Division for undertaking exploratory drilling of 96 no. of boreholes of 4" dia (96 boreholes @ 0.02 ha each totaling 1.92 ha and 7.776 ha. for construction of road) by M/s Odisha Mining Corporation Ltd subject to general, standard and following additional conditions:-

- (a). NPV shall be realized for the forest land proposed to be used for construction of road.
- (b). Non-Forest land equal to the extent of the forest land being used for construction of road shall be identified and CA scheme along with DGPS coordinates and KML format/Shape file and suitability certificate shall be submitted.



AGENDA No. 4- Diversion of 65.976 ha. of forest land in favour of Department of Estates, Government of Uttarakhand for construction of Assembly, Secretariat, Minister's Bungalows and Offices at Raipur in Mussoorie Forest Division, Dehradun.

After detailed discussion with the representing Nodal Officer, Uttarakhand FAC observed as below-

1. The Addl. Principal Chief Conservator of Forests and Nodal Officer, Forest (Conservation) Act, 1980, Government of Uttarakhand vide letter dated 1st February 2014 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 65.976 hectares of forest land in favour of Department of Estates, Government of Uttarakhand for construction of Assembly, Secretariat, Minister's Bungalows and Offices at Raipur in Mussoorie Forest Division, Dehradun.
2. The proposed forest land is Reserve Forest located within Mussoorie Forest Division of Uttarakhand.
3. The forest land proposed to be diverted contains 2,341 trees having 0.02 density and legal status as Reserve Forest.
4. The forest land proposed to be diverted is located within Bhopalpani Compartment No. 8 along boundary of the said compartment in Reserve Forest under the Raipur Range. It does not form part of National park, Wild life Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.
5. There is no protected archaeological/ heritage site/ defence establishment or any other important monument located in the area.
6. The Revenue department and Forest department of Uttarakhand have furnished a certificate that the requirement of forest land is unavoidable and bare minimum for this project.
7. In lieu of forest land proposed to be diverted, compensatory afforestation is proposed to be raised over 132.00 hectares of civil soyam land. Due to non-availability of adequate civil soyam land in Mussoorie Forest Division, the Revenue Department has made available requisite 132 hectares of civil soyam land in Teoni Tehsil in Chakrata Forest Division. A proposal for creation and ten year maintenance of compensatory afforestation at an outlay of Rs. 1,71,60,000/- is



enclosed. A proposal for planting of ten times the trees being affected by the project at an estimated outlay of Rs. 1,11,72,000/- is also enclosed.

8. The user agency and the State Government of Uttarakhand submitted following additional information pertaining to the said proposal:
- (i) The present Assembly of the Uttarakhand being located in bed of the Rispana river is unsafe. The Assembly building being located in middle of the City adversely affects traffic arrangements in the City during Assembly Sessions. After constitution of the new State of Uttarakhand, many Directorates and Headquarters of various Heads of Offices are running from rented buildings.
 - (ii) The State Government proposes to construct integrated infrastructure complex consisting of Assembly, Secretariat, Chief Minister Office/Residence, Speaker Office/ Residence, Office and Residences of Ministers, Residences of the State Legislatures and staff, parking and helipad etc. at one location
9. The above proposal was considered by the FAC, in its meeting held on 29th to 30th April, 2014 and the Committee, after detailed discussion on the proposal recommended that approval under the FC Act for diversion of the said forest land for execution of non-site specific activity involving construction of residential buildings may be accorded only if it is proved by the State Government with credible evidence that there are no other alternative sites for execution of the project. State Government may therefore, be requested to provide credible evidence in support of their claim that requirement of the said forest land is bare minimum and unavoidable. State Government may also be requested to provide following information/ documents:
- (i) Details of alternative sites examined for setting up of the project;
 - (ii) Report on settlement of rights in accordance with provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted along with documentary evidence stipulated in the MoEF's letter No. 11-9/98-FC(pt.) dated 3rd August 2009;
 - (iii) Detailed land use plan for the forest land proposed to be diverted; and
 - (iv) Comments of the Chief Wildlife Warden on impact of project on wildlife in general and elephants in particular.



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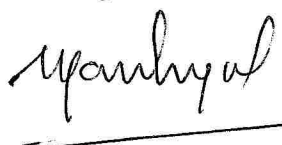
10. The above recommendation of the FAC were communicated to the State Government vide this Ministry's letter of even number dated 16.05.2014. The Government of Uttarakhand vide their letter dated 16th May 2014 informed this Ministry as below:

- (i) The following four sites were examined for execution of the projects:
 - (a) Bhupalpani compartment No. 8 in Raipur Range of Mussoorie Forest Division.
 - (b) Song Compartment No. 5 under Dehradun Forest Division
 - (c) Bhupalpani compartment No. 8 in Raipur Range of Mussoorie Forest Division
 - (d) Open forest in C Bhupalpani compartment No. 8 in Raipur Range of Mussoorie Forest Division
- (ii) Out of these sites, keeping in view the importance of the project and it being located adjacent to the Song River the site indicated at sl. No. (a) was not selected. Site indicated at sl. No. (b) contains large number of trees and dense forest hence, it was also not selected. Site indicated at Sl. No. (c) was also not selected as a part of the said site falls in Song River, Cantonment Council (having scattered trees of Shisam) and the remaining area is privately owned. The site indicated at sl. No. (c) was found to be suitable as site contains only 2125 trees.
- (iii) Comments of the Chief Wildlife Warden are as below:
 - (a) Divisions Forest Officer after undertaking a study to assess the impact of project on movement and habitat of elephants in and around (Bhopalpani- Soada- Saroli- Maldevta) and measures required to be undertaken to mitigate these impacts and sent the same to the Wildlife Institute of India for their comments.
 - (b) Wildlife Institute of India vide their letter dated 3rd Decembers 2014 sent their comments. As per these comments there is not much movement of elephants in this area. It is mainly on the Song River. Elephants move mainly along the Song River. Though, presently there is not much movements of elephants in the area, the same is likely to increase resulting in human-elephant conflicts. Hence it is essential to take appropriate measures to minimise chances of man –animal conflict and to maintain a corridor for unhindered movement of elephants. The report submitted by the WII has made suggestions on the same also.
 - (c) Wildlife Institute of India has prepared a report to prevent incidences of man –animal conflict and to maintain a corridor for unhindered movement of elephants. The said



proposal will be implemented by the Divisional Forest Officer, Mussoorie Forest Division under the supervision of the Chief wildlife Warden, Uttarakhand.

- (iv) Chief Wildlife Warden, Uttarakhand recommended the said proposal subject to the execution of the aforementioned proposal prepared on the basis of recommendations of the Wildlife Institute of India.
11. Government of Uttarakhand in their said letter dated 9th December 2014 also submitted the following documents:
- (i) Report on settlement of rights in accordance with provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted along with documentary evidence stipulated in the MoEF's letter No. 11-9/98-FC(pt.) dated 3rd August 2009;
- (ii) Detailed land use plan for the forest land proposed to be diverted.
12. The proposal alongwith the above information received from the State Government was considered by the FAC in its meeting held on 28.01.2015 and the Committee, after examination of the proposal and information submitted by the State Government recommended that the Regional Office, North Central Zone, Dehradun may explore in consultation with the State Government setting up of the residences which form part of the said infrastructure facility in the non-forest land. In case it found that it is not feasible to set up the said infrastructure facility in non-forest land, a certificate from the Chief Secretary, Uttarakhand to this effect shall be obtained.
13. The Regional Office carried out the site inspection on 16.04.2015 and in their Report, the Regional Office, Dehradun has recommended three sites in non-forest area in the proximity of the project area for shifting of residential complex. The State Government has been asked to revise the proposal in line with the recommendation of the Regional Office. Requisite information is awaited from the State Government.
14. The Regional Office, Dehradun, vide their letter no. Misc./II/ROC/COP/I/2013/98 dated 17.04.2013, submitted inspection report inter-alia informing that perusal of the Revenue maps of the area revealed that presence of few chunks of naap land (private non-forest land) in the neighbourhood of the land proposed for diversion viz. 24.38 ha in Khasra No. 370 and 16 ha in Khasra No. 371-441 village have been reported to be barren land, primarily occupied by

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bushes with few scattered trees and is not under any kind of cultivation and habitation and Naap land in village Soda, have been recommended by the Regional Office to be considered for residential buildings of the Secretariat complex.

15. The State Government of Uttarakhand vide their letter no. 669/xxxii/2015-10(01)/2014 dated 25.05.2015, referring to the inspection report dated 17.04.2015 of the Regional Office, Lucknow informed this Ministry that land recommended by the Regional Office as alternative lands for construction of residential complex of the Secretariat are not suitable for the purpose in light of following:

In pursuance to the recommendation of the Regional Office, the State Government represented by the Revenue Department, Estate Department and Forest Department conducted detailed survey in and around Dehradun city for feasibility of establishment of the infrastructure facilities in lieu of 16 ha proposed in the original proposal. As per the report of District Magistrate Dehradun, the committee explored all the feasible area around Dehradun and the following is observed-

Khashra no 370:-

The total area of Khasra 370 is 24.380 ha, out of which 8.553 ha land already transferred for Sport College, 5.827 Ha is of residential areas and rest 10 ha is agricultural land and all the farmers are marginal farmers. There is no Gram Samaj land left and in Gram Sabha meeting the villagers objected for acquisition of land for Vidhansabha.

Khashra no 371 to 441:-

Total area of these Khasra is about 18.622 ha, out of which 18.213 ha land is private land and rest 0.409 ha land is of Gram Samaj land. All the farmers are marginal farmers and in Gram Sabha meeting the villagers objected for acquisition of land for Vidhansabha. Besides, this area is adjacent to the Firing Range of Army, thus from security point of view it is not advisable for residential building of Vidhansabha.

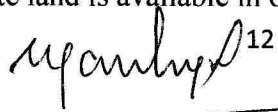
Village Soda -Siroli:-

The villagers in Soda Siroli village have small land holdings and most of the farmers – villagers also objected for the acquisition of land for said proposal.



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In view of the above, the State Government has reported that land proposed for diversion cannot be acquired for the purpose of instant proposal and no other alternative non-forest land is available for construction of residential building of the Secretariat.

16. In the meantime, the Addl. DGF(FC) visited the area and submitted the inspection report on 1.06.2015 wherein, after inspecting the area proposed for Uttarakhand Vidhan Sabha Secretariat and associated infrastructure, it is recommended that State Government may be asked to submit detailed justification for the proposal for being site specific and details of other sites considered and not found suitable.
17. The Government of Uttarakhand vide their letter dated 15.06.2015 submitted justification for non-availability of the non-forest sites identified by the Committee for the establishment of infrastructure and has requested the Ministry to consider the same area as proposed in the original proposal for construction of infrastructure facilities for approval. The submissions made by the State Government, in their justification dated 15.06.2015 are given as under:
 - (i) As per the report of District Magistrate the committee identified 5 feasible areas, the details of the area is as follows:-
 - (a) Area around Dehradun-Haridwar Highway
 - (b) Area around Chakrata-Paonta Sahib Road
 - (c) Area around Rajpur-Mussoorie Road
 - (d) Area around Dehradun-Sharanpur Road
 - (e) Area around Raipur
 - (ii) The detailed report annexed as **Annexure-1**.
 - (iii) After detailed examination of all the alternatives, the committee finally selected the area around Raipur, due to following reason:-
 - (a) Sufficient area required for the said project is not available in other alternative except Raipur.
 - (b) It will help in traffic management of the main city.
 - (c) It will be nearer to Jollygrant Airport.
 - (d) Population in Raipur area is less; hence there will be no traffic congestion.
 - (e) Sufficient revenue land is not available in other alternatives as required for the said project.
 - (f) Though private land is available in other alternative as required for the said project.

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- (g) High Court has restricted alternation of land use in some of the available land.
- (iv) The committee again identified 4 alternate sites at Raipur for the said project. Out of all the alternatives, 1st 2nd and 4th alternative were rejected due to following reason:-
- (a) Due to presence of large number of trees.
- (b) Due to nearness to the River Bank.
- (c) Due to nearness to the Ammunition Depot of Army.
- (v) On compliance of the order of FAC, the APCCF Regional Office, Deradun along with the Forest Department, Revenue Department and the Estate Department official conducted the site visit on 16th April 2015. After detailed discussion the APCCF Regional Office finally recommended that, available private land in Khashra 370, 371 to 441 and land in Soda-Siroli village can be examined for the construction of residential complexes. Report of Regional Office is annexed as **Annexure-2**.
- (vi) In this regard the revenue department conducted a detailed survey in all these 3 alternatives areas. The detailed report of the revenue department was submitted by the District Magistrate is annexed as Annexure-3 and the finding of the report have been already been explained under para 5 above.
- (vii) Hence as per the report of District Magistrate it is not possible for the State Government to acquire the private land for said proposal. In all these alternatives sites neither Gram Samaj land nor other revenue land is available for said proposal. At the same time it is also pertinent to mention that if housing infrastructure is shifted to some other place then the whole objective of setting up of this project will be defeated. There will be heavy traffic congestion in the main city and also in Raipur area.
- (viii) Based on the report of District Magistrate and concerned Forest officials, the Nodal Officer also agreed and recommended for the same. The recommendation of Nodal Officer is annexed as **Annexure-4**.
- (ix) In this regard the Chief Secretary of Uttarakhand has also sent a letter dated 25.05.2015. The letter of Chief Secretary, Uttarakhand is annexed as **Annexure-5**.
- (x) On 29.05.2015 the ADG Forest along with Additional Chief Secretary Estate Department, District Magistrate, Nodal Officer, officers from Regional Office, Divisional Forest Officer Mussoorie visited the proposed site. Detailed discussion with officers



present was held at Sports College complex. Villagers along with many public representatives also communicated their apprehension and concern to the Officials.

- (xi) Hence it is requested that in public interest at large and Government interest in particular the Ministry may allow the permission of residential infrastructure in the same proposed area only.

After detailed discussion with the representing Nodal Officer, Uttarakhand the committee recommended that MoEF&CC's Regional office at Dehradun shall inspect following 5 sites identified and communicated by the State Government vide their letter dated 15.06.2015 and submit the report along with his recommendation to the Ministry for further consideration of the proposal :

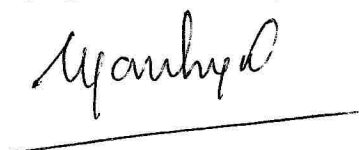
- (a) Area around Dehradun-Haridwar Highway
- (b) Area around Chakrata-Paonta Sahib Road
- (c) Area around Rajpur-Mussoorie Road
- (d) Area around Dehradun-Saharanpur Road
- (e) Area around Raipur



AGENDA No. 5- Diversion of 199.1720 ha of forest land, including 2.2001 ha for safety zone, in favor of M/s. Tata Steel Ltd. for iron ore mining and allied activities in Katamati Mines in Deojhar & Thakurani Reserved Forest under Keonjhar Forest Division in Keonjhar district in the State of Odisha – regarding.

FAC after examination of proposal and discussion with representatives of user agency observed as below:

1. The State Government of Odisha vide their letter No. 10F (Cons)-136/2014/102/F&E dated 01.01.2015 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. Out of the 199.1720 ha forest land proposed to be diverted 57.5520 Ha.is RFand141.6200 Ha is K.F.
3. As per report of Conservator of Forests 49,648number of trees are required to be felled in the virgin forest land with 0.45 density and broken forests with 0.05 vegetation density.
4. The area does not form part of any National Park/Sanctuary/Biosphere reserve. It also does not come under any Wild life corridor. But the area is coming under Elephant habitat zone-2 as per report of ORSAC. There is movement of wild elephants often noticed in the near by area.
5. There is no rare and endangered species reported in the area and it is also not important from Archaeological point of view.
6. Purpose wise break-up of the lease area includes forest land as well as non-forest land. The lessee does not have forest clearance under F.C. Act, 1980 from Govt. of India, Ministry of Environment & Forests. As the area includes both forest and non-forest land and there was no F.C. Act clearance for forest land, closure notice was issued vide this office letter no. 6672 dated, 09.12.2009. The closure notice was issued, as the forest and non-forest land were not clearly demarcated in the field. Accordingly joint verification of Katamati Iron Mines of TATA Steel was taken up by the Tahasildar, Barbil, Range Officer, Barbil and Chief Surveyor of DDM, Joda. From the Joint verification report, it is ascertained that though the mining operation was confined to non-forest area other ancillary activities such as dumping of overburdens, creation of roads for



transportation of minerals etc. have been done on Gramya Jungle plot No. 118 and other forest area.

7. The Non-forest land to the extent of 165.7930 ha has been identified in the village Kaliapal of Barbil Tahasil within limit of Champua range of Keonjhar Forest division for raising Compensatory afforestation. RDF Plantation is proposed to be taken up over total area of 165.7930 ha.
8. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 have been submitted in accordance with the MoEF&CC's advisory dated 3.08.2009. The District Collector, Keonjhar, vide his certificate dated 8.06.2010, in the format prescribed by MoEF&CC, in respect of 196.9719 ha of forest land stating that complete process for identification and settlement of rights has been carried out. The District Collector has also certified the information in respect of all clauses of the MoEF's advisory dated 3.08.2009 i.e. diversion of forest land for facilities managed by the Government and safeguarding the rights of Primitive Tribal Group and Pre-Agricultural Communities as required under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, discussion on the proposal in meeting of concerned Gram Sabha maintaining the prescribed quorum, etc. The concerned Gram Sabha (Deoghar) has recorded their consent for the proposal in its resolution 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 submitted. However, certified copy of the English version of the resolution of concerned Gram Sabha has not been submitted along with the compliance of the FRA, 2006.
9. As per site inspection carried out by Regional Office purpose wise land requirement is as under –

S. No	Forest area required for diversion (in ha)							Non forest land				
	Pattern of utilization	Broken up prior to 25.10.1980			Forest land proposed for diversion			Total forest land	Non Forest land utilized (in ha)	Non Forest land to be utilized	Total non forest land (in ha)	Grand Total
		R.F	K.F	Total	R.F	K.F	Total					
1.	Mining	3.5160	14.0862	17.6022	48.3539	105.6619	154.018	171.6180	18.7789	107.4866	126.2655	297.883
2	Storing of Mineral/ Ore	-	-	-	-	-	-	-	1.000	0.9000	2.0000	2.0000
3	Dumping	-	5.1434	5.1434	-	6.0000	6.0000	11.1434	29.3141	18.2000	47.5141	58.6575


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	O.B./ Slime disposal											
4	Storing Tools & Machineries	-	-	-	-	-	-	-	-	-	-	-
5	Construction of Building Power Station Workshop etc	-	-	-	-	5.7770	5.7770	5.7770	7.3299	9.7076	17.0.75	22.8145
6	Township/ Housing Colony	-	-	-	-	-	-	-	-	-	-	-
7.	Construction of Road, Rope way, Rly line etc.	4.7674	3.6661	8.4335	-	-	-	8.4335	3.000	5.1999	8.1999	16.6334
	Total	8.2834	22.8957	31.1791	483539	117.4389	165.7928	196.9719	59.229	141.4941	201.071	397.988
	Safety Zone	-	-	-	0.9147	1.2854	2.2001	-	3.1348	3.1348	5.3349	
	Grand Total	8.2834	22.8957	31.1791	49.2686	118.7243	167.9929	199.1720	59.229	144.6289	204.1581	403.323

*3rd renewal of the lease was applied on 5.9.2001 for 20 years over 403.3238 ha w.e.f. 17.1.2003. The 3rd renewal application, in light of provisions contained in the Mines and Minerals (Development and Regulation) Amendment Act, 2015 is not required. The relevant provisions of the said Act are reproduced as below:

“Section 8A (3) All mining leases granted before the Commencement of the Mines and Minerals (Development and regulation) Amendment Ordinance, 2015 shall be deemed to have been granted for a period of 50 years.”

“Section 8A (6) Notwithstanding anything contained Notwithstanding anything contained in sub-sections (2), (3) and sub-section (4), the period of lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015, where mineral is used for other than captive purpose, shall be extended and be deemed to have been extended upto a period ending on 31st March, 2020 with effect from the date of expiry of the period of renewal last made or till the completion of renewal period, if any, or a period of fifty years from the date of grant of such lease, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with.”

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10. Regarding land identified for Compensatory afforestation, it is reported that 199.1720 ha of forest lands proposed for diversion during 3rd RML period in this lease that included 2.2001 ha of forest land to be maintained as safety zone and 31.1791 ha of forest land broken up prior to 1980. The land Schedule for the Non-forest land identified in village Kaliapal is indicated below:

Tahasil	Village	Khata No.	Plot. No	Area (In Ac)	Kissam	Remark
Barbil	Kaliapal	28	555 (P)	41.30	Parbat-II	Part
			Kaliapal	28	-do-	Full
			557	40.00	Parbat-I	Full
			558	35.00	-do-	Full
			559	27.42	-do-	Full
			560	26.35	-do-	Full
			561	30.00	-do-	Full
			562	20.00	-do-	Full
			563	11.95	-do-	Full
			564	34.05	-do-	Full
			565	32.30	-do-	Full
			566	11.50	-do-	Full
			567	9.70	-do-	Full
			568	52.25	Parbat-II	Full
			569(P)	7.863	-do-	Part
			Total	409683 Ac. Or 165.7928 ha		

In addition to above, the Regional Office has also informed that project proponent has submitted following:

“FRA certificate has been issued in respect of 196.9716 ha of forest land. However it has not yet been issued in respect of safety zone of 2.2001 ha. The Collector, Keonjhar is required to furnish the relevant certificate for 2.2001 ha of forest land of the lease coming within the safety zone.”

(Signature)

11. With regards to importance of the area from the wildlife point of view or not, it is reported that 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 available, especially the wild elephant in the area and important of their habitat. Hence, the user agency has to pay @ Rs. 43.000/- per hectare for the total mining leasehold area at revised rate fixed by the State Government. It is informed that DFO, Keonjhar has not yet raised the demand for payment of the balance amount. However, the user agency has furnished an undertaking to bear the cost of Wildlife Management Plan as per approval of CWLW, Odisha, when the demand is raised by DFO, Keonjhar for payment.
12. Safety zone on northern side has not been found indicated in the leased area map.
13. With regards to the violation of Forest (Conservation) Act 1980, the Regional Office has reported that violation committed by the user agency in this lease has been reported by the DFO, Keonjhar vide his memo no. 588 dated 20.01.11 to RCCF, Rourkela and Addl. PCCF (Forest Diversion). Such activity in violation has also been reported in Site Inspection Report of RCCF, Rourkela Circle and in the site inspection report of DFO, Keonjhar. As per the report submitted by the DFO, Keonjhar, since the lease area includes forest land as well as non-forest land and forest and non forest land were not clearly demarcated in field, closure notice was issued vide his letter No 6672 dated 09.12.2009. Joint verification of Katamati Iron Mines of the lease was taken up by the Tahsildar, Barbil, Range Officer, Barbil and Chief Surveyor of DDM, Joda on 9.1.2010. From the Joint verification report, it is ascertained that though the mining operation was confined to non-forest area, other ancillary activities such as dumping of overburdens, construction of roads for transportation of minerals etc. were undertaken on Gramya Jungle kism land over Plot No. 118 in Deojhar vilagee with an average width of 15 meters for a length of 250 meters inside broken up pillar No 7,7A,8,9,10,11,12,13 and 14 involving forest land of 0.375 ha. During inspection, it was observed that the overburden dump has been removed and the road is closed and not in use at present. The user agency is working on the non-forest land on the strength of Para 15 (b) & (d) of CEC interim report dated 26.04.2010 submitted to Hon'ble Supreme Court which is read as under:

14(a): *"Even otherwise the Rule 24A(6), Mineral Concession Rules, 1960 does not authorize the lease to operate a mines without the statutory clearances/approvals. Therefore, in respect of a mine converted under the 'deemed extension' clause. The mining operation should be permitted to be undertaken in the non-forest area of mining lease only if (a) it has the*



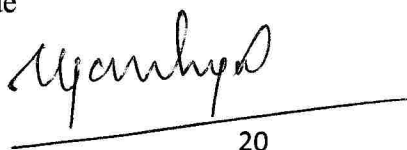
consent to operate from the State Pollution Control Board under the Air (PCP) Act and Water (PCP) Act, (c) the mining plan is duly approved by the Competent authority and (d) the Net Present Value for the entire forest falling within the mining lease deposited in the Compensatory afforestation Fund. The mining in forest land included in the mining lease should be permitted only if in addition to the above, the approval under the Forest Conservation Act/The Temporary Working Permission has been obtained.”

14(b): "In Orissa, substantial areas included in the mining leases as non-forest land have subsequently been identified as DLC forest (deemed forest/forest like areas) by the Expert Committee constituted by the State Government pursuant to this Hon'ble Court's order dated 12.12.1996. While processing and/or approving the proposals under FC Act in many cases, such area have been treated as non-forest land. It is recommended that (i) NPV for entire DLC area included in the mining lease after deducting the NPV already paid, should be deposited by the concerned lease holder and (ii) the mining appertains in the unbroken DLC land (virgin land) should be permissible only if the permission under the FC Act has been obtained/is obtained for such area. Keeping in view the peculiar circumstances as was existing in Orissa and Subject to the above, the mining operations in the broken DLC land may be allowed to be continued provided the other statutory requirements and Rules are otherwise being complied with.”

However, the mining was continued in non-forest land from 1983 onwards. This should amount to violation of F(C) Act. The status of 204.1518 ha of non-forest land as on 25.10.1980 has not been provided.

The FAC after detailed deliberations recommended that State Government of Odisha may be requested to submit following information/documents-


- (i) Legal action if any taken by the State Government for the violation done by the user agency.
- (ii) Safety zone on Northern side boundary which was found absent in the map presented by user agency has to be marked visibly on the field and copy of map with soft copy map of the area along with KML/shape file.
- (iii) Map of lease area showing different kinds of forest land using DGPS survey data and latitude and longitude



- (iv) Details of the items wise break-up in respect of construction of buildings, power station, workshop etc. along with the feasibility of excluding the forest land for this item.

State Government may also submit following:-

- a. Compensatory Afforestation scheme for afforestation in degraded forest land 1.5 times of the extent of the forest area falling in safety zone.
- b. Complete compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act ,2006 in accordance with MOEF&CC's guidelines issued time to time for the area falling in safety zone.

A handwritten signature in black ink, appearing to read 'Yashpal', is written over a horizontal line.

AGENDA No. 6- Diversion of 166.920 ha of forest land in favour of M/s South Eastern Coalfields Limited (SECL) for coal mining in Amlai Open Cast Mine Sector-B in Silpari Village in Sohagpur area of Shahdol Forest Division in the State of Madhya Pradesh– regarding.

FAC after examination of the proposal and discussion with user agency observed as below:

1. The State Government of Madhya Pradesh vide their letter No. F-1/727/2014/10-11/4247 dated 18.12.2014, submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. As the area involved in the proposal was more than 100 ha, this Ministry vide its letter dated 28.04.2015 (Pg 194/c) requested the Regional Office, Bhopal to carry out the site inspection of the area proposed for diversion. The Regional Office, vide their letter no. 6-MPA-28/2014/716 dated 13.07.2015, placed alongwith its annexure submitted a report on inspection of the area.
3. Out of 166.920 ha. area proposed to be diverted 165.985 ha. has legal status of Reserved Forests land. Remaining 0.935 ha. is Non Forest land.
4. Total no. of trees proposed to be felled: 9,544 nos.
Total no. of trees felled of girth below 60 cm GBH: 4,435 nos.
However, during the site inspection it was found that an extent of 15.15 ha has compact tree growth of sal. This area is separated from the main proposed block by a road. Therefore, it was felt that this tree growth can be retained as a green lung in the area. Hence the number of trees to be felled shall be reduced.
5. Compensatory afforestation has been proposed over degraded forest land, double in extent to the forest land being diverted, in Budhar Range of Shahdol Forest Division. DGPS map of the area identified for CA is also required to be submitted. PCCF vide letter dated 18.12.2014 has reported that CA scheme has been prepared by the concerned DFO with maintenance of 10 years. However, copy of the same has not been submitted alongwith the proposal.
6. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted by the State Government
7. DFO, Shahdol has certified that land identified for CA is free from encroachment and is suitable for compensatory afforestation (Pg 103, 123, 164/c).

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8. Details of cost benefit analysis are provided at Pg 54-57/c. Analysis appears to be incomplete as the parameters assessing the loss from the project while analysis of parameters assessing the benefits from the project has not been provided.
9. Nodal Officer/ PCCF and the State Government has recommended the proposal for approval
10. While Submitting the Site Inspection Report, Regional Office Bhopal recommended as under-
 - a) During the site inspection it was found that an extent of 15.15 ha has compact tree growth of sal. Also this area is separated from the main proposed block by a road. Therefore, it recommended that this tree growth can be retained as a green lung in the area.
 - b) For the remaining area the proposal is recommended for approval.

The FAC after detailed deliberations recommended grant of approval under the Forest (Conservation) Act 1980 for diversion of 166.920 ha of forest land in favour of M/s South Eastern Coalfields Limited (SECL) for coal mining in Amlai Open Cast Mine Sector-B in Silpari Village in Sohagpur area of Shahdol Forest Division in the State of Madhya Pradesh subject to general conditions, standard condition applicable to mining projects and following additional conditions:

- i. State Government shall submit a land surrender schedule for mined out and biologically reclaimed forest land as per the existing mine plan/progressive mine closure plan along with undertaking that biologically reclaimed land will be surrendered to Forest department as per this plan.
- ii. Compact Sal tree patch of 15.15 ha. shall be retained as a green patch within the area and compliance be reported by State Government.

The FAC further recommended that the above recommendations will be placed before the competent authority for stage-I approval on receipt of following information/documents from the State Government.

- a) A copy of resolutions of the concerned gram sabhas bearing signature of all the participants, as these have not been submitted by state government along with the certificate issued by the District Collector Shahdol in compliance to FRA 2006.
- b) A copy of compensatory afforestation scheme /plan prepared for the land proposed to be afforested in lieu of the forest land proposed to be diverted for the coal mining along with a copy of DGPS map of the area identified for CA along with it's softcopy containing KML coordinates/ shape file.


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AGENDA No.7- Diversion of 10.144 hectare forest land earmarked to be maintained as Safety Zone within the applied ML area of 196.860 ha in Katasahi Manganese Mines of M/s. Rungta Sons Pvt. Ltd. in addition to 60.616 ha of forest already diverted during 2nd RML period.

FAC after examination of the proposal observed as below:

1. This relates to diversion of above mentioned forest land. Proposal was considered by the FAC, in its meeting held on 30.04.2015 and the Committee, after discussion and taking note of the user agency's letter dated 29.04.2015 wherein the user agency had requested to defer the decision on the proposal for next FAC meeting so that they may present their case before FAC, it was recommended that proposal may be placed in the next FAC. During the meeting the FAC also considered the violation and action taken by the State Government/project proponent, as reported by the Regional Office, Bhubaneswar. Detailed fact sheet of the proposal is enclosed.
2. Instant proposal relates to diversion of forest land earmarked for safety zone (10.144 ha). In this connection, it is worth mentioning here that the MoEF&CC vide its Guidelines dated 1.05.2015 in consonance with Mines and Minerals (Development & Regulation) Amendment Act, 2015 wherein *inter-alia* it is stated that several proposals, seeking prior approval of the Central Government for diversion of forest land located in the safety zone of mining lease to which the provisions of the general approval granted by the Ministry vide its Guidelines dated 1.04.2015 extends, are presently at various stages of examination in the Central and the State Governments. Such proposals are now not required to be processed, in case, the entire forest land for which approval under the Forest (Conservation) Act, 1980, is located in the safety zone of a mining lease and is not required to be utilized for mining or any other non-forest purposes. It is stated in the said Guidelines that such proposals shall be closed after intimation to all concerned.
3. The instant proposal was submitted by the State Government is consonance with the Guidelines dated 12.07.2012/13.05.2014 making it mandatory for the user agencies to include the area earmarked for safety zone in the total forest area of the mining lease applied for diversion under the Forest (Conservation) Act, 1980 also guidelines dated 1.02.2013/20.01.2015 making it mandatory to obtain approval of the Central Government under the Forest (Conservation) Act,

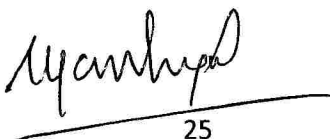
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1980 for the entire forest area involved in the mining.

4. In the instant case out of the total area of 196.860 ha involved in the mining lease, 70.76 ha is forest land while 126.10 ha is non-forest land. The Central Government vide their letter no. 8-18/199-FC dated 02.06.2000 has already accorded final approval for diversion of 60.616 ha of forest land involved in the mining lease.
5. The Regional Chief Conservator of Forests, Government of Odisha has submitted the compliance of conditions stipulated in the Stage-II approval dated 2.06.2001. No violation of the conditions has been reported. However, DFO in his site inspection report has reported violation regarding demarcation of the safety zone area and mining lease for which user agency has already taken corrective measures.
6. The basic proposal is for Diversion of 10.144 hectare forest land earmarked to be maintained as Safety Zone within the applied ML area of 196.860 ha in Katasahi Manganese Mines of M/s. Rungta Sons Pvt. Ltd. in addition to 60.616 ha of forest already diverted during 2nd RML period.
7. Out of 10.144 hectares land 1.170 ha is Reserved Forest, 8.974 ha. is Khesara Forest.
8. The applied area is within Sidhamatha Reserved Forest. Sidhamatha Reserved Forest comes under 3C/C^{2c} (iii) Moist Peninsular valley Sal type Forest under Champion & Seth classification. The density varies from 0.2 to 0.8. The average density of present growing stock is about 0.4.
9. it does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Elephant corridor etc.

Violation

- (i) Improper demarcation of Safety zone.
- (ii) Non-clearance of M.L. boundary over a length of 700 mtrs.
- (iii) Non-maintenance of 10 nos of RF boundary pillars.
- (iv) Non-demarcation of different categories of forest land involved in the mining lease.
- (v) Construction of road in the Safety Zone over 260 mtr from ML boundary pillar no 1A to 1C.
- (vi) Excavated pit of dimension 152 mtr X 11 mtr X 3 mtr adjacent to Boundary pillar No. 1B to 1C outside the ML area.



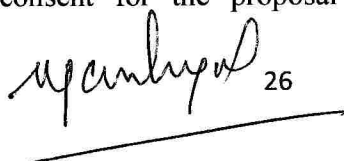
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Action Taken

Reply to show cause letter No. 3746 dt. 03.05.2010 was submitted by the lessee vide their letter No. 609 dt. 15.05.2010.

Present Position

- (i) Safety Zone has been demarcated in the field with permanent green coloured pillars.
 - (ii) ML boundary has been clearly demarcated with pillar number, DGPS reading, forward and backward bearing and distance between pillars inscribed in it.
 - (iii) All the 10 nos of RF boundary pillars has been maintained in the field.
 - (iv) The reserved Forest and the Khesara forest has been separately demarcated in the mining lease within RCC pillars.
 - (v) The old road passing through the Safety Zone over 260 mtr. Length from ML boundary pillar no 1A to 1C has been fenced and afforestation has been taken up and maintained as green belt.
 - (vi) The pit found adjacent to boundary pillar no IB to IC outside the ML area is within the M.L area of M/s OMDC the adjacent lesse.
10. The proposed area for diversion does not form part of any National Park/Wildlife Sanctuary Biosphere Reserve /Tiger Reserve/Elephant corridor. However, movement of wild elephants is often reportedly noticed in the fringe area.
 11. Environment clearance to the project has been accorded by the MoEF&CC vide their letter no. J-11015/588/2007-IA.II (M) dated 16.01.2009.
 12. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted (Pg 83-143/c).The District Collector, Keojhar has issued a certificate dated 30.09.2014 (Pg 83/c) in the format prescribed by MoEF&CC, in respect of 70.76 ha of forest land stating that complete process for identification and settlement of rights has been carried out. The District Collector has also certified the information in respect of all clauses of the MoEF's advisory dated 5.07.2013 i.e. diversion of forest land for facilities managed by the Government and safeguarding the rights of Primitive Tribal Group and Pre-Agricultural Communities as required under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, discussion on the proposal in meeting of concerned Palli Sabha (s) maintaining the prescribed quorum, etc. The concerned Palli Sabha has recorded their consent for the proposal in their respective resolution (Pg 119/c).


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Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 may kindly be seen at Pg 83-143/c. in the file.

13. DFO has stated in his report that the diversion proposal over 10.144 ha forest land located in the safety zone within the mining lease in 2nd RML has been submitted in accordance with the guideline issued by MOEF, Govt. of India vide F. No. 11-73/2014-FC dated 13.05.2014. The desired report on compliance to statues, circulars or directives as applicable to this mining proposal as stipulated vide condition No. 8(ii) of the aforementioned letter is complied with. The desired Certificate under FRA, 2006 has been obtained in respect of the forest land located in the safety zone within the mining lease. The violation committed on the preceding years has been addressed by the lessee on receipt of show cause notice as mentioned in the forwarding letter. However, the lessee has undertaken to demarcate, fence, protect and regenerate the Safety Zone falling in the Non-forest Private land as per the existing guidelines upon acquisition of the said Non –forest land.
14. The forest land proposed to be diverted was inspected by the Regional Office (Eastern Zone), Bhubaneswar. The important additional information provided in the site inspection report received from the Regional Office (Eastern Zone), Bhubaneswar vide his letter No. 8 (21)/3/99-FCE dated 18.03.2015, details as below:

(i) Legal Status of the forest land Proposed for diversion:

The legal status of the forest is as follows:

Reserved Forest	- 1.170 ha
Khesara Forest	- <u>8.974 ha</u>
Total	- 10.144 ha




(ii) Item-wise break-up details of the forest land Proposed for diversion.

The forest land portion of safety zone proposed for diversion is as follows:

Sl. No.	Item	R. F. (in ha)	K. F (in ha).	Total Forest (in ha)
1.	7.5 m along the M.L boundary	1.170	1.770	2.940
2.	10 m along the village road	-	0.190	0.190
3.	50 m along the water course	-	0.840	0.840
4.	50 m along mine camps	-	0.990	0.990
5.	Preservation of forest land & forest growth to maintain mine environment	-	5.184	5.184
	Total	1.170	8.974	10.144

15. A). Detailed break of up of safety zone area in this lease is indicated below:

Purpose	R. F. in ha	Khesra Forest in ha.	Non-forest land in ha.	Grand total in ha
7.5 mt along the M. L. boundary	1.170	1.770	2.184	5.124
10 mt along the village road	-	0.190	3.340	3.530
50 mt along the water course	-	0.840	1.420	2.260
Preservation of forest land and forest growth to maintain mine environment	-	5.184	-	5.184
Safety zone for magazine	-	-	0.636	0.636
50 mt around colony, camp	-	0.990	4.920	5.910
Grand Total	1.170	8.974	12.500	22.644


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As per Provisions of Forest Conservation Act, 1980, forest land cannot be assigned without obtaining prior permission of MoEF, Government of India under Forest Conservation Act, 1980. Further, the guidelines of MoEF bearing F.No. 11-362/2012-FC dt. 1.2.2013 / 20.1.2015 requires seeking diversion of entire forests land within the lease within a period of three years.

B). Compensatory Afforestation:

The User agency has deposited an amount of Rs. 3,77,396/- for different purposes like (a) scheme for fencing ML boundary over 7.6 km (Rs. 1,02,600/-), (b) scheme of fencing over safety zone area (Rs. 56,700/-), (c) scheme for regeneration of safety zone of 10.144 ha of forest land (Rs. 68,979 /-) and (d) scheme for plantation over 1.5 times the safety zone over 15.216 ha of degraded forest land (Rs. 1,49,117/-) identified in Patna RF under Patna Range.

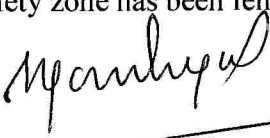
C). Violations:

1. Improper demarcation of safety zone.
2. Non-clearance of ML boundary over a length of 700 mts.
3. Non-maintenance of 10 no. of RF boundary pillars.
4. Non-demarcation of different categories of forest land involved in the Mining lease.
5. Construction of road in the safety zone over 260 mt from ML boundary pillar No. IA to IC.
6. Excavated pit of dimension of 152 mt x 11 mt x 3 mt adjacent to boundary pillar No. IB to IC outside the ML area.

D). Action taken:

Show cause notice was issued to the lessee by DFO, Keonjhar vide his letter No. 3746 dt. 3.5.2010 and lessee submitted his reply to the DFO complying to the objections raised by him. Based on the reply of the User agency, I have verified the matter and the following points were observed during my inspection:

- a) Safety zone has been demarcated in the field with pillars.
- b) ML boundary has been demarcated with pillars and DGPS readings inscribed on them.
- c) The RF and khesra forest have been separately demarcated in the ML area with RCC pillars.
- d) The old road passing through the safety zone has been fenced and Afforestation has been taken up.


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- e) The excavated pit was found to be outside the ML area of the user agency and within adjacent lease of some other user agency.
- f) An amount of Rs. 74, 05, 120/0- has been deposited towards Net Present Value of 10.144 ha of forest land coming within the safety zone during 2nd RML period @ Rs. 7, 30, 000/- per ha. NPV for remaining 60.616 ha of forest land is not required to be deposited by lessee now as per the Supreme Court's order as the same was diverted prior to 30.10.2002. The lessee has also undertaken to bear additional cost of NPV, if any.
- g) The DFO, Keonjhar has reported that the land Schedule submitted is as per settlement records as on 25.10.1980. However, the lessee has undertaken that if any portion of the non-forest land involved in the mining lease of Katasahi Manganese mines is found to be of forest kism as per Sabik settlement records, stipulation as deemed proper under section 2 of FC Act, 1980 shall be followed scrupulously.
- h) Copies of DGPS & Topo-sheet, submitted by the User Agency.
- i) F. R. A Certificate issued by the Collector, Keonjhar district.
- j) The Addl. Principal Chief Conservator of Forests (Central), Regional Office (Eastern Zone), Bhubaneswar has endorsed the site inspection report submitted by the CF (Central) and recommended the proposal for the consideration of the MoEF&CC.

The FAC after examination of the proposal observed that keeping in view gravity of the violations occurred at the site there was a need to have a comprehensive report on following violations:

- 1) Improper demarcation of safety zone.
- 2) Non-clearance of ML boundary over a length of 700 mts.
- 3) Non-maintenance of 10 no. of RF boundary pillars.
- 4) Non-demarcation of different categories of forest land involved in the Mining lease.
- 5) Construction of road in the safety zone over 260 mt from ML boundary pillar No. IA to IC.
- 6) Excavated pit of dimension of 152 mt x 11 mt x 3 mt adjacent to boundary pillar No. IB to IC outside the ML area.

On receipt of the comprehensive report along with photos it would be placed before FAC to take a view.


AGENDA No. 8- Proposal for according permission for use of 2.0001 ha of forest land within total forest land of 400 ha (out of total prospecting lease area of 816 ha) in Meenakshi B coal block and Dip-side of Meenakshi Coal Block located in Hemgir Tahasil in Sundargarh Forest Division of Sundargarh District of Odisha for undertaking exploratory drilling of 50 no of boreholes of 6" dia and 50 no of sumps of 20mtX20mtX0.5mt dimension (50 boreholes @ 0.0000018232 ha each totalling 0.0001 ha and digging of 50 sumps @ 0.04 ha each totalling 2.00 ha) by M/s Orissa Integrated Power Limited.

1. The Government of Odisha, Forest & Environment Department Bhubaneswar, forwarded a fresh proposal under Section-2 of Forest (Conservation) Act, 1980 vide their letter No. 10F (Cons)-177/2015/11291/F & E dated 01.07.2015 regarding Proposal for according permission for use of 2.000 ha. of forest land within total forest land of 400 ha. (Out of total prospecting lease area of 816 ha.) in Meenakshi B coal Block and Dip-side of Meenakshi coal block located in Hemgir Tahasil in Sundargarh Forest Division of Sundargarh District of Odisha for undertaking exploratory drilling of 50 no. of boreholes of 6" dia and 50 no. of sumps of 20MtX20mtX0.5Mt dimension (50 boreholes @ 0.0000018232 ha each totalling 0.0001 ha. and digging of 50 sumps @ 0.04 ha. each totalling 2.00 ha.) by M/s Orissa Integrated Power Limited (a wholly owned subsidiary of the Power Finance Corporation Limited, A Government of India Undertaking).
2. Out of the Leased Mine area (816 ha.)total area of forest land is 400 hectares
3. Forest is of Group 5- Tropical Dry deciduous Forests Sub-Group 5B- Northern Tropical Dry deciduous Forests5B-C2- Northern dry Mixed Deciduous Forests.
4. Out of the 816 hectares leased area, Reserved forest area of 0.320032 ha. and Revenue forest area of 1.6800168 ha is to be utilised for prospecting.
5. The forest land proposed is neither a part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, Wildlife migration corridor etc. nor the National park, Wildlife Sanctuary, Biosphere reserve, Tiger reserve, Elephant corridor, Wildlife migration corridor etc., are located within ten kilometres from boundary of the forest land proposed to be utilised for prospecting.



6. Mineral prospecting is exempted from having environmental clearance.
7. Since this is not a proposal for diversion of forest land, Cost: Benefit Analysis for this exploration project is not required.
8. This exploration Project does not involve displacement of human habitation.
9. The Divisional Forest Officer, Cuttack Division has furnished his Site Inspection Report (at page no. 22/c) the Net Present Value is not applicable to his Project as per provision of GoI, MoEF & CC guidelines bearing no. 11-96/2009 FC dated 04.07.2014.
10. As per provision of Ministry's guidelines dated 04.07.2014 prospecting is exempted from the requirement of submission of documentary evidence in support of Settlement of rights in accordance with provision of ST& OTFD (Recognition of Forest Rights) Act, 2006 as stipulated in MoEF & CC circular dated 03.08.2009.

The FAC after examination of the proposal and interaction with representatives of the user agency recommended grant of approval under the FC Act for undertaking exploratory drilling of 50 no of boreholes of 6" dia and 50 no of sumps of 20mtX20mtX0.5mt dimension (50 boreholes @ 0.0000018232 ha each totaling 0.0001 ha and digging of 50 sumps @ 0.04 ha each totaling 2.00 ha) by M/s Orissa Integrated Power Limited.



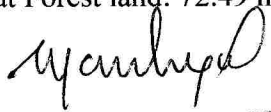
ADDITIONAL AGENDA No.-9 Diversion of 381.43 ha of forest land in favour of Water Resources Department, Government of Uttarakhand for construction of Jamrani Dam Project in District Nainital, Uttarakhand

FAC after examination of proposal and discussion with user agency observed as below:

Government of Uttarakhand vide letter dated 15th April 2013 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 381.43 hectares of forest land in favour of Water Resources Department, Government of Uttarakhand for construction of Jamrani Dam Project in District Nainital, Uttarakhand. The proposal was placed before FAC on 3rd June 2015 for discussion-

Observation and Recommendation of the LAST FAC MEETINGS

1. The proposal is for diversion of 381.43 ha of forest land for construction of Jamrani dam, Irrigation colony and feeder canals. The proposed dam site is located near Jamrani village at a distance of around 10 km from Gala barrage which is located at Kathgodam (Nainital), Uttarakhand. Geographically the area is located between E29°16'15" latitude and N.79° 36' 36" longitude. The crest length of the proposed dam is 480 m and the maximum height above the deepest foundation level is 150.6 m. A Power house is also proposed to be constructed with an installed capacity of 4*3.5 MW.
2. Earlier the proposal, along with the site inspection report submitted by the Regional Office, Dehradun was considered by **the Forest Advisory Committee in its meeting held on 28.11.2014**. The Committee, after detailed discussion on the proposal had observed as below:
 - (a) The proposal for construction of Jamrani Dam was earlier rejected by Forest Advisory Committee in 1994. Now a fresh proposal been submitted.
 - (b) The proposal involves violation of Forest Conservation Act (1980), since the feeder canals, and the Colony have been constructed earlier **without proper approval**. The proposal for diversion of forest land for feeder canals and the Colony is included now, along with this proposal of diversion of forest land for construction of dam.
 - (c) Legal Status of Forest land is Reserved Forest: 155.88 ha. Civil Soyam Forest land: 153.063 ha. Van Panchayat Forest land: 72.49 ha.


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- (d) Density of Vegetation as reported by the state government is Nainital Forest Division-0.60, Terai East Forest Division, 0.10, Terai Central Forest Division-40 to 100 percent, Ramnagar Forest Division-0.10., enumeration of trees is not given.
- (e) Government of Uttarakhand, Forests and Environment Department vide Notification No. 1777/1/(12) Va. Gra. Vi. /2002-19 (9) /08 dated 28.10.2002 has notified the above area as Elephant Reserve.
- (f) DFO Nainital has reported rare/ endangered/ unique species of flora and fauna found in the Nainital forest division. According to DFO Nainital's report habitats of many endangered species would be affected and this would increase the man animal conflicts in the area. The breeding and survival of Golden Mahaseer found in the river would be affected; NOC of Fisheries department is required especially in this context.
- (g) In the absence of any other alternative, requirement of forest land is minimum.
- (h) Work in violation of the Act has been carried out in Terai East Forest Division, Terai Central Forest Division but the Work has been reportedly executed before the Forest (Conservation) Act, 1980 came into force.
- (i) Compensatory Afforestation is proposed in an area of 762.86 ha of Civil Soyam land in Nainital district but the area has not been identified. Suitability certificate of the DFO to certify that the land proposed for compensatory afforestation is suitable for plantation is not attached.
- (j) Documentary evidences for settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the Guidelines issued by the MoEF in this regard is submitted.
- (k) The proposal has been forwarded by the state government without any specific comment. However, the DFO Ramnagar Forest Division has referred to orders of Hon'ble High Court of Nainital in Writ Petition No. 1244/2005 in which the Court has directed to maintain status quo in this area. The details of the case are not given.
- (l) The Gola Barrage is located in the area which is part of the proposed Nandhaur Wildlife Sanctuary. The comments of Chief Wildlife Warden will be required in this context. It is



also within 10 km of the Jamrani reservoir and therefore, approval of the NBWL will be required .

- (m) About 85794 trees would be affected out of which 18443 trees would be felled for construction of Dam body, Cofferdam, diversion duct etc. while 67351 trees would come in the submergence area. 84891 trees are of girth below 60 cm and the remaining 903 trees are of above 60 cm girth. The cutting/felling of existing trees will affect the eco-system of the area. Important species available in the forest land proposed to be diverted are *Shorea robusta*, *Cassia fistula*, *Syzygium cumini*, *Emblica officinalis*, *Melia azadirachta*, *Albizia lebbbeck*, *Dalbergia sissoo*, *Acacia catechu* etc
 - (n) The proposal involves rehabilitation of around 782 people (as per 2008 survey) of 6 villages which are coming in the submergence area. But the Rehabilitation and Resettlement plan has not been prepared by the user agency. The proposed diversion also involves resettlement of Haidakhan Ashram & Temple. Rehabilitation and Resettlement Plan needs to be prepared and approved by the State Government.
 - (o) Cost benefit analysis is not in prescribed format .The total CCA of Jamrani command comes out to be 150302 ha. Water stored at Jamrani Dam and intervening discharge of Gola River shall be distributed from Gala barrage to provide total irrigation of 139386 ha in the command area of Bhabhar, Terai and Gangetics. The CAT Plan approved by the competent authority is not submitted. An elaborate Catchment Area Treatment plan needs to be prepared.
 - (p) Cost benefit ratio is not worked out, however it is stated in the proposal that economic benefits of around 170.97 crore would be accrued.
 - (q) Project is envisaged to improve the drinking water supply in Nainital district. It will increase the irrigation facility in the region thus increasing the productivity of the area.
 - (r) Muck Disposal scheme is not proper. Proper calculation of muck has to be done and accordingly disposal sites have to be worked out.
3. The Committee, after detailed discussion on the proposal, recommended that the Government of Uttarakhand may be requested to provide following information/documents:
- (a) Detailed justification for diversion of the said forest land keeping in view that the Central

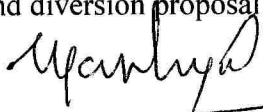


Government in 1994 has already declined its prior approval under the FC Act for diversion of the said forest land;

- (b) Detailed comments on reports of the geologist on likely impact of the project on soil erosion and induced seismicity;
 - (c) Persons responsible for use of forest land for construction of feeder canal and Gola Irrigation Colony without obtaining prior approval of Central Government under the FC Act along with details of action, if any, taken against such persons;
 - (d) Details of forest land, if any, utilised for Gola Barrage, without obtaining prior approval of Central Government under the FC Act along with details of persons responsible for such non-forest use of forest land and action, if any, taken against such persons;
 - (e) Detailed cost- benefit analysis report in the format stipulated by the MoEFCC;
 - (f) Catchment Area Treatment (CAT) Plan for the project; and
 - (g) Documentary evidence in support of settlement rights in accordance with the provisions of the Scheduled Tribes and other traditional forest dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted.
4. FAC also recommended that after receipt of the afore-mentioned information/documents the proposal may again be placed before the FAC for their examination and appropriate. Representative of the user agency may also be invited to attend the meeting.
5. The State Government of Uttarakhand vide their letter no. 20/7-1-2013-300(4160)/2013 dated **15th April 2014**, had submitted the requisite information which is summarised as below:

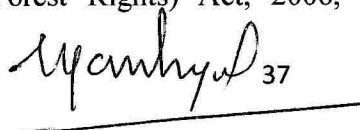
- (a) With regards to justification for re-consideration of the project for grant of forest clearance, the State Government has informed that user agency vide their letter dated 18.02.2015 has informed that after constitution of the State of Uttarakhand, the user agency has submitted repeated requests to the State Forest Department and the State Government for re-submission of the rejected proposal of diversion of forest land for the approval of the Central Government.

The MOEF&CC had recommended the project for grant of environment clearance. However, vide letter dated 17.05.2010, the environment clearance was kept in abeyance till the receipt of forest clearance. In pursuance to the same, after carrying out the extensive survey, forest land diversion proposal was formulated and submitted for the consideration of


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the Government of India. The user agency has also informed that Central Water Commission vide their letter no. 2/140/Vol.IV/2012-PA(N)525-26 dated 5.03.2013 forest clearance is mandatory before obtaining the Techno-economic clearance from the Ministry of Water Resources. Accordingly, the MoEF&CC has been requested to grant forest clearance to the project. However the detail justification for reconsideration of the proposal is not submitted as per the guideline under FC Act.

- (b) With regards to likely impact of the project on soil erosion and induced seismicity, the State Government has informed that project proponent has provided a report in this regard. The State Government has further informed that in addition to this seismic parameters in the reservoir area have also been studied by the Earthquake Department of the IIT Roorkee and the said study has been approved by the NCSDP in the year 2009.
- (c) With regards to details of forest land utilised for Gola Barrage, without obtaining prior approval of Central Government under the FC Act the State Government has referred to letter no. 2728/13-Jamrani dated 26.02.2014 of the Divisional Forest Officer, Nainital wherein the Gola Barrage had been reported to be outside the boundary of Reserved Forests. In his said letter of the DFO written to the Nodal Officer (FCA), Government of Uttarakhand it was inter-alia mentioned that as per available details of departmental boundaries, prima facie the Goal Barrage appears to be outside the Reserved Forests. DFO in his said letter has also mentioned that keeping in view the fact of inadequate details of bearings and pillar to pillar distance, it is advised that exact demarcation may be got done from an Expert Agency like FSI. The State Government did not report anything in this regard. This may however be considered once the state government clearly specifies whether the Gola barrage and irrigation colony at Ramnagar was constructed prior to enactment of Forest (Conservation) Act 1980. The state government may submit documentary proof in this regard.
- (d) With regards to the Catchment Area Treatment (CAT) Plan for the project, the State Government has mentioned that CAT Plan involving financial provision of Rs. 3000 lakhs has been submitted CF (Projects) for approval. Concerned DFO has been asked to convey the status of approval of the same.
- (e) With regards to compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the State Government has submitted the

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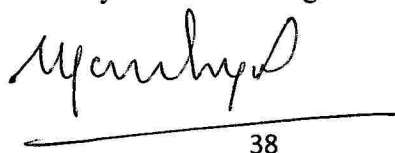
documentary evidences in support of settlement of rights.

6. After detailed discussion, with the representative of user agency, Nodal officer Uttarakhand, the FAC expressed that The State Government has still not submitted to all the issues raised by the FAC in its meeting dated 28.11.2014 and therefore following information may be obtained and the proposal be resubmitted to the FAC at the earliest.


- (a) Detailed justification for diversion of the said forest land keeping in view that the Central Government in 1994 has already declined its prior approval under the FC Act for diversion of the said forest land.
- (b) The State Government may submit Documentary evidence that Gola barrage, feeder canal and irrigation colony at Ram Nagar was constructed prior to enactment of Forest (Conservation) Act 1980.
- (c) Approved Catchment Area Treatment (CAT) Plan for the project.
- (d) DGPS map in SHAPE file in respect of CA land may be provided along with the Land suitability certificate.
- (e) Cost benefit analysis may be submitted as per the guidelines under FC Act.
- (f) DFO Ram Nagar Forest Division has referred to Hon'ble High Court of Nainital in Writ Petition No. 1244/2005 has directed to maintain status quo in this area. The details of the case are not given. This may be provided along with the relevance of the judgement to the instant proposal.
- (g) Necessary mitigative measures may be prescribed by the CWLW to deal with Man Animal conflict in the area. The comments of the CWLW may be submitted in this regard.

7. The above recommendation of FAC, had been communicated to the State Government, vide this Ministry's letter of even number dated 24.06.2015.

The Nodal Officer (FCA), Government of Uttarakhand, vide his letter no. 295 1 G -1467 (Naini) dated 22.07.2015 placed along with its annexure at F/X, has submitted the information as desired by the FAC. Summary of the same is given as under:



S. No.	Information sought by the Committee	Response of the State Government
(i)	Detailed justification for diversion of the said forest land keeping in view that the Central Government in 1994 has already declined its prior approval under the FC Act for diversion of the said forest land.	<p>It is reported that Haldwani City, situated at foothills of Nainital is an important city in the State of Uttarkhand. Keeping in view the increased demand of water for drinking and irrigation for the population of Haldwani since 1984, there is no alternative. In the year of 2010 environment clearance the project has been recommended but for want of forest clearance.</p> <p>A copy of the letter no. 616/Pkh/Vanbhumi dated 15.07.2015 from the Executive Engineer, Haldwani addressed to the Addl. PCCF & Nodal Officer (FCA) Dehradun has submitted by State Government in support of above claim is available at Annexure-I.</p>
(ii)	The State Government may submit Documentary evidence that Gola barrage, feeder canal and irrigation colony at Ram Nagar was constructed prior to enactment of Forest (Conservation) Act 1980.	<p>It is reported that works related to construction of Gola barrage were commenced in the year of 1978-79 and no forest land was affected due to the construction of said barrage and it is evident from the joint inspection of the official from the State Forest Department.</p> <p>The State Government has further reported that construction work of feeder canals was also commenced in the year 1977-78 before the commencement of the Forest (Conservation) Act, 1980 for which approval was obtained from the Conservator of Forests, Western Circle, Uttar Pradesh, Nainital vide his letter no. 6627/3.3.144 dated 7.07.1977.</p> <p>Similarly, construction work related to Gola Irrigation Colony was also started in 1977-78</p>

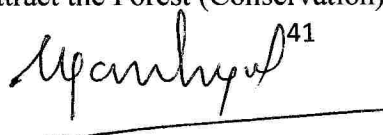
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		<p>which is evident from the letters of the Division Forest Officer, Ramgarh.</p> <p>A copy of the letter no. 616/Pkh/Vanbhumi dated 15.07.2015 from the Executive Engineer, Haldwani addressed to the Addl. PCCF & Nodal Officer (FCA) Dehradun has submitted by State Government in support of above claim is available at Annexure-I.</p> <p>The State Government has also submitted a copy of letter no. 2728/13-Jamrani dated 26.02.2014 of the Divisional Forest Officer, Nainital wherein the Goal Berrage had been reported to be outside the boundary of Reserved Forests (Pg 367/c). In his said letter of the DFO written to the Nodal Officer (FCA), Government of Uttarakhand it was inter-alia mentioned that as per available details of departmental boundaries, prima facie the Goal Barrage appears to be outside the Reserved Forests. DFO in his said letter has also mentioned that keeping in view the fact of inadequate details of bearings and pillar to pillar distance, it is advised that exact demarcation may be get done from an Expert Agency like FSI. The State Government did not report anything in this regard.</p>
(iii)	Approved Catchment Area Treatment (CAT) Plan for the project.	It is mentioned that CAT Plan of the Jamrani Project, after incorporating the suggestions made by the Chief Conservator of Forests, Dehradun, has been re-submitted by the DFO, Nainital vide his letter no. 3743/3-19/dated 22.06.2015 for its approval.—yet to be received by MoEF&CC
(iv)	DGPS map in SHAPE file in respect of CA land may be	It is reported that District Collector, TehriGarhwal has allotted civil soyam land of 352.001 ha in

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	provided along with the Land suitability certificate.	Dhaulthi Tehsil of Tehri District and the same has been transferred to the State Forest Department. DGPS map of the area identified for CA is required to be submitted soon by state Govt.
(v)	Cost benefit analysis may be submitted as per the guidelines under FC Act.	State Govt. has submitted requisite information.
(vi)	DFO Ram Nagar Forest Division has referred to Hon'ble High Court of Nainital in Writ Petition No. 1244/2005 has directed to maintain status quo in this area. The details of the case are not given. This may be provided along with the relevance of the judgement to the instant proposal.	In this regard the State Government has furnished the Office order of Uttarakhand Government No. 3622/Dus-2-2007-14(21)/2001 dated 25.07.2007 issued by .Principal Secretary, Department of Forest and Environment, Government of Uttarakhand which was issued pursuant to the order dated 26.10.2005 passed by the Hon'ble High Court of Uttarakhand at Nainital. Stating that Government of Uttarakhand has no power to nullify the order dated 06.07.1993 issued under section 4 of Indian Forest Act 1927. Therefore, in view of order of Hon'ble High Court dated 26.10.2005 the recommendations of District Magistrate Nainital to dereserve the forest land has been withdrawn.
(vii)	Necessary mitigative measures may be prescribed by the CWLW to deal with Man Animal conflict in the area. The comments of the CWLW may be submitted in this regard.	It is mentioned that information in this regard required to be submitted by State Govt.

The FAC after detailed deliberation accepted the response of the State Government that the colony and feeder canals were constructed covering an area of 29.88 ha.prior to 1980.Therefore,this area of 29.88 ha.does not attract the Forest (Conservation)1980 Act. So excluding this area, total forest

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area considered by FAC for diversion under FC Act is 351.55 Ha. Hence FAC recommends grant of approval under the Forest (Conservation) Act for Diversion of 351.55 ha of forest land in favour of Water Resources Department, Government of Uttarakhand for construction of Jamrani Dam Project in District Nainital, Uttarakhand subject to general conditions, standard conditions applicable to such projects and following additional conditions.

1. State Government shall submit documents indicating efforts of State Government to rehabilitate 6 villages which are coming in submergence areas including Hadia khan ashram and temple.

The FAC further recommended the proposal will be placed before competent authority for stage – I approval once the following information from State Govt. of Uttarakhand is received –

1. Approved Catchment Area Treatment (CAT) Plan for the project.
2. Necessary mitigative measures prescribed by the CWLW to deal with Man Animal conflict in the area.
3. DGPS map in SHAPE file in respect of CA land along with the Land suitability certificate

(Signature)

(C.M. Pandey)
Addl Comm
(Min of Agr)
Member

Not present

**(Dr.Mohammad
Firoz Ahmed)**
Member

(Signature)

(Ramesh K. Dave)
Member

(Signature)

(M. S. Negi)
IGF (FC)
Member-Secretary

(Signature)

**(Chaitram
Deochand Pawar)**
Member

(Signature)

(S.S Negi)
ADGF(FC)
Member

(Signature)

(S.S.Garbyal)
DGE & SS



nisheeth saxena <nisheethsaxena3@gmail.com>

FAC MEETING DATED 29th JULY 2015 REG.

Chaitram Pawar <pawar.chaitram1@gmail.com>

Fri, Aug 21, 2015 at 6:41 AM

To: nisheeth saxena <nisheethsaxena3@gmail.com>

Cc: cmani1@hotmail.com, negims84@hotmail.com, sharad negi <sharadnegi@hotmail.com>, rameshdave0811@gmail.com, ssgarbyal@yahoo.com

मा. दवे जी ने सुझाए बदलावों के साथ २९.७.२०१५ के बैठक वृत्त को मैं अनुमोदन देता हूँ.

चैत्राम पवार

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nisheeth saxena <nisheethsaxena3@gmail.com>

FAC MEETING DATED 29th JULY 2015 REG.

CHINTAMANI PANDEY <cmani1@hotmail.com>
To: nisheeth saxena <nisheethsaxena3@gmail.com>

Mon, Aug 17, 2015 at 9:38 PM

noted

(C.M.Pandey)
Additional Commissioner(NRM)
Government of India,
Ministry of Agriculture,
Department of Agriculture & Cooperation,
102, B-Wing, Shastri Bhawan,
New Delhi
Tel No.011-23383772

Date: Mon, 17 Aug 2015 05:38:13 -0700
Subject: FAC MEETING DATED 29th JULY 2015 REG.
From: nisheethsaxena3@gmail.com
To: ssgarbyal@yahoo.com; sharadnegi@hotmail.com; negims84@hotmail.com; pawar.chaitram1@gmail.com; cmani1@hotmail.com; rameshdave0811@gmail.com
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nisheeth saxena <nisheethsaxena3@gmail.com>

FAC MEETING DATED 29th JULY 2015 REG.

Ramesh Dave <rameshdave0811@gmail.com>

Tue, Aug 18, 2015 at 2:54 AM

To: nisheeth saxena <nisheethsaxena3@gmail.com>

Cc: bishwajit Kumar singh <bksbishwajitifs@yahoo.co.in>, DGF <dgfindia@nic.in>, "firoz@aaranyak.org" <firoz@aaranyak.org>, manmohan singh Negi <negimanmohan71@gmail.com>, "pawar.chaitram1@gmail.com" <pawar.chaitram1@gmail.com>, sharad negi <sharadnegi@hotmail.com>, Tapish chandra Nautiyal <tcnautiyal@gmail.com>

My dear Nisheeth

The draft minutes are returned herewith. Some corrections have been proposed and shown in red in the document. Some other corrections have been shown as comments at some places. Kindly incorporate these in the final minutes. With these corrections, I give my consent to the minutes.

Best wishes

Ramesh K. Dave

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Best Wishes**Ramesh K. Dave**

Retd. Principal Chief Conservator of Forests

& Head of Forest Force

Bhopal, M.P., India**MINUTES OF MEETING OF FAC HELD ON 29TH JULY.docx14.docx**

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Proceedings of the Forest Advisory Committee meeting held on 29th July, 2015

[Agenda pertaining to-B.K. Singh, Director (FC)]

Agenda item No. 1

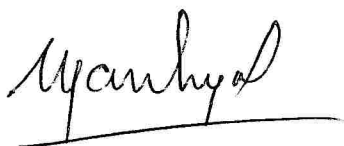
F. No. 8-102/ 2013-FC	Diversion of 52.8 ha of forest land (Surface forests land = 47.1 ha, Riverbed = 2.3 ha & underground area = 2.8 ha) for construction of Tato-I H.E. Project (186 MW) in West Siang District of Arunachal Pradesh by M/s Siyota Hydro Power Pvt. Ltd.	Arunachal Pradesh	52.8 ha	Hydro Electric Project
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The Committee discussed the above mentioned proposal, heard the views of the user agency and observed as follows:-

1. The 52.80 ha forest area proposed for diversion is Unclassified state Forest out of which 47.7 ha is surface forest land, 2.3 riverbed and 2.8 ha underground area.
2. The area is dense forest falling in Eco Class-I, Tropical Evergreen forest type having density from 0.4 to 0.5. Total no. of trees likely to be affected by the project are 7448 including 7152 trees in area other than submergence area, 186 trees at FRL, 82 tree at FRL-2M and 55 tree at FRL-4M.
3. Proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve and Tiger Reserve etc . No rare/endangered/unique species of flora and fauna has been found/recorded in the area.
4. Area is approx. 41 Km away from Mechuka RF, approx. 32 Km. away from Dibag- Dihang Biosphere Reserve, approx. 79 Km from Yordi Rabe Supse Wildlife Sanctuary and approx. 12 km from Mouling National Park.
5. There is no protected archaeological/heritage site/defence establishment in the proposed area.
6. Land requirement for the project is unavoidable and barest minimum.



7. Compensatory Afforestation has been proposed in 99.00 ha. of Unclassed State Forest (USF) at Chisi Village under Basar Forest Range which is part of 217 ha of degraded USF identified as land bank for Compensatory Afforestation. Detailed CA scheme of 10 years has been prepared. During detailed representation of User Agency, it was stated that CA land for this project alongwith CA land for HEO, HEP & Pauk HEP has been identified in 217.00 ha USF area of Chisi village and 3.00 ha of Komi families of Rego village which have been mutated in favour of Forest Department and process of declaring these area is VFR in accordance with MoEF's guidelines dated 21.08.2014.
8. The proposal was earlier considered by the FAC in its meeting held on 13th & 14th February, 2014 and after detailed discussion and examination of the proposal vis-a-vis final reports on Cumulative Impact Assessment & Carrying Capacity Study (CIAS) of Siang - the Sub basin including Down Stream Impacts prepared by the Central Water Commission, the Committee recommended that the **final decision on FC for the project will be taken only after the acceptance of the Cumulative Impact Assessment & Carrying Capacity Study by the MoEF&CC and in the meantime State Government may submit the compliance of the Scheduled Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 which is yet to be submitted.**
9. In the meantime, CIAS for Siang basin was submitted to the Ministry and considered by Impact Assessment Division. The proposal was again considered by FAC on 17th to 18th July, 2014 and after detailed discussion and examination of the proposal vis-a-vis final reports on Cumulative Impact Assessment & Carrying Capacity Study (CIAS) of Siang - the Sub basin including Down Stream Impacts prepared by the Central Water Commission, the Committee recommended that Impact Assessment Division be requested to communicate the approval of competent authority for acceptance of study conducted for CIAS of Siang basin and **in the meantime State Government may submit the compliance of the Scheduled Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.**



10. Impact Assessment Division informed that the Ministry has accepted the study.

11. The recommendations of the above study report have been approved by MoEF&CC. The recommendations as accepted are required to be considered as roadmap for development of hydropower projects in Siang river basin.

12. The report outlines capacity, size, location of HEPs commensurate with the basins environmental carrying capacity conforming to the accepted cumulative impacts.

13. However, EIA/EMP shall have to be carried out for individual projects as per provision of EIA-Notification 2006 and its subsequent amendments.

14. Modification in designs such as lowering of FRL wherever recommended need to be incorporated. However, no modification in design such as lowering of FRL in case of Tato-I HEP has been recommended.

15. Environmental flow release recommended for the project is as follows. These must be conditioned in the final approval of the projects.

Sl. No.	Name of Project	Capacity (MW)	Lean Season	Pre and Post Monsoon	Monsoon
1.	Tato-I	186	20%	15%	15%

16. After acceptance of CIAS, the proposal was last considered on 30th April, 2015. The proposal was analysed with the help of decision support system using the shape file provided by the State Government in last FAC meeting. During analysis of proposal with Decision Support System (DSS), it was found that shape files were not in order and it was not possible to further verify the project details. It was also observed that the Scheduled Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 compliance have not been submitted. Accordingly the Committee recommended for modified shape file and complete FRA compliance on 30th April, 2015.

17. The State Government has submitted above information alongwith the modified shape file and complete FRA compliance vide letter dated 11th June, 2015.



18. During the discussion, the proposal was again analysed with the help of Decision Support System using the modified shape file provided by the State Government vide letter dated 11.06.2015. During analysis it was found that areas provided for CA has 17.00 ha very dense, 33 ha Moderately dense, 49.00 ha open. Medium dense patches are scattered and interspersed with open forest
19. Since 2.8 ha is underground area, have no CA will be required. As per DSS, CA has been proposed over 99.56 ha.

After detailed discussion, the FAC recommended the proposal with the general conditions, standard conditions and following additional condition:-

- (i) Additional CA land in lieu of very dense forest falling within the proposed CA area shall be identified and, accordingly, the State Government shall submit revised CA scheme along with the GPS references in shape file.

Agenda item No. 2

F. No. 8-94/ 2013-FC	Diversion of 55.7 ha of forest land (Surface forests land = 47.1 ha, Riverbed = 5.9 ha & underground area = 2.7 ha) in favor of M/s Heo Hydro Power Ltd. Ltd., New Delhi for construction of Heo Hydroelectric Project (240 MW) in West Siang District of Arunachal Pradesh	Arunachal Pradesh	55.7 ha	Hydro Electric Project
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The Committee discussed the above mentioned proposal, heard the views of the user agency and observed as follows:-

1. The 55.7 ha forest area proposed for diversion is Unclassified state Forest, out of which 2.7 ha is underground area and 5.9 ha area is riverbed.
2. The area is dense forest having density from 0.4 to 0.5. Total no. of trees likely to be affected by the project are 7407 including 6535 trees in area other than submergence area, 458 trees at FRL, 235 trees at FRL-2M and 179 trees at FRL-4M.



3. Proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve and Tiger Reserve etc. No rare/endangered/unique species of flora and fauna has been found/recorded in the AREA.
4. There is no protected archaeological/heritage site/defence establishment in the proposed area.
5. Land requirement for the project is unavoidable and barest minimum.
6. Compensatory Afforestation has been proposed in 111.4 ha. of Unclassed State Forest (USF) at Chisi Village under Basar Forest Range which is part of 217 ha of degraded USF identified as land bank for Compensatory Afforestation. Detailed CA scheme of 10 years has been prepared. During detailed representation of User Agency, it was stated that CA land for this project alongwith CA land for HEO, HEP & Pauk HEP has been identified in 217.00 ha USF area of Chisi village and 3.00 ha of Komi families of Rego village which have been mutated in favour of Forest Department and process of declaring these area is VFR in accordance with MoEF's guidelines dated 21.08.2014.
7. The proposal was earlier considered by the FAC in its meeting held on 13th & 14th February, 2014 and after detailed discussion and examination of the proposal vis-a-vis final reports on Cumulative Impact Assessment & Carrying Capacity Study (CIAS) of Siang - the Sub basin including Down Stream Impacts prepared by the Central Water Commission, the Committee recommended that the **final decision on FC for the project will be taken only after the acceptance of the Cumulative Impact Assessment & Carrying Capacity Study by the MoEF&CC and in the meantime State Government may submit the compliance of the Scheduled Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 which is yet to be submitted.**
8. **In the meantime, CIAS for Siang basin was submitted to the Ministry and considered by Impact Assessment Division. The proposal was again considered by FAC on 17th to 18th July, 2014 and after detailed discussion and examination of the proposal vis-a-vis final reports on Cumulative Impact Assessment & Carrying Capacity Study (CIAS) of Siang - the Sub basin**



including Down Stream Impacts prepared by the Central Water Commission, the Committee recommended that Impact Assessment Division be requested to communicate the approval of competent authority for acceptance of study conducted for CIAS of Siang basin and **in the meantime State Government may submit the compliance of the Scheduled Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.**

9. **Impact Assessment Division informed that the Ministry has accepted the study.**
10. The recommendations of the above study report have been approved by MoEF&CC. The recommendations as accepted are required to be considered as roadmap for development of hydropower projects in Siang river basin.
11. The report outlines capacity, size, location of HEPs commensurate with the basins environmental carrying capacity conforming to the accepted cumulative impacts.
12. However, EIA/EMP shall have to be carried out for individual projects as per provision of EIA-Notification 2006 and its subsequent amendments.
13. Modification in designs such as lowering of FRL wherever recommended need to be incorporated. However, no modification in design such as lowering of FRL in case of Tato-I HEP has been recommended.
14. Environmental flow release recommended for the project is as follows. These must be conditioned in the final approval of the projects.

Sl. No.	Name of Project	Capacity (MW)	Lean Season	Pre and Post Monsoon	Monsoon
1.	Heo	240	20%	15%	15%

15. After acceptance of CIAS, the proposal was last considered on 30th April, 2015.

The proposal was analysed with the help of decision support system using the shape file provided by the State Government in last FAC meeting. During analysis of proposal with Decision Support System (DSS), it was found that shape files were not in order and it was not possible to further verify the project details. It was also observed that the Scheduled Tribe and other Traditional



Forest Dwellers (Recognition of Forest Rights) Act 2006 compliance have not been submitted. Accordingly the Committee recommended for modified shape file and complete FRA compliance on 30th April, 2015.

16. The State Government has submitted above information alongwith the modified shape file and complete FRA compliance vide letter dated 11th June, 2015.
17. During the discussion, the proposal was again analysed with the help of Decision Support System using the modified shape file provided by the State Government vide letter dated 11.06.2015. As per D.S.S. that areas provided for CA 116.03 ha which includes 12.00 ha of very dense, 30.00 ha moderately dense and 75.00 ha open forest. Medium dense patches are scattered.
18. As per DSS, 116.03 ha has been proposed for CA. Since 2.7 ha is underground, hence no CA is required.

After detailed discussion, the FAC recommended the proposal with the general conditions, standard conditions and following additional condition:-

- (i) Additional CA land in lieu of very dense forest falling within the proposed CA area shall be identified and accordingly, the State Government shall submit revised CA scheme along with the GPS references in shape file.

Agenda item No. 3

F. No. 8-71/ 2014-FC	Diversion of 91.70 ha of forest land (Surface forests land=79.10 ha, Riverbed=9.30 ha & Underground area=3.30 ha) for construction of Pauk Hydro Electric Project (145 MW) by M/s Pauk Hydro Power Pvt. Ltd in West Siang District of Arunachal Pradesh	Arunachal Pradesh	91.70 ha	Hydro Electric Project
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The Committee discussed the above mentioned proposal, heard the views of the user agency and observed as follows:-

1. The status of land proposed for diversion is Un-classed State forest.
2. The proposed area does not form part of National Park, Wildlife Sanctuary,



Biosphere Reserve, Tiger Reserve, etc.

3. No rare/endangered/unique species of flora and fauna have been found/recorded in the area
4. There is no protected archaeological/heritage site/defense establishment in the proposed area.
5. Compensatory Afforestation has been proposed over 177 ha of degraded forest land which is double in extent to the forest land proposed for diversion. CA area has been selected out of 300 ha of degraded USF area of **Komi Komi families of Rego village at Gute (Gungte) under Along Forest Division** of West Siang district. The area is suitable for CA and from management point of view. During detailed representation of User Agency, it was stated that CA land for this project alongwith CA land for HEO HEP & TATO-1 HEP has been identified in 217.00 ha USF area of Chisi village and 3.00 ha of Komi families of Rego village which have been mutated in favour of Forest Department and process of declaring these area is VFR in accordance with MoEF's guidelines dated 21.08.2014.
6. The State Government has submitted above information alongwith the modified shape file and complete FRA compliance vide letter dated 11th June, 2015.
7. Various alternative locations for dam site have been worked out in the preliminary stages. After geological survey, only this site has been found combining suitable geological conditions and the possibility to create a sufficient storage to regulate the flows during the lean season for the entire cascade allotted to the developer.
8. Major part of the submergence area (total submergence 34.10 ha including 8.8 ha river bed) is restricted by the narrow valley. Therefore, there is no impact on local activities due to the submergence and impacts on environment.
9. The proposal was earlier considered by the FAC in its meeting held on 22nd and 23rd September, 2014 and after detailed discussion and examination of the proposal vis-a-vis final reports on Cumulative Impact Assessment & Carrying Capacity Study (CIAS) of Siang - the Sub basin including Down Stream Impacts

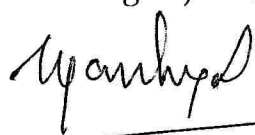


prepared by the Central Water Commission, the Committee recommended that the final decision on FC for the project will be taken only after the acceptance of the Cumulative Impact Assessment & Carrying Capacity Study by the MoEF&CC and in the meantime State Government may submit the compliance of the Scheduled Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 which is yet to be submitted.

10. Impact Assessment Division informed that the Ministry has accepted the study.
11. The recommendations of the above study report have been approved by MoEF&CC. The recommendations as accepted are required to be considered as roadmap for development of hydropower projects in Siang river basin.
12. The report outlines capacity, size, location of HEPs commensurate with the basins environmental carrying capacity conforming to the accepted cumulative impacts.
13. However, EIA/EMP shall have to be carried out for individual projects as per provision of EIA-Notification 2006 and its subsequent amendments.
14. Modification in designs such as lowering of FRL wherever recommended need to be incorporated. However, no modification in design such as lowering of FRL in case of TATO-I HEP has been recommended.
15. Environmental flow release recommended for the project is as follows. These must be conditioned in the final approval of the projects.

Sl. No.	Name of Project	Capacity (MW)	Lean Season	Pre and Post Monsoon	Monsoon
1.	Pauk	145	20%	15%	15%

16. After acceptance of CIAS, the proposal was last considered on 30th April, 2015. The proposal was analysed with the help of decision support system using the shape file provided by the State Government in last FAC meeting on 30th April, 2015. During analysis of proposal with Decision Support System (DSS), it was found that shape files were not in order and it was not possible to further verify the project details. It was also observed that the Scheduled Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 compliance



have not been submitted. Accordingly the Committee recommended for modified shape file and complete FRA compliance on 30th April, 2015.

17. During the discussion, the proposal was again analysed with the help of Decision Support System using the modified shape file provided by the State Government vide letter dated 11.06.2015. As per D.S.S. the area provided for CA is 177.53 ha which includes 12.00 ha of very dense, 80.00 ha moderately dense and 30.00 ha of open forest and 56.00 ha of non-forest. Medium dense patches are large and have continuity bisecting the open forest & non-forest.

After detailed discussion, the FAC recommended the proposal with the general conditions, standard conditions and following additional condition:-

- (i) Additional CA land in lieu of very dense forest and large & continuous patches of medium dense forest falling within the proposed CA area shall be identified and accordingly, the State Government shall submit revised CA scheme along with the GPS references in shape file and land suitability certificate.


Agenda item No. 4

F. No. 8-19/ 2006-FC	Modification / deletion of the condition mentioned in the 'in principle' approval dated 16.04.2006.	Punjab		Modification / deletion of the condition
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This relates to proposal for modification / deletion of the condition mentioned in the 'in principle' approval dated 16.04.2006. The State Government has requested for waiving of conditions imposed by Government of India while approving delisting of PLPA areas which were under habitation and cultivation.

The Committee after discussions of the proposal, noted as follows:-

1. The delisting of 55,339.39 ha of PLPA land vide order dated 16th April, 2006 was granted in view of Hon'ble Supreme Court's observations regarding consideration of the proposal of the State Government of Punjab as contained in communication dated 04th April, 2000 in accordance with the rules, procedure and guidelines laid down under the Forest (Conservation) Act, 1980. The land



to be considered would be such lands which are under bonafide agricultural use.

2. The Committee noted that that in a similar Petition filed by Shri B.S. Sandhu against the orders of the Hon'ble High Court of Punjab and Haryana in Civil Appeal No(s) 4682-4683 of 2005, the Hon'ble Supreme Court has remanded back the case to the High Court for fresh hearing and fresh order in accordance with law. The Court has observed dated 21.05.2014 as follows:-

"Thus, what the High Court was called upon to decide is whether the land on which the Forest Hill Golf and Country Club of Co. B.S. Sandhu was situated was forest land as on 25.10.1980 irrespective of its classification or ownership. This is a factual question and the High Court should have decided this factual question on the basis of Government records as on 25.10.1980 and other materials filed before the High Court, but the High Court has instead decided this question by reference to the provisions of the PLP Act, 1900 and the records of the Forest Department in which the land was shown to be under the Forest Department because of the fact that the land was closed under the PLP Act, 1900 several decades before the enactment of the Forest (Conservation) Act, 1980. Moreover, by recording a blanket, finding that all land in village Karoran, District Ropar, was 'forest land' for the purpose of Section 2 of the Forest (Conservation) Act, 1980, the High Court has affected the legal rights of several villagers, agriculturists, farmers, shop owners, inhabitants of village Karoran, District Ropar, who were carrying on their respective occupations on their land even before the enactment of the said Act on 25.10.1980."

3. The Committee noted that in pursuance to the above order of the Hon'ble High Court of Punjab & Haryana in its order dated 03.03.2015 has observed as follows:-

- "(i) It is for the State Government to proceed to identify the forest land in terms of the parameters laid down by the Hon'ble Supreme Court in Civil Appeal Nos. 4682-4683 of 2005 titled as B.S. Sandhu Vs. Government of India and others, decided on 21.5.2014 based on the revenue record and the test laid therein;*
- (ii) The notifications would in substance apply only in case the land in question is forest land in the revenue record;*



- (iii) *Insofar as land of the petitioner is concerned, the aforesaid exercise be carried out to take a call on whether what is alleged by the petitioner, i.e., it is not forest land is correct or not and a reasoned decision be communicated to the petitioner on or before 3.7.2014 as prayed by learned Additional Advocate General;*
- (iv) *If the land in question is not forest land, then appropriate development works as per the Final Master Plan and Notified Area Committee of Naya Gaon should be undertaken as the claim is that the ground reality is really pathetic on account of all development works having stopped; and*
- (v) *The directions already contained in the order dated 4.3.2014 for action quo construction unauthorisedly carried out on a proposed road and clearance of garbage would be implemented on or before 3.7.2014 with visible photographs.*

On 11.7.2014 the aforesaid order was slightly modified to the extent that the term "revenue record" in the order dated 28.5.2014 would be substituted by the words "Government records" as referred in the conclusion of the Hon'ble Supreme Court and the matter was adjourned for 17.7.2014. On that date a direction was issued for personal presence of the Financial Commissioner (Revenue), Principal Secretary (Forest) and Principal Secretary (Local Bodies), so that a comprehensive order can be passed and the case was adjourned to 21.7.2014. On that date the Financial Commissioner (Revenue) made a statement in the Court that he will appoint a team of officers as mentioned in the order dated 17.7.2014 consisting of Shri A.P.S. Virk, Director Land Records and Sh. Mukesh Kumar, District Revenue Officer, Ludhiana, who will conclude the work as per the earlier direction within the specified time.

By that order it was also made clear that the Committee will proceed in terms of the ambit of the judgement passed by the Hon'ble Supreme Court and shall be supervised by the Financial Commissioner (Revenue).

In Pursuance of the said order the Committee submitted its report. The report was submitted in sealed cover. Vide order dated 26.2.2015, Registry was directed to supply the first as well as the second portion of the report to all the counsel. The conclusion of the aforesaid report reads as under:

24. Conclusion.



- 24.1 PRSC report based on the satellite imagery dated May 17, 1981 has found that the land located in village Karoran (Hadbast No. 352) had 60.62% forest area. The report is based on the data supplied by NRSA, which is a government controlled agency, hence it is concluded that village Karoran had forest cover to the extent reported by PRSC.
- 24.2. As the forest cannot develop in six to seven months, therefore, this Committee concludes that there existed forest area in village Karoran as reported by PRSC report on October 25, 1980 based on the government record of May 17, 1981 and also as per dictionary meaning of the word forest.
- 24.3. Even though superimposition of Khasra Nos. on digitally generated maps have been found to be correct for major portion of the land situated in revenue estate of Karoran, however, the superimposition of Khasra Nos. located on the boundary of revenue estate of Karoran have significant error. The amount of error could not be worked out due to difference in scales used by the revenue officials and the PRSC, however, it is likely that such an error may be a single digit error in percentage.
- 24.4. None of the parties brought any material on record that may prove that there was no forest area located at village Karoran (Hadbast No. 352) on or before October, 25, 1980."

After detailed discussions, the Committee observed that in view of above orders of the Hon'ble Supreme Court and Hon'ble High Court of Punjab & Haryana, identification of forest land and non-forest land as per Hon'ble Supreme Court's order dated 21.05.2014 will be mandatory. Hence, before considering the request of the State Government to delete the condition in Ministry's approval letter dated 16th April, 2006, the State Government be requested to reassess the status of land delisted vide MoEF's order dated 16th April, 2006 in accordance with the directions of Hon'ble Supreme Court dated 21.05.2015 and subsequent orders of Hon'ble High Court of Punjab & Haryana. After submission of above information, the proposal will be considered further.



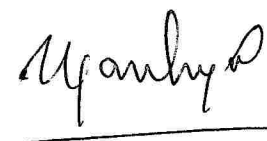
Agenda item No. 5

F.No.8-84/ 2014-FC	Diversion of 121.58 ha of forest land for Durgapur Deep Extn. Open Cast Mine in favour of Western Coalfield Limited in District Chandrapur, Maharashtra.	Maharashtra	121.58 ha	Open Cast Mine
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This relates to diversion of above mentioned proposal. The proposal was discussed in the meeting of Forest Advisory Committee held on 28th November, 2014. The Committee discussed the above mentioned proposal and Site Inspection Report of the Regional Office, Bhopal. The user agency also made a detailed presentation regarding diverted area, CA area, FRA compliance, WII's assessment report, etc.

The Committee noted as follows:-

1. Proposal envisages diversion of forest land for Durgapur Deep Extn. Open Cast Mine in favour of Western Coalfield Limited in District Chandrapur, Maharashtra for supplying coal mainly to Chandrapur Super Thermal Power Station, Maharashtra State which caters to the need of power supply in Vidrabha and other parts of the State to run power plant and to fulfill the growing demand of power. It is in dip side of existing Durgapur Open Cast project.
2. It has 115.40 ha of RF & 6.18 ha of Zudpli Jungle and involves felling of 13457 tress & 64349 bamboos is involved in the project.
3. The area involved does not form part of any existing National Park, Wildlife Sanctuary or Nature Reserve etc. The proposed area is at 12.25 Km distance from the boundary of Tadoba Andhari Tiger Reserve.
4. The project does not affect any monumental site of culture, historical, religious, archaeological or recreational importance.
5. The project has been accorded environmental clearance with conditions stipulated by Government of India vide its letter dated 16/03/2012.



6. The user agency has submitted the duly approved mining plan.
7. Comptt. No. 5,6,7,8,14B & 12 of range Warora, Taluka Warora and Comptt. No.9,9/5 of range Bhadravati have been proposed for raising compensatory afforestation on degraded forest land. The land is free from encroachment and encumbrances & is suitable for afforestation.
8. Non forest areas covered under the project are not under the provision Maharashtra Private Forest (Acquisition) Act,1975 by virtue of application section 35 of Indian Forest Act,1927 and are not recognized as Deemed reserved forest as well as not included in the area identified as "Forest" as per the dictionary meaning of Forest as intimated by Expert committee appointed under interim judgement of Hon'ble Supreme Court, dated 12/12/1996.
9. There is no violation of Forest (Conservation) Act, 1980.
10. The proposed forest diversion is at the western end of TATR south corridor which connects TATR to Chaprala WLS down south and further to Indravati Tiger Reserve, Chhattisgarh. The proposed forest diversion is expected to have less impact on the movement of animals using this corridor but any subsequent/additional forest diversion may impair the functionality of the corridor under consideration.
11. The proposal has been recommended by State Government with following conditions:-
 - i. Mitigation measures suggested by Wildlife Institute of India may be approved.
 - ii. 2% of the project cost of the project may be deposited with Tiger Foundation before the case is forwarded to the Government of India.
12. The user agency has submitted the detailed Reclamation plan as per Mine Plan and R&R Plan for rehabilitation of affected families.
13. CA scheme for 10 years for each patch of degraded forest land identified for CA has been submitted by the State Government.
14. The State Government has recommended following to be complied with by the User Agency:



- i. The WCL should take the responsibility of making existing plantation areas (WCL) within Chandrapur, *Prosopis* free in a phased manner by replacing with native species, which will greatly help in reducing the human-wildlife conflicts in the area. As is evident from time series analysis, from 2004 till 2013 the *prosopis* spread was estimated to be from 8.33% in 2004 to 65.8.% in 2013 which means almost 60% of an area is covered with *prosopis* than what was in 2004.
 - ii. WCL should seek expert guidance for exploring options for better slope stabilization mechanisms at dumping sites. Native grass species and occasional trees interspersed in between should be the strategy for compensatory restoration instead of invasive *prosopis spp.*
 - iii. Continued monitoring by a competent agency for use of existing corridor by wildlife is vital along with maintenance of corridor functionality.
 - iv. Mitigation measures suggested by Wildlife Institute of India may be approved.
 - v. 2% of the project cost of the project may be deposited with Tiger Foundation before the case is forwarded to the Government of India.
15. As per the decision given by the Court and according to Forest (Conservation) Act, 1980, the appropriate decision will be taken by Forest Advisory Committee.

The State Government vide its letter dated 19.06.2015 has submitted the compliance to the information / documents sought from the State Government as per recommendations of the FAC dated 28th November, 2014 as below:-

- (i) The user agency has submitted the DGPS map.
- (ii) The user agency has submitted the forest cover map and 10 km radius map of PAs and other mines.
- (iii) The user agency has submitted the mine-wise reclamation status of all the mines of WCL in State of Maharashtra.
- (iv) The user agency has submitted the detailed Reclamation plan as per Mine Plan and R&R Plan for rehabilitation of affected families.
- (v) The user agency has submitted the copy of the certificate issued by the Collector, Chandrapur vide No. RB-2/2015/65 dated 25.03.2015 under



the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006.

The project was analysed with the Decision Support System and forest area to be diverted and compensatory afforestation area was found correct. In case of Wildlife Corridor it was found to be at a distance of more than 4 km. It is also falling in violate area as per the laid down parameter.

After detailed discussions, the Committee recommended the proposal with general conditions, standard conditions and following additional conditions:-

- (i) The WCL should take the responsibility of making existing plantation areas (WCL) within Chandrapur, *Prosopis spp.* in a phased manner by replacing with native species, which will greatly help in reducing the human-wildlife conflicts in the area.
- (ii) WCL should seek expert guidance for exploring options for better slope stabilization mechanisms at dumping sites. Native grass species and occasional trees interspersed in between should be the strategy for compensatory restoration instead of invasive *prosopis spp.*
- (iii) Continued monitoring by a competent agency of use of existing corridor by wildlife is vital along with maintenance of corridor functionality.
- (iv) Mitigation measures suggested by Wildlife Institute of India may be approved.
- (v) 2% of the project cost of the project may be deposited with Tiger Foundation before the case is forwarded to the Government of India.

Agenda item No. 6

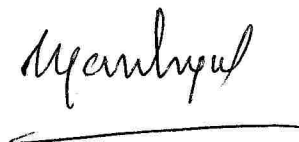
F. No. 8-62/2010-FC	Diversion of 128.92 ha of Reserved Forest land for development of facilities of the military airfield station-Naliya, at Bhanada, Ta. Abdasa, Dist. Kutch of Gujarat.	Gujarat	128.92 ha	Development of facilities of the military airfield station
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This relates to diversion of above mentioned proposal. The proposal was earlier discussed in the meeting of Forest Advisory Committee held on 20th April, 2012 and the Committee had sought information / documents e.g. toposheet map, CA scheme



with 10 years maintenance and its toposheet map and FRA, 2006 compliance. The Committee discussed the above mentioned proposal and observed as follows:-

1. The State Government vide letter dated 04.06.2015 has submitted information as recommended by the Forest Advisory Committee in its meeting held on 20th April, 2012 as follows:-
 - (i) Topo-Sheet Map (1:50,000).
 - (ii) Compensatory Scheme with 10 years maintenance plan & map.
 - (iii) FRA-2006 Certificate from Collector, Kutch and Gram Sabha resolutions
2. This diversion of 128.92 ha of Reserved Forest land for development of facilities of the military airfield station-Naliya, at Bhanada, Ta. Abdasa, Dist. Kutch of Gujarat.
3. The forest land proposed for diversion is Reserved Forests declared under Sec. 4 of the Indian Forest Act, 1927.
4. The proposed land would be used for WWR Storage Accommodation Project Richard, MAP, Centrage Sewage Scheme & other operational and technical requirement of Air Force Station at Naliya. However, the item-wise break up of the above proposed structures has not been provided.
5. The proposal involves construction of accommodation, sewage schemes, roads etc. The item-wise break-up of the same and layout map of the area is yet to be provided. Being a strategic project, it was not emphasized.
6. Great Indian Bustard is found in the area, as these lands are largely grasslands. Chinkara is also found in the area.
7. As far as the disturbance to wildlife, especially Great Indian Bustard (GIB), due to operation of fighter planes and other defense aircraft is concerned, these animals have become much used to the disturbance caused by these planes and the presence of the GIB has been reported from areas surrounding the airfield. The presence of GIB inside the air base was also reported by the Air Force authorities. As such, it is opined that the project will not have any significant additional impact on the ecology of the GIB in the area.



8. The area is covered with grasses and has sporadic presence of Babool (*Acacia nilotica*) and *Prosopis juliflora*. The density of the forest is less than 0.1. It is proposed to fell 430 trees in the area. Only 41 trees are more than 45 cms girth.
9. Compensatory afforestation is proposed over 130 ha non-forest land in village Vada Padhdhar, Ta. Abdasa. As per the proposal submitted, the area would be used for Grassland Development (GFPF) suitable for GIB.
10. No violation of Forest (Conservation) Act, 1980 was observed in the area.
11. Regional Office has also recommended the proposal considering the strategic importance of the proposal associated with the development of military air field station.
12. As it is expansion of the existing military air field station, the proposal is site specific.
13. The Great Indian Bustard Sanctuary is located about 16 kms from the proposed site. As mentioned above, the majority of the GIB population is outside the sanctuary area and found in grasslands and private areas around Naliya.
14. The State Government has submitted a detailed plan for compensatory afforestation having grass species and small trees species and is especially designed for habitation of Great Indian Bustard.
15. As per guidelines 4.5 for the Forest (Conservation) Act, 1980,, no proposal for diversion of forest land for construction of residential and dwelling houses can be considered by the Central Government on the forest land. Hence, residential building / colony in the proposal cannot be acceded to.

After detailed discussions, the Committee recommended the proposal with general conditions, standard conditions and following additional conditions:-

- (i) Houses for accommodation may not be constructed in the diverted area.



Agenda item No. 7

F. No. 8-104/2014-FC	Diversion of 139.473 ha of Reserved and Protected Forest land for Minor Irrigation Scheme at Kholapada-I in Thane District, Maharashtra.	Maharashtra	139.473 ha	Irrigation
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This relates to diversion of above mentioned proposal. The Committee discussed the above mentioned proposal and noted as follows:-

1. The proposal is for construction of earthen dam having length of 847 m with gross storage of 13.064 Mcm on a local nalla near village Karanjon, Tal-Vasai, Dist - Thane. This area was selected on the basis of topographical advantage, geotechnical suitability, requiring minimum forest land and minimum disturbance to the surrounding habituated areas and considering techno engineering aspect.
2. The proposal has 111.792 ha as Reserved & Protected Forests, 27.681 ha as Protected Forests. However, out of above Protected Forests, 2.34 ha of area in Parol village is actually WPF and wrongly mentioned as PF. So total RF area will be 109.452 and WPF will be 30.02 (Needs to be confirmed from the State Government in writing).
3. Canal area is abutting Tungeshwar WL Sanctuary, whereas the earthen dam is about 4.5 km away from the Sanctuary boundary. The reservoir so created will act as an important water source for Wildlife during the pinch summer period.
4. Total number of trees to be felled is 32735.
5. Important species are Teak plantation along with *Terminalia tomentosa*, *Adina cordifolia*, *Butea monosperma*, *Anogeissus latifolia*, *Madhuca indica*.
6. It does not form part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc.
7. No violation of the Forest (Conservation) Act, 1980 has been reported.



8. No rehabilitation is involved. However, during site inspection, few huts were noticed near the dam portion in the revenue land which is coming under submergence.
9. The Regional Office during site inspection has recommended the proposal with two additional conditions:-
 - (i) As the canal runs along the boundary of Wildlife Sanctuary and there will be movement of the WL during summer period toward water source (Reservoir to be created) adequate no of overpasses camouflaged with vegetation. (Sunken bridge filled with soil and covered with vegetation) and as approved by the CWLW may be provided at the cost of the user agency. Steps for going into the canal for the wildlife to drink water and come out from the canal in case animals fall into the canal may be provided at the cost of the user agency.
 - (ii) As the Parol to Bhiwandi road which is about 20 feet wide runs along the canal and animal will be crossing it while going to the water source, adequate no. of signs and speed breakers may be provided by the User Agency on the stretch of road passing through the forest area.
10. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has not been submitted.
11. Geo-referenced data and KML file for forest land to be diverted and Geo-referenced and KML file for compensatory afforestation area has not been submitted. Hence, the project could not be analysed with the help of Decision Support System (DSS).

After detailed discussions, the Committee recommended that the State Government may be requested to submit following documents / information for further consideration:-

- (i) Geo-referenced data and KML file for forest land to be diverted.
- (ii) Geo-referenced and KML file for compensatory afforestation area.
- (iii) Submit the compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, as per the MoEF&CC advisory.



- (iv) Detailed legal status of forest land proposed for diversion.

Agenda item No. 8

F.No.8-89/ 2013-FC	Diversion of 47.4170 ha of forest land for six laning of Mumbai Trans Harbour Link Road in Raigad & Thane district in the State of Maharashtra.	Maharashtra	47.4170 ha	Road
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This relates to diversion of above mentioned proposal. The Committee discussed the above mentioned proposal and noted as follows:-

1. The Committee perused the information submitted by the State Government vide letter dated 20.05.2015. It was noticed that the comments of State Govt. on MMRD letter dated 21.04.2015 has not been provided. Instead of above comments, the comments of the MMRD on points raised by Addl. PCCF have been forwarded. It was noted that the State Govt. has not so far provided comments on above issues of declaration of Flamingo Sanctuary, measures / safeguard for least disturbance to Flamingo at Sewri etc.
2. The Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as per the MoEF's advisory has not been submitted.

After detailed discussions, the Committee recommended that State Government may be again requested to submit the comments on the reply submitted by the User Agency vide their letter dated 21.04.2015.

Agenda item No. 9

F. No. 8-19/ 2015-FC	Diversion of 75.00 ha (earlier 63.98 ha) of forest land in Anabur RF, Jagalur Range, Davanagere Division in Karnataka for establishment of 41.60 MW Wind Power Project in favour of M/s Vish Wind Infrastructure LLP., Mumbai.	Karnataka	75.00 ha	Wind Power Project
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This relates to diversion of above mentioned proposal. The user agency made a detailed presentation before the Committee, regarding area to be diverted modification in area due along in corridor and transmission line width, availability of CA area, FRA compliance etc. The Committee noted as follows:-

1. The proposed wind power project envisages the installations of 41.60 MW Wind Energy Project in Anabur SF, Jagalur Range, Davanagere Forest Division. The User Agency wishes to install 52 Nos. of W.T.Gs of 0.80 MW (800 KW) capacity each which is totaling to 41.60 MW capacity of wind energy to be produced.
2. 75.00 ha (earlier 63.98 ha) of Reserved Forest land is involved. The change of width of external electrical lines from 8 mtrs. to 15 Mtrs and corridor width from 20 to 25 mtrs, which includes internal roads and electrical line etc. without changing the original alignment and co-ordinates of WECs, roads and of electrical lines has resulted in increase of forest land from 63.98 ha to 75.00 ha. The proposal envisages use of 13.00 ha of forest land for WECs, 42.13 ha for land and 33 KV internal line, 19.75 ha for 33 KV external line and 0.12 ha for VCPs.
3. Vulnerability of the land to erosion is minimal since the vegetation is dominated by grass that binds the soil. However, the erosion can be countered by suitable vegetative and mechanical structures at the project cost.
4. The proposed area falls in Eco-Class-III Consisting of Tropical Dry Deciduous Forests, Open Forest. The State Government has reported that the area is suitable for establishment of wind energy. 253 Nos. of stems/ha will be affected.
5. The average requirement of forest land per MW is 1.54 ha and the requirement is unavoidable and barest minimum required for the project.
6. There is no violation of F(C) Act, 1980 and Forest (Conservation) Rules, 2003, in the area.
7. There is no rare/endangered unique species of flora and fauna found in the proposed area.

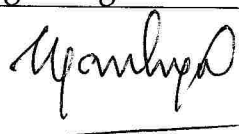


8. There are no protected/archaeological/heritage site or defence establishment or important monuments in the forest area proposed for diversion.
9. The proposed forest area does not form part of any Wildlife Sanctuary or National Park or Biosphere Reserve or Tiger Corridor or Elephant Corridor, etc.
10. State Government has informed that the user agency has submitted the proceedings of the concerned Grama Panchayaths /Sabhas. However, the certificates are not in accordance with the guidelines issued by Ministry of Environment and Forest, New Delhi vide letter No. 11-9/98-FC(Pt) dated 03.08.2009 & 05.07.2013 in Form-I/II. Hence, the Deputy Commissioner has already been requested vide letter dated 20.11.2014 for submission of compliance under Recognition of Forests Rights (RoFR) Act, 2006.
11. The user agency has identified, mutated & transferred an extent of 64.02 ha of non-forest land in favour of Karnataka Forest Department as against the requirement of 75.00 ha as stated above. Further the UA vide letter dated 6.2.2015 has given an undertaking to provide the balance non-forest CA land to an extent of 10.98 ha (75.00 - 64.02) before Stage-I approval is accorded by the Government of India. In the presentation, 75.00 ha of non-forest land for CA has been provided at Madapura, Arasanla, Gode and Kilarpalli in Koppal and Davangere districts. It is adjoining to reserve forest.

After detailed discussions, the Committee recommended the proposal with standard conditions and general conditions. However, the proposal will be submitted for approval of the competent authority only after submission of FRA-2006 compliance in the prescribed format from the State Government's letter and C-wet letter regarding authorisation and allocation of the present wind farm.

ADDITIONAL AGENDA-1

F. No.8-47/ 2008-FC	Transfer of lease to Investor/Power Producer from Developers in respect of diversion of 215.55 ha of forest land diverted in favour of M/s Enercon (India) Limited - regarding.	Karnatak a	215.55 ha	Wind Energy
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This relates to diversion of above mentioned proposal. However, the Committee noted that the change of name of the company from M/s Enercon (India) Limited to M/s Wind World (India) Limited has not been approved by the Central Government. Hence, the proposal for transfer of lease may not be considered at this point of time.

After detailed discussions, the Committee recommended that firstly change of the name of the user agency from M/s Enercon (India) Limited to M/s Wind World (India) Limited may be granted and then place before the Forest Advisory Committee for further consideration.

Not Present
(Dr. Mohammad Firoz
Ahmed)

Member

(Dr. Chintamani Pandey)
Additional Commissioner
(NRM), Member

(Ramesh K Dave)
Member

(M.S. Negi)
IGF(FC) & Member
Secretary

(Chaitram Deochand Pawar)
Member

(Dr. S.S. Negi)
Addl. Director General of
Forests (FC)

(Dr. S.S. Garbyal)

Director General of Forests and Special Secretary & Chairman

Subject: Re: Fw: Draft minutes of meeting for FAC meeting held on 29th July, 2015 approved by IGF(FC)
From: Chaitram Pawar (pawar.chaitram1@gmail.com)
To: bksbishwajitifs@yahoo.co.in;
Cc: cmani1@hotmail.com; rameshdave0811@gmail.com;
Date: Tuesday, 25 August 2015 11:27 AM

श्री. बिश्वजीत कुमार सिंह जी ने दी. २४ अगस्त २०१५ भेजे बैठक वृत्त को मैं अनुमोदित करता हू.

चैत्राम पवार

On Mon, Aug 24, 2015 at 12:00 PM, bishwajit Kumar singh <bksbishwajitifs@yahoo.co.in> wrote:

Sir,

Kindly expedite the approval for the proceedings.

with regards,
B K Singh

On Wednesday, 19 August 2015 3:14 PM, Ramesh Dave <rameshdave0811@gmail.com> wrote:

My dear Bk

The draft minutes are hereby returned with some corrections shown in red. In addition some additional comments have also been marked in the document, these also should be addressed before finalizing these minutes.

On Wed, Aug 19, 2015 at 10:32 AM, bishwajit Kumar singh <bksbishwajitifs@yahoo.co.in> wrote:

Sir,

Kindly find enclosed the draft Minutes for kind perusal and approval.

with regards,
B K Singh

--
Best Wishes

Ramesh K. Dave

Retd. Principal Chief Conservator of Forests
& Head of Forest Force
Bhopal, M.P., India

Subject: RE: Draft minutes of meeting for FAC meeting held on 29th July, 2015 approved by IGF(FC)
From: CHINTAMANI PANDEY (cmani1@hotmail.com)
To: bksbishwajitifs@yahoo.co.in;
Date: Monday, 24 August 2015 12:30 PM

I have gone through content and agree with the same

(C.M.Pandey)
Additional Commissioner(NRM)
Government of India,
Ministry of Agriculture,
Department of Agriculture & Cooperation,
102, B-Wing, Shastri Bhawan,
New Delhi
Tel No.011-23383772

Date: Mon, 24 Aug 2015 06:30:21 +0000
From: bksbishwajitifs@yahoo.co.in
To: cmani1@hotmail.com; friendsofbaripada@gmail.com; pawar.chaitram1@gmail.com
Subject: Fw: Draft minutes of meeting for FAC meeting held on 29th July, 2015 approved by IGF (FC)

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Gmail

More

COMPOSE

Fw: Draft minutes lof meeting for FAC meeting held on 29th July, 2015 approved by IGF(FC)

Inbox (49)

Starred

Important

Sent Mail

Drafts (33)

Personal


Travel

kl

kl

No Hangouts Contacts

[Find someone](#)

 **bishwajit Kumar singh**

Aug 24 (3 days ago)

to me

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with regards,
B K Singh

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Sir,

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Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Proceedings of the Forest Advisory Committee Meeting Held on
29th July, 2015

No. of Pages: 06
No. of Proposals: 01
Director (HCC)

Agenda No. 1: Policy matter regarding grant of general approval under the Forest (Conservation) Act, 1980 for prospecting of minerals in forest areas (File No. 11-96/2009-FC)

FAC after examination of proposal and interaction with representatives of the Ministry of Coal and the Central Mine Planning and Design Institute (CMPDI) observed as below:

- (i) Drilling of bore holes for exploration purposes in a typical mining block involves deployment of two to three units, each consisting of 1 drill machine, 1 pump, 1 derrick, 1 to 2 trucks for water hauling, 1 jeep for transportation of drilling crew and 4-5 drill crews in each shift for two to three years.
- (ii) Exploration activity not being directly or indirectly related to conservation, development and management of forests and wildlife is a non-forest activity for the purpose of the Forest (Conservation) Act, 1980 (FC Act). Drilling of bore hole in forest areas for exploration purposes therefore, require prior approval of Central Government under the FC Act.
- (iii) However, as a matter of pragmatism, para 1.3 (v) of the guidelines issued under the FC Act provides that prospecting of any mineral, done under prospecting license granted under Mines and Mineral (Development and Regulation) Act, 1957 which requires collection / removal of samples from the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under FC Act would be required. However, test drilling up to 20 boreholes of maximum 8" dia. per 10 sq km in case of coal, lignite and metallic ores and test drilling up to 16 boreholes of maximum 6.6" dia. per 10 sq km in case of non-metallic ores excluding coal and lignite **without felling of trees**, shall not attract the provisions of the FC Act. **In all other cases involving felling of trees or drilling of more bore holes, prior permission of Central Government under the Act would be required.**
- (iv) The Ministry of Coal (MoC) and the Ministry of Mines (MoM) informed the Ministry of Environment, Forest and Climate Change (MoEFCC) that assessment of mineral reserves to a desired level of accuracy to facilitate preparation of detailed mining plan and to take investment decisions requires drilling of 15- 20 bore holes per sq. Km. They requested the MoEF to relax the existing guidelines to exempt drilling of 15-20 bore-



holes per sq. km for prospecting of minerals from requirement of obtaining prior approval under the FC Act.

- (v) Before considering any further relaxation in number of bore-holes that may be drilled in the forest land without obtaining approval under FC Act, the MoC and MoEFCC agreed to undertake a study to assess impact of exploratory drilling on flora and fauna by undertaking trial exploratory drilling by the Central Mine Planning and Design Institute Limited (CMPDIL).
- (vi) The MoEF vide letter dated 10.03.2010 accorded approval under the FC Act for undertaking trial exploratory drilling by CMPDIL by drilling 940 bore holes (18 bore holes per sq. km) in three blocks located in three States within a period of one year, as per details given below:

Sl. No.	Name of Block	Coalfield/ State	Total Area (ha.)	Forest Area (ha.)	No. of Bore holes
1	Bijul	Singrauli/ MP	1,700	700	320
2	Chirra North	Mand Raigarh/ Chhattisgarh	2,400	2,100	420
3	Biatarni East	Talcher/ Odisha	1,000	700	200
Total Area			5,100	3500	940

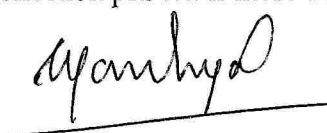
- (vii) The conditions mutually agreed between the MoC and the MoEF for undertaking the said study were as below:
- No felling of trees will be allowed in forest area for carrying out drilling for prospecting of coal.
 - The State Govt. shall associate forest official(s) with the exploratory team of user agency/ CMPDIL.
 - During transportation of borehole machines/rigs, no new roads/ permanent path in the forest area will be constructed.
 - The user agency /CMPDIL shall submit the Joint (with concerned State Government) impact assessment report of such trial exploratory drilling on the flora and fauna of the area within one month from the date of completion of work to enable the Central Government to revisit the guidelines on prospecting of coal/other minerals.



- (viii) The CMPDIL after drilling 215 bore holes or 4.20 bore-holes/sq. km submitted three separate impact assessment reports and requested the MoEF to relax the guidelines to permit drilling of 15-20 bore-holes per sq. km.
- (ix) The impact assessment reports for Chiira North and Baitarani East Coal Blocks were prepared jointly by the CMPDIL and the concerned Divisional Forest Officers. The report for the Bijul Coal Block was prepared jointly by the CMPDIL and the Madhya Pradesh State Forest Research Institute, Jabalpur.
- (x) Joint impact assessment reports do not contain any details related to design of the study viz. nature of parameters (having impact on flora and fauna) monitored during the study, frequency and manner of monitoring such parameters. etc. The data collected during the study were also not been provided in these reports.
- (xi) In the joint impact assessment report for the Baitarni East Coal Block it has been reported that drilling operations have impact on the elephant movement in the area.
- (xii) Similarly, in the joint impact assessment report for the Bijul Coal Block it has been reported that shrubs and herb species and ground vegetation including grasses and some important annual medicinal plants were found to have adverse impact in the core zone where drilling machines were installed in the operational site. Creation of non-congenial environment for regeneration at the drilling site due to soil compaction and resultant poor soil porosity and infiltration has also been reported in the said report.
- (xiii) It has been indicated in the joint impact assessment reports that drilling operations, including transportation of drilling rigs to the drilling sites did not involve felling of trees. This may be possible due to availability of fairly good road network, relatively poor tree cover and flat terrain of the coal blocks identified for the exploratory drilling for the said study. In most of the forest areas it will however, be not feasible to transport drilling rigs and other accessories at the drilling site and undertake prospecting activities without felling of trees.
- (xiv) The FAC after examination of the joint impact assessment reports and interaction with representatives of the CMPDI and the Geological Survey of India (GSI) in their meeting held on 20th -21st January 2013 *inter-alia* recommended as below:
 - (a) Exempting large scale non-forest activities, such as drilling of 15-20 bore-holes/sq km for prospecting of minerals in forest areas, from the requirement of obtaining prior approval under the FC Act, will be against the letter and spirit of the FC Act. The MoEF may therefore, continue with the present practice of granting approval under the FCA for exploratory drilling on case to case basis, after examining impact of such activities.



- (b) To expedite decision on the proposals seeking approval under the FC Act for undertaking exploratory drilling in forest areas, the MoEF in consultation with MoC and MoM may simplify the procedure for obtaining such approval.
 - (c) In the proposals for exploratory drilling, minimum required parameters may only be furnished in the prescribed format to be formulated by the MoEF in consultation with the MoC and the MoM.
 - (d) Keeping in view that only a small fraction of area located within a prospecting block is utilized for exploration activities, site inspection by concerned Regional Office of the MoEF may be insisted only if the actual area of the forest land proposed to be utilized for construction of new roads/paths and for drilling of bore holes/ sample collection pits *etc.* is more than 100 hectares.
 - (e) Keeping in view that prospecting operations involve use of forest land for a very short period, these activities may be exempted from the compensatory afforestation. NPV may also be realised only for the extent of forest land in which prospecting operation results in permanent change in land use.
 - (f) Similarly, the proposals seeking approval for prospecting may be exempted from the requirement of the submission of documentary evidence in support of settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as stipulated in MoEF's circular dated 3.8.2009. Such proposals may also be exempted from the submission of the geo-reference map stipulated in the MoEF's circular dated 12th July 2011.
- (xv) The competent authority in the Central Government accepted the said recommendations of the Forest Advisory Committee given in paragraph-(xiv) above.
- (xvi) Accordingly, the MoEFCC in consultation with the Ministries of Coal, Mines and Petroleum & Natural Gas formulated a simplified format for submission of application to obtain prior approval of Central Government under the Forest (Conservation) Act, 1980 for prospecting of minerals in forest areas. The Ministry has already notified the Forest (Conservation) Amendment Rules, 2014 to insert the said format as 'Form- C' in the Forest (Conservation) Rules, 2003.
- (xvii) Similarly, the MoEFCC vide letter dated 4th July 2014 also issued guidelines to the following effects:
- (a) Keeping in view that only a small fraction of area located within a prospecting block is utilized for exploration activities, site inspection by concerned Regional Office of this Ministry will be insisted only if the actual area of the forest land proposed to be utilized for construction of new roads/paths and for drilling of bore holes/sample collection pits *etc.* is more than 100 hectares;



- (b) As the prospecting operations involve use of forest land for a very short period, area of forest land which is likely to experience temporary change in land use is exempted from the requirement of compensatory afforestation and payment of the NPV. Forest land which experience permanent change in the land use due to prospecting activity shall only be considered for the purpose of the compensatory afforestation and the NPV; and
 - (c) Proposals seeking prior approval under the Forest (Conservation) Act, 1980 for prospecting in forest land are exempted from the requirement of the submission of documentary evidence in support of settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 stipulated in this Ministry's letter No. 11-9/98-FC dated 3rd August 2009.
- (xviii) However, in a meeting of the Hon'ble Minister of State (Independent Charge) for Environment, Forest and Climate Change with the Hon'ble Minister of State (Independent Charge) for Power, Coal and New and Renewable Energy held in this Ministry on 10th July, 2015 it was decided that the FAC will once again re-examine the matter. It was also decided that the CMPDI will be requested to make presentation before the FAC.
- (xix) Representatives of Ministry of Coal and the CMPDI informed that even after simplification of format, States are taking unusually long time processing of applications to obtain approval under the Forest (Conservation) Act, 1980 for prospecting of minerals in forest areas. As on date 70 proposals seeking approval under the Forest (Conservation) Act, 1980 for prospecting of coal in forest areas are pending before various authorities in the concerned State Governments.
- (xx) They further requested that to help them to achieve coal exploration targets, the MoEFCC may either accord general approval under the Forest (Conservation) Act, 1980 for prospecting of minerals in forest areas. They also suggested that the MoEF may consider to allow them to submit application directly to the MoEFCC without routing it through the States/UTs.
- (xxi) Grant of general approval for scale non-forest activities, such as drilling of 15-20 boreholes/sq km for prospecting of minerals in forest areas, requires detailed examination of quality of vegetation and availability of wildlife in the forest areas proposed to be utilised for prospecting of coal. Feasibility to undertake prospecting of coal in such areas without construction of new roads/permanent paths for transportation of drilling rigs to bore hole sites also needs to be examined.

After detailed deliberations the FAC recommended as below:



- (i) The Ministry of Coal and CMPDIL may provide the geo-referenced map of areas where prospecting of coal is proposed to be undertaken by them in future along with the roads/paths proposed to be utilised by them to transport drilling rigs to the proposed bore hole sites. The MoEFCC in consultation with the Forest Survey of India and Wildlife Institute of India may assess quality of forests and presence of wildlife in such areas. The MoEFCC, in consultation with FSI and States/ UTs and CMPDIL may also assess feasibility to undertake exploration of coal in such areas without construction of new roads/ paths. Once the afore-mentioned information is available the matter may again be placed before the FAC for their further examination; and
- (ii) Pending decision on grant of general approval, the MoEFCC may immediately convene a meeting of Nodal Officers of the all concerned States where proposals seeking approval under the Forest (Conservation) Act, 1980 for prospecting of coal in forest areas are presently pending and ascertain the reasons for delay in processing of these proposals. Representatives of the Ministry of Coal and CMPDI may also be invited to attend the meeting. MoEFFCC in consultation with the Nodal Officers and representatives of Ministry of Coal shall identify the actions to be taken by all concerned to ensure processing of all these proposals within the stipulated time lines.

(not present in the meeting)

(Dr. Mohammad Firoz
Ahmed)
Member

(Ramesh K. Dave)
Member

(Shri Chaitram Deochand Pawar)
Member

(C. M. Pandey)
Addl. Commissioner, MoA,
Member

(M.S. Negi)
IGF (FC)
Member-Secretary

(Dr. S.S. Negi)
ADG (FC)
Member

(Dr. S.S. Garbyal)
(DGF&SS)
Chairman

Suk. ct: RE: Draft Minutes of FAC Meeting held on 29th July 2015 regarding grant of general approval under the Forest (Conservation) Act, 1980 for prospecting of minerals in forest areas (File No. 11-96/2009-FC)

From: CHINTAMANI PANDEY (cmani1@hotmail.com)

To: harishcc@yahoo.com;

Date: Thursday, 20 August 2015 3:32 PM

I have gone through and agree with the content

(C.M.Pandey)
Additional Commissioner(NRM)
Government of India,
Ministry of Agriculture,
Department of Agriculture & Cooperation,
102, B-Wing, Shastri Bhawan,
New Delhi
Tel No.011-23383772

Date: Wed, 19 Aug 2015 09:16:34 +0000
From: harishcc@yahoo.com
To: firoz@aaranyak.org; rameshdave0811@gmail.com; pawar.chaitram1@gmail.com;
cmani1@hotmail.com; negims84@hotmail.com
Subject: Draft Minutes of FAC Meeting held on 29th July 2015 regarding grant of general approval under the Forest (Conservation) Act, 1980 for prospecting of minerals in forest areas (File No. 11-96/2009-FC)

Warm Regards,

(H.C. Chaudhary)
Director,
Ministry of Environment, Forests and Climate Change,
Government of India
+91-9891587239

Subject: Re: Draft Minutes of FAC Meeting held on 29th July 2015 regarding grant of general approval under the Forest (Conservation) Act, 1980 for prospecting of minerals in forest areas (File No. 11-96/2009-FC)

From: Ramesh Dave (rameshdave0811@gmail.com)

To: harishcc@yahoo.com;

Cc: ssgarbyal@yahoo.com; bksbishwajitifs@yahoo.co.in; dgfindia@nic.in; firoz@aaranyak.org; negimanmohan71@gmail.com; pawar.chaitram1@gmail.com; sharadnegi@hotmail.com; tcnautiyal@gmail.com;

Date: Thursday, 20 August 2015 1:39 PM

My dear Harish

I express my consent to the draft minutes for **Agenda No. 1: Policy matter regarding grant of general approval under the Forest (Conservation) Act, 1980 for prospecting of minerals in forest areas (File No. 11-96/2009-FC)**

Best Wishes
Ramesh K. Dave

On Wed, Aug 19, 2015 at 2:46 PM, Harish Choudhry <harishcc@yahoo.com> wrote:

Warm Regards,

(H.C. Chaudhary)
Director,
Ministry of Environment, Forests and Climate Change,
Government of India
+91-9891587239

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Best Wishes
Ramesh K. Dave
Retd. Principal Chief Conservator of Forests
& Head of Forest Force
Bhopal, M.P., India

Subject: Re: Draft Minutes of FAC Meeting held on 29th July 2015 regarding grant of general approval under the Forest (Conservation) Act, 1980 for prospecting of minerals in forest areas (File No. 11-96/2009-FC)

From: Chaitram Pawar (pawar.chaitram1@gmail.com)

To: harishcc@yahoo.com;

Cc: firoz@aaranyak.org; rameshdave0811@gmail.com; cmani1@hotmail.com; negims84@hotmail.com; ssgarbyal@yahoo.com;

Date: Monday, 24 August 2015 11:06 AM

मा. हरीश चौधरीजी ने भेजे २९.७.२०१५ के बैठक वृत्त को मे अनुमोदन देता हूँ.

चैत्राम पवार

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