

AGENDA FOR THE MEETING OF FOREST ADVISORY COMMITTEE
SCHEDULED TO BE HELD ON 21th September, 2017

Nisheeth Saxena, Sr. AIGF (FC)

S. No.	File No.	Name of the proposal	State	Area (ha.)	Category	Page No.
1.	8-27/2015-FC	Hindustan Copper Limited, Malanjkhand Underground Copper Mine at PO Malanjkhand, District Balaghat, MP Project at PO Malanjkhand	Madhya Pradesh	122.6	Mining	3
2.	8-53/2009-FC	Proposal for de-notification of 197.93 ha of Reserve Forest land for the use of Mandideep Industrial Area.	Madhya Pradesh	197.93	De-notification	10
3.	8-100/2012-FC	Diversion of 258.028 hectares of forest land in RF of Karimnagar East Forest Division for laying of pipelines/ construction of 8 (eight) tanks/ G/ Canals and distributaries under Kaleshwaram LIS in favour of Superintending Engineer, SYPCI & CAD Dept., Mancheril, Telangana	Telangana	258.028	Others	17
4.	8-47/2017-FC	Diversion of 54.639 Ha.revenue forest land for underground coal mining in Jamunia Under Ground Mine	Madhya Pradesh	54.639	Mining	21
5.	8-70/2010-FC	Diversion of 676.12 hectares of forest land in Rambilli and Kalavalapalli RFS of Visakhapatnam Division for setting up of Naval Alternate Operating Base (NAOB) in favour of Project Director Varuna, Visakhapatnam.	Andhra Pradesh	676.12	Defence	26
6.	8-45/2017-FC	Proposal is for Diversion of 385.841Ha.revenue forest land for underground coal mining purpose. Dhankasa geological block is a virgin block located in the north-eastern part of Pench-Kanhan Valley Coalfield.It forms the south-western contiguous part of Sonpur block and north-eastern part of Naheri	Madhya Pradesh	385.841	Mining	33
7.	8-146/2006-FC	Renewal of mining lease in Jamuna Kotma in favour of M/s South Eastern Coalfields limited (SECL) (coal mining).	Madhya Pradesh	48.3	Mining	39

Sandeep Sharma, AIGF (FC)

S. No.	File No.	Name of the proposal	State	Area (ha.)	Category	Page No.
1.	8-68/2013-FC	Diversion of 806.153 hectares of forest land including 16.601 ha for safety zone over the total Mining Lease area of 874.290 ha for iron ore mining in Sundergarh and Keonjhar districts of Odisha by M/s Neelachal Ispat Nigam Ltd.	Odisha	806.153	Mining	45
2.	8-39/2010-FC	Diversion of 58.56 ha forest land for up-gradation of Kialkhai Sinzawl CL-9 road (48.8 km) to enhance CL—specification under GSLTPP-Southern Forest	Manipur	58.56	Road	57

		Division, District Churachandpur, Manipur by BRTF C/o 99 APO				
3.	8-35/2017-FC	Diversion of 126.431 ha of Forest land in Balrampur and Surajpur Forest Divisions, Chhattisgarh for Jagannathpur OCP Coal Mining project in favour of South Eastern Coalfields Limited	Chhattisgarh	126.431	Mining	60
4.	8-112/2000-FC(Vol.)	Diversion of 4.74 ha of forest land for approach road for Bellary Iron Ore Mine in favour of M/s JSW Steel Ltd. in Bellary District (Online proposal no. FP/KA/ROAD/21837/2016.	Karnataka	4.74	Mining	74

Additional Agenda

Sandeep Sharma, AIGF (FC)

S. No.	File No.	Name of the proposal	State	Area (ha.)	Category	Page No.
1.	8-50/2017-FC	Diversion of 186.96 ha Reserved Forest land for acquisition of forest land for the proposed barrage project across river Narmada near Bhadbhut Village in Bharuch District in favour of Executive Engineer, Gulf of Khambhat Development Project (W.R.), Project Implementation Unit-2, Vadodara.	Gujarat	186.96	Irrigation	78

Nisheeth Saxena, AIGF (FC)

Agenda No. 1

File No. 8-27/2015-FC

Sub.: Proposal for diversion of 122.60 hectares of forest land for Under Ground Mining of Copper Ore Minerals (Hindustan Copper Limited Malanjkhanda Copper Project) in favour of M/s. General Manager Hindustan Copper Limited Malanjkhanda Copper Project, P.O. Malanjkhanda District of Balaghat Madhya Pradesh State.-regarding.

1. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer under Forest (Conservation) Act, 1980 Satpura Bhawan, Government of Madhya Pradesh, vide their letter No. F-1/743/2015/10-11/2313 Bhopal dated 21.09.2015 placed along with its annexure **at page 1-502/c** submitted the above mentioned proposal to obtain prior approval of Central Government, in accordance with Section-2 of the Forest (Conservation) Act, 1980.
2. This Ministry vide its letter of even number dated 28.10.2015 (**Pg. 445/c**) requested the Regional Office, Bhopal to carry out the site inspection of the area proposed for diversion. The Regional Office vide their letter dated 20.05.2016 (**Pg. 448-463/c**) submitted the site inspection report of the area.
3. Details indicated in the proposal submitted by the Government of Madhya Pradesh are as below:

FACT SHEET

1.	Name of the Proposal	Proposal for diversion of 122.60 hectares of forest land for Under Ground Mining of Copper Ore Minerals (Hindustan Copper Limited Malanjkhanda Copper Project) in favour of M/s General Manager Hindustan Copper Limited Malanjkhanda Copper Project, P.O. Malanjkhanda District of Balaghat Madhya Pradesh State.
2.	Location:	
	State	Madhya Pradesh.
	District	Balaghat.
3.	Details of the user agency	
	Name of the user agency	M/s. General Manager Hindustan Copper Limited Malanjkhanda Copper Project.
	Nature of the user agency	Central PSU.
4.	Particular of Forests	
	i. Name of Forest Division	North (General) Balaghat Forest Division.
	ii. Area of Forest land proposed for Diversion	Area of Forest land proposed for diversion of 122.60 hectares.
	iii. Legal Status of Forest land	Reserved Forest.
	iv. Density of Vegetation	Open Forest.
5.	Species-wise (Scientific names) and diameter class wise enumeration of trees in unbroken area.	No tree felling in proposed forest land.
6.	Brief note on vulnerability of the forest area to erosion.	As reported by DFO, North Balaghat, the said project is pertaining to the underground mining, so there will be no erosion of forest soil.

7.	Approximate distance of proposed site for diversion from boundary of forest (in KM).	The proposed area adjacent to Reserved forest.
8.	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. (if so, the details of the area the comments of the Chief Wildlife Warden to be annexed).	No, the applied area does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. Distance from the proposed forest land of Kanha National Park (Core Zone) is 8.75 K.M. , Kanha Buffer zone is 4.75 K.M. and Distance of Kanha Pench Koridor is 21.91 K.M. In this regard, the NOC has given by the PCCF (WL)/CWLW vide his letter No. 345 dated 15.01.2015 (Pg. 31A-31B/c).
9.	Whether any rare/ endangered/ unique species of flora and fauna found in the area if so, details thereof.	-No-
10.	Whether any protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.	-No-
11.	Whether the requirement of forest land as proposed by the User Agency in col.2 of Part-I is unavoidable and bare minimum for the project. If no, recommended area item-wise with details of alternatives examined.	The land proposed for diversion in barest minimum.
12.	Whether any work in violation of the Act has been carried out (Yes/ No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still under progress.	No, Violation under the forest (Conservation) Act, 1980 in the applied forest area.
13.	Site Inspection Report of the DCF (to be enclosed) in respect to status of compliance of conditions stipulated during earlier approval.	Site Inspection Report carried out by the DFO, North Balaghat dated 12.12.2014 may kindly see at page no. 362/c .
14.	Details of Compensatory Afforestation Scheme:	The Compensatory afforestation has been proposed over equivalent non-forest land. Site for raising CA has been identified in villages of Chaartola (Newargaon) (40.165 ha.), Pindkapar – Theckedaari and Bhimjori, (51.356 ha.), Karamsarra (31.089 ha.) North Balaghat District involving an area of 122.610 ha.
(i)	Details of non-forest area/ degraded forest area identified for compensatory Afforestation, its distance from adjoining forest, number of patches, size of each patch.	

(ii)	Map showing non-forest/ degraded forest area identified for compensatory Afforestation and adjoining forest boundaries.	Map showing the land identified for raising CA has been submitted along with the proposal
(iii)	Detailed compensatory Afforestation scheme including species to be planted, implementing Agency, time schedule, cost structure etc.	The CA scheme with the provisions of 10 years of maintenance has been submitted. CA scheme and maps of the area identified for raising CA area available at page 364-427/c .
(iv)	Total financial outlay for compensatory Afforestation scheme.	Rs. 86563885/- (Pg. 364/c).
(v)	Certificate from competent authority regarding suitability of area identified for compensatory Afforestation and from management point of view. To be signed by the concerned Deputy Conservatory of Forests.	The concerned DFOs have provided site suitability certificate of the land identified for raising CA as detailed below: (i) Chaartola: Area 40.165 ha. (Pg. 374/c). (ii) Baiher:- No area given by DFO (392/c). (iii) Karamsara:- No area is given by RFO (417/c). This certificate is not given by the Concerned DFO.
15.	Cost benefit analysis	Cost Benefit analysis is given by the User agency and may kindly be seen at (Pg. 45-47/c).
16.	Total cost of the project	Rs. 1856.36 crore. (Pg. 45-47/c).
17.	Employment	(i) Permanent/Regular Employee=300 (ii) Temporary Employee=1869
18.	Environment clearance required in the project.	Yes. The State Government has reported that project proponent has obtained environment clearance vide Ministry's letter No. F. J-11015/383/2010-IA-II (M) dated 17.06.2013 (Pg. 38-44/c).
19.	Resettlement and Rehabilitation	No data available.
	a) No of families involved b) Category of families c) Details of rehabilitation plan	No data available.
20.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	The District Collector, Balaghat, Goernment of Madhya Pradesh vide his No. 366 dated 01.05.2015 (Pg. 440/c) has issued FRA certificate on the forest land proposed to be diverted for non-forest purposes, it is certified that 122.60 ha. of forest land proposed to be diverted in favour of M/s. HCL, Malanjkhanda Copper Project, PO Malanjkhanda, for underground copper mining, in Balaghat district falls within jurisdiction of Karamsara and Khursipur villages under the Nagar Palika Parishad, Malanjkhanda in Birsa Tehsil. It is mentioned that the all clause in the FRA is Not applicable. Therefore that the proposed area is lying under Municipal Co-operation. So, FRA, 2006 is not applicable (Pg. 440-444/c).

		However, the FRA certificate is not given as per prescribed guidelines.
21.	Details of mining lease	
	Date of grant of mining lease	NA
	Total area of the mining lease (granted originally)	-
	Date of execution of mining lease	-
	Mine Plan	NA
	Progressive Mine Closure Plan	NA
	Date of earlier approval obtained under the Forest (Conservation) Act, 1980	-
22.	Mining Plan	Closure mining plan has been submitted copy of the same is available at (Pg. 81-84/c).
23.	Divisional / District profile.	
(i)	Geographical area of the district / division.	9229.00 Ha
(ii)	Forest area of the District	4814.84 Ha
(iii)	Total forest area diverted in the Division/ District since 1980 with number of cases.	Total forest area=3073.046 and No. of approved cases=44
(iv)	Total compensatory Afforestation stipulated in the District / Division since 1980 on	
	(a) Forest land including penal compensatory Afforestation (b) Non-forest land	(a) Forest Land = 3229.642 ha (b) Non forest land = 808.887 ha
	Progress of compensatory Afforestation as on date (a) Forest land (b) Non-forest land	(a) Forest land = 3229.402 ha (b) Non forest land = 808.887 ha
24.	Recommendation	
	Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.	Recommended. (Pg. 9-14/c).
	CCF	Recommended. (Pg. 15/c).
	APCCF/ Nodal Officer (FCA)	Recommended. (Pg. 16/c).
	State Govt.	Recommended. (Pg. 17/c).

4. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, State Government of Madhya Pradesh vide its letter dated 21.09.2017 submitted following additional information pertaining to the proposal:

- (i) Purpose wise breakup of forest land proposed for diversion has not been given by the State Government / project proponent.

- (ii) Concerned Tehasildars have certified that the project does not involve any Revenue Forest land.
 - (iii) The authorities in the State Forest Department and State Government have recommended the proposal without any specific condition.
 - (iv) The user agency has submitted undertakings to bear the cost of CA and NPV, **the CA has been proposed over equivalent non - forest land.**
5. The forest land proposed to be diverted has been inspected by Shri B. Abhay Bhaskar, Dy. Chief Conservator of Forests (Central), Regional office (Western Zone), Bhopal. Additional information furnished in the inspection report submitted by the Regional Office (Western Zone), Bhopal vide their letter dated 20.05.2016 (Pg. 448-464/c) are as below:

SITE INSPECTION REPORT by Regional Office, Western Zone, Bhopal on 4th January, 2016 by the DCF, RO, Bhopal and subsequently by the CCF, RO, Bhopal on 28.04.2016 in respect to Diversion of 122.60 ha of forest land for Under Ground of Mining of Copper Ore Minerals (Hindustan Copper Limited Malanjkhand Copper Project) in favour of Mis General Manager Hindustan Copper Limited MalanjkhandCopper Project, P.O. Malanjkhand District of Balaghat Madhya Pradesh.

The proposal was first got inspected by the DCF, Regional Office, Bhopal. But the DCF reported that hardly anything was shown to him as there was no demarcation of forest land on the ground. The **DCF** also writes that the location of underground mine for which forest land is proposed to be diverted falls inside the active mining area as can be made out from the DSS. So practically the DCF failed to appreciate the field situation with respect to the forest land proposed for diversion of underground mining. A Site Inspection Report prepared by tehDCF is enclosed (**Annexure I**) A letter dated 25.02.2016 was written to the State government asking copy of the forest clearance granted to it for the open cast mine which is being worked at present. Secondly, it was also asked if any violation of the FCA has taken place. But the State Government did not reply to this question. Therefore, the CCF was asked to revisit the area and find out what exactly has happened on the field with respect to the area already being worked as the new proposal at hand. Accordingly the CCF visited the site on 28.02.2016 and has prepared another report (**Annexure II**).

Introduction:

1. Legal status of forest land proposed for diversion: Reserved Forest.

Name of District	Forest Division	Range	Reserved / Protected Forest	Compartment no.	Area of Compartment (ha)	Diversion required for (ha)
Balaghat	North Balaehat	Bersa Darfloh	Salawadha -A	1659	111.43	108.14
			Salawadha -A	1660	104.10	14.46
					Total	122.60 ha

- 2. How the land proposed for diversion is to be utilized? **The land is proposed to be utilised for underground copper ore mining.**
- 3. Whether the proposal involves any construction of building (including residential) or not? **Nil**
- 4. Total cost of Project at present. **Rs 1856.36 crore.**
- 5. Wildlife **There is no significant wildlife in the area.**
- 6. Aerial distance from the nearest Boundary of any protected area: The project site is located 8.75 km away from Kanha National Park and 4.75 km from Kanha Buffer zone.
- 7. Vegetation: **No tree growth is proposed to be felled:**

8. Background of the proposal.

The government of India approved the project in 1978. Trial production started in the same year. The project was finally dedicated to the nation in the year 1982.

Initial project has been set up by Hindustan copper Ltd to exploit the copper ore through an open pit mine. Geological Survey of India took systematic geological exploration at this deposit during 1969, Mining lease of the ore was granted to HCL during 1973. With advancement of time this project was enhanced with viable operational developments At present besides the open pit mine and concentrator plant the project has also been provided with auxiliary facilities such as Tailings Disposal and Water Reclamation System, Repair Shops, Maintenance Garage, Water Treatment Plant, Warehouses, Fuelling Stations, 132 KV Power Sub-station, Waste Treatment Facilities and Township with modern amenities (Statement of facts from HCL).

9. **Compensatory Afforestation:**

A	Whether land proposed / selected for Compensatory afforestation is suitable from 1 plantation and management point of view?	Yes
B	Whether land for compensatory afforestation is free from encroachment and other encumbrances?	Yes
C	Whether land for compensatory afforestation is important from religious or archiological point of view?	No
D	Land identified for raising compensatory afforestation is in how many patches? Whether patches area compact or not?	Land identified for CA in 122.876 ha in 04 (four) patches at North Balaghat Forest Division.
E	Land is free from encroachment and other encumbrances	—
F	Maps with details.	Yes (enclosed with proposal)
G	Compensatory afforestation area should be clearly shown on the map, patches wise and their contiguity to the forest area, etc	Yes, enclosed with proposal
H	Total financial outlay of 10 years CA programme:	Rs 8,65,63,885.00 (including 10 years plantation and other charges)

10. Whether proposal involves violation of Forest (Conservation) Act, 1980? If yes, a detailed report on violation including the action taken against the concerned officer: **No, there is no violation of Forest (Conservation) Act, 1980.**

11. Whether proposal involves rehabilitation of displaced persons? If yes, whether rehabilitation plan has been approved by the State Government? : No

12. Reclamation Plan: Details and Financial allocation **Undertaking given by user agency is enclosed with the proposal.**

13. Cost benefit ratio: **Enclosed with the proposal**

14. Utility of Project: 05 million tonnes of copper will be removed per year over a period of 35 (thirty five) years. This copper will be supplied to various manufacturing plants. 2169 employees will benefited (Statement of facts from HCL).

15. Number of ST/SC involved in the Project: **Not Mentioned**

16. Compliance of FRA 2006 —DC certificate: **Provisions of the FRA have been complied with.**

17. Whether the land being diverted has any socio-cultural/religious value? Whether any sacred groves or very old growing of trees of forests exist in the area proposed for diversion? :No.

18. Recommendation of Nodal Officer/ PCCF and the State Government:

a. **DCF, APCCF & State Govt. of MP has recommended the proposal for approval.**

b. **Part-III filled by CCF, Balaghat and his letter no DM/1386 dated 26/11/2014 enclosed at Page 21A & 21B in the proposal may kindly be seen.**

19. Observations of inspecting Officer from Regional Office, Bhopal:

Recommendations of the APCCF (C):

As may be seen from the reports from the CCF and the DCF, the issue of violation of the FCA or otherwise with regard to the forest land in the possession of HCL is not settled. In view of this it is not possible at this stage to make any recommendation for allowing underground **mining** in the proposed forest land.

20. Observations and recommendations by the DCF, Bhopal:

- a) The CCF, Balaghat letter no Div1/1386 dated 26/11/2014, enclosed in the proposal at page-21 /A & 21/B may kindly be seen.
- b) The land 728.827 ha was allotted to **HCL** in the year 1978 & 1979 and some amount in respect to plantation and NP V (market value of land) was collected by the state Govt in those years (as given in CCF letter).
- c) In years 2005 for same land, DC Balaghta collected the amount from user agency (HCL) @ Rs 1000.00 I ha for 782.827 ha amounting to Rs 1800740.00 ha and was deposited in PDA account.
- d) CCF letter & HCL official told that land was handed over to the HCL prior 1980 (documents were not produced during site inspection).
- e) The De-notification of land was not done, but the land was removed from the working plan of North Balaghat and HCL claims the possession of land.
- f) The user agency (HCL) have a mining lease for 479.9 ha of forest land out of 728.827 ha of land said under possession of HCL.

21. Specific Observation:

- a) The User agency got allotment of 782.827 ha of forest land pre-1980 and possesses mining lease of 479.90 ha (open cast mine).
- b) The mine started its operation after 1980.
- c) The present proposal of diversion location lies exact down below somewhere in 479.90 ha of open case mine.
- d) During site inspection it was difficult to locate exact site required for diversion, as the land was not demarcated and its location seats inside the active mining area.
- e) The matter was discussed with CCF Balaghat but no concrete recommendation or answer was obtained.
- f) The HCL was asked about period of lease but no concrete answer was obtained. They told that they had till 1993 and same was extended till 2013 and now for further for 50 years (documents were not shown).

22. Recommendation:

- a) If it is the case of pre-1980 diversion, then complete area needs to be considered and proposal may be termed as regularisation of 782.827 ha or area deemed fit.
- b) The proposed part of diversion is party of active 479.90 ha (open cast mine), so, for undersigned it is not possible to recommend for only 122.6 ha of forest area.
- c) The Site inspection of CCF, Balaghat for diversion of 122.6 ha is required.
- d) State Governments views on 782.727 ha of pre-1980 diversion, 479.90 ha of mining lease and proposed diversion of 122.6 ha and how they area separating three issued & present status of land needs to be sought.

The metallic industries are the back bone of Indian economy; copper is valuable metal and required for all electronic goods, this project is very much essential for the nation for its growth and development.

Site inspection photographs can be seen, it is difficult to recommend the proposal of only 122.6 ha, unless and until the stand of State Govt on 782.727 ha , 479.90 ha of mining lease is cleared, because the present proposal is part of that land.

In view of the above facts related to the proposal, it is proposed that proposal may be submitted to the FAC for its consideration in its forthcoming meeting scheduled to be held on 21.09.2017.

Agenda No. 2

File No. 8-53/ 2009-FC

Subject: Proposal for de-notification of 197.93 hectares of forest land for Mandi Deep Industrial area in Raisen district, Madhya Pradesh.

1. The Addl. Principal Chief Conservator of Forests (Land Management) and the Nodal Officer, Forest (Conservation) Act, 1980, the State Government of Madhya Pradesh vide his letter dated 23rd July 2009 submitted the above subject proposal to obtain prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. Details indicated in the proposal submitted by the Government of Madhya Pradesh are as below:

FACT SHEET

1.	Name of the Proposal	De-notification of 197.93 hectares of forest land for Mandi Deep Industrial area in Raisen district, Madhya Pradesh.
2.	<u>Location :</u> (i) State (ii) District	Madhya Pradesh Raisen
3.	<u>Particulars of Forests :</u> (i) Name of Forest Division (ii) Forest area involved (iii) Legal Status/Sy. No. (iv) Map	Obedullahganj Forest Division 197.93 ha Protected Forest Enclosed 1:50,000 scale
4.	(i) Vegetation (ii) Density	Forest land is encroached and vacant forest. Less than 0.4
5.	Brief note on vulnerability of forest area to erosion	Not applicable
6.	Approximate distance of proposed site for diversion from boundary of forest	Within the Reserve Forest land
7.	Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (if so, the details of the area and comments of the Chief Wild Life Warden to be annexed)	No.
8.	Whether area is significant from wildlife point of view	

9.	Whether any rare / endangered unique species of flora and fauna found in the area. If so, details thereof.	No
10.	Whether any protected archeological / heritage site / Defence establishment or any other important monument is located in the area.	No. Certificate is enclosed.
11.	Whether the requirement of forest land as proposed by the User Agency in col. 2 of part-I is unavoidable and barest minimum for the period. If no, recommended area item-wise with details of alternatives examined.	This forest land has been transferred to the Industry Department by the Collector, Raisen in 1973 . The land is under the control of Department of Industry. Proposal is for de-reservation of the land.
12.	Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.	This forest land has been transferred to the Industry Department by the Collector, Raisen in 1973. In this area commercial, factories and developmental works have been done. But land diversion has not been done. Necessary approval under Forest (Conservation) Act, 1980 is needed.
13.	Compensatory Afforestation	Non-forest land is not available for Compensatory Afforestation. Certificate dated 16.11.2006 from the Collector, Raisen is enclosed. The land has been transferred by the Collector, Raisen in 1973 before enactment of Forest (Conservation) Act, 1980.
14.	Recommendations	
	DFO	Recommended.
	CCF	Recommended.
	Nodal Officer & Addl. PCCF	Recommended
	State Govt.	Recommended

3. The forest land proposed to be de-reserved was inspected by the Regional office (Western Zone) Bhopal. Additional information given in the site inspection report received from the Regional Office (Western Zone) Bhopal vide their letter dated 30.12.2009 are as below:

- (i) The forest land proposed to be de-reserved has been notified as Reserve Forest under section 4 of the Indian Forest Act, 1927 on 20.07.65.
- (ii) The entire area of the forest land proposed to be de-reserved has been used for industrial development. The said land was transferred to M.P. Audyogik Kendra Vikas Nigam vide order of M.P. Government dated 07.09.73. It may be seen that two Khasra numbers 112 and 622 totaling

to an area of 1.48 ha falls within the industrial area diverted in 1973 and is currently being used as a crematorium and for a small dam of HEG Ltd., respectively.

- (iii) There are 316 industrial units in the said area and all infrastructure related to the running of these industries including housing colonies exist in the area.
- (iv) A total investment of Rs. 1001.29 crores has been made in the area till date.
- (v) Since this is a part of the industrial area and lies within the Mandi Deep Nagar Palika area, there is no significant wildlife in the area.
- (vi) As mentioned above, this forest area has been industrialized since 1973, no natural vegetation exists in the area. Some industries have undertaken plantation of various tree and ornamental species in their respective compounds.
- (vii) The proposed area is adjacent to the city of Bhopal and has been developed as an industrial area and a number of small, medium and large industries have come up in the area including Proctor & Gamble, HEG, Crompton and Greave, V-Tec, Optel, Lupin Laboratories, Vardhaman Spinning Mills, Godrej, IFB etc. There are 32 large-medium industries and more than 400 small scale industries. Industrial production of more than Rs. 6000 crores is being done in this area out of which, about half of the industrial production is for exports.
- (viii) Forest land for the proposed industrial area was diverted way back in 1973 before the enactment of the Forest (Conservation) Act in 1980. The current proposal is for de-notification of the said forest land, which has been notified as a forest area u/s 4 of the Indian Forest Act, 1927.
- (ix) CA is not envisaged in this project as it pertains to forest land transfer prior to Forest (Conservation) Act, 1980.
- (x) No violation of Forest (Conservation) Act, 1980 was observed in the area.
- (xi) The proposal does not involve the rehabilitation of displaced persons.
- (xii) Reclamation plan is not required.
- (xiii) Cost benefit ratio is not required.
- (xiv) There are 316 industrial units in this area including HEG, United, Soya, M.P. Forest Industries and a number of small scale industries. The investment made in this area is Rs. 1001.29 crore generating employment of more than 5,500 persons.
- (xv) The forest land proposed to be de-reserved has no socio-cultural/religious value.
- (xvi) This area is not a part of any National Park or Wildlife Sanctuary and would be more than 20 kms away from the nearest Ratapani Wildlife Sanctuary.

4. Specific comments of the Regional Chief Conservator of Forests on the proposal were as below:

- (i) The current proposal is for de-notification of area declared as RF u/s 4 of the Indian Forest Act, 1927. As per the Hon'ble Supreme Court's order dated 13.11.2000 in I.A. No. 2 in W.P. No. 337/1995 it was directed that no de-reservation of forest areas would be effected. As such, the user agency may be asked to approach the Hon'ble Supreme Court for further directions on this matter.

- (ii) The user agency may be asked to apply separately for approval of 1.48 ha mentioned in para 2 of the report, which is included in this proposal, but has not been transferred to the user agency in 1973. Alternatively, this area may be excluded from the current proposal and be maintained as a green patch much needed in an industrial area.
- (iii) As mentioned in the above para, this is a matter of dereservation and hence, it is a matter to be pursued in the Hon'ble Supreme Court.
5. The Forest Advisory Committee after examination of the proposal and the site inspection report received from the Regional Office (Western Zone), Bhopal in their **meeting held on 26th February 2010** observed that this proposal can be examined only with a forest map showing the present land use within and in the vicinity in order to consider mitigative measures to preserve and further improve the green cover. **The Committee felt that it will also be necessary for the State Government to obtain the Hon'ble Supreme Court's permission for de-reservation of the concerned area. The Nodal officer was advised to submit the revised proposal.**
6. The Addl. Principal Chief Conservator of Forests (Land Management) and the Nodal Officer, Forest (Conservation) Act, 1980, the State Government of Madhya Pradesh vide his letter dated 11th July 2013 send a copy of following documents sought by the FAC in their meeting held on 26th February, 2010 and requested this Ministry to incorporate the same in the original proposal:
- (i) A copy of a map in 1: 15000 scale indicating the present land use pattern of the forest land proposed to be de-reserved;
- (ii) A copy of map in 1: 50,000 scale indicating boundary of forest areas located in vicinity of the forest land proposed to be de-reserved;
- (iii) A copy of report of the Central Empowered Committee in IA No. 2792-93 of 2009 filed by M.P. Audyogik Kendra Vikas Nigam (Bhopal) Ltd. & ANR seeking permission for the de-notification of 488.90 acres of reserved forest falling in the Mandi Deep Industrial Area.
- (iv) A copy of order dated 15th July 2011 passed by the Hon'ble Supreme Court on the said IAs no.
7. The following has *inter-alia* been indicated in the documents enclosed with the The Addl. Principal Chief Conservator of Forests (Land Management) and the Nodal Officer, Forest (Conservation) Act, 1980, the State Government of Madhya Pradesh vide his letter dated 11th July 2013:
- (i) Presently industrial units are operating on the forest land proposed to be de-reserved. In pursuance to the Commerce and industries Department in the State Government of Madhya Pradesh's O.M. No. 23/22/73/A/11 dated 7.9.1973, the Collector Raisen vide his letter dated 3rd October 1973 has handed over the said forest land to the Industries Department on 03.10.1972 prior to 24.10.1980 for Industrial Development. Presently various industrial units are operating on the forest land proposed to be de-reserved.
- (ii) Apart from the forest land proposed to be de-reserved, another 235.15 acre forest land located in its vicinity is also proposed to be diverted for development of the Industrial Unit. Details of activities proposed for conservation and development of forest cover in vicinity of the forest land proposed to be de-reserved is as below:

Sl. No.	Compartment No. of the forest land located in its vicinity	Name of Working Circle	Activities proposed as per approved Working Plan
1	P-776, P-777, P-820, P-821, P-778	Plantation Working Circle	Afforestation, pasture development, and forest development

2	P-774, RF-332, P-819, P-816, P-817, RF-331, RF-330, P-818	R.D.F. Working Circle	Forest conservation activities, cultural operation, fire protection activities, and afforestation of blank areas.
3	P-773, P-814, RF-562	I.F.S. Working Circle	Felling and re-afforestation activities.

8. The Following has inter-alia been noted in the report of the dated 19th January 2011 of the CEC in the IAs No. 2792-93 filed before the Hon'ble Supreme Court:

(i) After considering that in the present case (a) the forest land was decided to be allotted and handed over for development of Mandi Deep Industrial area in 1973 before the enactment of the Forest (Conservation) Act, 1980 and when prior permission from the Central Government under the Forest (Conservation) Act, 1980 was not required; (b) the entire forest area has been used for the development of the Industrial Units have been established and are operating therein; (d) out of 488.90 acres of forest land, an area of 228.55 acres of land has been allotted/ used prior to 25.10.1980; (e) there is no willful violation of the Forest (Conservation) Act, 1980, (f) the Industrial Area project is in public interest ; and (g) the State Government has filed the proposal under the Forest (Conservation) Act, 1980 for seeking approval of the MoEF for de-notification of the said reserved forest, the CEC is of the view that the balance of convenience at this belated juncture will lie in permitting the Ministry of Environment and Forests to take decision under the Forest (Conservation) Act, 1980 regarding de-notification of the said forest land and for granting ex-post facto approval for its non-forestry use. It is therefore recommended that this Hon'ble Court may consider, in relaxation of this Hon'ble Court order dated 13.11.2000 in Writ Petition (C) 3371/1995 (by which de-notification of national parks and Sanctuaries and reserved forest has been prohibited), permitting the MoEF to consider the proposal for de-notification of 488.90 acres of reserved forest land included in the Mandi Deep Industrial Area at Mandi Deep Town, District Raisen, Madhya Pradesh subject to following condition:

- (a) The Ministry of Environment and Forests will consider grant of approval under the Forest (Conservation) Act, 1980 for non-forest use of the forest land and its de-notification subject to payment of NPV and appropriate conditions;
- (b) Pending a decision by the Ministry of Environment and Forests, no new non forest activity will be permissible in the reserved forest area included in the Mandi Deep Industrial Area.

9. The Hon'ble Supreme Court in their order dated 15th July 2011 directed that I.A. Nos. 2792 -2793 are allowed in terms of the conditions enumerated in the Report of CEC dated 19.1.2011.

10. The said proposal along with site inspection report received from the Regional Office (Western Zone), Bhopla and additional information received from the State Government of Madhya Pradesh vide their Addl. Principal Chief Conservator of Forests (Land Management) and the Nodal Officer, Forest (Conservation) Act, 1980, the State Government of Madhya Pradesh's letter dated 11th July 2013 was placed before the **Forest Advisory Committee in its meeting held on 13th-14th August 2013** for their examination and appropriate recommendations. The FAC after examination of proposal observed as below:

- (i) According to the concerned Divisional Forest Officer, legal Status of the forest land proposed to be diverted is Protected Forest. However, as per the site inspection report received from the Regional Office (Western Zone), Bhopal, the forest land proposed to be denotified has been notified as Reserve Forest under Section-4 of the Indian Forest Act, 1927 on 20th July 1965;
- (ii) State Government informed that as this forest land proposed to be denotified was transferred to the Industry Department by the Collector, Raisen in 1973 before FC Act came into force and the land

is under the control of Industries Department, compensatory afforestation (CA) is not required to be raised in lieu of its de-notification;

- (iii) Out of 488.90 acres of forest land proposed to be denotified, an area of 228.55 acres of land was allotted/used prior to date on which FC Act came into force *i.e.* 25th October 1980;
- (iv) Presently, forest land proposed to be denotified contains 316 industrial units including HEG, United, Soya, M.P. Forest Industries and a number of small scale industries;
- (v) Specific reasons for seeking prior approval of Central Government for de-reservation, instead of diversion/use of the said forest land for industrial purpose have not been provided by the user agency and the State Government;
- (vi) Central Empowered Committee (CEC) constituted by the Hon'ble Supreme Court in their report dated 19th January 2011 recommended that the Hon'ble Supreme Court may consider, in relaxation of their order dated 13.11.2000 in Writ Petition (C) 3371/1995 (by which de-notification of national parks and Sanctuaries and reserved forest has been prohibited), permitting the MoEF to consider the proposal for de-notification of the said 488.90 acres of reserved forest land subject to following conditions:
 - (a) The Ministry of Environment and Forests will consider grant of approval under the FC Act for non-forest use of the forest land and its de-notification subject to payment of NPV and appropriate conditions; and
 - (b) Pending a decision by the Ministry of Environment and Forests, no new non-forest activity will be permissible in the reserved forest area included in the Mandi Deep Industrial Area.
- (vii) The Hon'ble Supreme Court in their order dated 15th July 2011 directed that I.A. Nos. 2792 - 2793 filed by the user agency are allowed in terms of the conditions enumerated in the Report of CEC dated 19th January 2011.

11. The FAC after detailed deliberations recommended that the State Government may be requested to submit the following additional information/ documents:

- (i) Specific reasons for seeking prior approval of Central Government for de-notification instead of diversion of the said forest land;
- (ii) Safeguards proposed to be taken by the State Government to ensure that post de-notification the said land continues to be utilized for Industrial Projects and is not converted into residential/commercial projects resulting in windfall gain to the respective owners;
- (iii) A detailed scheme for creation of CA in lieu of the forest land proposed to be denotified along with a Survey of India Toposheet, in original, indicating location and boundary of non-forest land proposed to be utilised for creation of CA;
- (iv) Area of forest land which was broken prior to the date on which FC Act came into force;
- (v) Year wise details (area and location) of the balance forest land which was broken after the FC Act came into force; and
- (vi) Details of action, if any, taken by the State Government for breaking the forest land after the FC Act came into force without obtaining approval under the FC Act;

12. As per the above recommendations of the last Forest Advisory Committee **meeting held on 13th-14th August 2013**, the following information was sought vide this Ministry's Letter of even no. dated 30.12.2015 (pg.377-378/c):

13. The Government of Madhya Pradesh vide their letter No. F-5/617/09/10-11/2328 dated 01.11.2016 (pg.422-497/c) has furnished the compliance on this Ministry's Letter of even no. dated 30.12.2015. After examining the compliance, the following shortcomings further observed and accordingly requested the State Government to furnish their reply. The information sought and reply given by the State Government thereof are as below:

S. No.	Information sought by MoEF&CC	Reply given by the State Government
1.	The CA Scheme has been submitted for an area of 197.62 Ha. (Pg. 427/c) whereas the proposal under consideration is for 197.93 Ha.	In this case, a scheme for plantation over 45.00 hectare 62 hectare and 90.620 hectares of land has been prepared. The total area of these three sites is 197.62 hectare. The same applicant has given 16.5 hectares of non-forest land against the 16.268 hectare forest land which is reversed in another proposal of forest alternation whose serial number 2907/2017. In this proposal additional 0.232 hectares of non-forest land will be utilized against this project. Thus, 197.62 hectare + 0.232 hectare = 197.852 hectares of non-forest land is available in this project.
2.	The certificate on Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted for an area of 197.855 Ha. (Pg. 490/c) instead of 197.93 ha of Reserve Forest land as proposed for de-notification.	The FRA affidavit has been taken for 197.855 hectare. In this case, 488.90 acres of forest land has to be diverted. There are 0.404686 hectares in one acre. Therefore, in the case of $488.90 * 0.404686 = 197.8509$ hectare forest land is to be diverted. Hence, the received certificate is correct.
3.	It may confirm whether the State Govt. of Madhya Pradesh has obtained the Hon'ble Supreme Court's permission for de-reservation of the concerned area.	In the case, the Hon'ble Supreme Court has approved the report of the Central Committee on 19.01.2011 dated 15/07/2011, which is attached at Pg no.-523/c.
4.	The shape/ Kml file for proposed de-notification and sites proposed for Compensatory Afforestation has not been given.	The KML file of forest land reversed is presented. The proposed forest land is depicted in red colour. For the completion of plantation, 45.00 hectares, 62 hectares and 90.620 hectares and remaining 0.232 hectares of non-forest land which is to be taken from 16.5 Acreage, KML file is also present, Hardcopies of forest land reserved also is attached. In the case, the remaining 0.232 hectares of non-forest land will be presented separately in the scheme of afforestation

In view of above, the facts of the above proposal as detailed in above note may be placed before FAC in its forthcoming meeting scheduled to be held on 21st September, 2017.

Agenda No. 3

F. No. 8-100/2012-FC

Sub: Diversion of 258.028 hectares of forest land in RF of Karimnagar East Forest Division for laying of pipelines/ construction of 8 (eight) tanks/ G/ Canals and distributaries under Kaleshwaram LIS in favour of Superintending Engineer, SYPCI & CAD Dept., Mancherial.

Reference: noting at page No. 39-44/N

1. The issue of Stage –II clearance for above subject proposal is under consideration. In – principal approval for the said proposal was granted by this Ministry on 21.01.2014 (**Pg. 522 - 525/c**).
2. The State Government of Telangana, Environment, Forests, Science & Technology (For.I) Department vide their letter No. 4286/ For. I (1)/2012 dated 21.02.2017 (**Pg. 536-574/c**) has submitted a report on compliance to conditions stipulated in the in-principle approval letter dated 21.01.2014. The summary of the said compliance report may kindly be seen at 27-38/N. After examination of the Compliance Report the shortcomings were noticed and accordingly the State Government was requested vide this Ministry's letter dated 11.05.2017 (**Pg. 632-633/c**).
3. Now the State Government of Telangana, Environment, Forests, Science & Technology (For.I) Department vide their letter No. 4286/ For. I (1)/2012 dated 18.07.2017 (**Pg. 642-758/c**) submitted the requisite information/documents. Information sought by MoEF & CC on 11.05.2017 and reply given by the State Government on 18.07.2017 are as given below:-

S. No.	Shortcomings conveyed	Reply submitted by State Govt.
(a).	The OSD, Ad-hoc CAMPA has not confirmed the funds deposited by the project proponent in the account of Ad-hoc CAMPA and requested that further particulars of the transmission may be obtained and furnish so that a report is obtained from the Bank accordingly.	In this regard the State Government informed that the deviation amount of Rs. 1,19,63,000 that were deposited by User Agency into TS Ad-hoc-CAMPA account vide Cheque No.987803 dated 31.03.2017 with UTR SBHYR520170331000002845 on 31.03.2017, against the project FP/TG/Others/1534/2012, have been credited back into EE, I&CADD from Corporation Bank on 15.04.2017. Again Rs.1,19,63,000 have been again remitted into Telangana State Ad-hoc-CAMPA account on 16.05.2017 with UTP number SBHYR 52017051600002077.
(b).	In compliance to condition No. 17 of stage –I clearance dated 21.01.2014 regarding raising penal compensatory afforestation from the funds to be realized from the user agency, over degraded forest land equal in extent to the area of non-forest land utilized for executing a part of the project pending receipt of prior approval of Central Government under the FC Act for diversion of forest land required for the project”, the State Government has not given any plan / scheme for raising penal compensatory afforestation with	In this regard the State Government reported that there is no violation of provisions of Forest (Conservation) Act, 1980 as no forest land was utilized for executing a part of the project pending receipt of prior approval of Central Government under FC Act. Therefore the question of raising /and payment of any penal compensatory Afforestation by User Agency does not arise” as communicated earlier by State Govt. vide their letter No. 4286/For.I(1)2012, dated 05.05.2017 (Pg. 634-635/c).

	estimate cost and funds deposition in account of Ad-hoc CAMPA.																																													
(c).	<p>In compliance to condition No. 18 of Stage –I clearance dated 21.01.2014, “keeping in view that a part of non-forest land identified for creation of CA is covered with boulders, the Principal Chief Conservator of Forests, Andhra Pradesh shall critically examine the scheme prepared for creation and maintenance of CA and suggest additional measures, if any, required to ensure survival of plants to be raised therein”. In this regard the additional measures have not been identified by the State forest Department to comply this condition.</p>	<p>In this regard, the State Government informed that the CCF, Karimnagar inspected the CA lands along with the District Forest Officers, Karimnagar & Rajanna Sircilla and Peddpalle and revised the CA Scheme duly prescribing the site-specific planting techniques and additional measures; which is as follows:</p> <table><tr><th>Village</th><th>Mandal</th><th>Sy. No.</th><th>Area in Ha.</th><th>Revised CA Scheme Rs.in Lakhs</th></tr><tr><td>Vedurugatta</td><td rowspan="3">Choppa dandi</td><td>354</td><td>71.39</td><td>291.639</td></tr><tr><td>Arnakonda</td><td>326</td><td>17.66</td><td>70.165</td></tr><tr><td>Arnakonda</td><td>341</td><td>51.86</td><td>115.196</td></tr><tr><td>Bommareddy pally</td><td>Dharma ram</td><td>68</td><td>64.74</td><td>108.644</td></tr><tr><td rowspan="2">Telikunta</td><td>Julapally</td><td>1380 /1</td><td>55.00</td><td>283.582</td></tr><tr><td>Total</td><td></td><td>260.65</td><td>869.227</td></tr></table> <p>The detailed revised CA scheme has been prepared at a revised cost of Rs. 869.227 lakhs. And the same is available at Pg. 650-747/c).</p> <p>The UA has paid the following amounts towards CA into TS Ad-hoc-CAMPA account:</p> <table><tr><th>S. No.</th><th>Date of Deposit and UTR No.</th><th>Amount in Rs.</th></tr><tr><td>1</td><td>UTR No. SBINR12014122607936617 through SBI Karimnagar on 26.12.2014</td><td>4,19,34,400.00</td></tr><tr><td>2</td><td>UTR number SBHYR52017051600002077 through SBH Ramagundam on 16.05.2017</td><td>1,19,63,000.00</td></tr><tr><td></td><td>Total</td><td>5,38,97,400.00</td></tr></table>	Village	Mandal	Sy. No.	Area in Ha.	Revised CA Scheme Rs.in Lakhs	Vedurugatta	Choppa dandi	354	71.39	291.639	Arnakonda	326	17.66	70.165	Arnakonda	341	51.86	115.196	Bommareddy pally	Dharma ram	68	64.74	108.644	Telikunta	Julapally	1380 /1	55.00	283.582	Total		260.65	869.227	S. No.	Date of Deposit and UTR No.	Amount in Rs.	1	UTR No. SBINR12014122607936617 through SBI Karimnagar on 26.12.2014	4,19,34,400.00	2	UTR number SBHYR52017051600002077 through SBH Ramagundam on 16.05.2017	1,19,63,000.00		Total	5,38,97,400.00
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		Hence, the User Agency has paid balance CA amount of Rs. 3,30,25,300.00 into TS Ad-hoc-CAMPA (Corporation Bank of India) account vide Cheque dated 10.07.2017. As per the record, Rs. 8, 91, 92, 200/- towards CA purpose has been deposited.
(d).	Total culturable command area under the project is not given, therefore the request for obtaining Environment Clearance cannot be deleted.	<p>In this regard the State Government informed that the project proponent has been stating that though the total command area under the project is 1821 ha, but individual command areas of ayacut under each tank is less than 2000 ha. and further these are not geographically linked. The KLIS is a lift irrigation scheme involves lifting of water from Godavari River and connecting and environmental clearance may not be linked as per the guidelines.</p> <p>However, the process has been initiated for obtaining the Environmental Clearance by appointing EIA consultant, M/s. Environment Health and Safety Consultants, Bangalore on 03.06.2017 for uploading Form-I and draft ToR to MoEF&CC for approval and conduct EIA studies for obtaining EC for the project.</p>
(e).	Since, an area of 45.00 ha falls in Moderate Dens Forest (MDF) and the same may not be suitable for plantation. Therefore the revised CA with suitability certificate and shape file is required.	<p>In this regard the State Government informed that the CCF, Karimnagar has reported that there is no moderate dense forest in the CA lands, and scattered moderate growth of individual trees in notices at certain small locations. Proper care is being taken to improve the green cover by proposing site specific Barren Hill Afforestation and Gap Planting coupled with various appropriate SMC works and the CA has been revised to Rs.869.227 lakhs.</p> <p>Further as seen on the DSS of FSI portal in the IT wing of this office, there is no moderate dense forest in the CA lands. The areas are predominantly have scrub and banks. Even there is no open forest and no very dense forest. As seen in the classified maps prepared for Trees Outside Forest Assessment using Cartosat Stereo-pair data, except in Tekulapally CA land, all other five CA lands are having scrub forest and blanks. In case of Tekulapally CA land, open forest with canopy density less than 0.4 is there. As seen on Google Earth images, this area is having sparse vegetation growth here and there which is less than 0.4 density in certain here and there which is less than 0.4 density is certain patches, (Maps enclosed). Hence, MoEF&CC, GoI is requested to indicate the area which are having MDF, if any</p>
(i).	The software calculated area in shape file of diversion of forest land is 194.00 ha. instead of 258.028 ha.	In this regard the State Government informed that while calculating the extents of forest lands required probably the forest land required for laying of Pipelines are not

	Thus shape / KML file of proposed diversion is short of 64.028 ha.	considered. The break-up of forest lands required were indicated on the maps submitted. The shape files have been sent by e-mail to the Technical Officer, MoEF&CC on 03.06.2017 and enclosed again. The total area in the shape file is 258.028 ha
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4. From the examination of the above, following is observed:

- a) The Officer on Special Duty, Ad-hoc CAMPA in his note dated 03.08.2017 (**Pg. 759-776/c**) confirmed that Rs. 20, 57, 29, 428/- remitted vide UTR No. SBIN436007936617 credited to SB Account No. 344902010106351 maintained in the name of Telangana State CAMPA in Union Bank of India, Sunder Nagar, New Delhi on 26.12.2014. **The payment of Rs. 1, 19, 63, 000 & Rs. 3, 30, 25, 300/- has been deposited through e-payment (details are showing paid may kindly be seen at page 763-776/c.**

		Through RTGS	Through E-payment	Total
S. No.	Item	Amount in Rs.		
1.	Compensatory Afforestation	4, 42, 03, 900/-	3, 30, 25, 300/-	8, 91, 92, 200/-
3.	Addl.CA	-	1, 19, 63, 000/-	
4.	Net Present Value	16, 15, 25, 528/-	-	16, 15, 25, 528/-
	Total	20, 57, 29, 428/-	4, 49, 88, 300/-	25, 07, 17, 728/-

- b) The condition no. (xvii), which states that the State Government shall raise penal compensatory afforestation from the funds to be realized from the user agency, over degraded forest land equal in extent to the area of non-forest land utilized for executing a part of the project pending receipt of prior approval of Central Government under the FC Act for diversion of forest land required for the project, was stipulated as a specific condition on recommendation of FAC. In this regard noting at page para 4 (ii) is referred. But in compliance to this condition, **the State Government reported that no forest land was utilized for executing a part of the project pending receipt of prior approval of Central Government under FC Act, therefore, there is no violation of provisions of Forest (Conservation) Act, 1980 and the question of raising /and payment of any penal compensatory Afforestation by User Agency does not arise.**

In view of above, the facts of the above proposal as detailed in above note may be placed before FAC in its forthcoming meeting scheduled to be held on 21st September, 2017.

Agenda No. 4

F. No. 8-47/2017-FC

Sub: Proposal for diversion of 54.639 ha of Revenue Forest Land in favour of M/s. Western Coalfields Limited for Jamunia Pthaar Under Ground Coal Mining Project in West Chhindwara District under the Chhindwara Forest Division, Madhya Pradesh State.- regarding,,

1. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer under Forest (Conservation) Act, 1980 Satpura Bhawan, Government of Madhya Pradesh, vide his letter No. F-1/FP/MP/MIN/10885/2015/10-11/1634 Bhopal dated 13.06.2017, placed along with its annexure at **page 1-171/c**, submitted the above mentioned proposal to obtain prior approval of Central Government in accordance with Section-2 of the Forest (Conservation) Act, 1980.
2. Details indicated in the proposal submitted by the State Government of Madhya Pradesh vide letter dated 13.06.2017 are as below:

FACT SHEET

1.	Name of the Proposal	Proposal for diversion of 54.639 ha of Revenue Forest Land in favour of M/s. Western Coalfields Limited for Jamunia Pthaar Under Ground Coal Mining Project in West Chhindwara District under the Chhindwara Forest Division, Madhya Pradesh State.
2.	Location:	
	State	Madhya Pradesh.
	District	Chhindwara.
3.	Details of the user agency	
	Name of the user agency	M/s. Western Coalfields Limited.
	Nature of the user agency	Central PSU.
4.	Particular of Forests	
	i. Name of Forest Division	Chhindwara (West) Forest Division.
	ii. Area of Forest land proposed for Diversion	54.639 hectares.
	iii. Legal Status of Forest land	Revenue Forest Area.
	iv. Density of Vegetation	0.4 Eco class – 4.
5.	Species-wise (Scientific names) and diameter class wise enumeration of trees in unbroken area.	NIL
6.	Maps	
	i. Differential GPS map of the area proposed for diversion	Submitted and is available at page 166/c.
	ii. Differential GPS map of the area identified for raising CA	Submitted and is available at page 167/c.
	iii. Land use plan	Not submitted.
	iv. Forest Cover map	Not submitted.
7.	Brief note on vulnerability of the forest area to erosion.	Not vulnerable.

8.	Approximate distance of proposed site for diversion from boundary of forest	0.1
9.	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. (if so, the details of the area the comments of the Chief Wildlife Warden to be annexed).	-No-
10.	Whether any rare/ endangered/ unique species of flora and fauna found in the area if so, details thereof.	-No-
11.	Whether any protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.	-No-
12.	Whether the requirement of forest land as proposed by the User Agency in col.2 of Part-I is unavoidable and bare minimum for the project. If no, recommended area item-wise with details of alternatives examined.	Yes.
13.	Whether any work in violation of the Act has been carried out (Yes/ No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still under progress.	There is no violation under the forest (Conservation) Act, 1980 in the applied forest area.
14.	Site Inspection Report of the DCF (to be enclosed) in respect to status of compliance of conditions stipulated during earlier approval.	Site Inspection Report carried out by the DFO, Chhindwara, West Forest Division and a copy of the same is available at (Pg.17-18 /c) .
15.	Details of Compensatory Afforestation Scheme:	-Not applicable- as per guidelines issued under chapter 3.2(viii)c- for underground mine.
	Details of non-forest area/ degraded forest area identified for compensatory Afforestation, its distance from adjoining forest, number of patches, size of each patch.	

	Map showing non-forest/ degraded forest area identified for compensatory Afforestation and adjoining forest boundaries.	
	Detailed compensatory Afforestation scheme including species to be planted, implementing Agency, time schedule, cost structure etc.	
	Total financial outlay for compensatory Afforestation scheme.	
	Certificate from competent authority regarding suitability of area identified for compensatory Afforestation and from management point of view. To be signed by the concerned Deputy Conservatory of Forests.	
16.	Cost benefit analysis	Cost Benefit analysis is given and placed in file at page31-32 /c.
17.	Total cost of the project	Rs. 30560.49/-
18.	Employment Potential	227 – Direct employment 0 – Indirect employment
19.	Catchment Area treatment Plan	Not applicable.
20.	Resettlement and Rehabilitation	Not applicable.
	a) No of families involved b) Category of families c) Details of rehabilitation plan	Not displacement.
21.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	The photocopies of certificate on FRA issued by District Collector regarding compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for 54.639 ha of forest land. (Pg-33-37/c) is given, but the name of District with stamp are not mentioned in certificate (s).
22.	Purpose wise breakup of the forest area proposed for diversion.	Not submitted.
23.	Undertaking to bear the cost of CA and NPV.	Not submitted.
24.	Divisional / District profile.	
25.	Geographical area of the district / division.	1197155.3 Ha
	Forest area of the District	417493.4 Ha
	Total forest area diverted in the Division/ District since 1980 with number of cases.	Total forest area=542.018 and No. of approved cases=45

	Total compensatory Afforestation stipulated in the District / Division since 1980 on 31.12.2016	
	(a) Forest land including penal compensatory Afforestation (b) Non-forest land	(a) Forest Land = 1126.537 ha (b) Non forest land = -
	Progress of compensatory Afforestation as on 31.12.16 (a) Forest land (b) Non-forest land	(a) Forest land = 1126.537 ha (b) Non forest land = 473.847 ha

3. Ministry vide its letter dated 26.07.2017 (**Pg. No.172/c**) requested the Regional Office, Bhopal to carry out Site Inspection of proposed forest land. Regional office, Bhopal vide its letter no.6-MPA012/2017-BHO/1023 dated 18.09.2017 has forwarded Site Inspection Report of the Forest land proposed to be diverted and placed in file at (**Pg. No.173-178/c**).

Site Inspection Report: The Site Inspection Report (SIR) for this proposal was carried out by Sh.B. Abhay Bhaskar, DCF(C), R.O. Bhopal on **28/08/2017**, The report is reproduced below:

1. Legal Status of Forest land proposed for diversion:

- 1) Reserved Forests - 00.00 ha
- 2) Protected Forests - 00.00 ha
- 3) Revenue Forests - 54.369 ha
Khasara Number 26/1, 137, 202, 169, 170, 184, 294, 286, 40, 60 and 214
- 4) Non-forests - 315.301 ha

2. How the land proposed for diversion is to be utilized? For underground coal mining project.

3. Whether the proposal involves any construction of buildings (including residential): No.

4. Total cost of Project. : Rs. 30560.49 crore.

5. Wild Life: Not given in Part-II. No direct sighting of wildlife during site inspection.

Whether the forest area proposed for diversion is important from Wildlife point of view or not:
Proposal is not a part of any protected area.

6. Aerial distance from the nearest boundary of any protected area : Not given in part-II

7 Vegetation

- a. Trees to be felled : NIL.
- b. Effect of removal on the general ecosystem in the area: Not Applicable.

As per Part-II, Canopy Density < 0.4 in Eco Class 4. The area is Revenue Forests and during site inspection vegetation in some patches were observed and large area was under agriculture. The vegetation containing Tectona grand's, Anogeissus lafifolia, Madhuca iongifolia, Lagerstrcrnia parvitoria, Butea monosperma. Ziziphus jujube, Lantana camara etc were observed.

8. **Background note of the proposal:** The project needs 54.639 ha of Revenue forest land and in addition project requires 315.301 ha of non-forest area or Jamunia underground mine. Entire area will be used for underground coal mining project. The coal is of non-cooking quality.

9. Compensatory Afforestation: Not applicable as per 3.2(vii)(c) of F(C)A, 1980 handbook/ guideline:

A	Whether land proposed /selected for C.A. is suitable for plantation and management point of view?	Not Applicable
B	Whether land for C.A. is free from encroachment of other encumbrances?	Not Applicable
C	Whether land for C.A. is important from religious or archeological point of view?	Not Applicable
D	Land identified for raising C.A. is in how many patches? Whether patches area compact or not?	Not Applicable
E	Maps with details	Not Applicable
F	C.A. area should be clearly shown on the map. patches wise and their contiguity to the forest area. etc.	Not Applicable
G	Total financial outlay of 10 years CA programme	Not Applicable

10. Whether proposal involves violation of Forest (Conservation) Act ? : No, as per part-II
11. Whether the proposal involves rehabilitation of displaced people? : No.
12. Reclamation Plan : details and Financial Allocation : Not applicable.
13. Cost benefit ratio : submitted along with proposal and given as 100% profit.
14. Utility of project: Underground coal mining project.
15. Number of Scheduled Caste and Scheduled Tribe involved in the Project: Yes.
16. Compliance of FRA 2006-DC Certificate: issued on 20/11/2015 for 54.639 ha by DC, Chindwara.
17. Whether the land being diverted has any socio-cultural I religious value : No.
18. Whether any sacred groves or very old growth of tree of forest exist in the area proposed for diversion? :
No
19. Recommendation of Nodal officer and the State government: Recommended.
20. Details of comments of the APCCF (LM), MP on alternate routes/alignments for locating the projects. :
Recommended by APCCF(LM), MP.
21. **Recommendations:** The proposal is recommended for diversion of 54.639 ha of revenue forest land based on the coal requirement of the country for energy sufficiency which will lead to power generation in country and improvement in facility, food security and economic upliftment of people with following specific condition
 - (i) The rights of the peoples allotted under FRA, 2006 shall be settled by following due procedure prescribed under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, whichever applicable.
 - (ii) In case of any damage to surface by way of underground work, the company shall pay all damages and recoveries.
 - (iii) The User Agency shall maintain the boundary of the mine with green belt of at least 3 rows of trees.
 - (iv) The User Agency shall take adequate protection measure not to damage any nala / river I small stream / dams during the underground mine.
 - (v) The User Agency shall maintain the mine with green belt on both side of nala / river / small stream.
22. **Recommendations of APCCF(C), R.O., Bhopal:** In view of the details mentioned in the site inspection report of Dy. Conservator of Forest (C), undersigned recommends the diversion of 54.639 ha. Revenue forest land in favou of M/s Western Coalfields limited for Jamunia Pthaar underground coal

mining project in West Chhindwara district under the Chhindwara forest division, Madhya Pradesh under Forest (Conservation) Act 1980 subject to the following information to be provided by the User Agency:-

- (i) Certified copy of approved 3D modeling for the project.
- (ii) The maximum tensile strength as per the approved 3D modeling.
- (iii) The width of surface cracks as per the approved 3D modeling.

In view of the above facts related to the proposal, it is proposed that proposal may be submitted to the FAC for its consideration in its forthcoming meeting scheduled to be held on 21.09.2017.

Agenda No. 5

F No. 8-70/2010-FC

Sub: Diversion of 676.12 hectares of forest land in Rambilli and Kalavalapalli RFS of Visakhapatnam Division favour of Defence Research and Development Organisation (DRDO).

1. The State Government of Andhra Pradesh vide their letter dated 16.08.2010 was submitted a proposal to obtain prior approval of Central Government in accordance with section 2 of the Forest (conservation) Act, 1980 for diversion of 676.12 hectares of forest land in Rambilli and Kalavalapalli RFS of Visakhapatnam Division for setting up of Naval Alternate Operating Base (NAOB) in favour of Project Director Varuna, Visakhapatnam.
2. The above said proposal was last discussed in **FAC meeting held on 16.02.2016 and observed the following:**
3. The proposal had been earlier placed before the FAC in its meeting held on 3rd-4th April, 2013 and observations and recommendations of the Forest Advisory Committee held on 3rd -4th April, 2013 as below were considered:
4. Legal status of the land to be diverted is Reserved Forest. The density of the vegetation is 0.30
5. The forest land proposed for diversion contains 16,586 poles and 53318 trees . Important species available present are *Acacia planifrons*, *Trema politoria*, *Glycosmis pentaphylla*, *Santalum album*, *Dodonaea viscosa*, *Canthium parviflorum*, *Pavetta tomentosa*, *Ziziphus xylopyrus*, *Manilkara hexandra*, *Cissus quadrangularis*, *Glycosmis* , *Ziziphus oenoplia*, *Desmodium gangeticum*, *Wrightia tinctoria*, *Atalantia monophylla*, *Carissa spinarum*, *Aganosma caryophyllata*, *Cassia siamea*, *Borassus flabellifer*, *Andrographis paniculata*, *Hemidesmus indicus*, *Aristolochia indica*, *Broom*, *Artemisia vulgaris*, *Phoenix sylvestris*, *Sapindus emarginatus*, *Aegle marmelos*, *Syzygium cumini*, *Cassia auriculata* etc,
6. The area is plain to slightly sloping and is not vulnerable to any kind of erosion. No work in violation has been varied out over the area proposed to be diverted.
7. The proposed area for diversion does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.
8. There are no protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area.
9. Compensatory afforestation is proposed to be raised on 1352.24 hectares of degraded forest land identified in Visakhapatnam Division (852.24 hectares) and Paderu Forest Division (500 hectares).
10. Detailed scheme for creation and maintenance of compensatory afforestation at an estimated outlay of Rs. 58, 21,27,265 has been prepared.

11. The proposal was recommended by the DFO, CF, Nodal Officer FCA and the State Government.
12. The User agency and the State Government of Andhra Pradesh had also submitted following additional information pertaining to the said proposal:
- (i) A Naval base is being set up in Rambilli and S. Rayavaram Mandals in Visakhapatnam district.
 - (ii) While the land for the base has been acquired, there is further requirement of additional land for certain facilities. These facilities are required to be located in the close proximity of the Naval Base. The RF area in Rambilli and Kalvalapalli have been identified to be the most suitable for creation of these facilities.
 - (iii) The geographical location and topography of the forest area make it suitable for locating the project in the RF area.
 - (iv) The project being a strategic defence establishment, cost are not being disclosed and thus cost benefit analysis is not possible.
 - (v) No displacement of people is involved.
 - (vi) The Concerned DFO has proposed collection of following costs from the user agency:
 - (a) Existing VSS plantation: Rs. 23.758 lakhs
 - (b) Cost of natural Vegetation in Rambilli RF: Rs. 12.345 lakhs
 - (c) Cost of natural vegetation in Kalavapalli RF: 56.960 lakhs
13. The Forest land proposed to be diverted had been inspected by the Regional Office (Southern Zone), Bangalore of this Ministry. Important additional information furnished in the site inspection report submitted by the Regional Office, Southern Zone, Bangalore vide their letter dated 1.2.2013 are as below:
- (i) Item-wise breakup details of the forest land proposed for diversion have not been furnished by the user agency.
 - (ii) Detailed project report is not submitted by user agency. The present proposal is an extension of NAOB (Naval Alternate Operating Base) at Ramabilli. It consists of two (2) parts involving number of constructions costing undisclosed expenditure. Details of construction activities proposed to be undertaken in technical area are not furnished. The non-technical/institutional area comprised of several buildings viz. administrative building, Communication building, technical storage, hardware and Kote Rooms, water supply pump and sump rooms, fire fighting Pump and sump buildings, MI building, CSD building, MP halls, garages, MRSS, DG set rooms, ISF accommodations, guard rooms, transit facility (officers) and transit facility (staff) etc.
 - (iii) Details of cost of project are not furnished by the user agency.
 - (iv) About 300 nos. of peacocks apart from the other common native birds are found in the proposed forest area. Lizards, Rattle snake, cobra and certain avifauna apart from other smaller mammals are native to the area proposed for diversion.
 - (v) Density of vegetation ranges from 0.30 to 0.40.
 - (vi) The forest land proposed for compensatory afforestation shown to the extent of 852.24 ha. and 500 ha. in Visakhapatnam and Paderu Forest Divisions respectively are found to be not suitable for the said purpose because of the following reasons:
 - (a) **Visakhapatman Forest Division:** The proposed forest land for CA to be taken up on degraded forest land in Visakhapatnam Forest Division is not suitable for raising CA because

these forests are full of natural native miscellaneous forests while some forest areas are under VSS whereas some forest areas are already covered under different forest plantations of different species under State and Central Government schemes like CAMPA, JFM, CFM, ROFR Act apart from certain encroachments etc. ROFR- Phase-II is scheduled for further implementation.

- (b) **Paderu Forest Division:** The forest land shown for CA in this Division are mostly top rocky hill areas. Some portions are prone to shifting cultivation/ podu cultivation. Some areas have already been released to the local tribal individuals and communities under ROFR Act in Phase-I. Now it is learnt that State Government is proposing to take up Phase-II under ROFR Act as per the amended ROFR Rules. It is reported that there are certain encroachments on the proposed land for CA. Hence there is reasonable apprehension and doubt to get the already proposed land for CA since the proposal was made long back.
- (vii) As per the proposal submitted by Govt. of AP, there is no involvement of RR package. However, it is observed that there is a black top road passing through the RF connecting the different villages in and around the Reserved Forest proposed for diversion. If the proposal comes through positively, the existing VSS from the nearby villages and villages as such will be disturbed. It needs to be comprehensively examined in the holistic manner from the dimension of RR (Rehabilitation and Resettlement) to avoid potential civil law and order problems that are likely to arise in the wake of the proposal taking ultimate shape.
- (viii) Proposal involves diversion of two RFs spreading over an area of 676.112 hectares comprising two large sized hills which constitute the catchment area for all the agricultural lands under cultivation in the area. If these two hills consisting of natural forests are diverted, certainly it may have a deleterious effect & impact on soil moisture content and water tables in the surrounding areas having housing colonies as well as cultivated agricultural lands miles together all around. It may also have tangible, intangible as well as untenable effects on the wells, bore-wells, tube wells, water tanks/ water bodies etc. In view of this it is suggested that CAT plan consisting of Integrated Watershed Management/ multi sectoral approach with the Forest Department as the Nodal Agency needs to be considered with the policy of people's active participation for implementation.
- (ix) Forest land proposed for diversion does not have any cultural/religious or archaeological heritage sites. However, these forest lands are grazing and fodder ground for the local cattle population including the milch animals, a source of livelihood for the surrounding villages.
- (x) The detailed project report (DPR) is not furnished to examine the project in holistic manner.
- (xi) Alternatives examined with a balance sheet of merit and demerits are not furnished.
- (xii) Vast stretches of revenue lands with hills/ hillocks are available on the sea-shore all along the east-coast in Visakhapatnam district which are suitable for the proposal of NAOB Phase-II. However, this alternative is not examined by User Agency.
- (xiii) Reasons for this Phase-II of NAOB proposal as second thought while the massive Integrated Plan for Phase-I of NAOB is already under implementation and what made user agency to come up with this proposal at this belated stage are not made available. Why user agency did not include this Phase-II package proposal of NAOB in the earlier proposal itself, which is already under the initial stage of construction is not understood.
- (xiv) Approval of proposal by the Central Government may be made with a stipulated conditions not to lease/ sub-lease diverted forest land by user agency to any other user agency without approval of Central Government.
- (xv) If proposal is approved by Central Government, User Agency should not take up mining in the forest land so diverted or any other activity other than what is proposed and approved in this regard.

- (xvi) Fresh suitable degraded forest land to take up compensatory afforestation double the extent of forest land proposed for diversion shall be identified by Forest Department, Government of Andhra Pradesh.
14. Addl. Principal Chief Conservator of Forests (Central), Regional Office (Southern Zone), Bangalore recommended diversion of the said forest land, with the following conditions in addition to the usual conditions:
- (i) No tree felling/ construction shall be done in the portion where the activities are the activities are proposed to be taken up underground. The area shall be protected and preserved.
 - (ii) The user agency shall furnish a map in 1: 10000 scale, indicating the area where constructions are proposed and where underground activities are proposed;
 - (iii) The user agency shall obtain and furnish consent of gram sabhas of the concerned villages dependent on the forest land being considered for diversion.
 - (iv) The state Government shall identify revenue land double in extent to the area being considered for diversion for CA.
 - (v) User agency shall give all the details of construction/ activities. No other activities including mining/ quarrying activities or construction of commercial/residential buildings will be taken up in the area being considered for diversion and an undertaking to this effect shall be furnished by the User Agency.
15. The FAC had in its meeting held on 3rd April 2013 also observed that Ministry received a letter dated 6.2.2012 on the above-mentioned subject from the Defence Research and Development Organization (DRDO). The following has been indicated in the said letter:
- (a) Due to strategic reasons, the Ministry of Defence has decided to change the name of the applicant/ implementing department i.e. from Navy to DRDO for pursuing the proposal for diversion of 676.12 hectares of forest land in Rambilli and Kalavalapalli Visakhapatnam district.
 - (b) Navy has agreed/ consented to approach the MoEF for doing the needful and give NOC.
 - (c) In pursuance of provisions contained in para 2.8 under the heading Transfer of Lease contained in the Handbook of Forest Conservation act, 1980 and guidelines and clarification (upto Jun 2004), DRDO is willing to abide by all the conditions on which the forest land is proposed to be leased to the original user and any other conditions which may be stipulated by the Central/ State Govt. in future.
16. The FAC also observed that MoEF & CC had received a communication from the DRDO wherein it has been stated that due to strategic reasons, the Ministry of Defence has decided to change the name of the applicant/ implementing department i.e. from Navy to DRDO for pursuing the proposal for diversion of 676.12 hectares of forest land in Rambilli and Kalavalapalli Visakhapatnam district. No communication in this regard has however been received by the MoEF from the State Government.
17. **The Forest Advisory Committee after detailed deliberations held on 3rd -4th April, 2013** recommended that a copy of the site inspection report received from the Regional Office (Southern Zone), Bangalore may be sent to the State Government of Andhra Pradesh for their comments on issues raised in the said report, especially those reproduced in *para (v) above**. (vi to xiii in the present document)
18. The FAC further recommended that the State Government of Andhra Pradesh may also be requested to furnish their comments along with requisite certificates on change of user agency, if any, in respect of the said forest land.

19. A letter to communicate recommendation of the FAC to the State Government of Andhra Pradesh was issued dated 25/04/2013. A Reminder was also sent dated 16/10/2014 wherein the Ministry also informed the Government of Andhra Pradesh that, ".....the user agency being a Central Government Undertaking as per the provision of para 3.2 (ix) guidelines issued under Forest (Conservation) Act, 1980, Compensatory Afforestation may be raised on degraded forest land twice in extent of forest area being diverted."
20. The State Government of Andhra Pradesh Environment, Forests, Science & Technology (Section .II) Department vide their letter No. 6252/Section.II/2010 dated 21.12.2015 had forwarded information sought vide Ministry's letter dated 25/04/2015. The point wise details given by the State Government of Andhra Pradesh are as below and the same were considered by the FAC in its meeting held on 16/02/2016:-

S. No.	Objection raised by the GoI, MoEF & CC	Reply submitted by the Government of Andhra Pradesh												
1.	The degraded forest land proposed to be utilized for compensatory Afforestation, in Visakhapatnam and Paderu Forest Divisions are found to be not suitable for the said purpose.	<p>In this regard the State Government informed that the user agency has given an undertaking that it will pay the C.A. amount towards raising of C.A. plantation in degraded Forest areas twice the extent of Forest area diverted.</p> <p>The degraded Forest areas proposed for C.A. 1352.24 ha in Visakhapatnam and Paderu Divisions (Visakhapatnam 852.24 ha Paderu 500.00 Ha) are newly selected areas for this project as the previous proposed areas are cancelled due to GoI comments.</p>												
2.	Proposal involves diversion of two RFs spreading over an area of 676.112 hectares comprising two large sized hills which constitute the catchment area for all the agricultural lands under cultivation in the area. If these two hills consisting of natural forests are diverted, certainly it may have a deleterious effect & impact on soil moisture content and water table in the surrounding areas having housing colonies as well as cultivated agricultural lands miles together all around. It may also have tangible, intangible as well as untenable effects on the wells, bore-wells, tube wells, water tanks/ water bodies etc.,	<p>In this regard the State Government informed that the user agency has replied that the observation conveyed in respect of the deleterious effect and impact on soil moisture content and the water table have been reviewed and taken into the consideration by that organization. The organization also expressed deep concerned about the preservation of the environment and our National forest assets. It once again confirmed that the total construction area will not cover more than 4.80 acres of the forest land and usage of the area / breaking of ground will be as under:-</p> <table border="1"> <tr> <td>(a)</td><td>Strategic Technical Area</td><td>3.10 acres</td></tr> <tr> <td>(b)</td><td>Command & Control Area</td><td>1.10 acres</td></tr> <tr> <td>(c)</td><td>Strategic Institutional Area</td><td>0.60 acres</td></tr> <tr> <td></td><td>TOTAL:</td><td>4.80 acres (or) 1.94 ha</td></tr> </table> <p>The balance area i.e. 674.18 Ha (i.e. 676.12 Ha. – 1.94 Ha.) is essentially required in view of the safety security and cordoning off the area. The user agency has to reiterate that no activities, which may cause deleterious effect on the ground water regime of the area, will be taken up. Construction activities will be restricted to</p>	(a)	Strategic Technical Area	3.10 acres	(b)	Command & Control Area	1.10 acres	(c)	Strategic Institutional Area	0.60 acres		TOTAL:	4.80 acres (or) 1.94 ha
(a)	Strategic Technical Area	3.10 acres												
(b)	Command & Control Area	1.10 acres												
(c)	Strategic Institutional Area	0.60 acres												
	TOTAL:	4.80 acres (or) 1.94 ha												

		4.80 acres (or) 1.94 Ha. only as the organization.
3.	<p>The forest land proposed to be diverted is required for extension of Naval Alternate Operating Base (NAOB) at Ramabilli. The project consists of two (2) parts involving number of constructions costing undisclosed expenditure. Details of construction activities proposed to be undertaken in technical area are not furnished. The non-technical/institutional area comprised of several buildings viz. administrative building, communication building, technical storage, hardware and kote rooms, water supply pump and pump rooms, fire fighting Pump and sump buildings, MI building, CSD building, MP halls, garages, MRSS, DG set rooms, ISF accommodations, guard rooms, transit facility (officers) and transit facility (staff) Item-wise breakup details of the forest land proposed for diversion have not been furnished by the user agency.</p>	<p>In this regard the State Government informed that the user agency has stated that, not more than 4.80 acres of the forest land will be used for the construction activities. The details of the construction activities cannot be disclosed being classified Defence Project.</p>
4.	<p>Vast stretches of revenue lands with hills/ hillocks are available on the sea-shore all along the east-coast in Visakhapatnam district which are suitable for the proposal of NAOB Phase-II. However, this alternative is not examined by User Agency; and</p>	<p>In this regard the State Government informed that the user agency stated that a thorough survey and reconnaissance was carried out by the organization in view to select that site for important Defence project. The survey included areas / hills viz. S. Rayavaram, Dimili, Mamidivada, Sitapalem, Z.Chintuva etc. It was found that the land under RFs at Rambilli and Kalavalapalli are only technically and strategically suitable for the very important Defence project under DRDO.</p>
5.	<p>Reasons for this Phase-II of NAOB proposal appears to be a second thought as the massive Integrated Plan for Phase-I of NAOB is already under implementation and what made user agency to come up with this proposal at this belated stage are not made available. Reasons for non-inclusion of Phase-II package proposal of NAOB in the earlier proposal itself, which is already under the initial stage of construction, is not understood.</p>	<p>In this regard the State Government informed that the user agency has stated that, the proposed defence project under DRDO is independent of the projects under NAOB and it is not a second thought.</p>

21. The FAC also observed that the certificate regarding settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 had been countersigned by the District Collector, Visakhapatnam but was incomplete and copy of the same issued by the competent authority under the Forest Rights Act, 2006, is not completed and the consent Gram Sabhas resolution has been submitted in vernacular language. The User Agency had also mentioned in letter addressed to DFO Vishakapatnam dated 21.09.2015 that in spite of concerted effort the consents could not be obtained. The Gram Sabha has refused to extend their consent and it was requested to process the issue related to diversion of the land in subject without the consent of the Gram Sabha.
22. The FAC after consideration of all the details as above and after hearing the user agency carried out detailed deliberations and recommended that the following information be sought from the State Government:
- (i) The DGPS co-ordinates of the site proposed to be diverted.
 - (ii) The DGPS co-ordinates of the CA site and the suitability certificate of the site by the competent authority.
 - (iii) The FRA compliance, complete in all respects as per the requisite format be submitted.
23. In view of above, the State Government of Andhra Pradesh was requested vide Ministry's letter dated 03rd / 04th March, 2016 (**Pg. 175/c**) for submission of information as recommended in para 22 above by the FAC.
24. Now the State Government of Andhra Pradesh, Environment, Forests, Science & Technology (Section.II) Department vide their letter No. 6252/Section-II/2010 dated 29.08.2017 along-with annexures at (**Pg. 177-269/c**) has forwarded information / documents in respect of this Ministry's letter dated 03-04.03.2016. Information given as under below:

S. No.	Observations raised by the FAC	Reply submitted by the State Govt.
1.	The DGPS co-ordinates of the site proposed to be diverted.	In this regard the State Government informed that the Divisional Forests Officer, Visakhapatnam, has been submitted the DGPS co-ordinates of the area proposed for diversion along with copy of the reply given by the user agency. Copy of the same is available at (Pg. 202-203/c). However, the State Government / user agency has not been submitted the shape file / KML file of the area proposed for diversion.
2.	The DGPS co-ordinates of the CA site and the suitability certificate of the site by competent authority.	In this regard the State Government informed that the Divisional Forests Officer, Visakhapatnam, has been submitted the DGPS co-ordinates of the CA for Visakhapatnam and Paderu Division, along with copy of the reply given by the user agency. Copy of the same is available at (Pg. 204-269/c). The DFO, Visakhapatnam and Paderu Division has also submitted the suitability certificates of proposed CA area. (Pg. 197-201/c). However, the State Government / user agency has not been submitted the shape file / KML file of the proposed CA area.

3.	The FRA compliance, complete in all respects as per the requisite format be submitted.	<p>In this regard the State Government informed that the District Collector Visakhapatnam, Government of Andhra Pradesh has issued a FRA Certificate vide his letter No. 1297/2016/F4 dated 22.07.2016 (Pg. 183-184/c) for diversion of 676.12 ha. of forest land.</p> <p>The District Collector Visakhapatnam, Government of Andhra Pradesh has issued a FRA Certificate vide his letter No. 1297/2016/F4 dated 22.07.2016 in the format prescribed by MoEF&CC, stating that complete process for identification and settlement of rights, 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 has been carried out and proposal was discussed in the meeting of concerned Gram Sabha (s) maintaining the prescribed quorum. The Gram Sabha has certified that no claims under the FRA, 2006 are pending in the forest land. 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. 183-191/c).</p>
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In view of the above facts related to the proposal, it is proposed that proposal may be submitted to the FAC for its consideration in its forthcoming meeting scheduled to be held on 21st September, 2017.

Agenda No. 6

F. No. 8-45/2017-FC

Sub: Diversion of 385.841 ha forest land (including 340.148 ha forest land and 45.693 ha of revenue forest land) in favour of M/s Western Coalfields Limited for Dhankasa underground coal mining project and construction of road in West Chhindwara district under the Chhindwara forest division, Madhya Pradesh.

1. The State Government of Madhya Pradesh vide their letter No. F-1/FP/MP/MIN/16527/2015/10-11/1632 dated 13.06.2017 has submitted a proposal for diversion of 385.841 ha forest land (including 340.148 ha forest land and 45.693 ha of revenue forest land) in favour of M/s Western Coalfields Limited for Dhankasa underground coal mining project and construction of road in West Chhindwara district under the Chhindwara forest division, Madhya Pradesh..
2. The facts related to the proposal as contained in the State Government's letter dated 13.06.2017 are given below in the form of fact sheet:

FACT SHEET

1.	Name of the Proposal	Diversion of 385.841 ha forest land (including 340.148 ha forest land and 45.693 ha of revenue forest land) in favour of M/s Western Coalfields Limited for Dhankasa underground coal mining project and construction of road in West Chhindwara district under the Chhindwara forest division, Madhya Pradesh.
2.	Location (i) State (ii) District	Madhya Pradesh Chhindwara
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy.No.	Chhindwara West (T) Forest Division, 385.841 ha 340.147 ha Reserved Forest 45.694 ha Revenue Forest
4.	Vulnerability to erosion	Not vulnerable
5.	(i) Vegetation (ii) Density (iii) No. of trees enumerated/to be actually felled	Sagon, Satkata etc. 340.147 ha - 0.6 (Eco Class-III) 45.649 ha - 0.4 (Eco Class-IV) 609 trees (pg-2/c)
6.	Details of wildlife present in and around the forest land proposed for diversion	Wild bore, monkeys, rabbit etc.
7.	Whether forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. (if so, details of the area and comments of the Chief Wildlife Warden	No
8.	Whether any RET species of flora and fauna are found in the area. If so details thereof	No
9.	Approximate distance of the proposed site for diversion from boundary of forest.	0.0 km.
10.	Whether any protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.	No
11.	Whether any work of in violation of the Forest (Conservation) Act, 1980 has been carried out (Yes/No). If yes details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.	No

12.	Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project, if no recommended area item-wise with details of alternatives examined.	Yes
13.	Whether clearance under the Environment (protection) Act, 1986 is required?	Yes, Not given
14.	Total period for which the forest land is proposed to be diverted	25 years (pg-6/c)
15.	Compensatory Afforestation	
	(i) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.	CA proposed on 9.650 ha forest land Range parasia Beat Bhokai Compt. No. PF 741A,
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining forest boundaries.	Submitted
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	Submitted, (Pg-21-40/c)
	(iv) Total financial outlay for CA	Rs. 56,20,725/- (Pg-2/c)
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	Submitted, Pg-20/c
16.	Catchment Area Treatment	NA
17.	Rehabilitation of Oustees a) No. of families involved b) Category of families c) Details of rehabilitation plan	No Nil Nil
18.	Employment likely to be generated a) Whether the project is likely to generate employment b) Permanent/ Regular Employment (Number of person) c) Temporary Employment (Number of person-days)	No
19.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	The photocopies of certificates on FRA issued by District Collector (s) regarding compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for 348.714 ha +10.810 ha + 2.992 ha +23.325 ha of forest land. (Pg-49-52/c) are given, but the name of District with stamp are not mentioned in any certificate (s).

20.	Site Inspection Report by DFO	Pg-17-18/c
21.	Cost Benefit Ratio	Not given
22.	Total Cost of the Project	Rs 30305.19 (Rupees in lacs)
23.	Recommendation i. DFO ii. RCCF iii. PCCF/Nodal Officer iv State Government	Recommended (Pg-16/c) Recommended (Pg-256/c) Recommended (Pg-257/c) Recommended (Pg-258/c)
24.	District Profile (i) Total Geographical area of the district/division (ii) Total Forest area/ Divisional Forest area (iii) Total area diverted since 1980 (iv) Total CA stipulated since 1980 (Forest land) a. Forest land including penal CA b. Non Forest Land (v) Progress of Compensatory Afforestation a. Forest land b. Non Forest land	1197155.3 ha 417493.4 ha 4201.361 ha in 59 cases 1126.537 -- 1126.537 ha 473.847 ha

3. Ministry vide its letter dated 26.07.2017 (**Pg. No.259/c**) requested the Regional Office, Bhopal to carry out Site Inspection of proposed forest land. Regional office, Bhopal vide its letter no.6-MPA013/2017-BHO/1024 dated 18.09.2017 has forwarded Site Inspection Report of the Forest land proposed to be diverted and placed in file at (**Pg. No.260-267/c**).

Site Inspection Report: The Site Inspection Report (SIR) for this proposal was carried out by Sh.B. Abhay Bhaskar, DCF(C), R.O. Bhopal on **28/08/2017**, The report is reproduced below:

I. Legal Status of Forest land proposed for diversion.

- (i) Reserved Forests - 340.147 ha (RF- 736, 737, 738, 739 & 740)
- (ii) Protected Forests - 00.00 ha
- (iii) **Revenue Forests - 45.694 ha.**
Khasara Number: P 154, 195/1-3, P-216, P-217, P-219, P-220, P-223, P-224, P-228 & P-232.
- (iv) Non-forests - 163.29 ha.

- II.** How the and proposed for diversion is to be utilized? : For underground coal mining project.
- III.** Whether the proposal involves any construction of buildings (including residential): Yes, approach road.
- IV.** Total cost of Project. . Rs. 30305.19 lakhs.
- V.** Wild Life: small animals give in Part-II. No direct sighting of wildlife during site inspection
- VI.** Whether the forest area proposed for diversion is important from Wildlife point of view or not: Proposal is not a part of any protected area.

VII. Aerial distance from the nearest boundary of any protected area Not given in part-II

VIII. Vegetation

(i) Trees to be felled: 609 trees are marked for felling.

(ii) Effect of removal on the general ecosystem in the area: not significant as 600 trees in 385.841 ha area.

As per Part-II. Canopy Density 0.6 in Eco Class 3 & 4. Due to heavy rains it was not possible to go inside the deep forest area. Vegetation containing *Tectona grandis*, *Anogeissus latifolia*, *Madhuca longifolia*, *Lagestromia parviflora*, *Butea monosperma*, *Diospyros melanoxylon*, *tyltragyna pmlatiflora* *Ziziphus jujube*, *Lantana camera* etc were observed during site inspection.

IX. Background note of the proposal: The project needs 385.841 ha of Reserved & Revenue forest land and in addition project requires 163.29 ha of non-forest area for Dhankasa Underground Mining project by WCL. Entire area will be used for underground coal mining project and approach road. The coal is of non-cooking quality.

X. Compensatory Afforestation: Not applicable as per 3.2(vii)(c) of F(C)A, 1980 handbook' guideline for underground mining and CA proposed for approach road over 9.650 ha degraded forest land

A.	Whether land proposed /selected for C.A. is suitable for plantation and management point of view?	Yes
B.	Whether land for C.A. is free from encroachment of other encumbrances?	Yes
C.	Whether land for C.A. is important from religious or archeological point of view?	No
D.	Land identified for raising C.A. is in how many patches? Whether patches area compact or not?	Single Patch of 9.650 ha at P-741A
E.	Maps with details	Enclosed
F.	C.A. area should be clearly shown on the map. Patches wise and their contiguity to the forest area etc.	Yes
G.	Total financial outlay of 10 years CA programme	56.20 lakhs for 10 years

XI. Whether proposal involves violation of Forest (Conservation) Act? : No, as per part-II

XII. Whether the proposal involves rehabilitation of displaced people? : No.

XIII. Reclamation Plan: details and Financial Allocation : Not applicable.

XIV. Cost benefit ratio: submitted along with proposal and given as 100% profit.

(i) Utility of project: Underground coal mining project.

(ii) Number of Scheduled Caste and Scheduled Tribe involved in the Project: Yes.

XV. Compliance of FRA 2006-DC Certificate:

Sl. No.	Items	Area(ha)
1	FRA Form-II by DC letter dt 07/03/2017	348.714
2	FRA Form-II by DC letter dt 20/11/2015	10.810
3	FRA Form-II by DC letter dt 20/11/2015	2.992
4	FRA Form-II by DC letter dt 20/11/2015	23.325
	Total	384.841 ha.

- XVI.** Whether the land being diverted has any socio-cultural I religious value: No.
- XVII.** Whether any sacred groves or very old growth of tree of forest exist in the area proposed for diversion?
:No
- XVIII.** **Recommendation of Nodal officer and the State government:** Recommended
- XIX.** Details of comments of the APCCF (LM), MP on alternate routes/alignments for locating the projects. :
Recommended by APCCF (LM), MP.
- XX.** **Recommendations:** The proposal is recommended for diversion of 385.841 Ha. Forest Land (340.148 Ha Forest & 45,693 Ha Revenue Forest Land) based on the coal requirement of the country for energy self-sufficiency which will lead to power generation in country and improvement in facility, food security and economic upliftment of people with following specific conditions:
- XXI.** The rights of the peoples allotted under FRA, 2006 shall be settled by following due procedure prescribed under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, whichever applicable.
- (i) In case of any damage to surface by way of underground work, the company shall pay all damages and recoveries.
 - (ii) In future, the company shall not ask the moderately / highly density forest area (i.e. C.D. > 0.6) for open cast mining.
 - (iii) The User Agency shall maintain the boundary of the mine with green belt of at least 3 rows of trees.
 - (iv) The User Agency shall take adequate protection measure not to damage any nala / river / small stream / dams during the underground mine.
 - (v) The User Agency shall maintain the mine with green belt on both side of nala I river I small streams.
- The area is moderately / highly density forest area with teak is as major species, the proposal is considered for diversion under F(C)A, 1980 only on the basis that area shall be used for underground mining project.**
- XXII.** **Recommendations of APCCF(C), R.O., Bhopal:** In view of the details mentioned in the site inspection report of Dy. Conservator of Forest (C), undersigned recommends the diversion of 385.841 Ha. Forest Land (340.148 Ha Forest & 45,693 Ha Revenue Forest Land) in favour of M/s Western Coalfields limited for Dhankasa underground coal mining project and construction of road in West Chhindwara district under the Chhindwara forest division, Madhya Pradesh under Forest (Conservation) Act 1980 subject to the following information to be provided by the User Agency:-
- (i) Certified copy of approved 3D modeling for the project.
 - (ii) The maximum tensile strength as per the approved 3D modeling.
 - (iii) The width of surface cracks as per the approved 3D modeling.

In view of the above facts related to the proposal, it is proposed that proposal may be submitted to the FAC for its consideration in its forthcoming meeting scheduled to be held on 21.09.2017.

Agenda No. 7

F. No. 8-146/2006-FC

Sub: Proposal for diversion of Renewal of 48.03 ha partial area of 407.146 ha of forest land included in 1464.563 ha lease area in r/o M/s. S.E.C.L. Jamuna Kotma area in Anuppur district of Madhya Pradesh.

1. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer under Forest (Conservation) Act, 1980 Satpura Bhawan, Government of Madhya Pradesh, vide their letter No. F-1/426/06/10-11/2596 Bhopal dated 23.11.2006 placed along with its annexure **at page 1-105/c** submitted the above mentioned proposal to obtain prior approval of Central Government, in accordance with Section-2 of the Forest (Conservation) Act, 1980.
2. Details indicated in the proposal submitted by the Government of Madhya Pradesh are as below:-

FACT SHEET

1.	Name of the proposal	Renewal of 48.03 ha partial area of 407.146 ha of forest land included in 1464.563 ha lease area in r/o M/s. S.E.C.L. Jamuna Kotma area in Anuppur district of Madhya Pradesh
2.	Location:- (i) State (ii) District	Madhya Pradesh Anuppur
3.	Particulars of Forests:- (i) Name of forest Division (ii) Forest area involved (iii) Legal Status / Sy. No. (iv) Map	Anuppur Forest Division 108.278 ha Reserve Forest Enclosed (Pg. 172-173/c)
4.	(i) Vegetation (ii) Density	The area proposed for diversion is sal forest of quality class IV A, the density varies from 0.2 to 0.4. Most of the sal trees are middle aged or mature. There is lack of regeneration in the area. There are a total of 2242 trees in the area out of which 2168 are sal trees and 73 are trees of other species. The trees of the other species area of species Saja, Bija, Shisham, Mahua, Jamun and Mango. All the trees except one are of girth 60 cm or more. However, no tree is to be felled as the proposal is for underground mining only.
5.	Approximate distance of proposed site for diversion from boundary of forest	No protected area exists within a distance of 10 km from the proposed mines.
6.	Brief note on vulnerability of the forest area to erosion	-
7.	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. (if so, the details of the	No

	area the comments of the Chief Wildlife Warden to be annexed)	
7.	Whether area is significant from wildlife point of view	-
8.	Whether any rare / endangered unique species of flora and fauna found in the area. If so, details thereof.	No
9.	Whether any protected archaeological / heritage site / Defence establishment or any other important monument is located in the area.	No
10.	Whether the requirement of forest land as proposed by the User Agency in col. 2 of Part-I is unavoidable and barest minimum for the project. If no, recommended area item-wise with details of alternatives examined.	As the coal seams are found in/on the forest lands, the proposal becomes site specific and question of locating project on alternate site(s) does not arise.
12.	Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.	Violation of the provisions of the Forest Conservation Act 1980 has taken place as far as this 108.378 ha area is concerned.
13.	Compensatory Afforestation	Compensatory afforestation has not been proposed as the proposal is for renewal of underground mining only and no tree is to be felled.
14.	Reclamation Plan	Reclamation plan is not required as the proposal is for underground mining only.
15.	CAT Plan	Not applicable.
16.	Rehabilitation of Oustees	No.
17.	Cost Benefit analysis	The environmental and social costs of the project are nil as the project is for renewal underground mining lease and no felling of trees, loss of public facilities and displacement of oustees is involved. The reserves of cost under 48.30 ha of forest are area estimated at 0.20 million tones.
18.	Recommendation: (i) DFO (ii) PCCF / Nodal Officer (iii) State Government	Recommended (p. 181/c) Recommended (p. 183/c) Recommended (p. 184)
19.	District Profile	
	(i) Total Geographical area	3746.720 Sq. Km.

	(ii) Total forest area	890.280 Sq. Km.
	(iii) Total area diverted since 1980	1400.861 ha in 28 cases
	(iv) Total area proposed for afforested since 1980 (a) forest land including penal Compensatory Afforestation (b) non-forest land.	234.482 ha 242.861 ha
	(v) Total area afforested since 1980 (a) forest land (b) non-forest land	420.933 ha 129.880 ha

Other Remarks:-

Site Inspection Report of proposal for diversion of 48.3 ha of forest land in favour of M/s SECL Limited for underground coal mining in Kotma Range of Anuppur Division inspected on 03.12.2008. The site inspection report is reproduced below:

1. Legal status of forest land proposed for diversion –

Protected forest	Nil
Reserve forest	48.30 ha
Total	48.30 ha

- Item-wise break up details** – The entire 48.30 ha forest land proposed for diversion is required for underground coal mining only.
- Whether the proposal involves any construction of buildings (including residential) or not? If yes, details thereof** – No.
- Total cost of the project at present rates** – The total cost of the project is Rs. 34.21 crores.
- Wildlife** – No wildlife is found in the area as the area has been underground mining since 1941.
- Vegetation** – The area proposed for diversion is sal forest of quality class IV A, the density varies from 0.2 to 0.4. Most of the sal trees are middle aged or mature. There is lack of regeneration in the area. There are a total of 2242 trees in the area out of which 2168 are sal trees and 73 are trees of other species. The trees of the other species are of species Saja, Bija, Shisham, Mahua, Jamun and Mango. All the trees except one are of girth 60 cm or more. However, no tree is to be felled as the proposal is for underground mining only.
- Background note on the proposal** – Coal mining was started in the area by Associated Cement Companies Limited in 1941. The mines were nationalized in 1973. The total area of the lease is 1464.563 ha. The break -up of this area is as follows –

1.	Forest area	407.146 ha
2.	Revenue area	335.967 ha
3.	Other area	721.450 ha
	Total	1464.563 ha

As per the provisions of the sec 4 of The Coal Mines (Nationalization) Act, 1973 the period of the lease was 30 years from 01.05.1973 to 30.04.2003. The period of the lease has been extended till 2015 by the Transfer and Revalidation Act 2000. However, renewal of the existing mining lease requires approval of

the Central Government as per the guidelines framed under the Forest (Conservation) Act, 1980. Hence the SECL has submitted a proposal for renewal of mining lease under 48.30 ha of forest land.

Out of the 407.146 ha of forest area included in the mining lease 310.00 ha area has been used in the part (1941-2003) for mining and 97.16 ha area has not been utilized. The 310 ha area includes 108.278 ha area over which surface facilities exit. The SECL Limited has submitted another proposal for the diversion of 108.278 ha area for surface facilities and the proposal is under consideration of the State Government. The breakup of the utilization of 407.146 ha forest area is thus as follows –

1.	Area over which mining has been completed (This includes area being used for surface facilities 108.278 ha)	261.700 ha
2.	Area proposed for diversion	48.30 ha
3.	Forest area not utilised	97.146 ha
	Total	407.146 ha

The 48.30 ha area proposed for diversion has been developed in the past and about 30% of coal has been extracted during the development work. At present mining is being done in revenue and private area. A map showing the area is attached as Annexure-I. The remaining coal shall be removed during depillaring hence the SECL has submitted an application for diversion of 48.30 ha of forest land.

8. **Compensatory Afforestation** – Compensatory afforestation has not been proposed as the proposal is for renewal of underground mining only and no tree is to be felled.
9. **Whether the proposal involves violation of Forest Conservation Act, 1980** - As per the information provided by the SECL, the area was mined in the period 1941-2003. During the period 2003-2008 mining has not been done in this area. On the other hand mining has been done under the revenue and private area adjacent to the forest area as shown in the map during 2003-2008. Thus no violation of Forest Conservation Act 1980 has taken place as far as this 48.3 ha area is concerned. However, surface facilities continue to exist over 108.278 ha of forest area even after the expiry of the lease in 2003. Thus violation of the provisions of the Forest Conservation Act 1980 has taken place as far as this 108.378 ha area is concerned.
10. **Whether the proposal involves rehabilitation of displaced persons** – No.
11. **Reclamation plan** – Reclamation plan is not required as the proposal is for underground mining only.
12. **Details on catchment and command area under the project. Catchment area treatment plan to prevent siltation of reservoir** – Not applicable.
13. **Cost benefit ratio** – The environmental and social costs of the project are nil as the project is for renewal underground mining lease and no felling of trees, loss of public facilities and displacement of oustees is involved. The reserves of cost under 48.30 ha of forest area are estimated at 0.20 million tones.
14. **Recommendations of the Nodal Officer and the State Government** – The Nodal Officer and the State Government have recommended the project for approval.
15. **Recommendations of Regional Chief Conservator of Forests along-with detailed reasons** – The proposal for diversion of 48.30 ha Reserve Forest land under Forest (Conservation) Act is recommended for coal mining purpose. The coal is an essential raw material for Thermal Power Plant, Iron & Steel industry and cement industry. The Coal Ministry, Government of India has allocated coal blocks to the user agency. The proposal is recommended subject to that user agency shall adhere to all conditions of environmental clearances as stipulated during mining period and also follow approved mine closure plans among other stipulations.
16. **Regional Chief Conservator of Forests shall give detailed comments on whether there are any alternative routes/alignment for locating the project** – As the coal seams are found in/on the forest lands, the proposal becomes site specific and question of locating project on alternate site(s) does not arise.
17. **Utility of the project** – About 30% of coal in this area has been extracted during development of the underground mine. The remaining coal has to be extracted during depillaring of the mine before the

- mine is finally closed. About 200 SC/ST families shall get benefits directly or indirectly from this project.
18. **Whether land being diverted has any socio cultural/religious value – No.**
 19. **Whether and sacred grove or very old growth trees or forests exist in the area proposed for diversion – No.**
 20. **Whether the land under diversion forms part of any unique ecosystem – No.**
 21. **Situation w.r.t any PA – No protected area exists within a distance of 10 km from the proposed mines.**
 22. **Any other information related to the project –None.**
 23. **The said proposal along with SIR was considered in the Forest Advisory Committee in its meeting held on 11.12.2009.** The FAC discussed the proposal in detail and recommended that **no proposal should be submitted to the Forest Advisory Committee without proper topo sheet maps.** After detailed discussions, the Committee recommended that the State Government / user agency may be requested to submit the topo sheet map for the project, and the same was communicated to the State Government of Madhya Pradesh vide Ministry's letter dated 28.01.2010 (**Pg. 233/c**). The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, Government of Madhya Pradesh vide his letter dated 13.08.2010 (**in another mail file 279-295/c**) submitted a copy of two maps, indicating location of the said forest land.
 24. On perusal of the said maps it has been observed **none of these maps are the Survey of India Topo-sheets, in original.** It is therefore proposed that the Ministry may intimate the same to the State Government of Madhya Pradesh and request them to submit survey of India topo-sheet, in original, in 1:50,000 scale, indicating boundary of the entire lease and location of the forest land being diverted, along with a survey of India toposheet, in appropriate scale indicating location and boundary of protected area, if any, located within ten kilometer from boundary of the forest land proposed to be diverted for further necessary action of the Ministry in the matter. And the same was communicated to the State Government of Madhya Pradesh vide Ministry's letter dated 02.12.2010.
 25. On examination it was observed that the file contains two separate proposals. The first proposal submitted by the Nodal Officer, Forest (Conservation) Act, 1980, Government of Madhya Pradesh vide his letter dated 23.11.2006 (**placed along with annexure at page 1^c to 92^c**) is for diversion of 48.30 hectares of forest land for underground mining. The second proposal submitted by the Nodal Officer, Forest (Conservation) Act, 1980, Government of Madhya Pradesh vide his letter dated 21.08.2009 (**placed along with annexure at page 106^c to 230^c**) is for diversion of 108.278 hectares of forest land for surface use of forest land.
 26. Keeping in view that area of forest land proposed to be diverted in the first proposal (i.e. 48.30 ha.) is less than 100 ha., as per the extant provisions site inspection report from the Regional Office is not required before taking on the proposal. However, the Regional Office, Western Zone, Bhopal vide their letter dated 9.7.2009 placed along with annexure at page 98^c to 105^c submitted a inspection report in respect of the said proposal. Similarly, keeping in view that area of forest land proposed to be diverted in the second proposal (i.e. 108.278 ha.) is more than 100 ha., as per the extant provisions site inspection report from the Regional Office is required to be obtained before placing the said proposal before the Forest Advisory Committee. No site inspection report in respect of the said proposal has however, been obtained from the Regional Office, Western Zone, Bhopal, so far.
 27. FAC after examination of the fact sheet prepared on the basis of the proposal seeking diversion of 48.30 hectares recommended that the State Government may be requested to submit survey of India toposheet indicating boundary of 108.278 hectares of forest land indicated in the second proposal.
 28. The Nodal Officer, Forest (Conservation) Act, 1980, Madhya Pradesh vide his letter dated 24.07.2012 submitted Survey of India toposheet indicating boundary of 108.278 hectares of forest land proposed to be diverted. In the said SoI Toposheet, boundary of protected areas, located within 10 km distance from boundary of the forest land proposed for diversion have also been shown.
 29. Survey of India toposheet indicating location and boundary of 48.30 hectares of forest land proposed to be diverted, as sought in the first proposal has neither been submitted by the user agency, nor has been sought by this Ministry so far from the State Government of Madhya Pradesh.
 30. Keeping in view the facts stated above, it is proposed that the following action may be taken to ensure further processing of these proposals:

- (i) The proposal seeking diversion of 108.278 hectares of forest land may be transferred to part file of the extant file and requesting the Regional Office, Western Zone, Bhopal to inspect the said forest land and submit the inspection report for further processing of the proposal;
 - (ii) Request the State Government of Madhya Pradesh to submit a survey of India toposheet in respect of proposal seeking diversion of 48.30 ha. of forest land.
31. The above was communicated to and State Government of Madhya Pradesh and Regional Office, Bhopal vide Ministry's letter dated 13.08.2012 (**Pg. 106/c**).
32. Now, the Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer under Forest (Conservation) Act, 1980 Satpura Bhawan, Government of Madhya Pradesh, vide their letter No. F-1/426/06/10-11/1393 Bhopal dated 14.06.2016 along with annexures is placed in the file at (**Pg. 108-291/c**) forwarding the information in response of Ministry's letter dated 13.08.2012 with the request of the user agency to cancel the proposal vide letter dated 15.07.2014, which was forwarded to this Ministry after recommendation from the State Government vide letter dated 29.10.2014. The State Government has now again requested to cancel the proposal for diversion of 48.30 ha of forest land.

It is proposed that proposal may be submitted to the FAC for its consideration in its forthcoming meeting scheduled to be held on 21.09.2017.

Sandeep Sharma, AIGF (FC)

Agenda No. 1

File No. 8-68/2013-FC

Sub: Diversion of 806.153 hectares of forest land including 16.601 ha for safety zone over the total Mining Lease area of 874.290 ha for iron ore mining in Sundergarh and Keonjhar districts of Odisha by M/s Neelachal Ispat Nigam Ltd.

1. The State Government of Odisha, vide its letter no. 10F (Cons) 99/2013/17199/F&E dated 19th August 2013 had submitted a proposal to obtain prior approval of Central Government in accordance with section-2 of the Forest (Conservation) Act, 1980 for diversion of 806.153 hectares of forest land including 16.601 ha for safety zone over the total Mining Lease area of 874.290 ha for iron ore mining in Sundergarh and Keonjhar districts of Odisha by M/s Neelachal Ispat Nigam Ltd.
2. The said proposal was placed before the **FAC in its meeting held on 09th & 10th November, 2016** and the FAC, after examination of the proposal and discussion with user agency, observed as below:
3. The project is located in the Bonai and Keonjhar Forest Division, Odisha.
4. The legal status of the forest land is as under:

a. PRF –	345.699 ha.
b. V.F. (Revenue Forest)-	425.752 ha.
c. DLC-	34.702 ha.
Total:	806.290 ha.
5. Eco Value Class has been treated as “Eco Value Class-I” and density of vegetation is 0.40.
6. The proposed area is not vulnerable.
7. Proposed site for diversion is situated at distance within 10 Kms from Khajuridihi RF, Sarkunda RF, Kathmal RF and Mendhamaruni RF.
8. Sample Tree enumeration has been carried out over 37 sample plots of 2.0 ha each (Total 74.0 ha) in Banal Forest Division of Sundargarh District. As computed, 53,921 no. of trees above 30cm girth have been enumerated over the 789.552 ha. of forest land to be used for mining and other allied activities. Similarly, another 1235 no. of trees above 30cm girth have been enumerated over the 16.601 ha .of forest land earmarked to be maintained as safety zone.
9. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.
10. Elephant, Python, Monitor Lizard, Cobra, Viper etc. are occasionally seen in the proposed area of diversion.
11. There is no archaeologically important monument situated in the area.
12. The requirement of forest land as proposed by the User agency is unavoidable and barest minimum for the Mining Purpose.
13. No violation is done by the User Agency.

14. An area of 789.552 ha in lieu of 806.153 ha of forest land proposed for diversion excluding 16.601 ha of forest land has been identified in village Merkatara, Bhitraguma, Duliguda, Jubang under Thuamul Rampur Tahsil in Kalahandi district within jurisdiction of Kalahandi (South) Forest Division for compensatory afforestation scheme in Block plantation mode pertaining to the project at an estimated cost of Rs. 9,41,43,000/- at current wage rate of Rs. 150/- per man-day. This scheme has been technically approved by the Chief Conservator of Forests (Forest Diversion) & Nodal Officer, FC Act. Besides plantation, the scheme has provision for barbed wire fencing and maintenance cost for 10 years with participation of VSSs.
15. The Divisional Forest Officer, Kalahandi (South) has furnished suitability certificate and the Tehsildar Thamul Rampur has furnished the non –encroachment and non-encumbrance certificate pertaining to the non-forest land identified for compensatory afforestation.
16. Total cost of the project is Rs. 17024.50 Lakhs.
17. The compliance on Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been furnished.
18. The DFO in his specific recommendation mentioned that the User Agency can operate the mines which will add to production of Iron Ore by 2 million Ton per annum by which people will get employment and Government will get revenue and this proposal for diversion of 806.153 hectares of forest land may be approved in favour of the user agency by imposing necessary conditions.
19. The CF/PCCF/State Govt. recommended the proposal.
20. Forest land proposed to be diverted has been **inspected by Regional Office (Eastern Zone), Bhubaneswar**. The details of Site Inspection Report (SIR) are as below:
 - (i) As reported by the DFO, Bonai Division, the legal status of forest land in both Bonai and Keonjhar divisions are as follows:

	Bonai Division	Keonjhar Division	Total
RRF	345.699 ha	-----	345.699 ha
V.F. (Revenue Forest)	425.357 ha	0.395 ha	425.752 ha
D.L.C.	32.234 ha	2.468 ha	34.702 ha
Total	803.290 ha	2.863 ha	806.153

- (ii) Item-wise break-up details of the forest land proposed for diversion is as below:

Sl. No.	Purpose	Forest land (ha)			Total Forest land	Non-forest Land (Ha)		Total non-forest land (ha)	Total (ha)
		VF	KPRF	DLC		Govt.	Pvt.		
1	Mining	356.409	244.723	33.009	634.141	30.967	8.336	39.303	637.444
2	Dumping of OB	37.737	24.986	0.096	62.819	6.588	-	6.588	69.407

3	Storage of Top Soil	-	5.000	-	5.000	-	-	-	5.000
4	Crud Ore /ROM stock pile	2.056	19.694	-	21.7500	-	-	-	21.750
5	Storage of sub-grade Ore	9.811	12.161	-	21.972	-	-	-	21.972
6	Road, railway line	6.180	7.940	-	14.120	1.880	-	1.880	16.000
7	Infrastructure like weight Bridge, Fuel Centre, Creche, Workshop, Canteen, Power supply station, water supply temporary camp office, security barrack etc.	0.100	2.400	-	2.500	14935	0.075	15.010	17.510
8	Beneficiation Plant	5.529	19.471	-	25.000	-	-	-	25.000
9	Magazine with safety zone	-	2.250	-	2.250	-	-	-	2.250
10	Green belt	-	--	-	-	2.456		2.456	2.456
	Sub-total	417.822	338.625	33.105	789.552	56.826	8.411	65.237	854.789
11	Safety zone	7.930	7.074	1.597	16.601	2.400	0.500	2.900	19.501
	Grant Total	425.752	345.699	34.702	806.153	59.226	8.911	68.137	874.290

(iii) As reported by the User Agency, the total cost of the project comes of Rs. 17024.5 Lakhs.

- (iv) As reported by the State Government, the fauna noticed in the area are Monkey (*Presbytis entellus*), Fox (*Vulpes bengalensis*), Jackal (*Canis aureus*), Porcupine (*Hystrix indica*), Sloth Bear (*Melursus urcinus*), Rabbit (*Lepus nigricollis*), Wild boar (*Sus scrofa*), Spotted Deer (*Axiz axis*), common mongoose (*Herpestes edwardsi*), Sambar (*Cervus unicolour*), Elephant (*Elephas maximus indicus*), Weaver bird (*Ploceus phillippinus*), Common kite (*Milvus migrans*), Spotted dove (*Streptopelia chinenisis*), wood pecker (*Picoides nanus*), Grey jungle fowl (*Galhus gallus*), Krait (*Bungrus caeruleus*), Rat (*Rattus rattus*), etc. As reported by the RCCF, Rourkela in his inspection report, no rare and endangered species of flora and fauna are available in the applied area. This area is coming under Elephant habitat zone -2 as per report of the ORSAC. There is movement of wild elephants noticed in the nearby area.
- (v) It was reported by the State Government, though the area does not form part of any National Park/Wildlife Sanctuary /Elephant Corridor, due care is to be taken for conservation of Wildlife available in the area. For this purpose, a comprehensive Wildlife Management Plan covering the entire mining belt of Bonai and Keonjhar Forest division has been prepared. Accordingly, the user agency has to pay @ Rs. 20,000/- per hectare of leasehold area as per revised norm. The lessee has furnished undertaking to bear the cost of wildlife management. Besides this, a site specific conservation Plan duly approved by the Pr. CCF (WL) & CWLW, Odisha is also required to be implemented in the leasehold as well as surrounding area at project cost.
- (vi) As reported by the State Government, tree species commonly noticed in this area are *Sal* (*Shorea robusta*), *Kathasiali* (*Xylia xylocarpa*), *Kurum* (*Ardina cordifolia*), *Kendu* (*Diospyros melanoxylon*), *Mango* (*Mangifera indca*), *Harida* (*Terminalia chebula*), *Kusum* (*Sleichera oleosa*), *Mahul* (*Madhuca indica*), *Jamu* (*Syzygium cumini*), *Bija* (*Pterocarpus marsupium*), *Gambhari* (*Gmelina arborea*), *Bandhan* (*Ougeinia oojeinersis*), *Dhaura* (*Anogeissus latifolia*), *Asan* (*Terminalis tomentosa*) etc. *Sal* is the predominant species.
- (vii) As reported by the DFO, Bonai Forest Division, a total no. of 53,928 no. of trees are required to be felled. The number of trees of girth below 60 cm is 30,590. The number of trees of girth above 60 Cm is 23,338.
- (viii) As reported by the State Government, Neelachal Ispat Nigam Limited (NINL) is a joint venture Public Sector Company promoted by Mineral & Metals Trading Corporation Ltd. (MMTC), a Government of India undertaking and Industrial Promotion & Investment Corporation Ltd. (IPICOL), a Government of Odisha enterprise. It has been incorporated under the Companies Act, 1956 on 27.03.1982. The company has already set up Green Field Integrated Steel Project of 1.1 million ton per annum capacity at Duburi within the Kalinga Nagar Industrial complex in Jahpur district of Odisha. The first phase of this Plant was commissioned in January, 2002 with Production of Pig Iron, Blast Furnace Coke, Gross sinter, Hot metal, Crude Tar, Ammonium Sulphate along with power generation. This plant is set for expansion to a capacity of 2 million ton of hot metal per annum for which the Iron ore requirement will be of 3.2 million ton approximately. In view of above captive use of iron ore, Govt. of India in their letter No. 5/47/97/-M-IV . dated 20.05.1999 conveyed their approval under Section 5(i) (b) of the MMRD Act, 1957 over with relaxation of Section 8 (1)(b) of the said Act for grant of mining lease for iron ore over 1850 ha in favour

of M/s NINL for a period of 30 years subject to compliance of amended provisions of Act and Rules including relevant provisions of Forest conservation Act. 1980. Since the term and conditions intimated by the Steel & Mines Department vide their letter No. 4386, dated 5.6.1999 to the applicant company were accepted by them, Govt. of Odisha in Steel & Mines Deptt. vide their Proceedings No. 19/98-4858 /SM , dated 19.06.1999 have granted mining lease in favour of applicant company for iron ore mining in Sundargarh and Keonjhar district of Odisha for a period of 30 years over and area of 1850 ha. As per the communication of Dy. Director of Mines, Koira, the mining lease area was reduced to 1798.338 ha after survey and rectification, instead of 1850 ha. The rectified ML area of 1798/338 ha includes 1560.217 ha of forest land and 238.121 ha of non-forest land. As reported by the applicant Company, an area of 924.021 ha of the mining lease including 754.721 ha of forest land and 169.300 ha of non-forest land, proposed to be retained for 2nd phase exploration, was applied before the Steel & Mines Department for surrender owing to the fact that such area was found to be devoid of iron ore as has been ascertained by them from the exploration carried out over the area by the Company and in the process, intimated to the Steel & Mines Department about their intention to retain 874.317 ha of land in the ML area that includes 805.496 ha of forest land 68.821 ha of non-forest land. Subsequently, the Director of Mines reported about the extent of area of lease proposed to be retained to be 874.290 ha which comes within granted area of 1850 ha and approved surveyed area of 1798.338 ha. in view of this development, the State Govt. in Steel & Mines Department revised their earlier grant order dated 5.06.1999 considering this Mining lease for 874.290 ha in favour of the Applicant Company vide their proceeding No. 1172 dated 18.02.2009. The revised ML area of 874.290 ha consists of 345.699 ha of PRF, 425 .752 ha village forest, 34.702 ha of DLC land (totalling to 806.153 ha), 59.226 of non-forest Government land and 8.911 ha of private non-forest land. Out of 806.153 ha of forest land, and area of 803.290 ha of forest land (345.699 ha of PRF + 425.357 ha of village forest + 32.234 ha of DLC land) is coming within Bonai Forest Division of Sundargarh district and balance of 2.863 ha of forest land (0.395 ha of village forest + 2.468 ha of DLC land) are existing within the jurisdiction of Keonjhar forest division of Keonjhar district. The Dy. Director of Mines, Koira has certified about occurring of iron ore mostly in the forest land of the lease. The land schedule of revised ML area, village wise for area of the lease coming within Sundargarh/Keonjhar district was duly authenticated by the user agency, Tehsildar, Koira, Dy. Director of Mines, Koira DFO, Bonai. The instant forest diversion proposal has been filed by the user agency to seek prior approval of Govt. of India, MoEF under Forest Conservation Act, 1980 which is also a pre-condition for execution of lease deed.

- (ix) As reported by the State Government, an area of 789.552 ha of non-forest land is required for the purpose of compensatory afforestation in lieu of 806.153 ha of forest land proposed for diversion excluding 16.601 ha of forest land earmarked to be maintained as safety zone. Keeping in view that it was not feasible to identify such large extent of non-forest land in Sundargarh district, 789.552 ha (806.153 ha -16.601 ha) has been identified in village Merkatar, Bhitraguma, Duliguda, Jubang under Thuamul Rampur Tahsil in Kalahandi district within jurisdiction of Kalahandi (South) Forest Division on lieu of 789.552 ha forest land proposed for diversion for undertaking mining and other allied activities.

- (x) The Divisional Forest Officer, Kalahanadi (South) Division has prepared a site specific compensatory afforestation scheme in Block plantation mode pertaining to the project at an estimated cost of Rs. 9,41,43,000/- at current wage rate of Rs. 150/- per man-day. This scheme has been technically approved by the Chief Conservator of Forests (Forest Diversion) & Nodal Officer, FC Act. Besides plantation, the scheme has provision for barbed wire fencing and maintenance cost for 10 years with participation of VSSs. The species proposed for plantation includes *Sisoo*, *Gambhar*, *Neem Harida*, *Bahada*, *Tentuli*, *Panash*, *Amla Phasi*, *Kasi* and Bamboo. The User Agency has furnished an undertaking to bear the cost of the Compensatory afforestation scheme. Total financial outlay of scheme for compensatory afforestation, including infrastructure development is Rs. **6,50,76,000/-**
- (xi) As reported by the State Government, even though no mining activities has been commenced in this leasehold area, yet it is observed that the applicant Company has engaged the Department of Geology, Govt. of Odisha and Mineral Exploration Corporation Ltd., Nagpur for carrying out detailed exploration for iron ore deposits within the originally granted Mining lease of 1850 ha. Based on their exploration report, the applicant Company had decided to surrender 924.021 ha of the mining lease including 754.721 ha of forest land and 169.300 ha of non-forest land, which area was found to be devoid of iron ore. As reported, 173 no. of boreholes of 4" diameter or 0.1 mt. were dug in the granted area that comprises of 104 boreholes in Mithirda, 48 boreholes in Basada and 21 boreholes in Kriyakadar group. Total forest land used for this exploration activities is reported to be 0.1399 ha. The exploration activities have been undertaken over the granted area of 1850 ha which also includes forest land without prior approval of Ministry of Environment & Forests, Govt. of India leading to violation of Forest Conservation Act, 1980. As such Government of India, MoEF may impose Penal Compensatory afforestation or penal NPV for execution at project cost or any other penal measures as deemed proper.
- (xii) As reported by the State Government, the project involves displacement of 34 nos. of families consisting of 249 members for which the applicant Company has submitted a R&R Plan to the Collector, Sundergarh for placing the same before the RPDAC for consideration and implementation. The R&R Plan duly approved by RPDAC for this project shall therefore be implemented at project cost before commencement of project activities on having final forest clearance to this project.
- (xiii) As reported by the User agency, out of 34 no. of project affected families, 29 families are Schedule Tribe, 04 families are other Backward Caste and 1 family is others.
- (xiv) The phased reclamation plan and afforestation scheme has been submitted. As reported by the State Governments, this plan includes reclamation of exhausted pits by backfilling with mine waste materials, taking up block plantation over the stabilized dumps as well vacant areas. The user agency has to execute this plan at their cost.
- (xv) As reported by the State Government, the total benefit owing to this project in both Sundergarh and Keonjhar Forest division of calculated to be Rs. 510116.20 lakhs and total loss on account of the project

comes to Rs. 8874.45998 Lakhs. In view of this, the consolidated cost benefit analysis for this mining project comes to 1:57.5

- (xvi) The mining project is site specific; hence alternative alignment is not possible.
 - (xvii) As reported by the State Government, in course of execution of the project, 150 people are likely to get direct employment and another 1000 persons shall get indirect employment opportunities.
 - (xviii) As reported by DFO, Bonai Division **no sacred grove or very old growth trees /forests exist in the area proposed for diversion.**
 - (xix) As reported by the State Government, the proposed lease area is not part of any National Park/Wildlife Sanctuary/Biosphere Reserve /Tiger Reserve.
 - (xx) The proposed site for diversion is situated at a distance of 71 Km approximately from Simlipal Tiger Reserve, which is the protected area.
 - (xxi) As reported by the State Government, the total area applied diversion is 806.153 ha including 16.601 ha for safety zone in both Bonai and Keonjhar Divisions. The User Agency has reported the safety zone for Bonai divisions is 16.451 ha and for Keonjhar division is 0.150 ha. Out of 806.153 ha of forest land for diversion, Keonjhar division has 2.863 ha and Bonai division has 803.290 ha of forest land.
 - (xxii) DGPS map & Topo –sheet are given.
 - (xxiii) FRA Certificates issued by Collector, Sundergarh & Collector, Keonjhar have been submitted.
 - (xxiv) **Since the area involved for diversion is very large and in 3 blocks connected by small strips, the mining should be allowed block –wise, not simultaneously, based on technical feasibility.**
 - (xxv) Since transportation by truck in the initial years till the railway siding is developed is bound to cause of air pollution, the User Agency has been instructed to construct a concrete road from the lease boundary to the main road, which is about 12 Km at its own so that pollution will be reduced to some extent. The construction should be completed in no more than 3 years.
 - (xxvi) **As reported by the Stage Government, the exploration activities were undertaken by the User Agency through Department of Geology , Govt. of Odisha and Mineral Exploration corporation Ltd. Nagpur without prior approval of MoEF , Govt. of India, even though no mining activities has been commenced in the leasehold area., which is a violation. Ministry may take approval decision in this regard.**
21. Specific observations/ recommendations of the Addl. Principal Chief Conservator of Forests (Central), Regional Office (Eastern Zone), Bhubaneswar are as below:
- (i) The instant proposal is for diversion of 806.153 ha of forest land including 16.601 ha for safety zone over the total mining lease area of 874.290 ha for iron ore mining in Sundargarh and Keonjhar districts of Odisha by M/s Neelachal Ispat Nigam Limited.
 - (ii) **Greening of non-mineralized zone along with transplanting:** Trees below 30 cm should be saved from felling by transplanting as per feasibility within the lease area, especially greening the non-mineralized zone, safety zone, etc.

- (iii) **Transport system:** the normal mode of transport from the mine should be through closed conveyor system up to the railway siding when it starts and from there by train so that there is little disturbance on the road. Thus the ancillary problems like congestion, dust pollution, inconvenience to local population, etc. will be minimized. Alternatively, slurry transport system may be allowed. Road transport system is highly polluting and causes too much inconvenience to the local people and other existing users.
- (iv) **Reclamation:** it is impossible to replenish the minerals once mined out. However the user agency should reclaim the derelict land by establishing self-sustaining vegetation cover with pre-determined end use. A successful biological reclamation restores the natural capital of flora and fauna and productivity of land, which have been previously destroyed through mining. So the user agency should prepare a long term plan so that after the end of mining lease, the land so reclaimed can turn into as beautiful landscape or and ecotourism spot which will be important from aesthetic point of view.
- (v) **CSR activities:** the user agency should implement a corporate plan for the overall development of the people in the vicinity like providing quality technical education, creating employment opportunities & health care facilities. Sanitation aspect, literacy drive, etc. should also be taken care of by them. The user agency should provide training programme for the mining engineering students in the nearby areas and also engage them in research work so that the students will be students in their education in terms of providing study materials and stipend. The user agency should develop and integrated system, within 5 Km periphery of the mining lease, in collaboration with other project proponents. The CSR activities undertaken by the user agency for the development of people should be uploaded in the website of the company in details.
- (vi) **Top soil management and vermin-compost:** The top soil should be preserved in active form so as to use for the greenery of the area as early as possible. The User Agency should incorporate vermin –composting / composting in their greening plan, so that sufficient nutrients are available to the seedlings during plantation.
- (vii) **Water conservation:** Water is a precious resource, so the user agency should take appropriate measures for creation of ponds, water conservation /harvesting structures, so that more water can be stored around, which will recharge the ground water.
- (viii) **Biodiversity survey:** - The user agency should arrange for a quick biodiversity survey with the help of leading universities/academic institutions. The copy of design parameters, field data and analyzed report may be given to the ERO for information. Appropriate action based on findings may be taken by the user agency to conserve the gene pool, sending yearly report to the Regional office.
- (ix) **Environmental awareness programme:** The user agency should arrange environmental awareness programmes to create awareness among the employees as well as nearby people regarding better environmental management and its safeguards. There should be programs, weeks for the forests and wildlife, to be celebrated by the miners and other stakeholders, the wildlife, lovers. Officials involved

in the process should participate in such functions, and the idea of protection of precious natural resources like forest, wildlife, etc. should leave an indelible impact in the minds of the people so that people voluntarily and enthusiastically work for the protection and enrichment of the forests and wildlife of the region.

(x) It is observed that out of 806.153 ha of forest land to be diverted, 2.863 ha lies in Keonjhar Forest division. As per recommendation of State Govt. for approval of working plan of Keonjhar Forest division and subsequent endorsement by the Eastern Regional office, no fresh mining will be allowed in the Keonjhar Forest Division.

22. The above proposal along with the site inspection report received from the Regional Office (Eastern Zone), Bhubaneswar was **placed before the Forest Advisory Committee (FAC) in its meeting held on 13th-14th February 2014.**

23. **The Justice M.B. Shah Commission of Enquiry for Illegal Mining of Iron Ore & Manganese in their first report on Illegal Mining of Iron and Manganese Ores in the State of Odisha recommended that iron ore production in Odisha shall be limited to 55 million tonnes per annum (MTPA). MoEF therefore, proposes to conduct a study of the carrying capacity of the area through an institute of repute which would also, inter-alia, go into the issues of depletion of ground water level, pollution of Baitarni river and maximum permissible annual production taking into consideration environmental aspects, inter-generational equity, etc.**

24. **The FAC after detailed deliberations in its meeting held on on 13th-14th February 2014 recommended that:**

- a. The decision on the proposal involving diversion of large area of forest land for execution of a fresh mining lease may be deferred till completion of the carrying capacity study proposed to be undertaken by the MoEF.
- b. Pending completion of the carrying capacity study, the MoEF may request the Regional Office (Eastern Zone), Bhubaneswar to initiate proceedings in accordance with the provisions of the Section 3 A and 3 B of the FC Act and file complaint in the court having jurisdiction in the matter against officials prima –facie found guilty of according permission to undertake exploration activity in the forest land proposed to be diverted without obtaining prior approval of Central Government under the FC Act.
- c. The MoEF may advise the Government of Odisha to initiate proceedings in accordance with the provisions of the relevant sections of the Indian Forest Act, 1927 and/ or the Orissa Forest Act, 1972 against the user agency for undertaking exploration activity in the forest land proposed to be diverted without obtaining requisite approvals.

25. The above recommendation of the FAC were communicated to the State Government of Odisha vide this Ministry's letter of even number dated 12.03.2014.

26. With regard to recommendation of FAC as mentioned at para 24(a) above regarding carrying capacity study being undertaken by the NEERI in Odisha, it is to mention that the IA division vide their note dated 01.09.2015

informed that *the there is no mention about M/s Neelanchal Ispat Nigam Ltd in the NEERI Report. This captive mine has not been included in the NEERI Report. In the NEERI report of 56 mines working, 5 are captive, NEERI has recommended that all working mines may continue its work with all the necessary permission. Thus the ore production level suggestion in the NEERI report includes the captive mines also.*

NEERI has submitted their interim report as per the information received from the IA Division in respect of another two mining cases pertaining to Uchabla Iron Mine of M/s Indrani Pattanaik and Thakurani Mine of M/s Sarda Mines (P) Limited, final report of the carrying capacity study is yet to be received by the Ministry. However, an interim report has been submitted to the Ministry by the NEERI. Based on the interim report of the NEERI, the IA Division of the Ministry has proposed *that (6) six cases of iron ore mining project which were already recommended by the Environmental Appraisal Committee should be processed for environment clearance and also another (5) five cases in which the EC was kept in abeyance due to the carrying capacity was to be lifted.* In their comments referring to the recommendation made in the interim report of the NEERI, the IA division has also indicated that NEERI has recommended that *56 mines working during their field study (may-June 2014) may continue to work with the necessary statutory permissions.*

27. It is also noted by the FAC that IA Division, with the approval of Secretary (EF & CC), vide their OM no. J-11015/55/2010.IA.II(M) dated 14.09.2016 informed that the proposal of EC and FC of M/s Neelanchal Ispat Nigam Ltd. (NINL) for Iron Ore Mining project located at District Keonjhar and Sundergarh, Orissa in the mine lease area of 874.29 ha. was pending due to outcome of carrying capacity study being conducted by NEERI, Nagpur and the matter was examined in the IA Division and accordingly it has been decided that the FC division may be requested to expedite the Stage-I FC clearance without waiting the outcome of carrying capacity study as the LOI of M/s NINL is going to expire on 10.01.2017. However, this permission would be subject to outcome of the study of carrying capacity.
28. It is also observed by the Committee that the report on initiation of proceeding from the Regional Office is yet to be obtained.
29. **The FAC also observed that** the Government of Odisha, vide their letter no. 10F(Cons)-99/2013/12005/E&F dated 9.07.2015 informed that an action taken report regarding initiation of proceedings in accordance with the Orissa Forest Act, 1972 against the user agency for undertaking the exploration activity in the forest land proposed to be diverted without obtaining requisite approvals under the Forest (Conservation) Act, 1980. The State Government has referred the letter no. 10411 dated 20.06.2015 of the PCCF wherein it is reported that DFO, Bonai has registered a forest offence case against the user agency bearing no. O.R. No. 162K of 2014-15 dated 2.12.2014 under Section 34, 81 (4), 27 (1) (a) and 27(1)(b) of Orissa Forest Act, 1972.
30. **Recommendation of FAC in its meeting held on 09th & 10th November, 2016:** FAC after detail deliberation recommended that:
 - (i) The decision on the proposal involving diversion of large area of forest land for execution of a fresh mining lease may be deferred till completion of the carrying capacity study proposed to be undertaken by the NEERI.

- (ii) State Government to submit the name of officials *prima facie* found guilty for according permission to undertake exploration activity in the forest land proposed to be diverted without obtaining prior approval of Central Government under the Forest Conversation Act, 1980 to the Regional Office, Eastern Zone, Bhubaneswar.

The Regional Office (Eastern Zone), Bhubaneswar shall initiate proceeding in accordance with the provisions of Section 3 A and 3 B of the FC Act and file a complaint in the Court having jurisdiction in the matter against the officials.

- (iii) For compensatory afforestation (CA) equivalent non forest land (NFL) is to be earmarked and plantation has to be raised @1000 plants/ha, of forest land diverted. On analysis through DSS it is found that some area of the proposed non forest land for CA is having moderately dense vegetation over it, therefore 1000 plants/ha cannot be planted. The proposed non forest land for CA shall be accepted provided the number of plants which are not possible to be planted on proposed land, shall be planted on degraded forest land (crown density upto 40 % as per Forest Survey of India report) identified by the forest department. State Government shall identify degraded forest land (DFL) within its administrative control and submit the location of area and shape file with possible number of plants to be planted in the proposed degraded forest land. The compensatory afforestation scheme shall be for 1000 plants/ha of the forest land diverted under this proposal including maintenance cost for 10 years. The State Government shall submit the revised CA scheme

31. Ministry vide its letter dated 14.12.2016 (**Pg-473-474/c**) requested the State Government and Regional Office, Bhubaneswar to submit the detailed report as per recommendation of FAC.
32. Government of Odisha vide their letter no. 10F(Cons) 196/2017/18074/F&E dated 30.08.2017 (**Pg-475-529/c**) has submitted their reply. The point wise compliance of the observations are indicated as below:

S.No.	FAC observations	Reply of State Government
1	The decision on the proposal involving diversion of large area of forest land for execution of a fresh mining lease may be deferred till completion of the carrying capacity study proposed to be undertaken by the NEERI.	In this regard, the State Government stated that MoEF&CC, GoI would take a decision in this context. State Government vide its letter No.19851/F&E dated 12.11.2015 had earlier requested the Central Government to consider the above forest diversion along with two other cases for grant of Stage-I forest clearance pending receipt/finalization of NEERI Report on carrying capacity study.
2	State Government to submit the name of officials <i>prima facie</i> found guilty for according permission to undertake exploration activity in the forest land proposed to be diverted without obtaining prior approval of Central Government under the Forest Conversation Act, 1980 to the Regional Office, Eastern Zone, Bhubaneswar.	In this regard, the State Government informed that in response to ERO, MoEF&CC letter No. 5-ORA180/2013-BHU dt. 20.1.2017, detailed information in this context have already been furnished to ERO, MoEF&CC vide F&E Department letter No. 7890/F&E dt. 19.4.2017 (Pg--531/c) under intimation to the Ministry vide next Memo for necessary action at their end.

	The Regional Office (Eastern Zone), Bhubaneswar shall initiate proceeding in accordance with the provisions of Section 3 A and 3 B of the FC Act and file a complaint in the Court having jurisdiction in the matter against the officials	
3	For compensatory afforestation (CA) equivalent non- forest land (NFL) is to be earmarked and plantation has to be raised @1000 plants/ha, of forest land diverted. On analysis through DSS it is found that some area of the proposed non -forest land for CA is having moderately dense vegetation over it, therefore 1000 plants/ha cannot be planted. The proposed non- forest land for CA shall be accepted provided the number of plants which are not possible to be planted on proposed land, shall be planted on degraded forest land (crown density upto 40 % as per Forest Survey of India report) identified by the forest department. State Government shall identify degraded forest land (DFL) within its administrative control and submit the location of area and shape file with possible number of plants to be planted in the proposed degraded forest land. The compensatory afforestation scheme shall be for 1000 plants/ha of the forest land diverted under this proposal including maintenance cost for 10 years. The State Government shall submit the revised CA scheme	<p>In this regard, the State Government informed that a revised CA scheme with approval of Addl. PCCF (Forest Diversion) & Nodal Officer (FCA) has been furnished which is for 834.552 ha. that has provision for Block plantation over 448.552 ha. of non-forest land, ANR without gap plantation over 341 ha. (totalling 789.552ha.) and Bald-hill plantation over 45 ha. of degraded forest land identified in Sahajkhoh RF in Dharmgarh Range of Kalahandi (South) Division. The non-forest land of 789.552 ha. (1951.022 acres) has been allotted by the Collector, Kalahandi for the purpose of compensatory afforestation which includes 362.136 acre in Merkatara village, 422.846 acres in Bhitraguma village, 703.033 acres in Dhuliguda village and 463.007 acres in Jubang village under Thuamul Rampur Tahasil of Kalahandi district. Detailed schedule of non-forest land so allotted is also furnished herewith for reference. DFO, Kalahandi (South) division has furnished land suitability certificate for taking up Block plantation over 448.964 ha. of non-forest land @ 1600 plants per ha, ANR without Gap Plantation over 340.558 ha. of non-forest land and Bald hill plantation of 1600 plants per ha. over 45 ha. of degraded forest land identified in Sahajkhoh RF in Kalahandi(South) Forest Division.</p> <p>As per observations of FAC, 7,89,683 no. of plants are to be planted over the 834.552 ha. of non-forest/degraded forest land identified for plantation considering 1000 plants to be planted per hectare on an average in lieu of 789.552 ha. of forest land required for diversion for non-forest purpose in this project. This includes 7,17,683 no. of plants over 448.552 ha. @ 1600 plants per ha. No plantation over 341 ha. and 72,000 plants over 45 ha. Of degraded forest @ 1600 plants per ha. The duly approved revised CA scheme with an estimated cost of Rs. 9,26,45,200/- including cost of infrastructural items is enclosed herewith for reference. The CA scheme (Pg-479-529/c) includes the SoI topo- map in 1:25000 scale showing degraded forest land for CA, map of showing the GPS readings of 3 degraded forest land, Google image map showing the degraded forest land for CA, GPS reading of non-forest land identified for CA, maps showing the non-forest land identified for CA duly authenticated by the</p>

		DFO, Kalahandi (South) Division. It has also been certified by the concerned Tahsildar that identified non-forest land is free from encroachment and encumbrance and is not part of DLC report of the district. <u>The shape file of identified non-forest/degraded forest land in CD form are also attached herewith.</u>
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32. In response to this Ministry's letter dated 14.12.2016 (**Pg-473-474/c**), Regional Office, Bhubaneswar vide their letter no. 5-ORA180/2013-BHU dated 03.07.2017 (**Pg-530-531/c**) has informed that State Govt. of Odisha vide letter No. 10F (Cons) 99/2013-7890/F&E dated 19.04.2017 has informed that no permission has been accorded by any official of State Govt. for undertaking exploratory drilling activity in forest land proposed to be diverted. As reported a forest offence case has been registered against the officials of user agency vide O. R. No. 162k of 2014-15 dated 02.12.2014 under Orissa Forest Act, 1972 or unauthorized exploratory drilling within the forest land proposed for diversion. The case has been forwarded to Court of SDJM, Bonai for trial vide P.C. No. 9 of 2014-15 of Bonai Division. Now the case is under trial in the said Court.

It is further reported by the Regional Office that since no officer/authority is found responsible as per State Govt. and State Govt. / Department had initiated action under relevant Forest Act and therefore the RO requested for guidance/direction for further action to be initiated in 3A and 3B of the Act.

The facts related to the above proposal may be placed before FAC in its next meeting to be held on 21.09.2017 for their examination and appropriate recommendation.

Agenda No. 2

F.No.8-39/ 2010-FC

Sub. :Diversion of 58.56 hectare of forest land for up-gradation of Dialkhai- Sinjwal Cl-9 Road (48.8 KM) to enhanced Cl-9 specification under GSLTPP.

1. State Govt of Manipur vide letter No 57/135/2010-For & Env't dated 05.06.2010 was submitted the proposal for diversion of 58.56 ha forest land for up-gradation of Dialkhai Sinzawl CL-9 road (48.8 km) to enhance CL-9 specification under GSLTPP- Southern Forest Division, District Churachandpur, Manipur, by BRTF C/O 99 APO to Ministry, New Delhi seeking forest clearance under Forest (Conservation) Act, 1980.
2. The above proposal was placed before the Forest Advisory Committee (FAC) in its meeting convened on 25.10.2010. After careful examination of the proposal the FAC noted as below:
 - (i) The forest land proposed to be diverted is required for widening/upgradation of an existing road in the strategically important border State of Manipur.

- (ii) Diversion of the proposed forest land will facilitate upgradation of road network in the remote landlocked State.
 - (iii) Legal status of the forest land is Unclass/Community forest.
 - (iv) The forest land proposed to be diverted contains total 1046 trees. The average trees density at 18 trees/ha. is quite low.
3. The FAC after thorough deliberations recommended diversion of the said forest land subject to the General Conditions and the Standard Conditions applicable to the Defense Roads in hilly terrain. Accordingly, In-principle approval of the said proposal was granted by the Ministry's letter No. 8-39/2010-FC dated 07.12.2010 (**p.46-49/c- FC file**) subject to following conditions:
- (i) Legal status of the diverted forest land shall remain unchanged.
 - (ii) **Compensatory afforestation over double the degraded land i.e. 117.12 hectare, shall be raised and maintained by the State Forest Department.**
 - (iii) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation over double the degraded forest land i.e. 117.12 hectare, at the current wage structure, to the State Forest Department.
 - (iv) The State Government shall charge the Net Present Value (NPV) of the forest area diverted under this proposal from the User Agency as per the Orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard.
 - (v) At the time of payment of the Net Present Value (NPV) at the present rate, the User Agency shall furnish an undertaking to pay the additional NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
 - (vi) All the funds received from the User Agency under the project shall be transferred to Ad-hoc CAMPA in Account Number- 344901010070268 in the Union Bank of India, Sunder Nagar Branch, New Delhi.
 - (vii) No labour camp shall be established on the forest land during widening/ upgradation of the road.
 - (viii) Sufficient firewood shall be provided by the User Agency to the labourers after purchasing the same from the State Forest Department or the Forest Development Corporation.
 - (ix) The muck generated in the earth cutting shall be disposed off at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes. The muck disposal plan, prepared in consultation with the State Forest Department, shall be submitted along with the compliance report.
 - (x) The User Agency shall ensure that no damage is caused to the flora and fauna available in the area.
 - (xi) The project area shall be demarcated on ground at the project cost, using four feet high RCC pillars, with each pillar inscribed with the serial number, forward and backward bearings etc.
 - (xii) The forest land shall not be used for any purpose other than that specified in the proposal.
 - (xiii) The user agency shall involve an environmentalist to advice the agency on protection of flora, fauna and associated mitigative measures.

- (xiv) The User Agency shall restrict the felling of trees to the minimum within the Right of Way (RoW), preferably extending to 15 m width.
 - (xv) The User Agency shall enumerate the number of trees protected by the restriction stipulated in paragraph (xiv) above and intimate the same to this Ministry before issue of Stage-II approval.
 - (xvi) **The State Government shall undertake afforestation over at-least twice the area being diverted, in addition to normal CA, at the cost of the User Agency.**
 - (xvii) The User Agency shall provide retaining wall, breast wall and drainage structures as per the requirement to stabilize the slopes.
 - (xviii) The State Government and the User Agency shall prepare a Wildlife Management/ Biodiversity Conservation Plan in consultation with WII, Dehradun.
 - (xix) The State Government shall constitute a Committee to oversee the implementation of the Wildlife Management/ Biodiversity Conservation Plan with representative from MoEF.
 - (xx) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
 - (xxi) The User Agency shall assist the State Government in conservation and preservation of flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State. Providing safe crossings and corridors for wildlife species and protection of sensitive habitats like wetlands, grasslands and woodlots from degradation shall be given special attention. Wherever canopy continuity is required for particular species, special measures to provide crossing points shall be prescribed by the Chief Wildlife Warden of the State. In case any tree being used for nesting/ rookeries of species like birds of prey, herons, storks, hornbills etc. are to be destroyed, alternative structures shall be provided and wherever feasible, such trees used for rookeries/ nesting shall be transplanted. ‘
 - (xxii) Wherever possible and technically feasible, User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
 - (xxiii) The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in it's letter No. 11-9/1998-FC (pt.) dated 03.08.2009, in support thereof.
 - (xxiv) Any other condition that the CCF (Central), Regional Office, Shillong or State Govt. may impose from time to time for protection and improvement of flora and fauna in the forest area.
4. State Govt. of Meghalaya vide their letter dated 05.07.2016 (Pg.62-85/c of RO file) furnished the compliance towards the In-principle approval and the same has been examined in Regional Office, Shillong and found that the stipulated condition No (xvi) of the In-principle approval i.e. "(xvi) The State Govt shall undertake afforestation over at least twice the area being diverted in addition to normal CA, at the cost of the User agency." has not been complied. The State Govt. of Meghalaya vide letter dated 18.07.2016 (p. 50-54/c) has forwarded the following comments of the User Agency in-compliance to the said condition (xvi) of the In-principle approval:
- "(xvi) Normal CA amounting to Rs 26.39 lacs & addl. payment of Rs 27.75 lacs towards CA had already paid on 03.03.2011 and 26.03.2011. It is brought out that condition regarding raising of CA over the double are proposed for diversion in degraded forest land at the cost of user agency has been modified vide MoEF letter No 11-156/2010-FC dated 27.04.2011 (pg. 59-60/c:FZ) for strategic border infrastructure development project concerning to BRO. As such CA will be raised and

maintained overall equivalent area proposed for diversion in degraded forest land at the cost of user agency. Hence, addl. CA as demanded does not appeared realistic and thus it is not required to be paid by BRO"

5. Regional Office (NEZ), Shillong vide letters dated 16.08.2016) and 06.07.2017 (p. 47-48/c requested this Ministry to issue necessary direction on the justification given by the State Govt. for condition No. (xvi) of the In-principle approval on which **IGF(FC) observed that:**

“The Compensatory Afforestation to be raised over double the area diverted (117.12 ha) has been compiled. The imposition of the condition at S.No. XVI regarding additional CA over double the degraded forest land at the cost of User Agency seems to be against the provisions of FC Act/ rule. Penal CA is done on equivalent land in case of violation, in light of the request of the State Government, the condition (XVI) need to be deleted because the User Agency has already complied the condition of Compensatory Afforestation as per the condition at (III) over double the degraded forest land.

The approval of FAC/ Hon’ble Minister is solicited to delete the condition at (XVI) in the in-principle approval dated 7th December, 2010”.

In view of above, the facts of the above proposal as detailed in above note may be placed before FAC in its forthcoming meeting scheduled to be held on 21st September, 2017.

Agenda No. 3

F. No. 8-35/2017-FC

Sub: Diversion of 126.431 ha of Forest land in Balrampur and Surajpur Forest Divisions, Chhattisgarh for Jagannathpur OCP Coal Mining project in favour of South Eastern Coalfields Limited.

The State Government of Chhattisgarh vide their letter No. F-5-22/2017/10-2 dated 01.05.2017 was submitted the above mentioned proposal for seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

2. The facts related to the proposal as contained in the State Government’s letter dated 01.05.2017 are given below in the form of fact sheet.

FACT SHEET

1.	Name of the Proposal	Diversion of 126.431 ha of Forest land in Balrampur and Surajpur Forest Divisions, Chhattisgarh for Jagannathpur OCP Coal Mining project in favour of South Eastern Coalfields Limited.
2.	Location (i) State (ii) District	Chhattisgarh Surajpur and Balrampur
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved.	Partapur Forest Division and Balram Forest Division Surajpur – 70.340 ha Balram – 56.091ha Total – 126.431 ha

	(ii) Legal status/Sy.No.	Surajpur – not given Balram – revenue Forest
	(iii) Map	forest cover map – pg. 300/c SOI – pg. 349/c
4.	Topography of the area	
5.	(i) Geology	-
	(ii) Vulnerability to erosion	Surajpur – Not vulnerable to erosion Balram - Normal
6.	Density of Vegetation	Surajpur Eco class – IV B, Density – below 0.4 Balram Eco class – IV A, Density –0.4 – 0.6
7.	Species-wise (scientific names) and diameter class-wise enumeration of trees (to be enclosed).	Surajpur – not found in the proposed area. About 6688 trees are enumerated in the proposal (pg.678/c) Balrampur – Not applicable About 827 trees are enumerated in the proposal (pg.680/c)
8.	Whether forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. (if so, details of the area and comments of the Chief Wildlife Warden to be annexed).	Surajpur: Jagannathpur reservoir is situated at 200 m from mine boundary. Balrampur : not mentioned
9.	Whether any RET species of flora and fauna are found in the area. If so details thereof	No
10.	Approximate distance of the proposed site for diversion from boundary of forest.	Not given
11.	Whether any protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.	No
12.	Whether any work of in violation of the Forest (Conservation) Act, 1980 has been carried out (Yes/No). If yes details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.	No
13.	Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project, if no recommended area item-wise with details of alternatives examined.	Minimum and barest

14.	Whether clearance under the Environment (Protection) Act, 1986 is required?	The user agency has given an undertaking that the Environment Clearance would be obtain after FC – I approval (Pg. 387/c).
15.	Compensatory Afforestation	
	(vi) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.	The compensatory afforestation 126.431 ha. of non-forest Govt. land has been identified in the following compartment : Surajpur: P-2558 : 20.00 ha(Pg.- 543-556/c) RF -48 : 40.00 ha(Pg.- 557-570/c) RF-08 : 50.00 ha(Pg.- 571-581/c) P-16 : 31.00 ha (Pg.- 582-592/c) Total : 141.00 ha Balrampur P-2767 : 113.00ha (Pg.- 593-602/c)
	(vii) Map showing non-forest/degraded forest area identified for CA and adjoining forest boundaries.	The map showing non- forest govt. land is given Surajpur: P-2558 : 20.00 ha (Pg.- 553-556/c) RF -48 : 40.00 ha (Pg.- 553-556/c) RF-08 : 50.00 ha(Pg.- 553-556/c) P-16 : 31.00 ha (Pg.- 553-556/c) Total : 141.00 ha(Pg.- 553-556/c) Balrampur : P-2767 : 113.00ha(Pg.- 553-556/c)
	(viii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	Compensatory afforestation scheme mentioning all details enclosed with the diversion proposal and placed in file at Pg. 543-602 /c
	(ix) Total financial outlay for CA Scheme	Total financial outlay for the compensatory afforestation scheme is Rs. 9,69,37,496/-.
	(x) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	Surajpur: P-2558 : 20.00 ha (Pg.- 545/c) RF -48 : 40.00 ha (Pg.- 559/c) RF-08 : 50.00 ha(Pg.- 573/c) P-16 : 31.00 ha (Pg.- 584/c) Total : 141.00 ha(Pg.- 553-556/c) Balrampur P-2767 : 113.00ha(Pg.- 553-556/c)
16.	Catchment Area Treatment Plan	Not applicable
17.	Rehabilitation of Oustees a) No of families involved b) Category of families c) Details of rehabilitation plan	<u>In part-I, it is mentioned that 200 No. of families involved in Balrampur and 250 No. of families involved in Surajpur to be displaced (Pg.353/c), whereas it is certified by DFO Surajpur that there is no displacement of people in the proposal (Pg.657/c).</u>
18.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	The complete compliance on Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been given and placed in file at Pg.721-740/c . FRA Certificate: 70.34 ha.(Pg.721/c) FRA Certificate: 56.091 ha.(Pg.729/c)

19.	Total Cost of the Project	152.43 Crores
20.	Employment Potential	About 619 person will get the employment.
21.	Cost benefit Analysis	The cost benefit analysis as given may kindly be seen at pg.533-538/c. The cost benefit ratio is- 1:3.805
22.	Recommendations: i. DFO ii. CCF iii. Nodal Officer/PCCF iv SG	Surajpur-Pg.685/c Balrampur-Pg.687/c Pg.688/c Pg.689/c Pg.691/c
23.	District Profile (i) Total Geographical area of the district (ii) Total Forest area/ Divisional Forest area (iii) Total area diverted since 1980 (iv) Total CA stipulated since 1980 a. Forest land including penal CA b. Non Forest Land` (v) Progress of compensatory Afforestation. (a) Forest land including penal compensatory Afforestation (b) Non-forest land	Surajpur-5181855 sq KM Balrampur-7139.959 Sq. Km. Surajpur- 1761.930 Sq. Km Balrampur-.3051.954 Sq. Km Surajpur-2141.715 ha Balrampur-.1515..031 ha Surajpur- NIL Balrampur-.NIL Surajpur- 3450.702 ha Balrampur-.1869.21 ha Surajpur- 66.885 ha Balrampur-.NIL

3. Site Inspection Report: The Site Inspection Report (SIR) for this proposal was carried out by Sh. Charan Jeet Singh, Scientist–C, Regional Office, Nagpur. The SIR (**Pg.816-830/c**) is reproduced below:

1. Legal status of the forest land proposed for diversion: Legal status of the land proposed for diversion of 126.431 ha of forest land comprising of 97.291 ha of revenue forest land and 29.14 ha of Protected Forests land. The total area of the mining lease is 652.169 ha. Detail of the area involved in the mining lease along with its legal status is given as under:

S. No.	Name of Forest Division	Private land (Ha)	Government land (Ha)	Revenue Forests land (Ha)	Protected Forest land (Ha)	Total (Ha)
1.	Balrampur	254.047	13.071	56.091	0.00	323.209
2.	Surajpur	234.840	23.780	41.200	29.140	328.960
	Total	488.887	36.851	97.291	29.14	652.169

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

S. No.	Particulars of components	Area (HA)				Total (Ha)
		Private land (Ha)	Govt. land(Ha)	Revenue Forest (Ha)	Reserved Forest land (Ha)	
(i)	Area for mining	400.782	23.736	67.372	29.140	521.030
(ii)	External Dump	32.739	-	5.479	-	38.218
(iii)	Internal dumps	-	-	-	-	-
(iv)	Top soil storage Area	-	-	-	-	-
(v)	Roads	-	-	-	-	-
(vi)	Office Buildings/other infrastructure	-	-	-	-	-
(vii)	Railway siding	-	-	-	-	-
(viii)	Approach Road	-	-	-	-	-
(ix)	Coal Handling Plant	-	-	-	-	-
(x)	Workshop	-	-	-	-	-
(xi)	Safety zone	54.156	14.325	24.44	-	92.921
(xii)	Magazine area	-	-	-	-	-
	Total	487.677	38.061	97.291	29.140	652.169

The representative of the User Agency have informed during the inspection that existing facilities available in the Bhatgaon area shall be utilized for the purposes such as approach roads, workshop, CHP, magazine, etc. The representative of the UA have also informed that no separate area for top soil storage is required as the area earmarked for external dumps shall be utilized for storing of top soil.

3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof.: The representatives of the User Agency have informed that proposal for diversion does not involve construction of any buildings. All construction activities have been proposed in the non-forest land.

4. Total cost of the project at present rates : Rs.177.07 crore.

5. Wildlife Whether forest area proposed for diversion is important from wildlife point of view or Not?

Common wildlife found in the area include common hare, elephant, wild cat, sloth bear, spotted deer, striped hyena, Indian mongoose, common langur, Indian fox, sambhar, jackal, wild boar, etc. Bird species found in the area include golden backed wood pecker, blue rock pigeon, koel, jungle crow, house crow, great horned owl, grey jungle fowl, etc.

Schedule—I and II species are found in the area are sloth bear, elephant, wild cat, common mongoose, etc.

Given the occurrence of the Schedule-I and Schedule-II species a **Wildlife Management Plan of the area has been prepared by the User Agency through the State Forest Research Institute, Jabalpur and the same has been submitted for the approval of the PCCF (Wildlife), Government of Chhattisgarh.**

Interactions with the officials, during inspection revealed that movement of elephant in the area takes from Tamor Pingla Wildlife Sanctuary to Semarsot Wildlife Sanctuary over a distance of approximately 180 km. it is further informed that as per the report of SFRI, Jabalpur, elephants in seven small herds with 2-6 individuals were localized in the fragmented forest habitat in the area. Seasonal movement of localized migrated elephant has been represented in the map enclosed at Annexure-I(Pg.825/c). Elephant movement has been reported to be quite random in 1-3 km and 3-5 km of sub-impact zone during rainy and winter season in the vicinity of the proposed mine area. The occupancy during the rainy season was mostly in the sugarcane field near the habitation in the Central and southern parts in the close vicinity of the proposed project. However, during late winter and summer seasons, elephants were observed to move out from 3-5 km and 5-7 km of sub-impact zone towards the north eastern forest localities. It is also reported that towards the northern side overall movement of elephants takes place at a distance of approximately 3-20 km of the sub-impact zone in the forest area along the perennial Mahan river.

6. Vegetation:

Important species:- Important species found in the area, as observed during the inspection include *Shorea robusta*, *Terminalia arjuna*, *T. chebula*, *T. ballerica*, *Mangifera indica*, *Embllica officinalis*, *Tamarindus indica*, *Aibizzia lebbbeck*, *Schleichera oleossa*, *Garuga pinnata*, *Feronia liminia*, *Acacia catechu*, *Ficus glomerata*, *F. religiosa*, *F. infectoria*, *F. begalensis*, *F. tomentosa*, *Tectona grandis*, *Syzizium cumuni*, *Diospyros melanoxylon*, *Grewia teliafolia*, *Anogeissus lattifolia*, *Azadirachta indica*, *Butea monosperma*, *Aegel marmelos*, *Madhuca indica*, *Dalbergia latifolia*, *Adina cardifolia*, *Cassia fistula*, *Bauhinia malabarica*, *B. recemosa*, *Zizyphus mauratiana*, *Acacia Arabica*, etc.

The area proposed for diversion includes Revenue Forest as well as Reserved Forests. Revenue Forest land involved in the project has almost negligible tree density while the Reserved Forest land involved in the proposal observed with density above 0.4. Total 6,651 trees have been reported to be project affected trees as per detail given below:

Above 60 cm girth — 3160 Nos.

Below 60 cm girth — 3491 Nos.

Total - 6651 Nos.

It is also observed that the State Government in its forwarding letter dated 01.05.2017 has mentioned that a total of 7,515 trees are being affected from the project of the User Agency. The representative of the User Agency has been advised to re-confirm the total project affected trees in consultation with the State Forest Department.

i. EFFECT OF REMOVAL OF TREES ON THE GENERAL ECOSYSTEM IN THE AREA

Felling of large number of trees in the area proposed for diversion has certainly adverse impact on the ecosystem. The representative of the User Agency have informed that in addition to the normal CA they have plan to undertake extensive plantation for the greening of surrounding area in consultation with the local villagers.

It was also observed that lease area of the User Agency has four village ponds used by the local villagers for their daily needs. The representatives of the user agency have informed that all these ponds, being in the lease area, will be used in mining and the villagers will be rehabilitated to other sites where such ponds will be constructed at the project cost.

In addition to this towards the western boundary of the lease a **large water tank of almost 110 ha of area has been constructed to meet the water requirement of the area for irrigation and other purposes.** The representative of the User Agency have informed that with a view to provide better water regime in the area, a **Catchment Area treatment Plan for the recharging of tank will be implemented at the project cost.**

7. BACKGROUND NOTE ON THE PROPOSAL:

The Jagannathpur sub coal block is located towards the north of Mahan river and it constitutes the part of Bhatgaon mining area of M/s SECL in Pratappur Sub Division of Surajpur District, Chhattisgarh state. The sub block has been named after Jagannathpur village, a part of which is located in the west central part of the block, near the Ambikapur —Pratappur Road. This Sub —Block is situated in the south-eastern part of Mahan III & IV block. **The mining plan of the user agency has been approved by the CMPDIL RI-V vide letter no: - CMPDI: RV: 08: DPR: PLC: 4496 DT: 12/14.03.2008.**

The mining has been proposed for excavation of coal by opencast method with depth of cover varying from 42 to 110 m. Average stripping ratio is 6:31. Production capacity of the mine has been proposed at 3.0 MTPA. With the total reserve of 56 MT of mineable reserve in the lease area of the User Agency, life of the mine has been proposed to be 22 years. It is also informed by the representative of the User Agency overall production from the existing mining lease of the M/s SECL has been declining and to meet the demand of coal, new projects needs to be opened up by the company.

It is also informed by the User Agency that initially transpiration of the coal from the lease area shall be undertaken by the road which will subsequently be replaced with the proposed railway siding in future. It is also observed that another mining lease of the User Agency i.e. Mahan is located adjacent to south eastern boundary of the Jagannathpur mining lease. The Mahan mining lease is operational and currently mining operations are ongoing.

Following mining leases of M/s SECL are located in the Bhatgaon area falling under the Bishrampur Coalfields:

S. No.	Name of Mine	Present RPR Capacity	Approved EMP capacity	Mine wise reserve (In MT)	Annual Capacity (MT/Yr)	Production (Tonnes)
1	Bhatgaon UG	0.48 MTY	0.6 MTY	4.54	0.30	278338.00
2	Mahamaya UG	0.48 MTY	0.48 MTY	12.670	0.235	215178.00
3	Kalyani UG	0.12 MTY	0.18 MTY	2.381	0.12 to 0.18	2910.00
4	Shiwani UG	0.27 MTY	0.6 MTY	7.640	0.30	240510.00
5	Nawapara UG	0.36 MTY	0.18 MTY	5.47	0.36	122746.00
6	Dugga OCM	1 MTY	0.30 MTY	0.585	0.35	0.00
7	Mahan OCM	0.36 MTY	0.36 MTY	6.77	0.36	302003.00
8	Mahan-II OCM	2 MTY	2 MTY	5.863	2.0	1764808.00
9	Jagannathpur OCP		-	56.00	3.0	0
		Total		101.919	6.37	2926493

(Details of mining leases and their production capacity as made available by the User Agency)

8. Compensatory Afforestation:

Compensatory afforestation has been proposed over degraded forest land, double in extent (254.00 ha) to the forest area proposed for diversion, in Surajpur and Balrampur Forest Divisions.

i. Whether land for compensatory afforestation is suitable from plantation and management point of view or not.

As per the certificate of the DFO, Balrampur and Surajpur Forest Divisions, the land identified for raising CA is suitable for plantation. CA sites could not be verified as the land for CA has been identified in 5 sites located at far away. Detail of degraded forest land identified for raising CA in in Surajpur and Balrampur Forest Divisions is given as under:

Name of the Forest Division	Name of the Forest Range	Compartment No.	Total Area (Ha)
Surajpur	Pratapur	P2558	20.00
	Pratapur	RF 48	40.00
	Pratapur	RF 08	50.00
	Pratapur	P 16	31.00
Sub - Total			141.00
Balrampur	Rajpur	P2767	113.00
	Sub- Total		113.00
	Grand Total		254.00

Examination of the sites identified for raising CA revealed that part of the area identified for CA in RF 48 is under encroachment in the form of agriculture and similarly, certain plantation activities have been observed to be already been undertaken in the area identified in RF 8. Similarly, an area of approximately 73 ha falls into moderately dense forest, which may not be fit afforestation. Detail is enclosed at Annexure-II(Pg.826-830/c)

ii. Whether land for compensatory afforestation is free from encroachments/ other encumbrances.

As per the certificate of the DFO, Surajpur and Balrampur Forest Divisions, the land identified for raising CA is suitable for plantation. No details certifying the land free from encroachment and other encumbrances has been certified by the DFOs concerned. Detail could not be verified as the land for CA has been identified in

5 sites located distant apart. However, examination of the sites identified for raising CA revealed that part of the area identified for CA in RF 48 is under encroachment in the form of agriculture and similarly, certain plantation activities have been observed to be already been undertaken in the area identified in RF8. Similarly, an area of approximately 73 ha falls into moderately dense forest, which may not be fit afforestation. Detail is enclosed at Annexure-II.

iii. Whether land for compensatory afforestation is important from Religious/ Archaeological point of view.

No information has been provided in the proposal. However, representative from the User Agency have informed that CA land is not important from the religious/archaeological view point.

iv. Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not. :

Land for compensatory afforestation has been identified over an area of 254.0 ha is in 5 patches, comprised of 4 patches in Surajpur and 1 patch in Balrampur Forest Division.

v. Map with details. : Differential GPS map of the area identified for CA for all 5 patches along with its kml/shapes files has been submitted along with the proposal.

vi. Total financial outlay. : Rs. 9,69,37,496/- as per the financial estimates for 10 years submitted along with the proposal. The State Government in its forwarding letter has mentioned that CA scheme has been proposed @ Rs. 5,45,6561- per ha and accordingly, total financial estimate for the implementation of the CA over an area of 254.00 ha should be 13,85,96,624/- and not 9,69,37,496/- has provided in the underlying detail provided in the proposal.

9. Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials.

No violation of the Forest (Conservation) Act, 1980 were observed during the inspection.

10. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not. Details are furnished specifically if rehabilitation plan would affect any other forest area by trans-locating outsets in and around the said forest.

Yes. The proposal involves rehabilitation of approximately 250 families of Surajpur District and 200 families of Balrampur District, comprising of 85 Scheduled Tribe families in Balrampur District and 140 families in Surajpur District. The representative of the User Agency have informed that rehabilitation of the PAPs will be undertaken in accordance with the Rehabilitation and Resettlement policy of the State Government of Chhattisgarh and no forest area will be used for the rehabilitation of the PAS. **A copy of the R&R Plan has not been made available by the PP.**

11. Reclamation Plan: The representative of the User Agency have informed that reclamation of the mined out area will be undertaken as per the approved Progressive Mine closure Plan. A copy of the same has been provided along with the approved Mine Plan submitted along with the proposal.

i. Details and financial allocation - Not provided

12. Details on catchment and command area under the project. : A large water tank of almost 110 ha of area has been constructed to meet the water requirement of the area for irrigation and other purposes which is contiguous to north western boundary of the lease. The representative of the User Agency have informed that with view to provide better water regime in the area and to prevent flow of silt in the said reservoir, **a Catchment Area Treatment Plan will be implemented at the project cost.**

13. Cost benefit ratio. : Cost benefit Ratio — 1:3.805

14. Recommendations of the Principal Conservator of Forests/State Government.

The Principal Chief Conservator of Forest, Government of Chhattisgarh has recommended the proposal without any specific condition.

- 15. Addl. Principal Chief Conservator of Forests (Central) shall give detailed comments on whether there are any alternatives routes/alignments for locating the project on the non-forest land.** Comments of the Addl. PCCF (Central) have been amended separately.
- 16. Utility of the project. Numbers of Scheduled Castes/Scheduled Tribes to be benefited by the project.**
It is informed that mineral reserve of 3.00 million tons of coal will be mined per year over a period of 22 years. This coal will be supplied to thermal power plants and other miscellaneous consumers to meet the demand of coal. Beside this, the project will also provide employment opportunities to the local people both direct and indirect. The project will also enhance the economic development of the region. It is informed by the representative of the User Agency that with the commencement of the project primary and secondary employment opportunities are expected to be improved in the region. It is also expected that additional people will get employment hence job opportunities for the local people as well as immigrants from nearby areas would increase with the mining activity.
- 17. Whether land being diverted has any socio-cultural /religious value. Whether any sacred grove or very old grown trees/forests exists in the areas proposed for diversion.**
It is informed by the representative of the User Agency that land being diverted has no socio-cultural /religious value. A certificate to this effect has also been submitted by the DCFs concerned.
- 18. Situation w.r.t. any P.A.**
It is indicated in the proposal, that land proposed for diversion is located beyond a distance of 10 km from the boundary of any PAs. The nearest Pas are Semarsot and Tamor Pingla Wildlife Sanctuaries which are located a distance of approximately 90 Km in Surajpur District in Chhattisgarh from the area proposed for diversion,
- 19. Any other information relating to the project.**
- (i) A strip of 100 meters, all along the inner boundary of the mining lease has been earmarked as safety zone by the User Agency. No mining has been proposed in the area earmarked for safety zone. The area should be planted with the local indigenous species in consultation with the State Forest Department.
 - (ii) There are 8 existing mining leases in the Bhatgaon area of Bishram Coalfield with aggregate coal reserves of 45.919 MT. the approved production capacity of the existing 8 mines is 6.37 MT. As per the actual production, so far the user agency could realize aggregate annual production of 2.92 MT only against the approved capacity of 6.37 MT.
 - (iii) The State Government in its forwarding letter dated 1.05.2017 has mentioned that a total of 7,515 trees are being affected from the project of the User Agency. The representatives of the User Agency have been advised to re-confirm the total project affected trees in consultation with the State Forest Department.
 - (iv) Mahan river flows on the southern boundary of the mining lease at a distance of approximately 1.5 Km, therefore to prevent flow of silt and fines into the river, the user agency should construct suitable civil in the form of embankments, catch drains, etc. to arrest silt and fines.
 - (v) **No details pertain to the corridors used by the elephant for their movement in the area is available.** As gathered during inspection, the movement of elephants takes place between Tamor Pungla and Semarsot WLS over a distance of approximately 180 km. The State Government shall assess the extent of forest land for the purpose of forest connectivity and the use by wildlife and elephants in particular by undertaking scientific study for direct and indirect signs related to occupancy/habitat utilization and based on the outcomes of such study, areas, if any, falling in the elephant corridor should be delineated from mining.

- (vi) Only working mining pits will be properly fenced instead of creating a linear barrier for wildlife movement through fencing of safety zone around the whole mining leases.
- (vii) The user agency shall undertake comprehensive greening in the surrounding villages.
- (viii) Examination of the sites identified for raising CA revealed that part of the area identified for CA in RF 48 is under encroachment in the form of agriculture and similarly, certain plantation activities have been observed to be already been undertaken in the area identified in RF8. Similarly, an area of approximately 73 ha falls into moderately dense forest, which may not be fit for afforestation.
- (ix) Further, examination of the proposal using DSS tools revealed that as per Decision Rule-1 the area proposed for diversion falls in the category of inviolate area.
- (x) Part of the lease area of the User Agency constitutes the catchment area of the perennial water bodies, located contiguous to the mining lease boundary on western side. With a view to enrich the water regime in the area, the Catchment Area Treatment Plan to arrest flow of silt in the reservoir and improve water regime should be implemented at the project cost over the entire catchment area, other than area included in the lease.
- (xi) The nearest PA is Tamor Pingla Wildlife Sanctuary which is located a distance of approximately 90 Km in Surajpur District in Chhattisgarh from the area proposed for diversion.
- (xii) No violations of the Forest (Conservation) Act, 1980 have been reported.

COMMENTS AND RECOMMENDATIONS OF THE ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS (CENTRAL), REGIONAL OFFICE NAGPUR ON THE MINING

Proposal of M/s SECL is for carrying out mining over an area of 661.169 ha comprised of 126.431 ha of forest land. Mining in the new area has been proposed by the User Agency to meet the demand of coal which, as per projection adverted by the User Agency, is likely to increase in near future after completion of various thermal power projects. Density of the area in the Revenue Forest land has been observed to be below 0.2 while in Protected Forests (29.14 ha) it is observed to be upto 0.5. No violations of the Forest (Conservation) Act, 1980 have been reported by the State Government. Area does not form part of any PAs. Movements of elephants have been reported in the area. Detailed observations on the proposal have already been made in the inspection report. Given the fact that another mining i.e. Mahan is located in close vicinity of the proposed mine and it is operational and new mining lease has been proposed to upright the declining coal production of M/s SECL, **the proposal is recommended for diversion subject to fulfilment of following conditions:**

- i. A strip of 100 meters, all along the inner boundary of the mining lease should be kept intact and maintained as safety zone. The area of 100 meter strip should be planted with the local indigenous species in consultation with the State Forest Department.
- ii. Mahan river flows on the southern boundary of the mining lease at a distance of approximately 1.5 Km, therefore to prevent flow of silt and fines into the river, the user agency should construct suitable civil in the form of embankments, catch drains, etc. to arrest silt and fines.
- iii. No details pertains to the corridors used by the elephant for their movement in the area is available for the area. Movement of elephants takes place between Tamor Pingla and Semarsot WLS over a distance of approximately 180 km. The State Government shall assess the extent of forest land for the

purpose of forest connectivity and the use by wildlife and elephants in particular by undertaking scientific study for direct and indirect signs related to occupancy/habitat utilization and based on the outcomes of such study, areas, if any, falling in the elephant corridor should be delineated from mining.

- iv. Only working mining pits should be properly fenced instead of creating a linear barrier for wildlife movement through fencing of safety zone around the whole mining leases.
- v. The user agency shall undertake comprehensive greening in the surrounding villages.
- vi. With a view to enrich the water regime in the area, the Catchment Area Treatment Plan to arrest flow of silt in the water reservoir and improve water regime should be implemented at the project cost over the entire catchment area, other than area included in the lease
- vii. There are 8 existing mining leases in the Bhatgaon area of Bishram Coalfield with aggregate coal reserves of 45.919 MT. the approved production capacity of the existing 8 mines is 6.37 MT. As per the actual production, so far the user agency could realize aggregate annual production of 2.92 MT only against the approved capacity of 6.37 MT. Therefore, while considering the proposal for diversion, a judicious view may be taken if the opening of new area for mining is really required at this stage or at subsequent phases in near future when the other mines reach their full production capacity

1. The above mentioned **proposal along-with SIR done** by Regional Office was placed before **FAC in its meeting held on 20.07.2017** and after thorough deliberation and discussion with the user agency, the representative of State Government and Regional Office, observed the following:

- (i) It is reported that there are 8 existing mining leases in the Bhatgaon area of Bishram Coalfield with aggregate coal reserves of 45.919 MT. the approved production capacity of the existing 8 mines is 6.37 MT. As per the actual production, so far the user agency could realize aggregate annual production of 2.92 MT only against the approved capacity of 6.37 MT. State government shall submit a satisfactory justification that why opening of new area for mining is really required at this stage or at subsequent phases in near future when the other mines had not yet been mined at their full production capacity.
- (ii) It was brought to the notice of the FAC that the area proposed for mining is frequently used by elephants. No details pertaining to the corridors used by the elephant for their movement in the area has been made available for the area under proposed diversion. Movement of elephants takes place between Tamor Pingla and Semarsot WLS over a distance of approximately 180 km. The State Government shall assess the extent of forest land for the purpose of forest connectivity and use by wildlife and elephants in particular by undertaking scientific study for direct and indirect signs related to occupancy/habitat utilization and based on the outcomes of such study, areas, if any; falling in the elephant corridor should be delineated from mining. The comments of Project Elephant Division of MOEF and CC may also be obtained in this regard.
- (iii) Mahan river flows on the southern boundary of the mining lease at a distance of approximately 1.5 Km, therefore to prevent flow of silt and fines into the river, the user agency should construct suitable civil

structure in the form of embankments, catch drains, etc. to arrest silt and fines. A plan in this regard with detail cost structure shall be submitted along with the justification

- (iv) With a view to enrich the water regime in the area, the Catchment Area Treatment Plan to arrest flow of silt in the water reservoir and improve water regime should be implemented at the project cost over the entire catchment area, other than area included in the lease. A detail CAT plan, duly approved by competent authority shall be submitted along with the justification.
- (v) The proposal involves rehabilitation of approximately 250 families of Surajpur District and 200 families of Balrampur District, comprising of 85 Scheduled Tribe families in Balrampur District and 140 families in Surajpur District. A duly approved R&R plan shall be submitted along with the justification.
- (vi) Examination of the sites identified for raising CA revealed that part of the area identified for CA in RF 48 is under encroachment in the form of agriculture and similarly, certain plantation activities have been observed to be already been undertaken in the area identified in RF8. Similarly, an area of approximately 73 ha falls into moderately dense forest, which may not be fit for afforestation. State government shall revise the plan accordingly with specific comments on the observations along with the justification.

2. **FAC Recommendation on 20.07.2017:** The FAC recommended that the proposal may be submitted for consideration of FAC after receiving the above mentioned reports/ comments from the state Government.
3. Accordingly, the State Government of Chhattisgarh vide this Ministry's letter dated 16.08.2017 (**pg.833-834/c**) was requested to provide the information as per the recommendation of the FAC for further necessary action. The Nodal Officer (FCA), Government of Chhattisgarh vide their letter No. Bhu-Praband/Khanij/331-182/2634 dated 26.08.2017 (**pg.835-1176/c**) has submitted their reply. The information sought by MoEF&CC and reply thereof given by the State Government are as below:

S. No.	Information sought by MoEF&CC	Reply given by the State Government
(i)	It is reported that there are 8 existing mining leases in the Bhatgaon area of Bishram Coalfield with aggregate coal reserves of 45.919 MT. the approved production capacity of the existing 8 mines is 6.37 MT. As per the actual production, so far the user agency could realize aggregate annual production of 2.92 MT only against the approved capacity of 6.37 MT. State government shall submit a satisfactory justification that why opening of new area for mining is really required at this stage or at subsequent phases in near future when the other mines had not yet been mined at their full production capacity.	In this regard, the project proponent intimated that the approved production capacity of combined existing 8 mines of Bhatgaon Area of Bishrampur Coalfields is 3.845 MT not 6.37 MT as mentioned . Out of the capacity of 3.845 MT in this year (2017-18) as per the production programme the area has to achieve 3.365 MT which is about 87.52% of approved production capacity. As per the projected production programme of coal India in the year 2019-2020, 1 BT projection has to be achieved in which production of Jagannathpur OC Mine already considered as 3.0 MT. The Nodal Officer has consented the above reply.

(ii)	<p>It was brought to the notice of the FAC that the area proposed for mining is frequently used by elephants. No details pertaining to the corridors used by the elephant for their movement in the area has been made available for the area under proposed diversion. Movement of elephants takes place between Tamor Pingla and Semarsot WLS over a distance of approximately 180 km. The State Government shall assess the extent of forest land for the purpose of forest connectivity and use by wildlife and elephants in particular by undertaking scientific study for direct and indirect signs related to occupancy/habitat utilization and based on the outcomes of such study, areas, if any; falling in the elephant corridor should be delineated from mining. The comments of Project Elephant Division of MOEF and CC may also be obtained in this regard.</p>	<p>In this regard, the project proponent intimated that Tamor Pingla and Semarsot WLS are more than 10 km from the proposed site of Jagannathpur lease hold area. In the original proposal submitted to FAC (pg.712/c), a certificate under the signature of all officials of Forest Deptt., vis. DFO, SDO etc. is given. It is mentioned in the certificate that there is no NP/Sanctuary/Elephant Corridor within 10 Km. radius of the proposed area of diversion, which itself clarify that there will be no impact in elephant corridor due to Jaganathpur project. In addition, approved Wildlife Management plant has been submitted for the same vide approval letter no. Vanya Prani/Prabhand-412/17/3489 dated 04.07.2017 (Pg-839-999/c). A copy of Soil and Water Conservation Plan for Jaganathpur OCP is also given (Pg-1000-1013/c).</p> <p>In this regard, Nodal Officer (FCA) informed that as per the comments of CCF, Surguja Circle, Ambikapur there is no Notified Elephant Corridor in the State. In recent years, there are movements of Elephant from the State of Jharkhand and Odisha. As per the study carried out by State Forest Research Institute, Jabalpur on the impact of wildlife due to the instant proposal, a mitigative plan has been prepared to control the impact on wildlife. As per the said report, the elephants are seen in 20% area of proposed diversion in North-East directions, within 10 K.M radius of the proposed area of diversion. It is also mentioned in the report in detail about the man- animal (elephant) conflict.</p> <p>As per the said report, there are movement of elephant between Tamor Pingla WLS and Somerset WLS and this corridor is suitable for elephant moment, which is beyond 10 km radius of proposed area of diversion. A plan at a cost of Rs.938.50 lakhs for wildlife conservation including activities of elephant outside the proposed area the duly approved by the PCCF(WL) has been prepared to be implemented within three years.</p>
(iii)	<p>Mahan river flows on the southern boundary of the mining lease at a distance of approximately 1.5 Km, therefore to prevent flow of silt and fines into the river, the user agency should construct suitable civil structure in the form of embankments, catch drains, etc. to arrest silt and fines. A plan in this regard with detail cost structure shall be submitted along with the justification</p>	<p>In this regard, the project proponent intimated that to prevent the flow of silt and fines into Mahan river embankment and canal has already proposed in the Soil and Water Conservation Plan. A copy of the same showing the specification with cost is given (Pg-1000-1013/c).</p> <p>The Nodal Officer (FCA) has consented the above reply.</p>

(iv)	<p>With a view to enrich the water regime in the area, the Catchment Area Treatment Plan to arrest flow of silt in the water reservoir and improve water regime should be implemented at the project cost over the entire catchment area, other than area included in the lease. A detail CAT plan, duly approved by competent authority shall be submitted along with the justification.</p>	<p>In this regard, the project proponent intimated that as per the approved project report of Jagannathpur mine the entire excavated OB will be kept within the lease hold area of Jagannathpur and all along its periphery, embankment and catch drain will be constructed as mentioned in the point no. 3, which will completely eliminate the flow of silt and fines into river and all rain water so collected in the catch drain will be accumulated in the sump and after treatment as proposed in the environment management plan will be discharged into river as far as the cleanness of water of entire catchment and other than the lease hold area there is no possibility of accumulation of any silt/fines due to mining operation. EMP enclosed for ready reference.</p> <p>In this regard, Nodal Officer informed that the user agency has submitted undertaking (Pg-1015/c).</p>
(v)	<p>The proposal involves rehabilitation of approximately 250 families of Surajpur District and 200 families of Balrampur District, comprising of 85 Scheduled Tribe families in Balrampur District and 140 families in Surajpur District. A duly approved R&R plan shall be submitted along with the justification.</p>	<p>In this regard, the project proponent intimated that as there is no any encroachment/habitat over and above the 126.431 ha forest land so there is no rehabilitation issue involved in forest land of Jagannathpur project of Surajpur and Balrampur district. As far as rehabilitation of families belongs to general caste/schedule tribe in other than the forest land as mentioned a well let-down policy is already in vogue and successfully implemented for SECL and as far as jagannathpur is concerned. (a copy of the same is enclosed for ready reference)</p> <p>In this regard, Nodal Officer has given the consent for above compliance. A copy of R&R policy is also given and placed in file at Pg-1155-1161/c.</p>
(vi)	<p>Examination of the sites identified for raising CA revealed that part of the area identified for CA in RF 48 is under encroachment in the form of agriculture and similarly, certain plantation activities have been observed to be already been undertaken in the area identified in RF8. Similarly, an area of approximately 73 ha falls into moderately dense forest, which may not be fit for afforestation. State government shall revise the plan accordingly with specific comments on the observations along with the justification.</p>	<p>In this regard, the project proponent intimated that the CA area of RF 48 is 40 ha and is completely free of any encroachment including agriculture. The CA area of RF 8 is 50 ha and there is no plantation activities undertaken by Forest Deptt. Rather it is simply natural grown tendu plant/bushes. As mentioned in approximately 73 ha land there is no moderate dense forest rather it is simply a shadow of plants/leaves from the top imaginary views which makes confusion as moderate dense forest and this 73 ha of CA land is of less than 0.4 ha dense forest- a certificate under signature of concerned forest officials mentioning above is enclosed.</p> <p>In this regard, the Nodal Officer informed that out of 299.620 ha available forest land in compartment No.48, 40 ha has been identified for CA. There was some encroachment earlier and which has now been free from encroachment, for which the suitability certificated is given and placed in file at pg. 1172/c.</p> <p>50.00 ha forest land, out of available total 392.500 ha forest land, has been proposed for CA. In some places there are small plants of Landia and Saal and due to this it seems that plantation activities are there. But on the said land no afforestation is done. Moreover that area falls in open forest. In the Compartment No. 2767,</p>

		There are several shrubs like Lantana, Karonda, Bichli etc instead of dense forest.
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In view of the above facts related to the proposal may be submitted to the FAC in its next meeting scheduled to be held on 21.09.2017.

Agenda No. 4

F. No. 8-112/2000-FC (Vol.)

Sub: Diversion of 4.74 ha of forest land for approach road for Bellary Iron Ore Mine in favour of M/s JSW Steel Ltd. in Bellary District (Online proposal no. FP/KA/ROAD/21837/2016).

The above subject proposal was received from the Regional Office Bangalore vide their letter no. F4-KCA/11.3/81/KAR/594 dated 05.09.2017 related to diversion of 4.74 ha of forest land for approach road for Bellary Iron Ore Mine in favour of M/s JSW Steel Ltd. in Bellary District. The said proposal was received by the Regional Office from State Govt. of Karnataka, Bangalore vide their letter no. FEE 46 FFM 2017 dated 11.08.2017.

2. Facts related to the proposal as contained in the State Government's letter dated 11.08.2017 is summarized below in form of a factsheet:

FACT SHEET

1.	Name of the Proposal	Diversion of 4.74 ha of forest land for approach road for Bellary Iron Ore Mine in favour of M/s JSW Steel Ltd. in Bellary District, Karnataka.																																												
2.	Location (i) State (ii) District	Karnataka Bellary																																												
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved.	<div>Bellary Forest Division 4.74 ha The joint survey has been conducted on the approach road revised from 4.555 hectare to 4.74 hectares. As per the joint survey report, the details of required approach road in forest area for approval under Forest (Conservation) Act,1980 as follows :</div> <table><tr><th>Stretch Marked on Pam as</th><th>Length (Meters)</th><th>Average width (Meters)</th><th>Area (Ha)</th><th>Remarks</th></tr><tr><td>A to B</td><td>71.32</td><td>12</td><td>0.09</td><td>Portion of Road falling in Forest area</td></tr><tr><td>B to C</td><td>225.23</td><td>12</td><td>0.27</td><td>Portion of road falling in M.I.No.2365.</td></tr><tr><td>C to D</td><td>1486.78</td><td>12</td><td>1.78</td><td>Portion of road falling in Forest area.</td></tr><tr><td>D to E</td><td>419.93</td><td>12</td><td>0.50</td><td>Portion of road falling in M.I.No.2365.</td></tr><tr><td>E to F</td><td>867.84</td><td>12</td><td>1.04</td><td>Portion of Road falling in Forest area.</td></tr><tr><td>F to G</td><td>880.61</td><td>12</td><td>1.06</td><td>Portion of road falling in M.I.No.2365.</td></tr><tr><td></td><td>3951.71</td><td>12</td><td>4.74</td><td></td></tr></table>					Stretch Marked on Pam as	Length (Meters)	Average width (Meters)	Area (Ha)	Remarks	A to B	71.32	12	0.09	Portion of Road falling in Forest area	B to C	225.23	12	0.27	Portion of road falling in M.I.No.2365.	C to D	1486.78	12	1.78	Portion of road falling in Forest area.	D to E	419.93	12	0.50	Portion of road falling in M.I.No.2365.	E to F	867.84	12	1.04	Portion of Road falling in Forest area.	F to G	880.61	12	1.06	Portion of road falling in M.I.No.2365.		3951.71	12	4.74	
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	(ii) Legal status/Sy.No.	The Map of approach road is given and placed in file at Pg. no.106/c. Donimalai Forest Block, Section-4 notified area vide notification no. FFD-29, FAF-84 dated 28.02.1985
4.	Topography of the area	-
	(i) Geology (ii) Vulnerability to erosion	- Not Applicable
	(iii) Vegetation of density (iv) No. of trees to be felled	Eco- class III & Dense forest The approach road is existing old road. Therefore, no cutting of tress is required
5.	Species-wise (Scientific names) and diameter class-wise enumeration of trees in unbroken area.	The approach road is existing old road. Therefore, no cutting of tress is required.
6.	Brief note on vulnerability of the forest area to erosion.	The soil erosion may happen along the slope. Therefore, the User Agency is required to take up construction of retaining wall or bund to avoid soil erosion.
7.	Approximate distance of proposed site for diversion from boundary.	The proposed area (approach road) passes through the forest area not located on boundary.
8.	Whether forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. (if so, details of the area and comments of the Chief Wildlife Warden	No
9.	Whether any rare/endangered unique species of flora and fauna found in the area-if so details thereof .	Nil
10.	Whether any protected archaeological/heritage site /defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.	Nil
11.	Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project. If no, recommended area item-wise with details of alternatives examined.	The approach road is already existing old road and it is essential to transport the mineral. The forest land required for the old road is bare minimum.
12.	Whether any work of in violation of the Forest (Conservation) Act, 1980 has been carried out (Yes/No). If	The approach road is old existing road. The previous project proponent of M/s. Tunghabhadra Mineral limited had not taken forest diversion for the approach road.

	yes details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.	The violation of may be regularize by imposing the heavy penalty.
13.	Cost benefit ratio	1:9827
14.	Cost benefit analysis	Cost benefit analysis is given and place in file (Pg. No.147-151/c)
15.	Compensatory Afforestation	
	(i) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.	The UA has identified non-forest land in Sy. No.74/1 of Thimalapura Village, Lingasuguru taluk, Raichr District over an extent of (11.71 acres) 4.74 hectares for raising CA. The non-forest land is not mutated and transformed to the Forest Department.
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining Forest boundaries.	Map enclosed (Pg. No.107)
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	CAMPA Scheme guidelines will be implemented. The data sheet is enclosed Pg No.102-103/c. However, the detailed CA scheme is not given.
	(iv) Total financial outlay for CA	Rs.2,55,000*4.74=Rs.12,08,700/-
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	It is reported that the Suitability Certificate is attached, but not given.
16.	Employment to be generated	Yes. The project likely to generate requirement of skilled and unskilled labors for operation and maintenance. Trained local people suiting the job will be given the preference for the employment. A total of 100 persons will be employed for operations in the mines and a suitable number of trained persons will be employed for construction and maintenance of the approach road.
17.	Whether clearance under the Environment (protection) Act, 1986 is required?	-
18.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	The Certificate on Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is given and placed in file at Pg. No.152/c
19.	Total cost of project	Rs. 7.00 crores
20.	Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.	The diversion of forest land is required for approach road for transportation of mineral from mining head. The approach road is existing old road, and no cutting of trees is required. As the forest clearance was not obtained previously, the proposed diversion may be approved after imposing heavy penalty . The proposal is recommended for approval.

21.	Recommendation	
	i. DCF	Recommended with heavy penalty (pg. 95-100/c)
	ii. CCF	Recommended (pg. 101/c)
	iii. Nodal Officer	Recommended with the condition specified in Annexure 'A'(pg. xi/c) with emphasizing condition no. 2 which states that the condition no. 2 - The Hon'ble Supreme Court in judgement dated 21.03.2017 passed in IA No. 247 & other IAs in Writ Petition Civil No. 562/2009 have approved construction of conveyer belt system, railway sidings and railway sub-lines as the most significant step towards controlling the environmental pollution that has persisted on account of open movement of iron ore by road. Such infrastructure is yet to be established and made operational. Accordingly, the user agency should take necessary anticipatory action to enable integration of transportation o ore produced from their lease area, and thereby preclude the need for transportation by road once the above-mentioned transportation system of conveyer belt – railway is established. Till such time the proposed road may be use for transportation of ore. The area being diverted for road will resume to Forest Department once the conveyer belt- railway system is made operational. The annexure 'A' is placed in file at page(ix/c).
	iv SG	Yes, (pg. 1/c)
22.	District Profile	
	(i) Total Geographical area of the district	8420 Sq. Km
	(ii) Total Forest area/Divisional Forest area	1349.53 Sq. Km
	(iii) Total area diverted since 1980	The total forest area diverted sine 1980 is 6476.58 ha (91 cases)
	(iv) Total CA stipulated since 1980 (Forest land)	
	Forest land including penal CA:	2342.49 Ha
	Non –Forest land:	4131.92 Ha
	(v) Progress of CA as on 31.08.2016	
	Forest land	2337.70 Ha
	Non-Forest land	2728.00 Ha

Other remarks.

1. User agency has given undertakings for payment of NPV, CA, & PCA. The undertakings are available in file at **Pg. No.108-110/c**.
2. It is imperative to mention that in accordance with para 2.8 of the Guidelines read with the Guidelines dated 03.05.2010 and 03.05.2017 under the Forest (Conservation) Act, 1980, the Ministry has granted Transfer of Forest Clearance for diversion of 32.68 hectares (instead of 33.97

ha. as granted originally) in respect of Category 'C' Mining Lease No. 2366 from erstwhile lessee M/s. Tungabhadra Mineral Ltd, M.L.No.2366 to the successful bidder i.e. M/s. JSW Steel Ltd on 18.08.2017 subject to certain conditions prescribed therein.

In view of above, the facts related to the above proposal may be placed before FAC in its next meeting scheduled to be held on 21.09.2017 for their examination and appropriate recommendation.

ADDITIONAL AGENDA

Sandeep Sharma, AIGF (FC)

Agenda No. 1

F. No. 8-50/2017-FC

Sub: Diversion of 186.96 ha Reserved Forest land for acquisition of forest land for the proposed barrage project across river Narmada near Bhadbhut Village in Bharuch District in favour of Executive Engineer, Gulf of Khambhat Development Project (W.R.), Project Implementation Unit-2, Vadodara.

S.N.1® Page 1-109/cor.

1. The State Government of Uttar Pradesh vide their letter No. FCA-1017/7-20/17/S.F-120/F dated 14.09.2017 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. The facts related to the proposal as contained in the State Government's letter dated 14.09.2017 are given below in the form of fact sheet:

FACT SHEET

1.	Name of the Proposal	Diversion of 186.96 ha Reserved Forest land for acquisition of forest land for the proposed barrage project across river Narmada near Bhadbhut Village in Bharuch District in favour of Executive Engineer, Gulf of Khambhat Development Project (W.R.), Project Implementation Unit-2, Vadodara.
2.	Location (i) State (ii) District	Gujarat Bharuch
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy.No.	Bharuch Sub Division Bharuch 186.96 ha Reserve Forest
4.	Vulnerability to erosion	Nil

5.	(i) Species (ii) Density (iii) No. of trees enumerated/to be actually felled	---- Degraded 25, 454 nos. of trees to be felled. (Pg-01/c)
6.	Whether forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. (if so, details of the area and comments of the Chief Wildlife Warden	Not applicable
7.	Whether any RET species of flora and fauna are found in the area. If so details thereof	Nil
8.	Approximate distance of the proposed site for diversion from boundary of forest.	Add joining at reserved forest
9.	Whether any protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.	No
10.	Whether any work of in violation of the Forest (Conservation) Act, 1980 has been carried out (Yes/No). If yes details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.	No
11.	Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project, if no recommended area item-wise with details of alternatives examined.	Yes. Unavoidable and barest minimum. No alternatives can be examined as the proposed for bhadbhut Barrage project having forest.
12.	Whether clearance under the Environment (protection) Act, 1986 is required?	Yes, but not given with the proposal
13.	Total period for which the forest land is proposed to be diverted (in years)	----
14.	Compensatory Afforestation	
	(i) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.	Degraded forest area for compensation afforestation is in non forest area of Tol Saladi village Ta. Jesar Dist. Bhavnagar and Nani Dhrufi Ta. Abdasa Dist. Kutchh.
	(ii) Detailed CA scheme including species to be planted,	The CA to be carried out in Govt. west land at Village: Tol Saldi, Tal. Jesar of Bhavnagar

	implementing agency, time schedule, cost structure, etc.	District in lieu of 31.40 ha of forest land to be diverted. (Pg-60-72/c)
	(iii) Total financial outlay for CA	4,96,75,080.00
	(iv) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	(pg-73/c)
15.	Catchment Area Treatment	The Catchment Area Treatment Plan with cost structure is not given
16.	Rehabilitation of Oustees a) No of families involved b) Category of families c) Details of rehabilitation plan	Nil NA NA
17.	Employment likely to be generated a) Whether the project is likely to generate employment b) Permanent/ Regular Employment (Number of person) c) Temporary Employment (Number of person-days)	Yes. --- 693 Lakh mandays
18.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for 187.00 ha of forest land has not been submitted in prescribe format. The supporting documents also not given. (pg-54/c)
19.	Site Inspection Report by CCF	Pg-56/c
20.	Cost Benefit Ratio	1:6.38 (Pg-27-29/c)
21.	Total Cost of the Project	Rs. 4336.944 crore (Pg-10/c)
22.	Recommendation	
	DFO	Recommended (Pg-12-14/c)
	CCF	Recommended (Pg-15/c)
	PCCF/Nodal Officer	Recommended (Pg-16/c)
	State Government	Recommended (Pg-17/c)
23.	District Profile (i) Total Geographical area of the district (ii) Total Forest area/ Divisional Forest area (iii) Total area diverted since 1980	6501.10 sq. km. 24584.38 ha 132.4271 ha (15 cases)

	<p>(iv) Total CA stipulated since 1980 (Forest land)</p> <p>a. Forest land including penal CA</p> <p>b. Non Forest Land</p>	<p>61.60 ha</p> <p>83.4419 ha</p>
	<p>(v) Progress of Compensatory Afforestation</p> <p>a. Forest land</p> <p>b. Non Forest land</p>	<p>21.9475 ha</p> <p>83.4419 ha</p>

The site was inspected by Shri S.K.Bhandari, CCF on 18/09/2017 along with the local forest officers and officers and staff from the User Agency. The inspection report is enclosed with this report.

1. Legal Status of Forest land proposed for diversion.

The forest area proposed for the diversion is Reserved Forests.

2. Item wise breakup of the forest land proposed for diversion:

Road- 15.10 ha. Flood Protection Embankments (FPE) construction- 21.10 ha. Submergence- 150.76 Total: 186.96 ha(rounded up to 187.00 ha.)

3. Whether the proposal involves any construction of buildings (including residential).If, yes, details there of:

No.

4. Total cost of Project.

Rs.4336.944 crore.

5. Wild Life:

Not mentioned. During the field inspection both the CCF and DFO said that there is no presence of any significant wild life.

6. Vegetation:

Prosopis (Gando baval) is the main species as has been reported by the State forest department. Other species are Subaval, Limdo, Pipal, Pillu, Karanj, Gundi, Babool as reported by the SFD.FSI's DSS analysis shows presence of babool in plenty and at places mangroves.

Total number of trees to be felled:

25454 numbers of trees are required to be felled.

1) 14943 numbers - up to 60 cm. Girth.

2) 511 numbers above 60 cm. Girth.

As per the count done by the State forest Department out of total numbers, 25408 numbers are Prosopis juliflora(Gando Baval)

7. Background note of the proposal :

The proposal has been conceived to construct a Barrage across the river Narmada near Bhadbhut village and is about 5.15 km. downstream of village Bhadbhut and is about 25.00k.m. upstream of river mouth.

8. Compensatory Afforestation :

Govt. Waste land Village: Tol,Sadli,Tal.Jesar, district Bhav Nagar-S.R.No.No.87A/P1-31.40 ha.Govt. Waste land in village Nani Dhruvi,Thehsil. -Abdasa District. Kutchcha.- in 24 patches totaling 157.3424 ha.

Total – 188.74 ha.

9. Whether proposal involves violation of Forest (Conservation) Act ?

Nothing has been reported.

10. Whether the proposal involves rehabilitation of displaced people?

No.

11. Reclamation Plan : details and Financial Allocation :

No.

12. Details of catchment and command area under the project. Catchment area treatment plan to prevent siltation of reservoir.

CAT plan is prepared. Regarding command area, the Chief Engineer, Shri Kapadia told at the site of inspection that in such kind of project of barrage construction, there is no designated command area.

13. Cost benefit ratio ;

1: 6.38 as per the MoEF & CC's format. And 2.41 as per Central Water Commission's format.

14. Recommendation of Nodal officer and the State government:

The Nodal Officer and State government have recommended the proposal.

15. Utility of Project :

It is aimed at protecting water quality of the river Narmada from tidal water influence. Storage of fresh water for irrigation, domestic and industrial water supply and Irrigation of agriculture land through lift system has been proposed. An alternative shorter route from Surat/Hajira to Dahej region via Hansot-Bhadbhut has been proposed through the barrage.

16. Whether the land being diverted has any socio-cultural value :

No.

Whether any sacred grove or very old growth of trees or forests exist in the area proposed for diversion ?

No such things were seen during the inspection.

Whether the land under diversion forms part of any unique eco-system?

No but it has tidal influence.

17. Situation with respect to any P.A.

The project is located beyond 10 km. It is 87 k.m. away from Sulpaneshwar Wild Life Sanctuary.

18. Details of comments of the APCCF on alternate routes/alignments for locating the projects.

Project authority has examined 03 sites one at 2.0 k.m. d/s Bhadbhut, second at 3.65 k.m. d/s of Bhadbhut (near to Kaswa-Samni) and the third one, the proposed site at 5.150 d/s of Bhadbhut. All three sites have been evaluated on 11 differing parameters and 06 common parameters and the at 5.150 k.m. downstream of Bhadbhut was selected and finalized by the Expert advisory Group (Highest Technical International expert Group) and accepted by the Kalpasar department, Govt. of Gujarat on 09.03.2016. This is provided at Annexure -9 of the proposal.

Hence there may be no problem in accepting the proposed site.

19. Recommendation of Regional APCCF along with the detailed reasons:

In view of the above, it is recommended that the proposal may kindly be considered for approval.

20. Any other information related to the project:

The Inspecting Officer has submitted the inspection report along with photographs and the same are enclosed.

In view of above, the facts related to the proposal may be placed before FAC as **additional agenda** in its meeting held on 21.09.2017 for their examination and appropriate recommendation.
