

AGENDA FOR THE MEETING OF FOREST ADVISORY COMMITTEE SCHEDULED TO BE HELD ON
25.01.2018

Sandeep Sharma, AIGF (FC)

S. No.	File No.	Name of the proposal	State	Area (ha.)	Category	Page No.
1.	8-31/2010-FC	Diversion of 1654.109 ha of revenue forest land 244.219 ha total forest land 1898.328 ha of forest land for parsa east and kente basin captive coal block open cast mining project in favour of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited.	Chhattisgarh	1898.328	Mining	4
2.	8-81/2010-FC	Diversion of 79.56 ha of forest land for iron ore mining in East Bhanupratapur Forest Division in favour of M/s Monnet Ispat & Energy Limited in Kanker district of Chhattisgarh	Chhattisgarh	79.177	Mining	9
3.	8-04/2016-FC	Diversion of 1576.81 ha of Reserved forest land for the development of Special Economic Zone and Industrial Park at Village - Siracha, Navinal, Dhrub, Mundra, Baroi, Gorasama, Luni, Bhadreswar, Ta. Mundra, Dist. Kutch in favour of Adnai Group, Mundra Port and Special Economic Zone Ltd., Ahmedabad	Gujarat	1576.81	Other	12
4.	8-115/2000-FC	Diversion of 19.52 ha of forest land for raising the height of Barvi Dam for submergence and rehabilitation in District Thane of Maharashtra.	Maharashtra	19.52	Irrigation	19
5.	8-51/2017-FC	Diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of West Bengal State Electricity Distribution Company Limited (WBSEDCL) in Ajodya Hills under Purulia Forest Division	West Bangal	234	HEP	25
6.	8-115/1995-FC	Diversion of 36.98 ha reserved Forest land in favour of western Coal field Ltd. (WCL), Chandrapur area for Hindusthan Lalpeth (Expansion) Opencast Project at Reserved Forest Compartment No. 485 in Chandrapur Forest Division under Section 2 of the Forest (Conservation) Act, 1980 in Chandrapur District in the State of Maharashtra	Maharashtra	36.98	Mining	34
7.	8-56/2017-FC	Diversion of 170.32 ha. of forest land (Regularization of 60.298 ha + 110.022 ha of additional forest land) for the extension of Runway and infrastructural development in favour of Air Force Station Arjan Singh, Panagarh, West Bengal.	West Bengal	170.32	Other	39

8.	8-323/1989-FC (pt. I)	Diversion of 2.048 ha (4.25 ha as per Form A) of forest land in SM Block, Kumarswamy Range, Ballari District for approach road to ML NO. 2313 in favour of M/s JSW Steel Ltd.	Karnataka	2.048	Mining	46
9.	8-05/2016	Proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act,1980 for drilling of 09 boreholes of 4” diameter in 113.625 hectares of forest land in Chhuikhadan ranges of Khairagarh Forest division for iron ore mining.	Chhattisgarh	113.625	Prospecting	53

Nisheeth Saxena , Sr. AIGF (FC)

S. No.	File No.	Name of the proposal	State	Area (ha.)	Category	Page No.
1.	8-79/2009-FC	Diversion of 124.28 ha of forest land (regularization of already broken up area-80.95 ha and area to be broken up-43.33 ha) for Chitra open cast project in favour of M/s Eastern Coalfield Limited (ECL) in Deoghar Forest Division in Deoghar district of Jharkhand.	Jharkhand	124.28	Mining	55
2.	8-61/2017-FC	Proposal for diversion of 100 ha. of forest land in favour of DCF, Mukundra National Park Kota for village relocation of Munkundra Hills National Park in Kota district in State of Rajasthan.	Rajasthan	100	Relocation	58
3.	8-64/2014-FC	Diversion of 155.06 Ha of forest land in Kondapalli Reserve Forest of Krishna Division for extension of Ash Pond, in favour of the Executive Engineer (Civil), Ash Pond Division, Vijayawada Thermal Power Station (VTPS), Ibrahimpatnam in Krishna District in the State of Andhra Pradesh.	Andhra Pradesh	155.06	Thermal	64
4.	8-55/2014-FC	Diversion of 285.44 hectares of forest land in Lankapalli R.F. of Khammam Division in favour of Singareni Collieries Company Limited (SCCL) for their Kistaram OCP.	Telangana	285.44	Mining	77
5.	8-57/2017-FC	Proposal for diversion of 467.809 hectares of forest land/revenue forest land (443.000 ha. forest land + 24.809 ha. Revenue forest land=467.809 ha. forest land) for Opencast Coal Mining in favour of M/s. Northern Coal Fields Limited, Rewa in Singrauli District State of Madhya Pradesh.	Madhya Pradesh	467.809	Mining	84
6.	8-25/2009-FC	Proposal for diversion of 226.67 hectares of forest land for Karo OCP in favour of M/s. Central Coal Fields Limited (CCL) in Bokaro district of Jharkhand. –regarding.	Jharkhand	226.67	Mining	93

7.	8-55/2007-FC	Diversion of 330.70 ha of forest land in Nawada Forest Division for construction of Koderma Tilaiya new Broad Gauge Railway line (49.515 km) in favour of East Central Railway, Koderma in Bihar. Forwarded by Region Office, Ranchi. For relaxation in condition- regarding.	Bihar	330.70	Railway	110
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Naresh Kumar, DIGF (FC)

S. No.	File No.	Name of the proposal	State	Area (ha.)	Category	Page No.
1.	7-77/2017-FC	IA No. 2673 of 2009 in Writ Petition (Civil) No. 202 of 1995 in the matter of T.N. Godavarman Thirumulpad Versus Union of India & Ors. and in the matter of the State of Odisha.		Policy		113

ADDITIONAL AGENDA

Nisheeth Saxena , Sr. AIGF (FC)

S. No.	File No.	Name of the proposal	State	Area (ha.)	Category	Page No.
1	8-63/2017-FC	Proposal for diversion of 789.93 ha. of Forest Land in favour of Water Resources Department, in Damoh District for Construction of Satdharu Irrigation Tank Project, in Damoh district in the State of Madhya Pradesh.- regarding.	Madhya Pradesh	789.93	Irrigation	116
2	8-55/2017-FC	Proposal for diversion of 120.4062 ha of forest land in favour of Executive Engineer, Public Works Department Jhalawar, Rajasthan for Extension of Kolana Air Strip of Existing run way from 1700 meter to 3000 meter in Jhalawar District, Rajasthan State	Rajasthan	120.4062	Others	123

1. Vide placed at F/X is an extract portion of file bearing no.J-11015/03/2008-IA-II(M) wherein the **matter is under consideration in IA division of this Ministry for grant of EC** to the expansion project “Parsa East and Kanta Basan (PEKB)” Opencast Coal Mine **from 10 MTPA to 15 MTPA** along with the expansion of Pit Head Coal Washery from 10 MTPA to 15 MTPA , in a total area of 2711.034 ha located in Hasdeo-Arand Coalfields in District Surguja, Chhattisgarh. This file was processed by IA Division for the direction of competent authority on which **the Hon’ble Minister of State for EF&CC directed that “since the matter is pulling for long, FAC may convene a meeting and decide the matter in 4 weeks”** .
 2. The detailed note on the proposal for diversion of forest land is as under:
 - (i) The State Government of Chhattisgarh vide their letter dated 28.04.2010 had submitted a proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of **1898.328 ha of forest land** for Parsa East and Kante Basan coal block open cast mining in Hasdeo Arand forest.
 - (ii) The said proposal along with the site inspection report submitted by the RO, Bhopal was considered by the FAC in its meeting held on 10.3.2011 wherein the committee after detailed discussion on proposal, recommended a site visit to have better appreciation of the proposal. The site was visited by **the Sub-Committee of FAC** and report submitted to the FAC.
 - (iii) The proposal with the report of the Sub-Committee of FAC was placed before FAC on 20th -21st , June, 2011 wherein the presentation was made by the Nodal Officer (FCA) of the State and the project proponent. **A copy of the FAC meeting is placed in file at pg.426-427/c**. The FAC also taken into consideration the observations of the sub-committee of the FAC, which visited the area. It concluded that:
 - a) The quality of the forest cover available in the Parsa East and Kante Basan coal block is poorer compared to area in the Tara Coal block. However, as per the study jointly undertaken by the MoEF and MoC Gross Forest Cover is 52.95% and Weighted Forest Cover comes to 27.55%.
 - b) During the short visit of the sub-committee, it was not possible to ascertain the extent of presence of wildlife (fauna and avifauna). However, the area appears to be suitable and existing habitat for wild vertebrates including large mammals that area in schedule I of the Wildlife (Protection) Act. DFO, South Surguja Division, while forwarding the proposal for diversion of forest land in the Tara Coal Block, in his site inspection note dated 2nd may 2007 indicated that the area is rich in bio-diversity. These lists included Schedule-I species (under the Wildlife Protection Act, 1972) such as the sloth bear and leopard. Their presence in turn indicates a population of wild prey species.
 - c) Previous reports of endangered species include a November 2005 sighting of a small herd of wild elephants that moved from Maheshpur to Salhi via Kantaroli, Abhaipur and Janardanpur. The elephants stayed in this area for nearly four days. The team headed by DGF&SS during their visit to the area on 27th & 28th August 2009 also confirmed the presence of elephants in the area.
 - d) Interaction with villagers, who are likely to be affected if the projects become operational, revealed inadequate knowledge about the R&R policy/measures. The process of the FRA, especially of settlement of community rights is not complete.
- Based on the above findings/ observations of the sub-committee, the FAC does not recommend the diversion of the proposed forest area .**
- (iv) Recommendation of FAC was placed for approval before the Hon’ble Minister of Environment & Forests for their acceptance. The MEF vide his note 23.06.2011 (pg. 464-467/c) has not accepted the recommendation of FAC to reject the instant proposal. The then Hon’ble MEF had overruled the recommendation of the FAC on the following grounds:

- a) Coal block located in fringe area and not in biodiversity rich area of Hasdeo-Arand Coal filed.
 - b) Substantial changes have been introduced in the mining plan as originally envisaged. Revised plan envisage mining in two phases of 15 years each.
 - c) Concern identified relating to wildlife should be taken care of through a well-prepared and well-executed Wildlife Management Plan and Programme under the aegis of WII, Dehradun.
 - d) These coal blocks are linked to super critical thermal power generating stations. In fact this is an explicit pre-condition for approval in order to remove any ambiguity on this score.
 - e) Both the State Government involved –Chhattisgarh and Rajasthan (which will use the coal mined at Parsa East and Kante Basan) have been persistently following up since their power generation plans are closely linked with these coal blocks.
 - f) While the FAC has to do its due diligence with single-minded focus, as the Minister I have necessarily to keep the boarder development picture in mind and balance out different objectives and considerations.
- (v) On the basis of the order dated 23.06.2011 of the then Minister and six well thought out and logical reasons stated in the order, this Ministry decided to give Stage-I clearance to diversion proposal of (I) Tara Coal Block and (II) PEKB Coal Block in Hasdeo-Arand Coal Block. MoEF granted Stage-I clearance on 06.07.2011 (**Pg.460-462/c**) to the diversion of 1898.328 ha of forest land (for mining in two phases) in Parsa East and Kante Bassan captive coal blocks open cast mining project in favour of M/s RVUNL in South Sarguja Forest division in Sarguja district of Chhattisgarh subject to fulfilment of certain terms & conditions, as specified therein.
- (vi) After the compliance of all the conditions stipulated in the Stage-I approval, the stage –II approval was granted by this Ministry on 15.03.2012 (**Pg.909-912/c**) for the said proposal subject to fulfilment of certain conditions.
- (vii) Subsequently, an appeal was filed by Mr. Sudiep Shrivastava before the Hon’ble National Green Tribunal challenging the order dated 28-3-2012 passed by the State Govt. of Chhattisgarh under section-2 of the FC Act, 1980 for diversion of 1898.328 Ha of forest land of Parsa East and Kante Besan Captive Coal Blocks open cast mining project. Matter was concluded after series of hearing conducted by the Hon’ble NGT and judgement was passed on 24.03.2014 **wherein the Hon’ble NGT inter-alia directed as under:**
- a) *“Order dated 23rd June, 2011 passed by the respondent no. 2- MoEF Government of India and consequential order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;*
 - b) *The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the 48 proposal discussed herein above with emphasis on seeking answers to the following questions: (i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.*

- c) *The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.*
- d) *All work commenced by the respondent no. 3 project proponent and respondent no.4 pursuant to the order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand suspended till such further orders are passed by the MoEF in accordance with law.*”
- (viii) In compliance of order dated 24.03.2014 passed by Hon’ble National Green Tribunal (F/X) in respect of diversion of 1898.328 ha of Forest Land for Parsa East and Kente basan coal block open cast mining project in Hasdeo Arand Forest area in the State of Chattisgarh, the facts were placed before FAC seeking their advice on the various aspects especially wildlife related issues of the proposal.**
- (ix) The FAC in its meeting held on 29TH to 30TH April, 2014 went through the request of the Ministry for giving fresh advice on all aspects of the proposal for diversion of 1898.328 ha of Forest Land for Parsa East and Kente basan coal block open cast mining project in Hasdeo Arand Forest area in the State of Chhattisgarh in compliance of the direction of the Honourable National Green Tribunal and observed as below.**
- a) An appeal was filed by Mr. Sudiep Shrivastava before the Hon’ble National Green Tribunal challenging the order dated 28-3-2012 passed by the State Govt. of Chhattisgarh under section-2 of the FC Act, 1980 for diversion of 1898.328 Ha of forest land of Parsa East and Kante Besan Captive Coal Blocks open cast mining project.
- b) Matter was concluded after series of hearing conducted by the Hon’ble NGT and judgment was passed on 24.03.2014 wherein the Hon’ble NGT inter-alia directed as under:
- “1. Order dated 23rd June, 2011 passed by the respondent no. 2- MoEF Government of India and consequential order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;*
- 2. The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the 48 proposal discussed herein above with emphasis on seeking answers to the following questions: (i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.*
- 3. The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.*
- 4. All work commenced by the respondent no. 3 project proponent and respondent no.4 pursuant to the order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand suspended till such further orders are passed by the MoEF in accordance with law.*”

- c) From the examination of the operational part of the order dated 24.03.2014 of the NGT, it has been observed that FAC has to give fresh advice with emphasis on the following issues. What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question.
- d) Is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna.
- e) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need.
- f) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies.
- g) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora.
- h) What is their opinion about the Wildlife Management plan finally prescribed.
- i) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialized knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.
- j) FAC may seek advice/opinion/specialized knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.
- k) It was brought to the knowledge of the committee the project proponent (Rajasthan Rajya Vidyut Utpadan Nigam Ltd) has approached the Hon'ble Supreme court(CA No.4395 of 2014) against the Honorable NGT's order.

The FAC, in its meeting held on 29-30 April, 2014 after examination of the issue, recommended that since the matter is sub-judice decision on the matter may be deferred.

- (x) The Civil Appeal No. 4395 of 2014 in the matter of Rajasthan Rajya Vidyut Nigam Ltd. Vs. Sudieep Shrivastava came up for hearing in Hon'ble Supreme Court of India on 28.04.2014(F/Y) and the Hon'ble Supreme Court of India directed as under:

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

- 3. As explained above, the matter was taken up by FAC after NGT order 24.03.2014 and Hon'ble Supreme Court order 28.04.2014. **FAC in meeting had taken both the orders into consideration and recommended that “Since the matter is sub-judice the decision on the matter may be deferred.”**
- 4. On critical examination of the issue it is observed that NGT on 24.03.2014 had inter alia directed on 4 points which may be pursued at page **36-37/n**.
 - a) An appeal was filed by Mr. Sudieep Shrivastava before the Hon'ble National Green Tribunal challenging the order dated 28-3-2012 passed by the State Govt. of Chhattisgarh under section-2 of the FC Act, 1980 for diversion of 1898.328 Ha of forest land of Parsa East and Kante Besan Captive Coal Blocks open cast mining project.
 - b) Matter was concluded after series of hearing conducted by the Hon'ble NGT and judgment was passed on 24.03.2014 wherein the Hon'ble NGT inter-alia directed as under:
 - 1. Order dated 23rd June, 2011 passed by the respondent no. 2- MoEF Government of India and consequential order dated 28th March, 2012 passed by the respondent no. 1 State of

Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;

2. *The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the 48 proposal discussed herein above with emphasis on seeking answers to the following questions: (i) What type of flora and fauna in terms of biodiversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.*
3. *The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.*
4. *All work commenced by the respondent no. 3 project proponent and respondent no.4 pursuant to the order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand suspended till such further orders are passed by the MoEF in accordance with law.”*

5. Hon'ble Supreme Court on 28.4.2014 had given stay on b(4) point of NGT order i.e. stay over stoppage of work as mentioned at point no. 4 of NGT order which had been commenced by user agency on the date of Hon'ble NGT had imposed stay. Rest points of NGT order still hold valid and under consideration of Hon'ble Supreme Court still the case had not reached to finality. Under this circumstances when the matter is still sub-judice it will not be a right decision to take it to FAC.

To support the above fact, the following points are given:

- i. This case pertaining to PEKB was considered by FAC on 20 & 21 June 2011. In which it was not recommended the diversion.
- ii. Later Hon'ble MEF vide his note dated 23.06.2011 preferred to not accept the recommendation of FAC and granted approval to the project.
- iii. The issue related to acceptance of recommendation of FAC by competent authority was deliberated in the NGT order.
- iv. In the same order, discussion was held on the order dated 4th Aug 2006 passed by Hon'ble Supreme Court in IA No 1598-1600 in WP(C) no. 202/1995: T. N. Godavarman Thirumal Pad Vs. UoI and others. (2010) 13 sec 740 (**Page-933/c**).

In this particular attention is invited to para 20 (x) to (xii) of the said order.

20(x) “All proposals for grant of the FC Act clearance and TWP's in respect of mining leases shall be placed before FAC.FAC by order recommends the grant of a clearance or a TWP, MoEF shall with in a period of four weeks from date of such order, issue orders for the grant of clearance on the usual leases, including these relating to the payment of NPV (**page- 933/c**).

Provided where a TWP is being granted, it shall only for a period not one year and upon payment of NPV for already broken up area.

(xi) Decision on grant of a TWP shall be taken before the expiring of the mining lease. Decision of MoEF&CC on proposal for diversion of forest land for mining lease under the FC Act shall be conveyed to the user agency before the expiring of TWP.

(xii) In case MoEF disagree with the recommendation of FAC, it shall record its reasons in writing and communicate the same to FAC and FAC may after considering such reasons, Pass such further orders, as it thinks fit: Provided where the government still disagrees with order passed by FAC, it may seek appropriate direction from this Court.

6. The issue related to FAC recommendation to not recommend the project and subsequent approval by Hon'ble MEF is a part of the case which is pending for decision before Hon'ble Supreme Court.

The above facts of the above proposal may be placed before the FAC in its forthcoming meeting scheduled to be held on 25.01.2018 for its examination and appropriate recommendations.

Agenda No. 2

F. No. 8-81/2010-FC

Sub: Review of Stage-II forest clearance granted by MoEF&CC vide its letter No. F. No. 8-81/2010-FC dated 04.01.2017 for Iron Ore Mining in village-Hahaladdi, East Bhanupratappur forest division in favour of M/s Monnet Ispat & Energy Ltd. in kanker District of Chhattisgarh as per order dated 03.08.2017 of Hon'ble National Green Tribunal, Central Zone Bench, Bhopal.

1. The State Government of Chhattisgarh vide its letter no. F-5-61/2008/10-2 dated 25.05.2009 had submitted the above mentioned proposal seeking prior approval of the Central Government under section-2 of the Forest (Conservation) Act, 1980.
2. The said proposal was considered by the FAC in its meeting held on 20-21 June, 2011 and the Committee observed that the area is part of the ridge wherein the Ministry has already rejected two proposals from the Bajrang Metallic & Power Limited and Ind Synergy Limited. The proposed project area is in close proximity to the area applied for by Ind Synergy Limited. The latter proposal had already been rejected by the FAC. One of the project with an area of 66.00 ha in favour of M/s Puhp Steel & Mining (P) Limited was approved earlier. However, the Nodal Officer of Chhattisgarh informed the committee that the mining has not yet started in the area while the tree felling has already been done. **After discussing the proposal in detail, the FAC did not recommend the proposal as the tree felling has already been done. The same recommendation of FAC was accepted by the then Hon'ble MEF (5/n).**
3. Based on the recommendation of the FAC and approval of the same by the competent Authority of the Ministry, the State Government was informed about the rejection of the proposal vide Ministry's letter dated 14th July, 2011. The State Government vide its letter no. Bhu-Prabandh/Khanij/247/156 dated 12.02.2013 (pg 266-269/c) has forwarded a representation dated 06.12.2012 of the Project Proponents for re-consideration of the proposal, but the rejection was again communicated vide Ministry's letter dated 16th May, 2013.
4. The State Government of Chhattisgarh, vide their letter No. F-5-68/2008/10-2 Raipur dated 03.08.2016 (Pg. 1-965/c) had again submitted the proposal for **re-consideration**. The proposal was discussed in the Forest Advisory Committee (FAC) meeting held on 24.8.2016 and FAC recommended the proposal for clearance with General, and Standard conditions. A copy of the minutes of said FAC meeting is placed in file at (pg -976-979/c) Ministry vide its letter dated 28.10.2016 accorded in-principle approval to the project (Pg. 986-989/c).

5. The Government of Chhattisgarh vide their letter No. BHU-Parbandh/Khanij/247/3009 dated 15.12.2016 (Pg. 990-1173/c) has submitted the compliance report on the conditions stipulated in the Stage-I approval dated 28.10.2016. On the basis of the compliance report of State Govt., **Stage-II/final** FC approval under Forest (Conservation) Act, 1980 was granted for diversion of 79.56 ha of forest land for iron ore mining in East Bhanupratapur Forest Division in favour of M/s Monnet Ispat & Energy Limited in Kanker district of Chhattisgarh vide this Ministry's letter dated 04.01.2017 (Pg-1212-1214/c).
6. Pallamari Pahadivali Banjari Devi, Jan seva samiti, Village Hahaldaddi, Durgukondal, Kanker, Chhattisgarh and Sh. Rajesh Rangari, Kanker, Chhattisgarh made appeals before Hon'ble NGT, Central Zonal Bench, Bhopal challenging the order dated 04.01.2017 (Prior approval/Stage-II approval for diversion) and 05.01.2017 (approval for diversion of forest land by State Government) passed by the Union of India and State of Chhattisgarh respectively.
7. **The Hon'ble Tribunal ordered on 23.05.2017(Pg.1234-1237/c)** that “..... We are of the view that in case no permission for prospecting licenses can be granted in forest areas having density of 0.6 of more than the question of granting permission or recommending such case favourable for grant of FC to carry out mining operation in any case cannot be granted. What applies as, a restriction or a prohibition against prospecting necessarily applies even more to actual mining operation.”
 13. *It is further ordered that “In the light of the above, we gave two options to the Learned Counsel for the Respondent No. 2 as well as the Learned Counsel for the State. The first option was to permit the State Government to place before us the relevant record to show as to why the recommendation and the findings given by the Sub-divisional forest vide his report Annexure A-4 dated 20.10.2015 and the contents of form no. 3 stating the forest density as 0.7 to 0.8 with its reasons were not accepted by the superior authorities and the State Government deciding to recommend the case of the Respondent No. 2 contrary to the guidelines that a forest area having the density of more than 0.6 should not be recommended for grant of forest clearance.”*
 14. *The second option given was that we remand the matter of the MoEF to re-consider the issue. This be done in the light of the fact and material that has come to light and which has been considered by us here in above which includes the contents of Form 3 and its accompanying documents/guidelines sent by SDO Forest stating the Forest density as 0.7 to 0.8 and his reasons for holding to which we have reproduced here in above.*
 15. *In the light of the above the Learned Counsel for the Respondent No. 2 submitted that the matter be remanded for consideration of the matter De-Novo from the stage-2 and the FAC may be directed to take into consideration the record of the State Government and the forest officials as to ascertain the reasons for disagreement with the findings given by the SDO Forest in his report in form 3 Annexure A-4 and part-1 of the same. To the above the Learned Counsel for the Appellant in Appeal No. 11/2017 had no objection.*
 16. *We are therefore, of the view that the order dated 04.01.2017 deserves to be set aside for consideration of the issue afresh in the light of the discussion contained hereinabove. We also direct that the issue to be decided at the earliest and preferably within 30 days of the submission of the certified copy of this order. It would be open for both the parties to place the entire material which has been filed before us or any other material which they seek to be considered by the MoEF for this purpose. So far as the MoEF is concerned it may also call for the relevant record from the State Government. In case the meeting of the committee is not scheduled to be held within 30 days the matter shall be placed in the agenda for consideration in the next meeting to be held and decided without delay. While doing so we would expect that reasons be recorded for arriving at decision either way.*
 17. *In so far as the Appeal No. 18/2017 is concerned none has appeared today before us. The Appeal No. 18/2017 seeks to challenge the order dated 05.01.2017 passed by the State Government in consequence of the order dated 04.01.2017 which has been set aside by us while deciding the Appeal No. 11/2017 as such the Appeal 18/2017 also stands allowed, however, we have not stated anything regard to the merits of the matter in that Appeal.*
8. Further Hon'ble NGT, Bhopal in order dated 03.08.2017(Pg.1240-1241/c) stated that:

“Matter will be heard and decided by the State Government afresh and they would give reasons for their decision particularly, in case they disagree with the observation and the reason given by the SDO Forest. Based upon the said decision after hearing the project proponent the matter should then be placed before the FAC as already directed. The other directions contained in the judgement will remain constant.”

9. The State Government of Chhattisgarh vide its letter no. F-5-68/2008/10-2 (pt.) dated 17.11.2017 has informed to this Ministry that Hon’ble NGT has cancelled stage-II approval dated 04.01.2017 of this Ministry due to contradiction of density, as reported by the SDO, Bhanupratappur- 0.7 to 0.8 whereas the density reported by other forest officers was 0.5 to 0.7. It is further reported by the State Government that the Hon’ble NGT in their order dated 03.08.2017 directed the State Government to take their decision in matter, and to intimate their opinion to MoEF&CC, GoI. Thereafter, GoI may be placed the matter of rejection of prior approval before FAC for re-consideration.
10. As per the direction of Addl. PCCF (Bhu-praband) & Nodal Officer (FCA), the DFO, East Bhanupratappur has done Ground Truthing through GPS, Satellite Imagery and Google map and review was done in accordance with working plan and Forest Cover Classification Scheme of Indian Forest Research Institute. The calculated density varies from 0.4 to 0.7.
11. Addl. PCCF (Bhu-praband) & Nodal Officer (FCA) vide his letter dated 03.10.2017 informed the State Govt. of Chhatisgarh that The Stage-II forest clearance granted by this Ministry vide its’s letter No.8-81/2010-FC dated 04.01.2017 for diversion of 79.56 has forest land in forest division east Bhanupratappur of Kanker district has been cancelled by the Hon’ble National Green Tribunal (CZB), Bhopal vide their order dated 23.05.2017. In this process , Divisional Forest Officer, East Bhanupratappur was directed through Chief Conservator of Forest, Kanker Circle to identify forest density by using techniques like satellite imagery, DGPS, Google map, ground trothing (site verification) etc.
12. Divisional Forest Officer, East Bhanupratappur has intimated that the average forest density is 0.55 in 40 grid point within the applied 79.56 has forest land in forest compartments no.634, 636, 639 & 640.
13. It is further reported by the Nodal Officer that the SDO forest has conducted the site inspection as per the directions of Divisional Forest Officer, East Bhanupratappur and accordingly the SDO has submitted his inspection report vide his letter dated 20.10.15.
14. In connection with discrepancy arises after submission of SDO report and the recommendations of Divisional Forest Officer, East Bhanupratappur and Chief Conservator of Forest, Kanker Circle and State Govt., the Hon’ble National Green Tribunal directed the State Govt. to hear and decide the matter afresh and to send the representation to Govt. of India. The relevant content of the Hon’ble National Green Tribunal’s order dated 03.08.2017 is reproduced below ;

“Matter will be heard and decided by the state government afresh and they would give reasons for their decision particularly in case they disagree with the observation and the reason given by the SDO forest”
15. It is further mentioned that in the representation of Chief conservator of forest, Kanker Circle, the forest density has been assessed in 40 grid points in accordance with the map of Forest Survey India for the year 2015 by the Institute of Forest Management, Forest Division, Raipur . The forest density has been as 0.3 to 0.5 in all 40 grid points . Although, according to the forest cover classification scheme of Forest Survey of India, all the grid points have been covered under Moderately dense forest i.e. the forest density has been found between 0.4 to 0.7. It is to be noted that the digital interpretation is done based on the Forest Cover Maps of Forest Survey of India, based on maps obtained through satellite imagery, which is consider correct both technically as well as scientifically.
16. The review petition no.05/2017 was filed before the Hon’ble National Green Tribunal (CZB), Bhopal against their order dated 23.05.2017 by the applicant, M/s Monnet Ispat & Energy ltd.

17. In compliance to order of Hon'ble National Green Tribunal, point-wise comparison of the report given by the SDO forest dated 20.10.2015 (Pg.)& Divisional Forest Officer, East Bhanupratappur dated 04.01.2016 has been done, and the same is placed in file at page- 1321-1324/c.
18. It is also reported by the APCCF & Nodal Officer in his forwarding letter mentioned that the SDO forest vide its letter dated 20.10.2015 has mentioned that the "applied area cannot be recommended for diversion". On the other hand, in the enclosed form-3 with the same letter, he expressed that the proposal for diversion can be considered after taking note of points no. 1 to 11. Therefore, the report submitted by SDO forest is itself contradictory.
19. State Government has given their consent for the opinion of State Forest Department about density and requested this Ministry to take necessary action in the matter as per direction of Hon'ble NGT order dated 23.05.2017 and 03.08.2017.

The above facts may be placed before FAC in its meeting scheduled to be held on 25.01.2018 for their examination and appropriate recommendation.

Agenda No. 3

F. No. 8-04/2016-FC

Sub: Diversion of 1576.81 ha of Reserved forest land for the development of special Economic Zone and Industrial Park at Village – Siracha, navinal, Dhrub, mundra, Baroi, Gorasama, Luni, bhadreshwar, Ta. Mundra, dist. Kutch in favour of Adnai Group, Mundra port and Special Economic.

The State Government of Gujarat vide their letter No. FCA-1014/10-11/14/S.F-66/F dated 21.01.2016 was submitted the above subject proposal seeking prior approval of Central Government in accordance with section-2 of the Forest (Conservation) Act, 1980.

2. It was reported by the State Govt. in their forwarding letter dated 21.01.2016 (**Pg. 4/c**) that area of Siracha village is important for conservation of Indian Bird and Wolf, hence 100 ha of siracha village may be excluded from the diversion and exact location of 100 ha from the total demanded land of siracha village can be decided at the time of formal approval.
3. The said proposal was considered by the FAC in its meeting held on 20.07.2017 and after thorough deliberations and discussion with the user agency the following was observed:
 - (i) Detailed land use plan has not been submitted and therefore the State government shall provide detailed land use of the whole area including forest and non-forest land.
 - (ii) State government will analyse and examine the land use plan and submit a proposal for diversion of forest land for non- forestry purpose for only those land use which are permissible under the guideline of FCA 1980.
 - (iii) MOEF &CC had accorded prior approval under section 2(ii) of FC Act 1980 in favour of M/s Mundra Port, for diversion of reserved forests area of **57.75 ha** for laying of Railway line vide letter No. 8-163/97-FC, MoEF, New Delhi, dated 24.07.2004, and **1840.00 ha & 168.41 ha** for development of port based SEZ vide No. 8-2/1999-FC (pt.), dated 27.02.2009. It has been brought to the notice of FAC that the conditions laid out in these approvals under Forest (Conservation) Act, 1980 have not been fulfilled / complied by the user agency. The state government shall submit complete compliance of all stipulations of past approvals under section 2(ii) of FCA 1980.

(iv) Site inspection was carried out by the regional office for **1476.81 ha** whereas state government has now recommended the proposal for total **1576.81 ha**, which include 100 ha of *Acacia nilotica* patch , with condition that the same may be diverted by allowing user agency to pay five times of NPV of forest area. This patch is a part of 394 ha of forest of Sircha village which CF Kutch had recommended to be excluded. **Regional office may inspect the area again and give specific comments on exclusion/inclusion of 100 ha or 394 ha into the proposal.**

(v) State Government may kindly give justification for notifying the forest area as part of SEZ (special economic Zone) without seeking prior permission under the provision of Forest conservation act 1980.

(vi) It is reported that the part of non- forest area is being utilized as SEZ and now the proposal is for the balance patches of forest area which are required to be included in SEZ to make the total area as 10000 ha. From the review of the map and justification of the state it is learnt that it is statutory requirement of custom department that for processing zone of SEZ it should be located on contiguous pieces of land and that there should be over all contiguity in the various components of SEZ. State Government had further justified that there is no option than to opt for the diversion of forest land to be included in the SEZ. The State Government may be asked why this matter was not brought to the notice of FAC earlier.

(vii) State Government shall give very specific recommendation regarding suitability of Compensatory afforestation land.

(viii) State Government shall submit complete compliance of FRA.

4. Accordingly, the State Govt. and Regional office, Bhopal was requested vide the Ministry's letter dated 24.08.2017 to furnish the information as sought by FAC in its meeting held on 20.07.2017 (Pg.756-757/c). The State Government vide their letter no. FCA-1014/10-11/14/S.F-66/F dated 01.12.2017 (Pg. 760-1015/c) **has submitted their compliance.**

5. The point-wise information as sought by the Ministry and reply thereof given by the State Govt. are as follows.

S. No.	Observation of MoEF&CC	Reply of State Govt.												
i.	Detailed land use plan has not been submitted and therefore the State government shall provide detailed land use of the whole area including forest and non-forest land.	In this regard, the State Govt. reported that the user agency has submitted details pocket wise land use plan as per the FCA, 1980 guideline and is attached in their reply as Annexure-A (pg. 803/c), as submitted to CCF, Kutch & Nodal Officer. Detailed land use plan is in accordance with their project needs and project components. User agency has provided detailed land use plan and has given confirmation that diverted forest area for only those land uses which are permissible under the guideline of FCA, 1980.												
ii.	State government will analyse and examine the land use plan and submit a proposal for diversion of forest land for non-forestry purpose for only those land use which are permissible under the guideline of FCA 1980.	The details of proposed land use are as follows: <table border="1" data-bbox="831 1682 1465 1937"> <thead> <tr> <th>Proposed land use</th> <th>Area in ha.</th> </tr> </thead> <tbody> <tr> <td>Power Plant 1000 MW X 3</td> <td>59.90 209.20</td> </tr> <tr> <td>Copper Smelter Plant – 1 MT capacity</td> <td>125.00</td> </tr> <tr> <td>Coal to Polygeneration – 10 MT capacity</td> <td>89.52</td> </tr> <tr> <td>CFS & warehousing</td> <td>81.59</td> </tr> <tr> <td>Engineering Cluster</td> <td>5.21</td> </tr> </tbody> </table>	Proposed land use	Area in ha.	Power Plant 1000 MW X 3	59.90 209.20	Copper Smelter Plant – 1 MT capacity	125.00	Coal to Polygeneration – 10 MT capacity	89.52	CFS & warehousing	81.59	Engineering Cluster	5.21
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		<p>Mix Industrial cluster viz engineering ware house etc and social Infrastructure as per FCA 1980 guidelines viz schools, hospitals/ dispensary, community halls, cooperatives, etc.</p> <p>CFS & warehousing</p> <p>Commercial Airport with MRO, Storage yards, fuel tankers, terminals etc.</p> <p>Engineering Cluster with Water front for manufacturing and assembly of Crane, Boilers, project cargo, port operation equipment, etc and Liquid storage tanks farm.</p> <p>Total</p>	<p>41.45</p> <p>51.46</p> <p>84.98</p> <p>112.06</p> <p>516.44</p> <p>200.00</p> <p>1576.81</p>
iii.	<p>MOEF &CC had accorded prior approval under section 2(ii) of FC Act 1980 in favour of M/s Mundra Port, for diversion of reserved forests area of 57.75 ha for laying of Railway line vide letter No. 8-163/97-FC, MoEF, New Delhi, dated 24.07.2004, and 1840.00 ha & 168.41 ha for development of port based SEZ vide No. 8-2/1999-FC (pt.), dated 27.02.2009. It has been brought to the notice of FAC that the conditions laid out in these approvals under Forest (Conservation) Act, 1980 have not been fulfilled / complied by the user agency. The state government shall submit complete compliance of all stipulations of past approvals under section 2(ii) of FCA 1980</p>	<p>In this regard, the State Govt. reported that that compliance of all conditions put forward in Final Approval given by the Govt. of India conditions has been given as Annexure-B (pg. 804-854/c). In principal approval has been granted by Govt. of India vide letter No. 8-2/1999-FC (PT) dated 27.02.2009 for land admeasuring 1840 ha and 168.41 ha to Adani Ports and SEZ Ltd for development of port based Special Economic Zone. Compliance of conditions laid down in In-principle approval granted by the Govt. of India the User Agency has been given as Annexure-B (pg. 804-854/c).</p> <p>For the condition No. 8 of in principle approval no. 8-2/1999-FC (PT) dated 27.02.2009, 3752.30 ha. Land is transferred in the name of Forests & Environment Department out of 3700.00 ha Land of which was possessed by GEDA.</p> <p>For the Conditions No. 17, 18 & 19 of Memorandum No. FCA-1009(10-14) SF-18-K dated 17.11.2009, the user agency has given the Bank Guarantee of Rs.7,73,00,000.00. User agency has provided detailed compliance of all conditions put forward in Final Approval given by the Govt. of India conditions and which is enclosed as Annexure-B (pg. 804-854/c).</p>	
iv.	<p>Site inspection was carried out by the regional office for 1476.81 ha whereas state government has now recommended the proposal for total 1576.81 ha, which include 100 ha of <i>Acacia nilotica</i> patch, with condition that the same may be diverted by allowing user agency to pay five times of NPV of forest area. This patch is a part of 394 ha of forest of Sircha village which CF Kutch had recommended to be excluded. Regional office may inspect the area again and give specific comments on exclusion/inclusion of 100 ha or 394 ha into the proposal.</p>	<p>In this regard, the State Govt. reported that at one point of time in 2009, the then Conservator of Forest, Kutch has directed to exclude an area of 394 ha in Village Siracha stating that 100 ha patch possess good vegetation and presence of wild animals. The State Govt. accordingly recommended final proposal with deduction of 100 ha land out of this 394 h in Jan, 2016.</p> <p>However, User agency requested State Govt. for the re-survey of the Siracha land stating that the Wild life report is quite old i.e. of 2009 and at present no wildlife and exotic vegetation is available in that area. The survey was carried out by CCF, Kutch office and founded that there was negligible movement of</p>	

		<p>wildlife as per report and Acacia Nilotica is present only in one corner of the land parcel. Further, the area of 100 ha of Siracha is in close proximity to existing power plant and as represented by user agency this Forest land of Siracha is necessary for their expansion of Power Plant, due to integration with existing power plant. User agency has also represented and agreed to pay 5 times NPV in line with FCA provision of addressing the situation of diversion of Wild life protected area. User agency feels that there is no other alternative for 100 ha land and for that DCF Kutch East has recommended not to exclude 100 ha land.</p> <p>But, as per reference of Minutes of Meeting of Forest Advisory Committee held on 20.07.2017, APCCF, Regional Office, Bhopal has conducted the site inspection once again on 26.09.2017 to decide for 100 ha Siracha forest land. Previously, it was done on 06.05.2016. So now this aspect pertains to Regional Office Bhopal and its further report on latest site inspection report.</p>
v.	<p>State Government may kindly give justification for notifying the forest area as part of SEZ (special economic Zone) without seeking prior permission under the provision of Forest conservation act 1980.</p>	<p>In this regard, the State Govt. reported that Ministry of Commerce and Industry, Govt of India has granted in principle permission for total 10000 ha of Special Economic Zone (SEZ) to User Agency in 2001 under State Govt's Exim Policy 2000. <u>In the meantime, user agency has acquired 6456 ha land in piece meal through private land, direct allotted Govt land and Govt land allotment through Gujarat Maritime Board.</u> As and when user agency got the possession of land, it was further notified as SEZ Area after getting approval from Ministry of Commerce and Industry, GoI. Further, the area of 1840 ha and 168 ha forest land has been diverted to APSEZL by Forest Department in Nov-2009 has also been notified for SEZ area in April-2015 and March-2012 respectively.</p> <p>Thus, as of now total 8464 ha of area has been declared as SEZ Area.</p> <p>The area declared as SEZ area earlier is adjacent to various pockets of this 1576 ha forest land, which is proposed for diversion by User Agency. The area of 1576 ha as proposed for allotment by User Agency has not been declared as SEZ Area as it is not in their possession. As informed by user agency, they will approach Ministry of Commerce and Industry, Govt of India to declare this area as SEZ area only after the area is diverted to User Agency.</p> <p>Ministry of Commerce and Industry, Govt. of India has granted in principle permission for establishing SEZ in total 10,000 ha. of Special Economic Zone</p>

		<p>(SEZ) to User Agency in 2001 under State Govt.'s Exim Policy 2000.</p> <p>That the forest land, is required to complete the SEZ land requirement for establishing SEZ has been mentioned in the original proposal and has been provided in various comments, offered by user agency and this office.</p> <p>Thus, as of now total 8464 ha of area, acquired in piece meal through Private land, Direct Govt. allotted land and Govt. land allotment through Gujarat Maritime Board has been declared as SEZ area.</p> <p>As informed by user agency, they will approach Ministry of Commerce and Industry, Govt. of India to declare this area as SEZ area only after the area is diverted to User Agency.</p>
vi.	<p>It is reported that the part of non- forest area is being utilized as SEZ and now the proposal is for the balance patches of forest area which are required to be included in SEZ to make the total area as 10000 ha. From the review of the map and justification of the state it is learnt that it is statutory requirement of custom department that for processing zone of SEZ it should be located on contiguous pieces of land and that there should be over all contiguity in the various components of SEZ. State Government had further justified that there is no option than to opt for the diversion of forest land to be included in the SEZ. The State Government may be asked why this matter was not brought to the notice of FAC earlier</p>	<p>In this regard, the State Govt. reported that the proposal of User Agency for area under consideration is adjoining to already declare as SEZ of 8464 ha land. There is no other land except Forest Land. Hence, User agency has proposed for diversion of Forest Land.</p> <p>Ministry of Commerce and Industries, Govt. of India has granted In-principle permission for establishing SEZ in total 10000 ha of Special Economic Zone (SEZ) to User Agency in 2001 under State Government's Exim Policy, 2000.</p> <p>That the land is required to complete the SEZ land requirement for establishing SEZ has been mentioned in the original proposal and has been provided in various comments, offered by user agency and his office.</p> <p>It is statutory requirement of customs department that for processing zone of SEZ, it should be located on contiguous pieces of land and that there should be over all contiguity in the various components of SEZ. This aspect has been submitted by the State Government earlier, in its project justification and other clarifications provided.</p>
vii.	<p>State Government shall give very specific recommendation regarding suitability of Compensatory afforestation land.</p>	<p>The State Govt. stated that the detailed scheme for Compensatory Afforestation and land suitability was already prepared in Sept-2008 while processing the proposal. But, as per the opinion of then Conservator of Forests, Kutch that Non-forest Land of Junachy and Amara area offered as CA land by User Agency is not adjacent to existing forest land and therefore not suitable for afforestation.</p> <p>However, as per the latest resolution of State Government dated 15.05.2017 whenever the Non-forest land being offered as Compensatory</p>

		<p>Afforestation land is not possible to be contiguous to existing forest land and if the area of diversion is 100 ha or more area the CA land should not be less than a patch of 25 ha. Considering this guideline the CA offered land at Junachy and Amara was found suitable.</p> <p>State Government vide its GR dated 15.05.2017 has provided guidelines for suitability of private land for compensatory land. Considering this guideline, the CA offered land at Junachy and Amara was found suitable.</p> <p>Suitability Certificates along with scheme of Compensatory Afforestation and land suitability for land area of 503.01 ha of Village Murachban, Ta. Lakhpat, 283.80 ha of Village Junachy, Ta.Lakhpat and 790 ha of Village Amara, Ta.Nakhatrana have been provided by DCF accordingly.</p> <p>However, User Agency has given undertaking if forest department is not ready to accept proposed CA land as mentioned above, it will be changed and new CA areas will be provided before the issuance of final approval.</p>
viii.	State Government shall submit complete compliance of FRA.	The State Govt. stated that an Undertaking has been given by the User Agency that all formalities as per the Guidelines of Forest Rights Rules-2006 of Government of India will be completed before final approval. So, Undertaking of User Agency may be provided.

6. **The Ministry** vide its letter dated 24-08-2017 requested the Regional Office, Bhopal to **inspect the area again** and give specific recommendations on the exclusion / inclusion of 100 hectares or 394 hectares of forest area in the proposal Accordingly, Accordingly, the **SIR (Pg.1009-1015/c)** has been carried out by the APCCF, RO, Bhopal and the same is reproduced below:

The Government of Gujarat, vide its letter dated 21-01-2016 applied for diversion of 1576.81 ha of Reserved Forest for the development of Special Economic Zone and Industrial park at village Siracha and other adjoining villages of District Kutch in favour of Adani Group, Mundra Port and Special Economic Zone Ltd, Ahmedabad. However, the same proposal also contained a recommendation to exclude 100 ha of forest area of Siracha village which was considered important for wild life conservation thus in effect asking diversion for only 1476.81 ha only. Accordingly, Ministry vide its letter dated 07-03-2016 directed the Regional Office to inspect the forest and submit Site Inspection Report. The same was conducted by the Regional Office on 06.05.2016 and final Site Inspection Report was submitted to the Ministry vide Regional Office letter dated 02.06.2016. As per the request of the State Government, the Regional Office also recommended diversion of only 1476.81 ha and while recommending stipulated that 100 ha of forest area which is to be excluded from 1576.81 ha shall be demarcated by the State Forest Department as it was not possible to make any suggestion to this effect during the brief field visit.

After examining the proposal, MOEF&CC asked for the certain clarifications from the State Government vide its letter dated 02.08.2016 which inter alia included the issue of forest land of Siracha village also. The State Government in its reply dated 16.06.2017 not only reiterated its request for diversion of 1476.81 ha earlier recommended for diversion but in addition, on the request of the User Agency, further recommended

the diversion of 100 ha of Siracha village also. As per the State Government letter, the revised recommendations were made after it instructed APCCF (Land) to conduct a fresh survey in the area to assess the present situation and the same was done by forest staff of Kutch. **The recommendation was made subject to the following two conditions:**

- (a) The User Agency will be required to pay the five time the NPV for the 100 ha of forest area coming under diversion non-forest use for the project ;
- (b) **While giving regard to the technical layout planning of critically important facilities, the User Agency – unless unavoidable and as far as possible – will try to retain the bigger, mature and old trees of *Acacianilotica*, *Prosopis cineraria*, *Azadirachtaindica*, *Phoenix dactylifa* in 100 ha of forest land in Siracha village which is recommended for diversion under FCA, 1980.**

As per the direction of MOEF&CC, the undersigned inspected the project area on 26.09.2017 with the specific and the only objective of evaluating the recommendation of the State Government of Gujarat to include 100 ha of 394.10 ha of Siracha village into the project after its diversion under Forest Conservation Act, 1980. I was accompanied by Shri U.D. Singh, APCCF (Land), GOG, Shri P.S. Randhava, CCF, Kutch and the senior officers from the User Agency. Based on my field observations during inspection, the discussions held at the time of inspection with User Agency officers as well as officers of State Forest Department, I recommend the consideration of diversion of 394.10 hectares of forest area of Siracha village for the following reasons:

- I. The forest land of Siracha village is adjoining the existing power plant of the User Agency. During field inspection the User Agency representatives informed that the forest land of Siracha village is required for the expansion of the existing power plant which was initially developed keeping in view the future expansion. Therefore, for the expansion of existing power plant, the User Agency has no option for alternative site and its requirement are integral for implementation, operation and expansion of future component. In this connection, the enclosed map may kindly be perused (**pg.1014-1015/c**) .
- II. The Siracha forest land is an isolated patch of forest measuring 394.10 (Map prepared by BISAG enclosed). Though, it is good forest, however, since it is surrounded from all sides by habitation and various kinds of infrastructure it does not, therefore, possess high conservation value. During inspection, I found no major signs of wild life. The last Inspection Report of Regional Office, Bhopal dated 06.05.2016 also under paragraph 19 mentions that during site visit, no significant wild life was seen. With the full development of SEZ, its conservation value would be further undermined. If the CA area is developed contiguous to an existing large forest area with good potential for conservation the loss on account of 394.10 ha of forest area would be adequately compensated.
- III. Generation of power is one of the key requirements for the development of the country. The 3000 MW proposed to be generated, as informed by the User Agency, through the said expansion of adjoining power plant near Siracha, in my well-considered opinion, would be far less detrimental to the overall environment as compared to another standalone thermal power plant established elsewhere to produce same amount of power. The main reason for this is that such a standalone power plant in the hinterland would be supplied huge quantity of required coal transported through railway or road whereas the proposed expanded thermal power plant would be fed coal by a conveyor system (as informed by User Agency during inspection) from Mundraport to the power plant. Secondly the expansion would use the existing sea water facility for cooling and consumptive purpose thus avoiding use of huge quantity of fresh water if the new plant were to come up elsewhere (copy of relevant portion of EC enclosed). Thirdly, the expansion would use the existing infrastructure facilities for evacuation of power.
- IV. The State Government has recommended payment of five times the NPV for the 100 hectares of forest area coming under diversion for non-forest use for the project.

In view of above, it is proposed that the facts of the above proposal may be placed before the FAC in its forthcoming meeting scheduled to be held on 25.01.2018 for its examination and appropriate recommendations.

Agenda No. 4

F. No. 8-115/2000-FC

Sub: Diversion of 19.52 ha of forest land for raising the height of Barvi Dam for submergence and rehabilitation in District Thane of Maharashtra – regarding.

1. The State Govt. of Maharashtra vide their letter no. FLD-1215/CR-292-F-10 dated 15.09.2015 was submitted a proposal for diversion of 19.52 ha of forest land for raising the height of Barvi Dam for submergence and rehabilitation in District Thane of Maharashtra to Regional Office, Nagpur.
2. The stated proposal was considered by the REC in its meeting held on 25.01.2015. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra and representative of the user agency were also present in the said Regional Empowered Committee (REC) meeting. After detailed examination of the proposal and interaction with the Nodal officer (FCA) and representatives of the User Agency, the REC observed as under:
 - i. The Committee noted that project envisages raising the height of Barvi Dam in Thane District in the State of Maharashtra to meet the increased demand of water for industrial and drinking purposes. Project was already completed and in the 3 stages out of which two stages area already completed and in the **3rd Stage of the project, height of dam is proposed to be increased by 7.01 meters i.e. from RL 65.05 meters to 72.06 meters to augment the storage capacity of the reservoir to meet the increased demand of water in the region.**
 - ii. The Committee also noted that Government of India vide its letter no. 8-115/2000-FC dated 19.12.2005 had accorded approval for diversion of 513.66 ha of forest land. However, while submitting the initial proposal for diversion of 513.66 ha of forest land, an area of 14.17 ha of forest land coming into the submergence area of the project comprising of 5.88 ha of recorded forest land and 8.29 ha of restored forest land and additional area of 5.350 ha of forest land proposed for the rehabilitation of 4 villages, was not included in the proposal approved by the Central Government. Hence, the instant proposal for diversion of 19.52 ha of forest land comprising of 14.17 ha of forest land coming into the submergence area and 5.350 ha of forest land proposed for the rehabilitation of 4 villages, has been submitted by the State Government for approval under the Forest (Conservation) Act, 1980.
 - iii. The Committee also noted that during Stage-I a dam height was kept at 62.05 meters with storage capacity of 122.85 meters and during Stage-II a dam height was further increased to 66.05 meters with enhanced storage capacity of reservoir to 178.58 MCM and now during the Stage-III a further increase in the dam height by 7.01 meter has been proposed to increase the storage capacity to 340.48 MCM. **However, the user agency has provided no details or clarification regarding approval of the Central Government, if any obtained, under the Forest (Conservation) Act, 1980 for increasing the dam height from 62.05 to 66.05 meters and corresponding increase in the submergence area.**
 - iv. The Committee also noted that area does not form part of any Protected Area, however, it falls within the 10 km distance i.e. located at a distance of 8.586 Km from the boundary of Bhimashankar Wildlife Sanctuary. The user agency explained the Committee, as a consequence of increasing the dam height the approach road and private agricultural land will be submerged

causing the connectivity problems for the villagers and hence their relocation is necessary. **On being asked by the Committee, about the alternative non-forest sites explored for the rehabilitation, the user agency has informed that they have tried to explore the non-forest sites but due to their distant location, the villagers did not opt for the same. However, the user agency could not produce any document supporting their claim about the exploration of the alternatives for the rehabilitation of the villages.**

- v. The Committee also note that user agency could not make the necessary detail available about forest area as wells as non-forest land/agricultural land of the villager likely to be submerged from the proposed increased height.
 - vi. **The Committee also noted that no detail about the compliance of the conditions stipulated in the Stage –II approval dated 19.12.2005 has been provided by the State Government along with the current proposal.**
 - vii. The Committee also taken note of the recommendation made by the PCCF wherein he has stated that Government of India do not allow diversion of forest land for rehabilitation of people. However, **such diversion may be considered as a special case, if diversion of forest land is essentially required for the rehabilitation of persons belonging to Scheduled Tribe, Scheduled Castes and other people who may have to be shifted form the core zone of a National park or a Reserve, the instant proposal does not qualify the criteria, which calls for special consideration.** The PCCF, advertng to the relevant Guidelines issued by the MoEF&CC, in respect of such cases, has further mentioned that such Guidelines have not been followed in this case and in case the Central Government considers the instant proposal for diversion, the said Guidelines as given under para 2.7 (ii) and 4.5 (i) and (ii) issued under the Forest (Conservation) Act, 1980 need to be relaxed to this extent.
 - viii. The Committee also noted that PCCF in his said recommendation has also mentioned that status of 9.015 ha of forest land indicated as Restored Private Forest is not substantial as the comments of the APCCF (Conservation) are yet to be received and the same will be submitted to the State Government on its receipt. Accordingly, Committee expressed its view that complete legal status of the forest land yet to be communicated by the State Government.
 - ix. The Committee from the further examination of the proposal ascertained that **no environment clearance, as per the provision of the EIA Notification, 2006, has been obtained by the project proponent for increasing the height or enhancing the storage capacity of the reservoir.**
3. In view of the above observations and above mentioned facts and also submission of inadequate information related to the proposal, it was found that the proposal is too immature to be decided by the Committee for making any recommendation for further consideration of the Central Government.
 4. **The Committee also considered the fact that the original proposal was dealt by the Central Government at Delhi and the instant proposal is for the additional requirement of the forest area i.e.**

area proposed for diversions in addition to what was approved by the Central Government in the year 2005 therefore, it will be prudent that current proposal, after attending to the observation of the Committee may be forwarded to the Ministry of Environment Forests & Climate Change- Delhi to take a holistic view on the proposal.

5. It is impetive to mention here that the In-principle approval and final approval for diversion of 513.66 ha of forest land for raising the height of the existing Barvi Dam in Thane district, Maharashtra was granted on 01.05.2001 (Pg. 195-196/c) and 19.12.2005 (pg. 240-241/c) respectively .
6. It is also mentioned that the **Audit vide their Memo No. 41 dated 20.03.2013** in connection with diversion of 513.66 ha of forest land for raising the height of the existing Barvi Dam in Thane district, Maharashtra, observed that MoEF in May 2001 granted in-principle approval and final approval in December 2005 for diversion of 513.66 ha of forest land for raising the height of the existing Barvi Dam in District Thane, Maharashtra as against the recommendations of 256.782 hectares only from PCCF Maharashtra and RCCF, Bhopal on the certain conditions but **MoEF, had not initiated any action towards the recovery of NPV under the project.** The MoEF replied to Audit (pg.253/c) that the final approval was issued in 2006 after the State Government reported compliance regarding all conditions including deposition of monies for CA, CAT and transfer and mutation of non-forest land in favour of State Forest Department. However, the State Government has not recovered the Net Present Value (NPV) for 513.66 ha of forest land so far as per the Hon'ble Supreme Court's order communicated to State Government vide letter No. 5-1/98-FC (Part. I) dated 17/18.09.2003 that NPV shall be charged in all those cases which have been granted for principle approval after 13.10.2002.
7. Accordingly, as per the reply given to Audit and in view of the Hon'ble Supreme Court's order, the State Government was directed vide this Ministry's letter dated 9th May, 2013 to recover NPV from the project proponent immediately and deposit in Adhoc CAMPA . But no response in this regard is received from State Govt.
8. After examination of the above facts of this proposal and recommendation of REC in the FC Division of this Ministry, the State Govt. vide this Ministry's letter dated 09.03.2017(Pg.1118/c) was requested to submit their reply on the several observations. Now the Addl. Principal Chief Conservator of Forest of Maharashtra Nagpur vide his letter no. Desk-17/NC/II/ID.12398/(58)/2227/2017-18 dated 14.12.2017 (Pg. 1119-1189/c) in response to this Ministry's letter dated 09.03.2017 (pg. 1118/c) forwarding their response in connection with diversion for 19.52 ha of forest land for raising the height of Barvi Dam for submergence and rehabilitation in District Thane of Maharashtra. The poin-wise information as sought are as under;-

S. No.	Observations	Compliance
i.	<p>Observation(i): The para-wise comments on the observation made by REC may be given. The minutes of REC are available on the website of this Ministry: www.forestclearance.nic.in.</p> <p>Reply of State Govt.:The State Govt. stated that the user agency has submitted the para wise comments on the observation made by REC were submitted vide letter No. EE/D26570 dt. 26.09.2016(Pg.1125-1128/c).The point-wise detail are as under:</p>	

Sr. No .	REC Observation	Reply
1.	The committee noted that project envisages raising the height of Barvi Dam in Thane District in the State of Maharashtra to meet the increased demand of water for industrial and drinking purposes. Project was proposed to be implemented in 3 stages are already completed and in the 3 rd Stage of the project, height of dam proposed to be increased by 7.01 meters i.e. from RL 65.05 m to 72.06 m to augment the stoerage capacity of the reservoir to meet the increased demand of water in the region.	No Comments
2.	The committee also noted that Government of India vide its letter no. 8-115/2000-FC dated 19.12.2005 (pg. 240-241/c) had accorded approval for diversion of 513.66 ha of forest and coming into the submergence area of the project comprising of 5.88 ha of recorded forest land and 8.29 ha of restored forest land and additional area of 5.350 ha of forest land proposed for the rehabilitation of 4villages, was not included in the proposal approval by the Central Government. Hence, the instant proposal for diversion of 19.52 ha of forest land comprising of 14.17 ha of forest land coming into the submergence area and 5.350 ha of forest land proposed for the rehabilitation of 4 villages, has been submitted by the State Government for approval under the Forest (Conservation) Act 1980.	No Comments
3.	However, the user agency has provided no details or clarification regarding approval of the Central government, if any obtained, under the Forest (Conservation) Act, 1980 for increasing the dam height from 62.05 to 66.05 meters and corresponding increase in the submergence area.	The project was started in 1968 and was commissioned in 1976 with 62.05 m above MSL and top of the non over flow section was at 68.60 m above MSL. Land up to a level of 68.60 m was acquired before Forest (Conservation) Act 1980 existed in 1980. The Central Government granted the permission for Diversion of 513.66 ha of forest land for height of the existing Barvi Dam vide letter dt. 15.12.2005. Up to raising height 72.60 m of 3 rd stage, the 3 rd stage has been not completed yet due to remaining of the diversion of the private forest land 19.52 h for which the additional proposal is submitted.

	<p>4. However, the user agency could not produce any document supporting their claim about the exploration of the alternative for the rehabilitation of the villages.</p>	<p>As the three sites of the village Kolevadakhal, Tal- Murbad, Dist. Thane, Maharashtra will be surrounding by the back water of the dam, due to which their approach road will be submerged in water and the village will be isolated, and they can not reached their agricultural land during monsoon. Hence, they need to shift and rehabilitate near their agricultural land.</p> <p>The exploration took place for the require land. The surrounding of the village is mostly of forest land or private forest land. Hence, the proposed piece of private land was acquired land by MIDC in year 2001 however, the section 35 has been applied to this land in the year 2003. As there is no such land private owner of required quantum near by the village, there is no another option to rehabilitate the villagers at near by place. Hence, the said location plot has been incorporated in this diversion proposal and same may be considered.</p>
	<p>5. The committee also note that user agency could not make the necessary detail available about forest area as well as non-forest land/agricultural land of the villagers likely to be submerged from the proposed increased height.</p>	<p>The detailed map and breakup of land of the submergence of forest land as well as non – forest land and agricultural land of the villagers which is likely to be submerged from the proposed increased height is submitted herewith for information.</p>
	<p>6. The committee also noted that no detail about the compliance of the conditions stipulated in the Stage-II approval dated 19.12.2005 has been provided by the State Government along with the current proposal.</p>	<p>The compliance of the conditions stipulated in the Stage-II approval dated 19.12.2005 already been done by the MIDC. Accordingly, the MIDC has paid NPV charges amounting to Rs. 4175.15 lakhs to forest department as well as the necessary alternative Forest land in lieu of submergence land of 513.666 Ha land is given to forest Department as follow: - Lote Parshuram, Dist. – Ratnagiri: - 113.168 Ha, Nandgaon PethIndl. Area, dist. Amravati- 285.04 Ha. Mahad- 116.14 ha</p> <p>In addition to this MIDC has also paid the total amount of Rs. 1,23,54,490/- for deforestation under submergence land and alternative forestation amounting to Rs. 299.29 Lakhs and catchment area treatment amounting to Rs. 472.03 Lakhs.</p> <p>The concern forest officials have accepted the possession of above land and same can be verified from their office records.</p>
	<p>7. Central Government considers the instant proposal for diversion, the said Guidelines as given under para2.7(ii) and 4.5 (i) and (ii) issued under the forest (Conservation) Act, 1980 need to be relaxed to this extent.</p>	<p>Since there is no alternative arrangement for rehabilitating of the village Kolevadakhal in nearby area and the land was acquired by MIDC for the same purpose before declaring it as private forest in 2003, it is requested to relax the guidelines issued under para 2.7(ii) and 4.5 (i) and (ii) of the Forest (Conservation) Act, 1980.</p>

	<p>8. Status of 9.015 ha of forest land indicated as Restored Private Forest is not substantial as the comments of the APCCF are yet to be received and the same will be submitted to the State Government on its receipt. Accordingly, Committee expressed its view that complete legal status of the forest land yet to be communicated by the State Government.</p>	<p>The details of status of 9.015 ha forest land indicated as Restored Private Forest may be obtained from Forest Department.</p>
	<p>9. The committee from the further examination of the proposal ascertained that no environment clearance, as per the provision of the ELA Notification, 2006 has been obtained by the project proponent for increasing the height or enhancing the storage capacity of the reservoir.</p>	<p>Clearance of the Ministry of Environment and Forests of Govt. of India is not required for this project vide letter no. J-12011/12/96-IA-I DT. 09.12.1996 (pg.1177/c). As per the provision of EIA Notification 2006 guidelines the Environmental clearance is not needed in this particular subjected proposal for increasing the height of dam and enhancing the storage of the reservoir (pg.1178-1188/c).</p>
ii.	<p>The State Government was requested vide this Ministry's letter of even number dated 09.05.2013 to recover NPV from the project proponent immediately towards diversion of 513.66 ha of forest land for raising the height of Barvi Dam in Thane District, Maharashtra and the same may be deposited in Adhoc CAMPA. But no record is available in file whether the admissible NPV was deposited in Adhoc CAMPA.</p>	<p>In this regard, The State Govt. informed that the user agency has deposited the amount of NPV i.e. Rs. 41,24,73,798/- vide cheque No. 757704 dt. 17.09.2009 drawn on "Bank of Maharashtra, Ambernath (E) and transferred in favour of "Ad-hoc body of CAMPA CA – 1575, Maharashtra", through RTGS No CORP 0000371 on account No 01001575 of Corporation Bank Block No II CGO Complex, phase-I Lodhi Road, New delhi-3. A copy of bank statement is given (Pg.1169-1170/c).</p>
iii.	<p>Details with documentary evidences for alternative sites explored by the State Government for rehabilitation purpose.</p>	<p>The State Govt. forwarded the comments of user agency which are as under:- The main businesses of the villagers of Kolevadkhal are farming. They do not want to shift away from their farms as it is not possible for them to do their day by day routine work by living away from the farms. Therefore villagers are insisting to rehabilitate them to their original village. Accordingly, the exploration took place for the required land. The surrounding of the village is mostly of forest land of private forest land. Hence, the proposed piece of private land was acquired by MIDC in year 2001. However, the section 35 has been applied to this land in Year 2003. As there is not such land of private owner of required quantum near by the village, there is no other option to rehabilitate the villagers at nearby place. Hence, the said location plot has been incorporated in this diversion proposal and same may be considered as a special case.</p>
iv.	<p>It may be clarified whether the conditions stipulated in Stage-II approval for diversion of 513.66 ha of forest land dated 19.12.2005 have been complied by the user agency.</p>	<p>The State Govt. informed that the user agency has submitted the compliance report of the conditions stipulated in Stage –II approval for diversion of 513.66 ha forest land. The same may kindly be seen at pg.1171-1172/c.</p>
v.	<p>Status of Environment Clearance is not given.</p>	<p>The State Govt. informed that the user agency has submitted that GOI MoEF, vide letter no. J-</p>

		12011/12/96/IA/I dt. 09.12.1996 (pg.1177/c). intimated that this project do not require Environment Clearance. As per notification of MoEF dt. 14.09.2006 this project does not fall under the Scheduled project hence do not required Environment clearance. Copy of said letter is enclosed (pg.1178--1188/c).
vi.	Status of Forest (Conservation) Act, 1980 approval to increase the height of Dam from 62.05 to 66.05 may be provided.	The State Govt. stated that the user agency has submitted that the Project was started in 1968 and was commissioned in 1976 with 62.05 m above MSL and top of the non over flow section was at 68.60 m above MSL.Land up to a level of 68.60 m was acquired by MIDC before enactment of Forest (Conservation) Act 1980. The Central Government granted the permission for diversion of 513.66 ha of forest land for raising height of the existing Barvi Dam vide letter dt. 15.12.2005. Raising of height up to 72.60 m under IIIrd stage has been not completed yet because diversion of remaining private forest land 19.52 Ha is pending and for which the additional proposal has submitted.
vii.	A CD containing Digital maps (Differential GPS) in shape file / KML file of the forest land approved earlier for diversion of 513.66 ha of forest land on 19.12.2005 and Compensatory Afforestation done in lieu of earlier diversion. In addition, the shape file / KML file of the forest land proposed now for diversion and Compensatory Afforestation site identified towards proposed diversion of 19.52 ha of forest land may be given.	The user Agency has submitted the CD of KML/ shape file of the forest land approved earlier for diversion of 513.66 ha and for this proposal 19.52 ha is enclosed .

In view of the above, the facts of the proposal may be placed before FAC in its forthcoming meeting to be held on 25.01.2018 for consideration and appropriate recommendation.

Agenda No. 5

F. No. 8-51/2017-FC

Subject: Diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of West Bengal State Electricity Distribution Company Limited (WBSEDCL) in Ajodya Hills under Purulia Forest Division.

The State Government of West Bengal vide their letter No. 3340-For/O/L/10T-12/2017 dated 18.09.2017 submitted a proposal for diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of West Bengal State Electricity Distribution Company Limited (WBSEDCL) in Ajodya Hills under Purulia Forest Division, Purulia Dist. West Bengal.

2. The facts related to the proposal as contained in the State Government's letter dated 18.09.2017 are given below in the form of fact sheet:

FACT SHEET

1.	Name of the Proposal	Diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of WBSEDCL in Ajodya Hills under Purulia Forest Division, Purulia Dist. West Bengal.
2.	Location (i) State (ii) District	West Bengal Purulia
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal Status of Forest land (iii) Density of Vegetation (iv) Map	Purulia Forest Division, 234.00 ha Protected Forest Density : 0.3 Eco class : III SOI Toposheet - Pg-16/c
4.	Brief note on Vulnerability of the forest area to erosion	Least vulnerable.
5.	Species-wise (scientific names and diameter class-wise enumeration of trees (to be enclosed. In case of irrigation / hydel Projects enumeration at FRL, & FRL-4 meter also to be enclosed.	Species-wise (scientific names and diameter class-wise enumeration of trees are given and placed in file at Pg. 100-103/c). 6816 trees are enumerated in the proposal.
6.	Approximate distance of proposed site for diversion from boundary of forest.	0.00
7.	Details of wildlife present in an around the forest land proposed for diversion.	Elephant, Hyena, Wulf, Jackal, Bengal Fox etc.
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.	Yes (Elephant corridor). A herd of 14 Nos. wild elephant occasionally migrate through the forest area from Ajodhya hill forest to Jharkhand. However care has to be taken to avoid accidents of electrocution as elephants keep moving in the area.
9.	Whether any RET species of flora and fauna are found in the area. If so details thereof	Yes.
10.	Whether the forest land proposed for lease is located within eco-sensitive zone (ESZ) of the protected notified under wildlife	No

	(Protection) Act, 1972-Yes/NO If Yes then give details.	
11.	Whether any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. is located within 1 Km. from boundary of the forest land proposed for diversion. details and comments on the impact of project on such areas.	Yes, This project area lies near Migrating route of elephants.
12.	Whether any protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.	No
13.	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
14.	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
15.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 .	The certificate on FRA has been given and placed in file at pg. (Pg-23-35/c) . However certificate is not given in the prescribed format.
16.	Period of diversion sought	Nil
17.	Employment to be generated i). Whether the Project is likely to generate employment? (ii). Permanent/Regular Employment(Number of persons): (iii). Temporary Employment(Number of person-days):	Yes 169 18,90,000
18.	Whether clearance under the Environment (protection) Act, 1986 is required?	Not detail herewith.
19.	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 CA scheme as given may kindly be seen at pg. 84-86/c .

	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining forest boundaries.	<p>In a letter dated 23.05.2017 (pg. 95/c) addressed to CCF Northern Circle, West Bengal, it is mentioned that the joint inspection was under taken on 13.04.2017 and the observation and inference are given below.</p> <p>a) The land is in riverine area along Tista River bed, and is conducive for riverine species like Khair etc. However, the plantation can only be done on the Northern side. The western side is suitable for only grassland. Hence the western part can be developed into a habitat for herbivorous species.</p> <p>b) The access is very difficult owing to the tributaries; therefore the regeneration cost will be very high.</p> <p>c) As such the area is a major part of Elephant corridor from Apalchand to Mahananda Wildlife Sanctuary.</p> <p>d) There exist some sign of encroachment, which is to be taken care of.</p> <p>In accordance with the aforementioned facts, the matter associated with the land, afforestation may be taken up there will some additional input and protection measure.</p> <p>It is further observed that DFO Kangaswati, South Division, Purulia vide his letter dated 18.08.2015 (pg. 38/c), DFO, Kangaswati, North Division, Purulia vide his letter dated 11.09.2015 (pg. 39/c), and DFO Baikunthapur Division, Siliguri vide his letter dated 05.06.2017 have given suitability certificate for CA. the details are as under:</p> <table border="1" data-bbox="826 1330 1474 1816"> <thead> <tr> <th>Sl. No.</th> <th>District</th> <th>Block/R ange</th> <th>Mouza</th> <th>Area on Acres</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Purulia</td> <td>Manbazar-I & II</td> <td>Durku, Kelyardi, Dhanda</td> <td>45.25</td> </tr> <tr> <td>2.</td> <td>Purulia</td> <td>Punc ha</td> <td>Kuchung, Dhabani & Hariharpur</td> <td>55.90</td> </tr> <tr> <td>3.</td> <td>Purulia</td> <td>Hura</td> <td>Mangura Lalpur, Saharjuri, Madhabpur, Tilaboni</td> <td>84.42</td> </tr> <tr> <td>4.</td> <td>Jalpaigu ri</td> <td>Mal</td> <td>Targhera</td> <td>392.65</td> </tr> <tr> <td colspan="4" style="text-align: center;">Total</td> <td>578.22 or 234 ha</td> </tr> </tbody> </table>	Sl. No.	District	Block/R ange	Mouza	Area on Acres	1.	Purulia	Manbazar-I & II	Durku, Kelyardi, Dhanda	45.25	2.	Purulia	Punc ha	Kuchung, Dhabani & Hariharpur	55.90	3.	Purulia	Hura	Mangura Lalpur, Saharjuri, Madhabpur, Tilaboni	84.42	4.	Jalpaigu ri	Mal	Targhera	392.65	Total				578.22 or 234 ha
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	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.																															
	(iv) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.																															
	(v) Total financial outlay for CA	Rs. 4,18,02,606.00 (pg. 82/c)																														
20.	Catchment Area Treatment	A copy of CAT plan is given and placed in file at pg. (PG. 58-75/c). But it is not clear whether the CAT																														

		plan has been approved by the competent authority.
21.	Rehabilitation of Oustees a) No of families involved b) Category of families c) Details of rehabilitation plan	No No No
22.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	<u>DM, Purulia District, West Bengal has initiated the process of Settlements of Rights under FRA, 2006. DM has assured that all other formalities will be completed before the final approval of the diversion proposal.(Pg-23/c).</u>
23.	Cost Benefit Ratio	Not given
24.	Total Cost of the Project	Rs. 465069 lakhs
25.	Specific recommendation of DFO for acceptance or otherwise of the proposal.	The area is the barest minimum required for the project. It does not form part of any protected area. There is no protected archaeological/heritage site defence establishment or any other important monument is located in the area. No work in violation of the act has been carried out by the User Agency in the area proposed for diversion. Therefore, it is recommended that 234 ha of Forest land may be diverted in the favour of the applicant for use in non-forestry purpose.
26.	Recommendation i. DFO ii. CCF iii. APCCF &Nodal Officer iv SG	Recommended (pg- 81-91/c) Recommendation (pg-96-97/c) Recommended (pg-98) Recommended (pg-98)
27.	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 (Forest land) a. Forest land including penal CA b. Non Forest Land (v) Progress of Compensatory Afforestation a. Forest land b. Non Forest land	625900 ha. 115226 ha. 413.216 ha. (no. Of cases = 8) 28 Ha. - 38.81 ha. (as on date) 28.00 ha 10.81 ha.

3. **Site Inspection Report:** The Site Inspection Report (SIR) for this proposal was carried out by Sh. Suman Mohapatra, CF, Regional Office, Bhubaneswar. The report (Pg.269-301/c) is reproduced below:

- i. **Legal status of the forest land proposed for diversion. :** The legal status of the forest land is “Protected Forests”.
- ii. **Item-wise breakup details of the forest land proposed for diversion. :** The item-wise breakup details, as submitted by the State Govt. ,are as follows:

Sl.	Purpose/Component	Forest Land (in ha)	Non-forest land (in ha)	Total land (in ha)
1.	Submergence Area (Lower & Upper Reservoir)	112.669	33.689	146.358
2.	Civil structures	10.239	0.000	10.239
3.	Construction facilities	18.387	0.000	18.387
4.	Stockpile, Processing & Disposal area	22.654	0.000	22.654
5.	Project Roads (Permanent and Temporary)	22.124	0.000	22.124
6.	Rock Quarry Area	21.300	0.000	21.300
7.	Other Project Components	8.537	0.000	8.537
8.	Borrow Area	18.090	24.311	42.401
Total		234.000	58.000	292.000

It was observed during presentation and subsequent site inspection that **5.356 ha of additional forest land is required to be diverted against proposed underground constructions and 0.969 ha under reconstruction work totalling to 6.325 ha.** However, the user agency has taken up 6.908 ha forest land for diversion in the current project under the component Rock quarry area of 21.300 ha, which has already been diverted under Purulia Pumped Storage project of the same user agency. Hence, the total forest land required for diversion is $234.0 + 6.325 - 6.908 \text{ ha} = 233.417 \text{ ha}$ which is a little less than the forest land proposed for diversion.

The copy of modified item-wise breakup, submitted by the user agency is enclosed as **Annexure-V (pg. 298-301/c).**

- iii. **Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:** As reported at Point No. 2 above.
- iv. **Total cost of the project at present rates:** As reported by the user agency, the total estimated cost of the project is Rs. 4,65,069 Lakhs.
- v. **Wildlife:** As reported by DFO, Purulia division, the wildlife noticed in and around the area are Elephant, Hyena, Wolf, Jackal, Bengal Fox etc.
Whether forest proposed for diversion is important from wildlife point of view or not: It is reported by DFO, Purulia division that a herd of 14 nos. of wild elephants occasionally migrates through the forest area from Ajodhya hill forest to Jharkhand. However, care has to be taken to avoid accidents of electrocution as elephants keep moving in the area.
- vi. **Vegetation:**
As reported by DEO, Purulia division, the density of vegetation is 0.3 (Eco-class-3). This has been verified during site inspection.
 - a) **Total number of trees to be felled.** As reported by DFO, Purulia division, the total no. of trees enumerated is 6816.

Effect of removal of trees on the general ecosystem in the area: As the number of trees to be felled is not very large compared to the proposed area, the effect on the general eco-system may not be significant.

- b) Important species:** The species available in the proposed area are *Sidha (L. Parviflora)*, *Bhela (S. Pusanacardium)*, *Dha (A. Latifolia)*, *Sal (Shorea robusta)*, *Haritaki (Terminalia chebula)*, *Karam (H. cordifoliay)*, *Satso (D. Latifolia)*, *Piyal (Buchanania lanzan)*, *Kendu (Diospyros melanaxylon)*, *Palash (Butea monosperma)*, *Kusum (Schleichera oleosa)*, *Sirish (Albizia lebbeck)*, *Bahera (Terminalia bellirica)*, *Segun(Tectona grandin)*, *Neem (Azadirachta indica)*, *Arjun (Terminalia arjuna)*, *Gamhar (Gmelina arborea)*, *Doka (Isoberlinia doka)* *Asan (Terminalia tomentosa)*, *Karanja (Pongamia pinnata)* and other miscellaneous species.

Number of trees of girth below 60 cm.:The no. Of trees of girth below 60 cm are 3645.

Numbers of trees of girth above 60 cm.:The no. Of trees of girth above 60 cm are 3171.

- vii. Background note of the proposal:** Initially four pumped storage schemes were identified by Central Electricity Authority (CEA) in the Ayodhya Hills of Purulia District, West Bengal. These are:
1. Purulia Pumped Storage Scheme
 2. Turga Pumped Storage Scheme
 3. Kathlajal Pumped Storage
 4. Bandhu Pumped Storage Scheme

Studies were conducted in 1978-79 by Geological Survey of India (GSI) and WBSEB on these schemes.

The forest land required for the first scheme named Purulia Pumped Storage Project (4 x 225 MW) on Kistobazar Nala has already been diverted in three phases, the final phase was granted on 28.01.2003 and the project is now in operation since 2007-08.

Tunga Pumped Storage scheme is the second Pumped Storage Scheme being taken up by WBSEDCL. The said Turga project with capacity of 1000 MW is located at Baghmundi in Purulia district. The other two are yet to be taken up.

viii. Compensatory afforestation:

The land identified for compensatory afforestation is as follows:

Sl. No.	District	Block/Range	Mouza	Area on Acres
1.	Purulia	Manbazar-I & II	Durku, Kelyardi, Dhanda	45.25
2.	Purulia	Puncha	Kuchung, Dhabani & Hariharpur	55.90
3.	Purulia	Hura	Mangura Lalpur, Saharjuri, Madhabpur, Tilaboni	84.42
4.	Jalpaiguri	Mal	Targhera	392.65
Total				578.22 or 234 ha

- a) **Whether land for compensatory afforestation is suitable from plantation and management point of view of not:** The DFOs, Baikunthapur, Kangsabati North & South forest divisions have reported that the proposed land earmarked for C.A. has been found suitable for compensatory afforestation.
- b) **Whether land for compensatory afforestation is free from encroachment/ other encumbrances:** The DFOs, Baikunthapur, Kangsabati North & South forest divisions have reported that the proposed land earmarked for C.A. is free all encumbrances.
- c) **Whether land for compensatory afforestation is important from Religious / Archaeological point of view:** Not reported.

- d) **Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not:** 12 nos. of patches have been identified for raising compensatory afforestation, the largest being in Jalpaiguri district.
- e) **Map with details:** Submitted.
- f) **Total financial outlay:** As reported by DFO, Purulia division, the total financial outlay for C.A. is Rs. 4,18,02,606/-.
- ix. **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:** As reported by EFO, Purulia Division, on violation of Forest (Conservation) Act, 1980 has been committed by the user agency.
- x. **Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not:** As reported by the user agency, the project does not involve any displacement.
- xi. **Reclamation plan:** Not application.
Details and financial allocation: Not applicable.
- xii. **Details on catchment and command area under the project:** A copy of CAT plan is enclosed as Annexure-IV (pg. 280-297/c). The total catchment area is 1266 ha.

Catchment area treatment plan to prevent siltation of reservoir: As reported in point No. 12 above.

- xiii. **Cost benefit ratio:** Not applicable.
- xiv. **Recommendations of the Principal Chief Conservator of Forest/State Government:** Recommended by PCCF, W.B./State Government.
- xv. **Recommendations of Additional Principal Chief Conservator of Forests (Central) along with detailed reasons:** The instant proposal is for diversion of 234.000 ha of forest land for construction of 1000 MW Turga Pumped Storage project of WBSEDCL in Purulia Forest Division. On perusal of the records and the site inspection report of the Conservator of Forests (Central), it is observed that:
- The pump storage project will generate electricity by reusing water available in the stream and also by enhancing storage capacity of the reservoir without any perceptible adverse impact on the surrounding. The energy required for pumping shall also be met from the surplus power available in the grid during non-peak hours and improving the power scarcity during peak hours, which perhaps makes this project proposal outstanding.
 - Since water is a precious resource, the user agency may take some measures for creation of water conservation/ harvesting structures so that the water to be released for use of communities and agriculture, down streams, is not affected.
 - The user agency should also address the stone quarry within the leased area. After extraction of stones the quarry should be reclaimed with soil and should be vegetated; thereby developing the mined out land into an ecotourism spot enhancing the ecology & aesthetics of the site. The User agency may also fence the quarry prior to reclamation to check possible casualty of wildlife due to accidental fall.
 - The user agency is to take precaution not to dump the debris generated from the underground construction works in the forest area and these shall be disposed of conforming to environmental standards.

With the above observations along with the site inspection report of CF (Central), this proposal for diversion of 234.000 ha of forest land for construction of 1000 MW Turga Pumped Storage project of WBSEDCL in Ajodhya Hills under Purulia Forest Division is forwarded with **recommendation for consideration**.

- xvi. **Conservator of Forests (Central) shall give detailed comments on whether there are any alternative routes/alignment for locating the project on the non-forest land:** The project is suitable for the terrain from the technical point of view.
 - xvii. **Utility of the project:** The project is likely to generate permanent/regular employment for 169 persons and temporary employment for 1890000 persons.
 - xviii. **Numbers of Scheduled Caste/Scheduled Tribes to be benefited by the project:**” Not reported.
 - a) **Whether land being diverted has any socio-cultural/religious value:** Not reported.
 - b) **Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion:** Not reported.
 - c) **Whether the land under diversion forms part of any unique ecosystem:** Not reported.
 - xix. **Situation with respect to any Protected Area:** The project area is at an approximate distance of 130 kms from Dalma WL Sanctuary, the nearest protected area.
 - xx. **Any other information relating to the project:**
 - i) Topo-sheet and Geo-reference map of forest land proposed to be diverted are enclosed as Annexure-I&II(pg. 277-278/c).
 - ii) FRA certificate issued by District Magistrate, Purulia is enclosed as Annexure-III (pg. 279/c).
 - iii) Since some additional forest lands are required to be diverted for dismantling the irrigation dam, pillars have to be posted there with proper demarcation.
 - iv) The quarry from which the rocks will be extracted for construction works needs to be reclaimed after the work is over. Extreme caution has to be taken to guard the boundary of all the quarries before reclamation in order to avoid any accidental fall of animals and human beings.
4. the Shape file as given for forest land proposed for diversion and sites for CA has been analyzed by DSS Cell and their report may kindly be seen at F/X. the major observation are :
- i. Forest land proposed for diversion falls under Puruliya district of West Bengal State and calculated area of forest land proposed for diversion is found 233.05 Ha. Out of total forest area proposed for diversion, 5 Ha. of land having Very Dense Forest, 81 ha. of land having the canopy density of Moderately dense forest, 104 ha. of land as Open forest, and 35 ha. of land as Non Forest in terms of forest classes (as per the ISFR 2015) based on the interpretation of satellite data period 2013-2014.
 - ii. **Compensatory Afforestation:** CA land has been given in 12 patches, which are dispersed in Puruliya & Jalpaiguri districts of West Bengal State. Based on DSS, Out of 12 patches proposed for CA, **6 CA Patches having the Legal status as Forest land** (See Table No. 2). **As depicted through High Resolution Satellite Imagery, one CA patch Targhera, Mal Block under Jalpaiguri District, having an area of 159 Ha is proposed on River Flood plain which comprises 67% portion of total CA land (234 Ha. Total CA land).**

In view of above, it is proposed that the facts of the above proposal may be placed before the FAC in its forthcoming meeting scheduled to be held on 25.01.2018 for its examination and appropriate recommendations.

Agenda No. 6

F. No. 8-115/1995-FC (Vol.)

Sub: Diversion of 36.98 ha reserved Forest land in favour of western Coal field Ltd. (WCL), Chandrapur area for Hindusthan Lalpeth (Expansion) Opencast Project at Reserved Forest Compartment No. 485 in Chandrapur Forest Division under Section 2 of the Forest (Conservation) Act, 1980 in Chandrapur District in the State of Maharashtra.

1. The above subject proposal was sent by the State Govt. vide their letter no. FLD-3615/CR-294/F-10 dated 24.03.2017. Facts related to the proposal as contained in the State Government's letter dated 24.03.2017 is summarized below in form of a factsheet:

FACT SHEET

1.	Name of the Proposal	Diversion of 36.98 ha Reserved Forest land in favour of Western Coalfields Ltd. (WCL), Chandrapur area for Hindusthan Lalpeth (Expansion) Opencast Project at Reserved Forest Compartment No. 485 in Chandrapur Forest Division under Section 2 of the Forest (Conservation) Act, 1980 in Chandrapur District in the State of Maharashtra.
2.	Location (i) State (ii) District	Maharashtra Chandrapur
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy. No. (iii) Map	Chandrapur Forest Division 36.98 ha Reserve Forest Enclosed (Pg. 71-75/c).
4.	Topography of the area	-
5.	(i) Geology (ii) Vulnerability to erosion	- Not Applicable
6.	(i) Vegetation of density (ii) No. of trees to be felled	Eco-class III (open forest) 0.1 density 79 trees felling is involved
7.	Species-wise (Scientific names) and diameter class-wise enumeration of trees in unbroken area.	Total number of trees which are coming under the proposal has been submitted by DFO Chandrapur and the same can be seen from pg.181/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	No
9.	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	No

	officials. Whether work in violation is still in progress.	
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.	Yes the barest minimum land is proposed for the project
11.	Approximate distance of the proposed site for diversion from boundary of forest.	DFO Chandrapur has mentioned in part-II that the distance of the proposed site for diversion from boundary of Forest is 0.00 KM.
12.	Total cost of project	Rs. 68.53 Crores
13.	Cost benefit analysis	Cost benefit analysis is given but not on revised guidelines of this Ministry (pg. 85/c).
14.	Compensatory Afforestation	Compensatory afforestation has been proposed over equivalent non-forest land.
	(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 has been proposed over an area of 25.00 ha. in Comptt. No. 13 in Warora Range, Warora Taluka, Chandrapur District, 23.96 ha in Comptt. No. 518 in Chandrapur range, Chandrapur Taluka & District and 25.00 ha. in compt. No. 1534 in Savali Range, Talika Savali, Chandrapur District by DFO Chandrapur Forest Division.
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining Forest boundaries.	Land identified for CA has been submitted and the same can be seen from pg. 211-215/c
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	Detailed CA scheme for 7 years has been submitted and the same can be seen from pg. 217-233. CA scheme has been provided for 73.96 ha whereas in abstract total amount has been mentioned for 77.74 ha (pg. 235/c)
	(iv) Total financial outlay for CA	Rs. 4,51,78,725.47/- (Pg.235/c)
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	Certificate from Divisional Forest Officer, Chandrapur in this regard has been submitted (pg. 209)
15.	Employment to be generated	User Agency has mentioned in Part-1 that Permanent employment of 594 No's will be generated as on 01.04.2014 and additional employment potential will be available by way of growth of ancillary industries.
16.	Compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	The user agency has not given FRA compliance.
17.	Recommendation i. DFO, Site inspection Report	Recommended (pg. 171-173/c) Site inspection report is given by DFO Chandrapur (pg. 175/c)

	ii. CCF	Recommended (pg. 243/c) with specific recommendation of CCF as below : i. Project authority should deposit Rs. 50.00 Lakh for wild life Mitigation purpose. ii. Any other condition deemed necessary may be imposed on the project agency time to time.
	iii. PCCF/Nodal Officer	Recommended (pg. 157/c) with specific recommendations of PCCF (Pg. 167-169/c).
	iv SG	Recommended (pg. 159/c)
18.	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 (Forest land) Forest land including penal CA: Non –Forest land: (v) Progress of CA as on 30.06.2014 Forest land Non-Forest land	3242.50 Sq. Km 620.35 Sq. Km, 240.63 sq. m with FDCM The total forest area diverted sine 1980 is 1568.57 ha (25 cases) 695.37 ha 123.10 ha 695.37 ha 123.10 ha

2. The proposal has been recommendation by PCCF subject to following specific conditions:

- i.** The legal status of the land required will remain unchanged.
- ii.** Compensatory afforestation will be raised the cost of User Agency on degraded forest land (73.96 ha) of a) -Area 25.00 ha in Comptt. No. 13 in Warora range, Warora taluka, Chandrapur district, b) Area 23.96 ha in Comptt. No. 518 in Chandrapur range, Chandrapur taluk and district, c) Area 25.00 ha in Comptt. 1534 in Saoli range, Saoli taluk, Chandrapur district.
- iii.** The Agency will pay the cost of survey, demarcation and erection of the permanent pillars on the compensatory afforestation land project land made available by the Agency.
- iv.** Construction of temporary dwelling / hutments etc. for labors will not be allowed in the forest areas.
- v.** Adequate precautions shall be taken to safeguard the adjoining areas from explosives and it shall not be stored in the forest area.
- vi.** The User Agency will dump the overburden on the revenue land or on adjacent private land owned by agency as per their undertaking and forest land will not be used for dumping.
- vii.** Ministry of the Mines and Minerals (Development & Regulation) Amendment Ordinance, 2015 promulgated by the Central Government on 12th January 2015 and informed that as per the Ordinance, there would be not renewal of any Mining Leases in future. All Mining Leases to be granted in future

would have tenure of 50 years vide Ministry of Environment, Forests and Climate Change, Government of India letter No. F. NO. 11-51/2015-FC dated 01.04.2015.

- viii. **The user Agency shall pay Rs. 50 Lakhs for Wildlife Mitigation purpose as per the recommendation of Chief Conservator of Forests (Territorial) Chandrapur, plan for which will be approved by Principal Chief Conservator of Forests (Wildlife) Maharashtra State, Nagpur.**
 - ix. The User Agency will defray the additional / revised cost of Net Present Value of Forest land as per the latest Guideline of Government of India.
 - x. A safety zone of 7.5 meter will be maintained around mining lease site. Fencing, protection and regeneration of the safety zone are (7.5 meter strip all along the outer boundary of the mining lease area) where feasible, shall be done at the project cost.
 - xi. The user agency shall ensure demarcation of boundary of safety zone and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPs co-ordinate and deploying adequate number of watchers under the supervision of the State Forest Department.
 - xii. In case of mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation/roads be properly fenced by the user agency at the project cost to protect the vegetation/ regeneration activities in the safety zone.
 - xiii. Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the user agency at the project cost under supervision of the Forest Department.
 - xiv. Afforestation on degraded forest land, to be selected elsewhere, measuring one and a half time the area of forest land under safety zone shall also be at the project cost under the supervision of the State Forest Department.
 - xv. The user agency will defray the cost of Net Present value of 36.98 ha of forest land as per the latest guideline of Government of India.
 - xvi. **The user agency shall submit the compliance of the schedule Tribes and other traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 in format prescribed by Government of India vide letter dt. 05.07.2013 before final approval.**
 - xvii. The area will be reclaimed as per approved Mining Plan and handed over back to the Forest Department.
 - xviii. All extraction works will be done as per mining plan approved by the Government of India.
 - xix. **Rehabilitation shall be done as per the approved rehabilitation action plan prepared by CMPDI, Nagpur.**
 - xx. **The user agency will defray the cost of removal of 79 trees in the proposed area. However, minimum number of trees will be felled.**
 - xxi. The Forest area will be reclaimed during the currency of lease, and the area will be handed over to the Forest Department periodically.
 - xxii. All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the User Agency.
3. The above mentioned **proposal** was placed before **FAC in its meeting held on 30.08.2017** and after thorough deliberation and discussion with the user agency, the representative of State Government and Regional Office, **observed the following:**
- a. State Government shall submit detail Cost benefit analysis taking into account the benefit to be accrued and environmental cost incurred from extraction of additional coal if the user agency continue to carry underground mining and this analysis shall be compared to similar analysis if user agency go with the proposed proposal of open cast mining. Both the analysis shall be done as per the latest guidelines of MoEF&CC issued on 1.8.2017.
 - b. State Government shall submit CA scheme for 10 years.

4. Now the Nodal Officer (FCA), Government of Maharashtra vide their letter No. Desk-17/NC/RS-1/I.D-12402/2083/17-18 dated 30.11.2017 (pg.259-291/c) has submitted their reply. The information sought by MoEF & CC and reply thereof given by the State Government are as below:

S. N.	Points	Compliance
1.	State Government shall submit detail Cost benefit analysis taking into account the benefit to be accrued and environmental cost incurred from extraction of additional coal if the user agency continue to carry underground mining and this analysis shall be compared to similar analysis if user agency go with the proposed proposal of open cast mining. Both the analysis shall be done as per the latest guidelines of MoEF&CC issued on 1.8.2017.	In this regard, it is informed that the user agency has submitted the detail cost benefit analysis as per the latest guidelines of MoEF&CC issued on 1.08.2017. The copy of the same is given and placed in file at pg. 263-268/c. The cost Benefit ratio is given as 21.26 .
2.	State Government shall submit CA scheme for 10 years	In this regard, it is informed by the State Govt. that the CA scheme dully approved by the Divisional Forest Officer, Chandrapur Division, Chandrapur is given . Now the 10 years scheme has been submitted with a revised cost of Rs. 63638467.48/-and the same may kindly be seen at Pg. 279-291/c.

5. The Shape file/ KML as given for the proposed diversion and sites for CA has been examined by DSS Cell and DSS cell made the following observations in their report (pg. 294-298/c):

- i. In case of Forest land proposed for diversion: Proposed are for diversion is 36.98 ha. Whereas area calculated through software is 41.22 ha. No WLS/NP/Tiger Reserve situated within the 10KM radius of proposed area for diversion. Proposed Site is situated at 9.81 KM form Tadoba Indravati Tiger Corridor. Proposed area for diversion classified as Not-inviolate area based on Decision Rule No. 1 & 2. Out of total proposed area for diversion, 16 ha. of land having the canopy density of open forest that with 01 ha. of land classified as water and 24 ha. of land as Non Forest in terms of forest classes (as per the ISFR 2015) based on the interpretation of satellite data period 2013-2014.
- ii. **In case of Compensatory Afforestation:** CA land has been provided over three different patches falling in the Raigarh and Bastar districts. Calculated area of proposed Compensatory afforestation land is 73.98 ha. Total land identified for CA for the proposal is on double degraded forest land. **Earlier CA has been proposed over 25 ha. in compartment no. 13, Warora Range; 23.96 ha. in Compt No. 518 in Chandrapur range and 25 ha. in comp No. 1534 in Savali Range.** Proposed CA patch over 23.96 ha in Compt No. 518 in Chandrapur range falls over airstrip which has been now changed and proposed over Compart no. 484 in Chandrapur range bearing the same area. Out of total proposed area for CA, 02 ha of land having moderately dense forest that with 35 ha. of land classified as open forest Category and 37 ha. of land as Non-Forest in terms of forest classes (as per the ISFR 2015) based on the interpretation of satellite data period 2013-2014.

In view of above, it is proposed that the facts of the above proposal may be placed before the FAC in its forthcoming meeting scheduled to be held on 25.01.2018 for its examination and appropriate recommendations.

Agenda No. 7

F. No. 8-56/2017-FC

Sub: Diversion of 170.32 ha of forest land (Regularization of 60.298 ha + 110.022 ha of additional forest land) for extension of runway and infrastructural development in favour of Air Force Station, Arjan Singh, Panagarh, West Bengal.

1. The Government of Odisha vide their letter No. 3723-For/0/L/10T-03/2017 dated 01.11.2017 has submitted a proposal for diversion of 170.32 ha of forest land (Regularization of 60.298 ha + 110.022 ha of additional forest land) for extension of runway and infrastructural development in favour of Air Force Station, Arjan Singh, Panagarh, West Bengal.
2. The facts related to the proposal as contained in the State Government's letter dated 01.11.2017 are given below in the form of fact sheet:

FACT SHEET

1.	Name of the Proposal	Diversion of 170.32 ha of forest land (Regularization of 60.298 ha + 110.022 ha of additional forest land) for extension of runway and infrastructural development in favour of Air Force Station, Arjan Singh, Panagarh, West Bengal.
2.	Location (i) State (ii) District	West Bengal Burdwan
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy.No.	Burdwan Forest Division 170.32 ha Protected Forest
4.	Vulnerability to erosion	Forest floor will be altered in the proposed activities of extension of runway and infrastructure development for housing futuristic and strategic assets at Air Force Station, Panagarh. This requires regularisation. Fresh forest land proposed for diversion is 110.022 ha. Total forest land proposed for diversion by the user agency thus comes to 170.32 ha. This area of forest land 170.32 ha may be considered for diversion as it is unavoidable for the security reasons of the nation.
5.	(i) Vegetation (ii) Density (iii) No. of trees enumerated/to be actually felled	-- 0.262 to 0.40 Not reported
6.	Whether area is significant from wildlife point of view	---
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 designated elephant corridor is there in the forest land proposed for diversion. However, strayed elephants very often come into this division and roam in different forest land non areas as follows – i. Brindabanpur, Rajkusum, Gopalpur, Bistupur, Piyariganj etc. (Bankura district side crossing

		Damodar river at kasba and other points along with river and after crossing N.H. 2 enters into the forest & non-forest areas of this division) ii. Bistupur, Chuamudafa, Jamdoba, Raghunathpur etc. (Birbhum district side crossing Ajay river and roam in the forest and non-forest areas of this division)
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.	Attached to the forests
10.	Whether any protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.	N.A. (The diversion of forest land is proposed by Air Force Station, Panagarh)
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.	Requirement of 170.32 ha of forest land, out of which 60.298 ha is already in use by Air Force Station, Panagarh. Alternative locations have been examined by the field inspection and it is found that there is no alternatives
13.	Whether clearance under the Environment (protection) Act, 1986 is required?	--
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.	Compensatory Afforestation will be raised on double degraded forest area. However, CA details are not submitted
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining forest boundaries.	Not submitted
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	Not submitted
	(iv) Total financial outlay for CA	Not submitted
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	Not submitted
15.	Catchment Area Treatment	NA

<p>(iii) Total area diverted since 1980</p> <p>(iv) Total CA stipulated since 1980 (Forest land)</p> <p style="padding-left: 20px;">a. Forest land including penal CA</p> <p style="padding-left: 20px;">b. Non Forest Land</p> <p>(v) Progress of Compensatory Afforestation</p> <p style="padding-left: 20px;">a. Forest land</p> <p style="padding-left: 20px;">b. Non Forest land</p>	<p>127.48 sq. km. (Irrigation and Multipurpose) + 2.526 ha (In favour of Essar Oil Ltd., Durgapur for notional use of forest land for their CBM Project)</p> <p>No. of cases: 5+1* (*2.526 ha of forest land diverted for national use in favour of Essar Oil Ltd., Durgapur) + 9.32 ha (first stage clearance has been given by MoEF in favour of Essar Oil Ltd., Durgapur for their CBM Gas project)</p> <p>26.46 ha.</p> <p>102.002 ha.</p> <p>---</p> <p>---</p>
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3. SITE INSPECTION REPORT OF THE REGIONAL OFFICE, BHUBANESWAR: The SIR has been carried by Shri R. K. Samal, IFS, Conservator of Forest (Central) for this proposal on 20.12.2017 with the officials of State Forest Department and representatives of the User Agency. The Regional Office, Bhubaneswar vide their letter no. 5-WBA100/2017-BHU dated 05.01.2018 (**Pg.99-133/c**) has submitted Site Inspection Report (SIR). The SIR is reproduced below:

- 1. Legal status of the forest land proposed for diversion:** The legal status of the forest land is "Protected Forest".
- 2. Item-wise break-up details of the forest land proposed for diversion.** The purpose-wise break up of forest land is as follows:

Mouza & J.L. No.	Plot No.	Area in Acres.
For infrastructure development to support flying operations and strategic assets.		
Ijjatganj- 71	254 (P)	10.31
	255/500 (P)	12.39
	Total	22.70 Acres
Rajkusum-72	2552 (P)	18.85
	2565	3.97
	2721 (P)	12.10
	2722 (p)	7.00
	2733	1.33
	2734	28.00
	2779 (p)	60.50
	Total	131.75 Acres
Brindabanpur-75	9(P)	29.75
	9(p)	1.12
	9(p)	6.30
	91123(p)	19.16
	Total	56.33 Acres
Mouza & J.L. No.	Plot No.	Area in Acres
Brindabanpur-75	9(P)	36.61
	9/138	14.62
	146(P)	03.75
	9/123	6.10

	Total	61.08 Acres
	All Total	271.86 Acres

SCHEDULE OF FOREST LAND ALREADY UNDER OCCUPATION OF AIR FORCE

Mouza & J.L. No.	Plot No.	Area in Acres
Birudiha	2(P)	79.95
Birudiha	2(P)	49.05
Brindabanpur	9(P)	20.00
	Total	149.00

All total Forest land - 271.86 + 149.00 = 420.87 Acres

3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:

As reported at Point No.2 above.

4. Total cost of the project at present rates:

As reported by the user agency, the cost of the project is Rs. 135000 Lakh.

5. Wildlife:

As reported by the user agency, quite a few no. of snakes are found in the virgin forest area.

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

As reported by DFO, Burdwan division, no designated elephant corridor is there in the forest land proposed for diversion. However, stray elephants very often come into this division and roam in different forest and non-forest areas such as (i) Brindabanpur, Rajkusum, Gopalpur, Bistupur, Piyariganj etc. (Bankura district side crossing Damodar river at Kasba and other points along with river and after crossing NH-2 they enter into the forest and non-forest areas of this division) and (ii) Bistupur, Chuamudafa, Jamdoba, Raghunathpur etc. (Birbhum district side crossing Ajay river and they roam in the forest and non-forest areas of this division).

6. Vegetation:

The density of vegetation appears to be between 0.30 and 0.40.

(a) Total number of trees to be felled.

As reported, a total of 13775 nos. of trees have been enumerated over the proposed forest land. Out of these, 1960 nos. of trees are enumerated over 271.86 acres (110.022 ha) and 11815 nos. of trees over 149.00 acres (60.298 ha) of forest land. However, as informed by the user agency, at present there is no proposal to fell down all the identified trees.

Effect of removal of trees on the general ecosystem in the area:

As the number of trees to be felled is not very large compared to the proposed area, the effect on the general eco-system may not be very significant.

b) Important species:

The major species are Sal, Jasul/Charul, Bamboo jhar, Tal, Mahaneem, Bel, Mango, Bakul/Kadam, Mol etc.

Number of trees of girth below 60 cm.

Not reported.

Number of trees of girth above 60 cm

Not reported.

7. Background note on the proposal:

The instant proposal is for diversion of 170.32 ha of forest land (regularization of 60.298 ha + 110.022 ha of additional forest land) for the extension of Runway and infra structural development in favour of

Air Force Station Arjan Singh, Panagarh, West Bengal. Out of this, the area of 60.298 ha of forest land has been in possession of the user agency since long time which has now been asked for regularization by the user agency.

8. Compensatory afforestation:

It has been informed by the DFO, Burdwan during site inspection that the land for compensatory afforestation has been identified in double degraded forest land at Birbhum division in four ranges such as 155 ha in Dubrajpur Range, 131 ha Rajnagar Range, 35 ha in Md. Bazar Range and 20 ha in Rampurhat Range totaling to 341 ha. **However, no report has yet been received from the State Government regarding C.A. land.**

From the DSS report on the KML files submitted by the user agency regarding C.A. land) it is observed that C.A. land has been identified in different patches in 4 blocks of Birbhum district viz. Dubrajpur, Md. Bazar, Rajnagar and Rampurhat. The total area identified is 342.9724 ha. This includes approximately 8 ha ofMDF, 36 ha of open forest, 40 ha of scrub and the remaining non-forest land. The report is enclosed as Annexure-IE.

- (a) **Whether land for compensatory afforestation is suitable from plantation and management point of view or not:** Not yet reported.
- (b) **Whether land for compensatory afforestation is free from encroachment/other encumbrances:**
Not yet reported.
- (c) **Whether land for compensatory afforestation is important from Religious/Archaeological point of view:** Not yet reported.
- (d) **Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not:** Not yet reported.
- (e) **Map with details:** Not submitted.
- (f) **Total financial outlay:** Not reported.

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:

As reported by DFO, Burdwan division, no violation of FC Act has taken place. The CCF, South East Circle, West Bengal in his inspection report under Part-III of the Diversion proposal has mentioned that an area of 60.298 ha (149.00 acres) of land is already in possession of Air Force Station, Panagarh since prior to 1980 and is being used by the Air Force Station, Panagarh for a very long time.

It may be mentioned that the user agency have reportedly constructed a boundary wall in 2010 on the periphery of the land under their possession. Now, they are asking for regularization of the said land too .

Ministry may take an appropriate decision in this regard.

- 10. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not:** Nil.
- 11. Reclamation plan:** Not applicable.
Details and financial allocation: Not applicable.
- 12. Details on catchment and command area under the project:** Not applicable.

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

13. **Cost benefit ratio:** Not applicable.

14. **Recommendations of the Principal Chief Conservator of Forests/State Government:**
Recommended by Addl. PCCF & State Govt., West Bengal.

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

The Addl. PCCF has reported that the instant proposal is for diversion of 170.32 ha of forest land for extension of runway and infra structural development in favour of Air Force Station, Arjan Singh, Panagarh, West Bengal.

On perusal of the records and the site inspection report of the Conservator of Forests (Central), **it is observed that the following points may be additionally focused while considering the proposal:**

- i. A large part of the area outside the proposed forest area, within the possession of Air Force Authority appears to be dense forest. If the Air Force authority wants to utilize the forest land for any non-forest purpose in future, they have to apply for a fresh diversion proposal for the same.
- ii. It also appears that the Air Force Authority may need to produce conclusive evidences/documents, in addition to the papers provided, to prove that the land under their possession was allotted to them, as claimed.
- iii. With regards to the C.A. land as identified and list provided by the concerned DFO is yet to be endorsed by the State Govt./Nodal Officer.
- iv. The State Govt. shall also submit necessary FRA Certificate in appropriate proforma.
- v. The project proponent may undertake afforestation works at suitable places inside the project area, if available along with suitable harvesting measures inside the area proposed for diversion.

With the above observations along with the site inspection report of CF (Central), this proposal for diversion of 170.32 ha of forest land (Regularization of 60.298 ha + 110.022 ha of additional forest land) for extension of runway and infrastructural development in favour of Air Force Station, Arjan Singh, Panagarh, West Bengal is **forwarded with recommendation for consideration.**

16. **Conservator of Forests (Central) shall give detailed comments on whether there are any alternative routes/alignment for locating the project on the non-forest land:**

The project may perhaps be suitable from the strategic point of view as remnants of some 2nd World War structures are visible in the site, which show its importance historically.

17. **Utility of the project:**

As reported, this is a defence project and it is unavoidable for the security related reasons of the nation.

Numbers of Scheduled Caste/Scheduled Tribes to be benefited by the project:

Not reported.

18. (a) **Whether land being diverted has any socio-cultural/religious value:** Not reported.

(b) **Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion:**
Not reported.

(c) **Whether the land under diversion forms part of any unique eco-system:** Not reported.

19. **Situation with respect to any Protected Area:**

The nearest protected area is Ramnabagan Wildlife sanctuary, which is at a distance of about 45 kms from the proposed site.

20. Any other information relating to the project:

- i.** The State Govt. has been asked to submit reply on queries based on certain observations of the office having been examined through the Decision Support System of FSI. However, no reply has yet been received.
- ii.** FRA Certificate in proper proforma needs to be furnished before final approval of the project.
- iii.** The user agency was asked to produce legal status of the land under their possession. The user agency in turn has submitted certain documents.
- iv.** The user agency has informed that they are not going to undertake any construction works in the land under their possession which appears to be dense forest in the DSS but not recorded as forest land. However, in future, if they need to undertake any such non-forest works, they should apply for diversion of the said land.

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 25.01.2018 for their examination and appropriate recommendation.

Agenda No. 8

F. No. 8-323-1989-FC (Part-I)

Sub: Diversion of 2.048 ha of forest land (4.25 ha.as per form A) in SM Block, Kumarswamy Range Ballari district for approach road to ML No. 2313 in favour of M/s JSW Steel Ltd.

The above subject proposal was received from the State Govt. of Karnataka vide their letter no. FEE 77 FFM 2017 dated 11.01.2018 related to diversion of 2.048 ha of forest land (**4.25 ha.as per form A**) in SM Block, Kumarswamy Range, Ballari district for approach road to ML No. 2313 in favour of M/s JSW Steel Ltd. referring that this Ministry's letter of even no. dated 12.09.2017 whereby the transfer of Forest Clearance for **diversion of 21.03 hectares** (originally granted forest land of 21.11 ha.) in respect of category 'C' Mining Lease No. 2313 from erstwhile lessee M/s. Hothur Traders to the successful bidder i.e. M/s. JSW Steel Ltd was granted subject to certain conditions prescribed therein.

- 2.** It is further mentioned by the State Govt. of Karnataka that the earlier user agency had not obtain forest clearance under Forest (Conservation) Act, 1980 for use of the approach road outside the lease area. Hence, the new user agency M/s JSW Steel Ltd. had submitted proposal through web portal on 17.10.2016. for diversion of 4.43 Ha (subsequently change to 5.83 ha and once more changed to 4.25 ha) of forest land in SM Block, Kumarswamy Range, Ballari district for approach road to ML No. 2313. It is also mentioned by the State Govt. that the PCCF (HoFF) vide his letter no. A5(1).MNG.CR.11/2016-17 dated 25.11.2017 has submitted a **proposal to obtain Stage-1 approval of GOI under section-2 of Forest (Conservation) Act, 1980 for diversion of 2.048 ha (4.25 ha.as per form A)** in SM Block, Kumarswamy Range Ballari district for approach road to ML No. 2313 in favour of M/s JSW Steel Ltd, Ballari subject to certain conditions imposed by PCCF. A copy of the same along with
- 3.** Facts related to the proposal as contained in the State Government's letter dated 11.01.2018 is summarized below in form of a factsheet:

FACT SHEET

1.	Name of the Proposal	Diversion of 2.048 ha of forest land land (4.25 ha.as per form A) in SM Block, Kumarswamy Range Ballari district for approach road to ML No. 2313 in favour of M/s JSW Steel Ltd
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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.	The approach road is passing through proximity of Archeological important site. The part of approach road lied within 1 Km distance from Parvati & Kartikeya temple (Archeological important site). In this regard, the Hon'ble Supreme Court has issued direction to the State Government to constitute a committee to examine and recommend measures with respect to restriction of the mining activities, in the portion of approach road falling with in 1 KM & upto 2 Kms, of archeologically important temples / sites in karntataka falls vide its order in SLP No. 20180/2010. In present case, the some portion of approach road falls in within 1 Km of Parvathi & Kartikeya temple, the final decision regarding mining in this area will be subject to outcome/ recommendation of the committee constituted in incompliance to the Hon'ble Supreme court order in SLP No. 20180/2010/.
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 is already existing old road and it is essential to transport the mineral. However, alignment of existing road is changed to avoid entering into NMDC ML No. 1111 lease area. The re-alignment of the road is done on the old abandoned cart road existing in the field and some tree growth has come up o this abandoned road. The Forest land required for the approach road is bare minimum.
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.	The approach road is old existing road. The previous project proponent of M/s. Hothur Traders had not taken forest diversion for the approach road. The violation of may be regularize by imposing the heavy penalty.
13.	Cost benefit ratio	1:4749
14.	Cost benefit analysis	Cost benefit analysis is given and place in file (Pg. No.80-84/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 over an extent of (8.65 acres) 3.50 hectares non-forest land in Sy. No.74/1 of Thimalapura Village, Lingasuguru taluk, Raichr District for raising CA. The non-forest land is not mutated and transfer to the Forest Department.

	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining Forest boundaries.	Map enclosed (Pg. No.85-87/c)
	(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.43-44/c. However, the detailed CA scheme is not seen.
	(iv) Total financial outlay for CA	Rs.2,55,000*3.50=Rs. 8,,92,500/-
	(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.88-89/c. However, the gram sabha resolution is not given.
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. However, the alignment of existing road is changed to avoid entering into NMDC ML NO. 1111 lease area. The re-alignment of the road is done on the old abandoned cart road existing in the field and some tree growth has come up on this abandoned road. Road. The list of trees enumerated to cut is enclosed. 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) SIR is given (pg. 41-42/c)
	ii. CCF	The CCF Ballari Circle inspected the said mining lease on 07.04.217 and has recommended the proposal for rejection (in part - III) with the following remarks(Pg.100-104/c): <i>Since the stretch of proposed forest land to the tune of 0.50 ha out of the 3.50 ha i.e., I to J over a length of 419 M, is falling in the ML no. 1111 of the M/s NMDC domain and on account of the approach road falls within 1 Km of Parvati and Karthikeya Temple, (Archeological important site) the proposal has been recommend for rejection.</i>

	iii. Nodal Officer	Recommended the proposal for according ‘in-principle ‘ (Stage-I) approval for diversion of 2.048 ha of forest land in the form of existing kaccha forest path in SM Block, Kumarswamy Range, Ballari district in favour of M/S JSW Steel Ltd. for providing approach road to ML No. 2313 subject to the condition specified in Annexure ‘A’ and further subject to the orders of Hon’ble Supreme Court in SLP No. 20180/2010 dated 01.07.2013 regarding mining operations in proximity of the archeologically protected monuments, as the proposed approach road and ML NO. 2313 are in proximity of Karthikeaya Temple. The annexure ‘A’ is placed in file at page (14/c) .
	iv SG	Yes, (pg. 3/c) Recommended subject to the conditions imposed by PCCF.
22.	District Profile	
	(i) Total Geographical area of the district	8420 Sq. Km
	(ii) Total Forest area/Divisional Forest area	1 349.53 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

4. The PCCF (HoFF) vide his letter no. A5(1)` .MNG.CR.11/2016-17 dated 25.11.2017 (**Pg.4-12/c**) has intimated that the CCF Ballari Circle inspected the said mining lease on 07.04.217 and has recommended the proposal for rejection (in part - III) with the following remarks:

“Since the stretch of proposed forest land to the tune of 0.50 ha out of the 3.50 ha i.e., I to J over a length of 419 M, is falling in the ML no. 1111 of the M/s NMDC donimalai and on account of the approach road falls within 1 Km of Parvati and Karthikeya Temple (Archeological important site) the proposal has been recommend for rejection.

As the opinion of the CCF, Ballari Circle, and DCF, Ballari division in present case were found to be differing with reference to the diversion of forest land for approach road and, further, as the CCF , Ballari has not suggested any alternative road to access the ML No. 2313 of M/s JSW Steel Ltd., the CCF was asked to inspect the area and submit the facts of the case. Accordingly, the CCF, Bengaluru has inspected the area on 12.10.2017 and submitted a detailed Inspection Note , wherein he has reported *inter-alia* as follows :

1. (a) It is a fact that the forest in this region has good natural growth (especially on northern aspect and profuse regeneration of native species including sandal. Fresh breaking up of such promising parcel of natural forest, either for mining or for new road formation, whether for ML No. 2313 (M/s JSW Steels Ltd.) or for ML No. 1111 (M/s NMDC Ltd.) is likely to cause great damage to the local ecology , which has so far escaped from it, in contrast to the extensive mining being done on the ridge further beyond.

(b) The slope on northern aspect is quite steep and mining on this hillside further down will only cause extensive damage to natural ecosystem and heavy erosion landslides.

(c) This part of forest is too close to the ancient Kumaraswamy temple to permit any fresh breaking up of area, either for mining or for new roads. While the Western Corner (A) of existing ML NO. 2313 is about 700 M at nearest unbroken point and at about 850 m at the nearest broken up point. Similarly, the south-west corner of MMRD lease ML No. 1111 (Unbroken) is only about 550 m.

2. **Conclusion:** On account of (a), (b) and (c) above **following points are concluded to safeguard the interest of local forest ecology as well as safeguarding archeological / religious concerns while considering the present FC proposal regarding approach road to erstwhile ML No. 2313:**

- i. No new forest roads are advisable in this region. Only the existing 'Kaccha' forest path which was in use since 1963 may be permitted to be used for mining lease purposes .
- ii. The Kaccha forest path on south –west and leading to Temple and further near Subrayanahally is not advisable to be used for mining purpose for the reasons mentioned above.
- iii. No fresh breaking up of virgin natural forest in this region (either for ML No. 2313 or even for ML No. 1111) is advisable. Only the already broken up area may be permitted for mining leaving the unbroken forest patch inside the MMRD leases for safeguarding ecological interests.
- iv. The lease holders have only a limited right of using it for specific purposes. The government retains the absolute ownership over the forest land even after it being leases out and may permit use of an existing forest path by more than one lease holders.
- v. Kumaraswamy (Karthikeshwar) temple, an ancient mounument with archeological religious and heritage significance, along with its immediate surroundings of at least one kilometer (or even more) needs to be protected not only from the mining activities in futrure, but also from heavy mining traffic presently encountered nearby. It applies to mining leases in all four directions, and not just the present proposal concerning erstwhile ML No. 2313.

5. **In view of the circumstances stated above, the following facts are submitted:**

- i. In connection with transfer of forest clearance in case of ML No. 2313 concerning the same user Agency, the Government of India vide letter F. No. 8-323/1989 – FC dated 12.09.2017 have put the condition-“ *the State Government of Karnataka shall constitute a committee immediately for assessment of the impact of mining in the whole or part of the Concession Area i.e. within 1 km of Archeological of Survey of India protected monument Sri Kumaraswamyt and Sri Parvati temple, as per direction of the Hon’ble Supreme Court in this regard, and the project proponent shall carry out mining operations as per assessment report of the said committee:”*

In view of above direction the GoI , and also the order of Hon’ble Supreme Court in SLP No. 20180/2010, an appropriate decision is required to be taken regarding diversion of forest land for approach purpose in the present case.

- ii. Hon’ble Supreme Court in Judgment dated 21.03.2017 passed in IA No. 247 and other IAs in Writ Petition (Civil) No. 562/2009 has 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 of ore produced from their lease area, and thereby preclude the need for transportation by road, once the abovementioned transportation system of conveyer belt-railway is

established, till such time, the proposed forest path may be used for transportation of ore. **The area being diverted for road will resume to Forest Department once the ‘conveyer belt- railway system is made operational.**

- iii. The GOI, Ministry of Environment, Forest and Climate change vide letter F. No. 11-599/2014- FC dated 01.04.2015 have issued guidelines w.r.t. obtaining approval for diversion of entire forest land located within a mining lease and also accorded general approval under Section 2(iii) of the FC Act for the remaining area of forest land falling within such mining leases subject to the conditions, which *inter-alia* include payment of NPV for such forest land. As per the above guidelines of GOI M/s NMDC Ltd. has paid NPV for the remaining extent of 159.01 ha on 22.08.2016 and thus covered under general approval accorded by GoI. However M/s NMDC Ltd. is yet to apply for FC lease under Section 2 (ii) of FC Act/ the part of existing forest path that can be used by M/s JSW Steel Ltd. passes through this patch of 159.01 ha reserved to M/s NMDC Limited.
- iv. The present proposal is for providing road access to the ML No. 2313 of M/s JSW Steel Ltd. this mining lease area is surrounded on three sides by the ML No. 1111 of M/s NMDC Limited, while the remaining southern side has good forest growth with gradient inclining towards Karthikeshwara Temple. There is a narrow motorable path on this side meeting the road near karthikeshwara Temple. However, this path cannot be used as such for transportation of the mined ore and would require significant widening and fresh road formation (in stretches) due to high gradient. Moreover this path takes ore-laden lorries towards and very close to karthikeshwara temple. **It is therefore not an option.**
- v. Juxtaposition of the mining lease boundary Kml files of ML No. 2313 of M/s JSW Steels Ltd and ML no. 1111 of M/s NMDC Ltd, which have been obtained by the ICT Cell of Forest Department from Department of Mines and Geology earlier shows that **there is significant mismatch of boundary resulting in overlap between these two mining leases.**
- vi. in view of the above facts, there are two proposals for approach road to ML No. 2313 of M/s JSW Steel Ltd.:-
 - a. **Permitting diversion of 3.50 ha of forest land as recommended by the DCF, Ballari.** However, this option involves (a) fresh clearing of forest area to form a new road involving 1.44 ha of forest land and (b) widening of old ‘kaccha’ forest path from existing width of ~8 mtr to 12 mtr. Further, this option does not avoid passing though Forest (Conservation) Act, 1980 Section 2 (iii) approved NMDC ML No. 1111 area (to a distance of approximately 0.419 Km or 0.50 ha)
 - b. Permitting the use of existing 4.37 km long and 8 mtr wide old ‘kaccha’ forest path, which was being used by M/s Hothur Traders since 1963 for mining purposes. Out of total length of 4.37 km, a stretch of 1.81 km (accounting for 1.448 ha) passes through the forest land in NMDC mining lease no. 1111 covered under General Approval under Section 2 (iii) in favour of M/s NMDC Ltd (however, FC proposal under Section 2(ii) is yet to be applied by M/s NMDC Ltd) and the remaining 2.56 Km stretch (accounting for 2.048 ha is outside the area reserved for M/s NMDC Ltd.

In both the options, a portion of forest land approved under Section 2 (iii) in favour of the M/s NMDC limited would be required for road to undertake mining by M/s JSW Limited in ML No. 2313. Therefore, ‘right-of way’ through NMDC ML area in favour of M/s JSW Steel Ltd is necessary in both the options. Out of above two options, the latter will help avoid not only the formation of new road but also the need for widening of existing forest path, thereby safeguarding the ecological concerns.

In view of the above, following may be considered.

- a) M/s JSW Steel Ltd (ML No. 2313) may be permitted passage for transportation of mined ore through the NMDC ML NO. 1111.

- b) M/s NMDC Ltd. shall undertake mining operations in ML No. 1111 as per approved mining plan by duly providing passage to M/s JSW Steel Ltd for transporting mined ore through their mining area till the final exit point from their area on the aforesaid existing 'kaccha' forest path, as no other alternative road is feasible to transport from ML No. 2313 to M/s JSW Steel Ltd.
- c) Out of the total area of 3.496 ha, NPV and CA charges may be levied for 2.048 ha accounting for 2.56 km length of road, which is outside the NMDC lease area. The remaining 1.448 ha area (1.81 km road length) falls in NMDC lease area.
- d) The Government may consider charging an appropriate User Fee from M/s JSW Steel Ltd for use of existing forest path inside NMDC lease No. 1111 as per the Government of India FC guidelines No. FCA/11.6/GEN/KAR dated 22.07.2015
- e) M/s JSW Steel Ltd shall be allowed to undertake repairs of the existing 'Kaccha' forest path (including the portion within NMDC ML No. 1111).

Considering above facts, and further in order to safeguard the ecological concerns, and further more keeping in view the orders of Hon'ble Supreme Court pertaining to preservation of protected monuments of archeological importance, the Government may consider moving the proposal to the Government of India for according 'in-principle' (Stage-I) approval for diversion 2.048 ha of forest land in the form of existing kaccha forest path in SM Block, Kumarswamy Range, Ballari district in favour of M/s JSW Steel Ltd. for providing approach road to their ML No. 2313, with the conditions specified in Annexure A' (Pg.14-15/c) , till the abovementioned transportation system of 'conveyor belt-railway' is established.

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 25.01.2018 for their examination and appropriate recommendation.

Agenda No. 9

F. No. 8-05/2016-FC

Subject :Proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act,1980 for drilling of 09 boreholes of 4” diameter in 113.625 hectares of forest land in Chhuikhadan ranges of Khairagarh Forest division for iron ore mining .

1. State of Govt. of Chattisgarh vide their letter dated 03.02.2016 submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act,1980 for drilling of 09 boreholes of 4” diameter in 113.625 hectares of forest land in Chhuikhadan ranges of Khairagarh Forest division for iron ore mining.
2. The above mentioned proposal was considered by the FAC in its meeting held on 16.3.2016.
3. The proposal in the said FAC meeting was considered as per Para 1.3 (v) of the guidelines issued under the Forest (Conservation) Act,1980 **(F/G-guidelines dated 19.08.2010)** provides that *“prospecting of any Mineral, done under prospecting license granted under MMRD Act, which requires collection / removal of samples from the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under Forest (Conservation) Act, 1980 would be required However, in case of coal, lignite and metallic ores – test drilling up to 16 boreholes of maximum 6.6 inch dia. per 10 sq km and in case of non-metallic Ore test drilling up to 15 boreholes of maximum 6.6 inch dia. per 10 sq km for prospecting exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act. In all other cases involving more number of drilling of bore holes, prior permission of Central Government under the Act would be required.”* It was also observed in the FAC meeting that the user agency has informed that the area required for drilling of one borehole is 0.003 so the total area required for 9 boreholes would be 0.027 so the site inspection will not be required in the instant case from regional office as per para (i) of the

Ministry's guidelines No. 11-96/2009-FC dated 04th July,2014 which states that ***“Keeping in view that only a small fraction of area located within as prospecting block is utilized for exploration activities, site inspection by concerned Regional office of this ministry will be insisted only if the actual area of the forest land proposed to be utilized for construction of new road/paths and for drilling of boreholes/sample collection pits etc. is more than 100 hectares.”***3.

4. The detailed minutes of FAC meeting held on 16.03.2016 is placed in file at pg.153-157/c.
5. **Recommendation of FAC on 16.03.2016:** After detail discussions and deliberations FAC observed that the area proposed for diversion appears to be inviolate as per draft parameters. The committee recommended examination of the area by Forest Survey of India based on draft parameters.
6. Based on the recommendation of FAC, the Director General of FSI, Dehradun was requested vide this Ministry's letter dated **08.04.2016 (Pg.158/c)** and subsequent reminder through a DO letter dated 19.09.2017(**Pg.161/c**) to re-confirm the status of the forest land in accordance with the draft criteria for classifying the areas as *in-violate*.
7. **Now the** Forest Survey of India, Dehradun vide their letter no. 22-364/2015-NFDMC dated 01.11.2017 (**Pg. 170-171/c**) in connection with the proposal of prospecting for drilling of 09 boreholes of 4” diameter in 113.625 hectares of forest land in Chhuikhadan ranges of Khairagarh Forest division for iron ore mining informed that *the FSI has analysed the Geo-referenced data of 113.625 ha of forest land on Decision Support System portal. The polygon has been found Inviolat e under Decision rule-I as it is falling in the Tiger Corridor as per the data of Wildlife Institute of India available in the DSS portal. The polygon covers 5 grids of which only one grid (2141560) satisfies the 50 % coverage rule. The DR-II analysis of this polygon was also carried out and was found to be ‘Inviolat e’. The same analysis was also carried out for all the 5 grids (without 50 % coverage rule) and it was found that all the 5 grids are ‘Inviolat e’ as per the draft parameters of MoEF&CC. The map showing grids and results of analysis as well the score sheet of the grids is given.*
8. It is also imperative to mention here that Mineral Resources Department, Govt. of Chhattisgarh vide their order no. F 2-37/2008//XII(Part-I) dated 31.10.2015 for the instant proposal was extended the period for a one year from 27.04.2015 to 26.04.2016, which has already been expired.

The above facts of the above proposal may be placed before the FAC in its forthcoming meeting scheduled to be held on 25.01.2018 for its examination and appropriate recommendations.

Agenda No. 1

F. No. 8-79/2009-FC

Sub: Diversion of 124.28 ha of forest land (regularization of already broken up area-80.95 ha and area to be broken up-43.33 ha) for Chitra open cast project in favour of M/s Eastern Coalfield Limited (ECL) in Deoghar Forest Division in Deoghar district of Jharkhand.

1. In-principle approval for the above subject proposal had been granted on 21.04.2010 subject to fulfilment of certain conditions including that the Compensatory Afforestation (CA) will be raised and maintained 53.42 ha non-forest land and over 141.72 ha double the degraded forest land (i.e. 70.86 x2= 141.72 ha) at the cost of User Agency.
2. The State Government vide their letter No. 3/Van Bhumi-85/2009-3524 dated 15.09.2011 submitted the point wise compliance report of the conditions as stipulated in the Stage-I approval. The summary of the compliance report may kindly be seen at **pg.11-14/n**. Further, **the State Government was requested to relax the condition of raising CA over equivalent non-forest land.**
3. It is mentioned here that while recommending the proposal by the FAC in its meeting held on 26.02.2010 for Stage-I Clearance (**pg.357/c**), the Committee *noted that the present proposal is for regularization of already broken up area of 80.95 ha and fresh lease over an area of 43.33 ha. According to the presentation and the factsheet, the proposed area under consideration is only having 1003 trees over the entire area, which is less than 10 trees per ha. Hence, the area is not sensitive from forest and wildlife point of view. However, the Committee was not at all satisfied with the rehabilitation programme that was presented by the company. The oustees are not being provided agricultural land, only present market rate of agricultural land is provided. The R&R package is not very promising. State Government is requested to review the proposed rehabilitation policy in light of rehabilitation policy of Jharkhand Government (proposed or approved) and also compare with the draft R&R of the Government of India as well as that of M/s NTPC. It is expected that ECL, as a public sector undertaking, should be able to put up a model R&R policy, towards sustainable development of displaced persons. Before coming for final approval, the State Government should inform comprehensive proposal with respect to rehabilitation policy which the project proponent will implement.*

It is also mentioned that the Regional Office reported in its site inspection report (**Pg.271-284/c**) that **80.95 ha of area has already been broken up, and the total area has been used by the user agency without prior approval of the Central Government under the Forest (Conservation) Act, 1980.** On examining the records including submissions made by the State Government in Part –II of the original proposal it was seen that 53.42 Ha of non- forest land was identified for compensatory Afforestation

Pursuant to the above recommendation of the FAC and violation reported in SIR by the Regional Office, Bhubaneswar, the proposal was processed to solicit the approval of the competent authority of the MoEF&CC along with general and standard conditions, *inter-alia* **including raising of CA over equivalent non-forest land as well as degraded forest land, double in extent to the forest land being diverted.**

4. The above facts were placed before FAC in its meeting held on 30.09.2015 and the FAC after detailed discussion recommended that the state government may be allowed to take up CA over degraded notified forest land twice in extent to the forest land proposed for diversion and accordingly condition stipulated in stage I approval dated 21.04.2010 be amended. The FAC also recommended that state government may be requested to submit:

- i. Revised CA scheme after identifying degraded notified forest land twice in extent to the forest land proposed for diversion along with land suitability certificate and DGPS maps in shape/KML file.
 - ii. The legible copy of compliance to FRA issued by Collector.
5. The minutes of the FAC meeting held on 30.09.2015 is available in file at **Pg. 556-559/c**.
 6. Accordingly, the State Government was requested vide this Ministry's letter dated 09th November, 2015 (**Pg. 578/c**) for submission of documents as desired by FAC. The State Government of Jharkhand vide their letter no. 3/Vanbhumi-85/2009-4841 dated 19.10.2016, placed along with its annexure at **page 579-658/c**, was submitted their reply and summary of the same is given as under:

S. N.	Observation Raised by MoEF & CC	Reply Submitted by State Government																																																		
1.	Revised CA scheme after identifying degraded notified forest land twice in extent to the forest land proposed for diversion along with land suitability certificate and DGPS maps in shape/KML file.	<p>In this regard the State Government informed that the revised CA scheme for 124.28 ha forest land for CA after identifying degraded notified forest land twice in extent to the forest land for 248.56 ha against of 249.00 proposed for diversion along with land suitability certificate has been submitted and the same is available at (Pg. 602/c). The details are as under:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Division</th> <th style="text-align: center;">Village</th> <th style="text-align: center;">Thana & No.</th> <th style="text-align: center;">Plot No.</th> <th style="text-align: center;">Area</th> </tr> </thead> <tbody> <tr> <td rowspan="10" style="text-align: center; vertical-align: middle;">Deogarh Forest Division</td> <td>Khirwatari</td> <td>Deoghar, 318</td> <td>50,299,3</td> <td rowspan="2" style="text-align: center;">25.00</td> </tr> <tr> <td>Mundamundi</td> <td>Deoghar, 319</td> <td>01,303,3 07,02,51</td> </tr> <tr> <td>Mohnadih</td> <td>Madhupur, 72</td> <td>266</td> <td style="text-align: center;">60.00</td> </tr> <tr> <td>Tilokitanr</td> <td>Madhupur, 71</td> <td>21,35</td> <td style="text-align: center;">35.00</td> </tr> <tr> <td>Bhikmadih</td> <td>Madhupur,70</td> <td>118</td> <td style="text-align: center;">45.00</td> </tr> <tr> <td>Dundubajori</td> <td>Sarath 553</td> <td>01</td> <td style="text-align: center;">8.00</td> </tr> <tr> <td>Harla</td> <td>Madhupur,250</td> <td>02,370</td> <td style="text-align: center;">7.00</td> </tr> <tr> <td>Dubraipur</td> <td>Madhupur,112</td> <td>123,175</td> <td style="text-align: center;">9.00</td> </tr> <tr> <td>Katiodih</td> <td>Deoghar,31</td> <td>1,61,12</td> <td style="text-align: center;">20.00</td> </tr> <tr> <td>Dharampur</td> <td>Deoghar,81</td> <td>1,32,81</td> <td style="text-align: center;">40.00</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: center;">Total</td> <td style="text-align: center;">249.00</td> </tr> </tbody> </table>	Division	Village	Thana & No.	Plot No.	Area	Deogarh Forest Division	Khirwatari	Deoghar, 318	50,299,3	25.00	Mundamundi	Deoghar, 319	01,303,3 07,02,51	Mohnadih	Madhupur, 72	266	60.00	Tilokitanr	Madhupur, 71	21,35	35.00	Bhikmadih	Madhupur,70	118	45.00	Dundubajori	Sarath 553	01	8.00	Harla	Madhupur,250	02,370	7.00	Dubraipur	Madhupur,112	123,175	9.00	Katiodih	Deoghar,31	1,61,12	20.00	Dharampur	Deoghar,81	1,32,81	40.00				Total	249.00
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2.	Legible copies of documentary evidences submitted by the State Government in support of settlement of rights under the Schedule tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2005, including the certificate issued by the District Collector.	In this regard it was found that the FRA certificate is not given as per the Ministry's guidelines.																																																		

7. After examination the compliance as submitted by the State Government and report of DSS, following discrepancies were noticed:

- (i) The shape/ KML file for the identified revised Compensatory Afforestation (CA) area has been analyzed through Decision Support System and found that 22 ha. of land from revised CA land falls in Agriculture Land in four patches at Dharampur PF, Katiyodih and Kherwatari villages. In addition, 02 ha. of land falls under Moderately dense forest (40-70 % canopy density) as per ISFR 2015. Accordingly, **the other suitable land for CA may be identified and submit with suitability certificate and revised shape/kml file.**
- (ii) The complete compliance of FRA along-with resolutions of Gram Sabha (s) **for entire area** is not given.
- (iii) Action Taken Report on the violation of Forest (Conservation) Act, 1980 by the user agency is not given.

In view of above, the State Government of Jharkhand was requested by this Ministry on 09.03.2017 (**Pg.678/c**) to provide details of 24 ha. of CA land with suitability certificate along-with Action Taken Report and the complete compliance on FRA in original, for further necessary action in the matter

8. Now, the State Government of Jharkhand, Department of Environment, Forests and Climate Change, vide their letter No. 3/VAN BHOOMI / 2009/4970/VP dated 29.11.2017 (**Pg. 679-710/c**) has forwarded additional information / documents along-with annexures in respect of this Ministry's letter dated 09.03.2017, .The summary is given as under:-

S. No.	Observations raised by the MoEF & CC, GoI	Reply submitted by the State Government of Jharkhand.
1.	The shape/KML file for the identified revised Compensatory Afforestation (CA) area has been analyzed through Decision Support System and found that 22 ha. of land from revised CA land falls in Agriculture Land in four patches at Dharampur PF, Katiyodih and Kherwatari villages. In addition 02 ha. of land falls under Moderately dense forest (40-70% canopy density) as per ISFR 2015. Accordingly, the other suitable land for CA may be identified and submit with suitability certificate and revised shape / KML file.	In this regard the State Government informed that the Shape file/KML of the CA land with CD have been furnished by the project proponent (Pg. 690-693/c). The user agency has also submitted the Suitability Certificate, issued by the DFO, Deoghar Forest Division (Pg. 694/c).
2.	The Complete compliance of FRA along-with resolution of Gram Sabha (S) for entire area is not given.	In this regard the State Government informed that the FRA Certificate issued by the Deputy Commissioner, Deoghar District vide his letter No. 350 dated 17.03.2011 alongwith Gram Sabha resolution is given and placed in file at Pg. 695-707/c).
3.	Action Taken Report on the violation of Forest (Conservation) Act, 1980 by the User Agency is not given.	In this regard the State Government informed that the action Taken Report on the violation of Forest (Conservation) Act, 1980 by the Project Proponent is given in Annexure and available in the file at (Pg. 708-710/c). The several cases as detailed at Pg. 708-710/c have been initiated under Indian Forest Act 1927 and these cases have been sent to the Court of Chief Judicail Magistrate, Deoghar. The matter is sub-judice.

9. The DSS Cell of Forest Conservation Division of this Ministry, has examined the CA sites given by the State Government in Shape file/KML format and observations are as under:

- a. An area of revised CA land found through DSS is 24 Ha. which is correct as per the requirement.
- b. **The Legal Status of revised CA land is Non Forest as per information available on DSS portal.**
- c. **Forest Cover Map:** Out of total area of CA, 3 ha. of land having the canopy density of Moderately dense forest, 6 ha. of land as Open forest and 15 ha. of land as Non-Forest in terms of forest classes (as per the ISFR 2015) based on the interpretation of satellite data period 2013-2014.
- d. The proposed CA area is devoid of vegetations cover and also it is free from Human encroachment as depicted through High Resolution Satellite Imagery dated 15/04/2017.

10. The State Government further reported that the project proponent has done violation under the Forest (Conservation) Act, 1980 without prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980, and recommended the following penal clauses:

- i. The user agency shall deposit the Penal NPV for five times of 29.7399 ha. of forest land.
- ii. The user agency shall deposit PCA for five times of 29.7399 ha. of forest land in favour of State Forest Department.
- iii. The User Agency shall rehabilitate immediately at the project cost where the mining work has been over.
- iv. The user agency shall rejuvenate by planting the over dump area at the project cost.

In view of above, it is proposed that the facts of the above proposal may be placed before the FAC in its forthcoming meeting scheduled to be held on 25.01.2018 for its examination and appropriate recommendations.

Agenda No. 2

F. No. 8-61/2017-FC

Sub: Proposal for diversion of 100 ha. of forest land in favour of DCF, Mukundra National Park Kota for village relocation of Munkundra Hills National Park in Kota district in State of Rajasthan.-regarding.

1. The State Government of Rajasthan, Forest Department vide their letter No. P.1(49) VAN/2017, Jaipur dated 03.11. 2017 (**Pg. 1-179/c**) 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 03.11.2017 are given below in the form of fact sheet:

FACT SHEET

1.	Name of the Proposal	Proposal for diversion of 100 ha. of forest land in favour of DCF, Mukundra National Park Kota for village relocation of Munkundra Hills National Park in Kota district in State of Rajasthan.
2.	Location (i) State (ii) District	Rajasthan Kota
3.	Category	Rehabilitation
4.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy. No.	Kota Territorial Forest Division =100 hectares Protected Forest Land

	(iii) Map	<p>i. SOI Toposheet – Pg. 10/c.</p> <p>ii. Digital DGPS map- Pg. 10/c. submitted. However, google imagery has been submitted at Pg. 12-14/c.</p> <p>iii. Land Use Plan – Not Submitted.</p>
5.	Total period for which the forest land is proposed to be diversion (In years).	99 years.
6.	Topography of the area	-
7.	(i) Geology (ii) Vulnerability to erosion	- Less.
8.	(i) Vegetation (ii) Density	Eco Class – 3 0
9.	The sensitivity of the forest region for soil protection.	-
10.	Whether area is significant from wildlife point of view	-
11.	Species-wise (Scientific names) and diameter class wise enumeration of trees in unbroken area.	NIL.
12.	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).	No.
13.	Whether the forest land proposed for diversion is located within eco-sensitive zone (ESZ) of the Protected Area notified under Wildlife (Protection) Act, 1972 (Note: in case, ESZ of a protected area is not notified, then 10kms distance from boundary of the protected area should be treated as ESZ):	No.
14.	Whether any RET species of flora and fauna are found in the area. If so details thereof	No rare/endangered species of flora & fauna were found in the area.
15.	Approximate distance of the proposed site for diversion from boundary of forest.	0.001
16.	Whether any protected archaeological/heritage site/defence establishment or any other important monuments is located in the area.	There is no protected archaeological/heritage site/defense establishment in the proposed area.
17.	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
18.	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.
19.	Whether clearance under the Environment (protection) Act, 1986 is required?	Not required.
20.	Status of Wildlife Clearance	Not required.
21.	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.	Not applicable.
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining forest boundaries.	
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	
	(iv) Total financial outlay for CA	
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	
22.	Catchment Area Treatment	NA
23.	Rehabilitation of Oustees a) No of families involved b) Category of families c) Details of rehabilitation plan.	NA
24.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	<p>The District Collector, Kota, Government of Rajasthan has issued a FRA Certificate No. Rev.III/2017/2541 dated 09.08.2017 (Pg. 20/c) for diversion of 100 ha. of forest land in favour of DCF, Mukundra National Park Kota for village relocation of Munkundra Hills National Park in Kota district in State of Rajasthan.</p> <p>The District Kota has reported that the complete process for identification and settlement of rights under the FRA has been carried out for the entire 100.00 ha of forest area proposed for diversion. The copy of minutes of meeting of the forest right Committee (s), Mohalla Sabha, Sub-Divisional Level Committee and the District Level Committee are enclosed with the proposal (Pg. 21-31/c). The diversion of forest land for facilities managed by the Government as required under section 3(2) of the FRA have been completed and consent has been given by Mohalla Samiti. The proposal does not involve recognised rights of Promotive Tribal Groups and Pre-agricultural communities.</p>

		However, the State Government has not given the FRA certificate as per Ministry's guidelines 05.07.2013.
25.	Cost Benefit Ratio	Yes, DCF, (WL) Mukundara National Park, Kota, Rajasthan, has reported that after relocation of two villages Girdharpura and Damodarpura habitat (CTH) area about 601 hector, land would be surrender for Tiger/Wildlife Conservation purpose. The villagers after relocation would be rehabilitate to this site would get employment in the city area and adjoining Ranpur industrial area. For conservation point of view after this relocation the area would be develop as inviolate area which is essential requirement of tiger reintroduction. For this project cost benefit ratio analysis may be analyze only in terms of conservation as mentioned above. (Pg. 17/c).
26.	Total Cost of the Project	Rs. 7320 lakhs
27.	Employment Potential	40000 Temporary Employments.
28.	Recommendation i. DFO ii. CCF iii. Nodal Officer iv SG	Recommended (pg. 171/c) Recommended (pg. 176/c) Recommended (pg. 178/c) Recommended (pg. 179/c)
29.	District Profile: (i) Total Geographical area of the district (ii) Total Forest area/Divisional Forest area (iii) Total area diverted since 1980 with number of cases. (iv) Total CA stipulated since 1980 a. Forest land including penal CA b. Non Forest Land (v) Progress of Compensatory Afforestation 22.08.2016 a. Forest land b. Non Forest land	521700 hectares. 131125 hectares. 27 cases 2086.416 hectares. 467.156 hectares CA 457.135 hectares PCA 457.135 hectares. 497.80

3. The State Government has submitted the Village Relocation plan for Girdharpura and Damodarpura copy of the same is available in the file at **(Pg. 59-68/c)**.
4. As per MoEF & CC, GoI Guideline dated 05.02.2009 **(Pg. 69-72/c)**, exempted the NPV for rehabilitation proposal.
5. The Site Inspection Report has been received from the Regional Office, Lucknow vide their letter No. 8A/RAJ/09/1112/2017/FC/145 dated 15.12.2017 **(Pg. 181-187/c)**. The site inspection of the above project was carried out by Shri **K.K. Tiwary**. CF (Central) Lucknow on 16.11.2017.
6. **Name and Designation of Inspecting officer:**

The site inspection of the proposal was carried out by the undersigned in presence of following officers-

Name	Designation	Place
Sri G.P.Sharma	CCF& Field Director, MHTR	Kota
Sri A.K.Kapoor ¹	RCCF	Kota
Sri S.R,Yadav	DCF(Wild Life), Mukundra NP	Kota

Others officers/Field staff of the Forest Department were also present. The report of the site inspection in prescribed Performa is as follows:

(i) **Legal status of the forest land proposed for diversion. Protected Forest--Lakhava B Forest area under Kota Forest Division_ The area is in urban limits of kota city and lies in the close vicinity of Industrial area at Kota_**

(ii) **Item wise break up details of the forest land proposed for diversion:**

Agriculture 64 ha.

Social Facility 8 ha.

Residential 22 ha.

Approved Road 6 ha.

Total 100 ha.

(iii) **Whether proposal involves any construction of buildings (including residential or not. If yes, details thereof.**

Construction of residential building is proposed for rehabilitation of displaced villagers.

(iv) **Total cost of project at present rates. 7320 Lacs**

(v) **Wild- Life (Whether forest area proposed for diversion is important from wildlife point of view or not.)** Presence of only few reptiles is reported.

(vi) **Vegetation:** Eco- Class- III with almost 0 density.

Area is devoid of trees with sparse growth of shrubs of Cassia tora, Prosopis juliflora, Dichrostachys cineria. Zizyphus species etc. There is very little soil cover over the rocky bottom and at many places rocks are exposed.

Total number of trees to be felled.- NIL

Effect of removal of trees on the general ecosystem In the area. Not applicable

Important species: NIL

Number of trees to be felled of girth below 60 cm. NIL

Number of trees to be felled of girth above 60 cm. NIL

(vii) **Background note on proposal.**

Under the WildLife Protection Act,1972,as amended in 2006,Provisions have been laid down for voluntary relocation of villagersidwellers residing inside core or critical tiger habitat areas, for the purpose of creating inviolate areas for tiger conservation. In Mukurdra hills area 16 villages are situated inside core area of Tiger Reserve (MliTR) .Phasewise relocation of villagers is proposed for better management of natural ecosystem and wildlife of the protected area. Girdhapura and Damodarpura are the two major villages which are targeted to be shifted in the first phase through voluntary relocation on mutually agreed terms and conditions as per relevant sections of Wildlife (Protection) Act, 1972 read with requirements laid down in Scheduled Tribes and other Traditional Forest Dwellers(Recognition of Forest right)Act,2006.

The proposal of Relocation is based on Independent assessment of the requirements of the villagers and suitability of the Proposed Rehabilitation site during a Field study carried out by a team comprising of Forest and revenue officials. The survey Report and proposal for rehabilitation of villagers have been prepared on the basis of Rehabilitation Package sanctioned by the state government vide its order dated 08.08.2001 and in the light of guidelines issued under the revised centrally sponsored scheme of Project Tiger.

(viii) **Compensatory afforestation:** Not applicable.

- (ix) **Whether proposal involves violation or Forest (Conservation) Act, 1980 or not. if yes, a detailed report on violation including action taken against the concerned officials.** No.
- (x) **Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not.** Yes proposal for rehabilitation of villagers has been prepared on the basis of Rehabilitation Package sanctioned by the state government vide its order no. F.11(2)Forest/99 dated 08.08.2001.
- (xi) **Reclamation Plan:**
The land proposed for rehabilitation of villagers being displaced from Core area of Tiger reserve is reported to be identified after many joint visits of the site with villagers and detailed discussion with district officials. The villagers have given their consent for relocation and have accepted two package options for rehabilitation being provided by the State government .A Standing Committee under chairmanship of Divisional Commissioner and Rehabilitation Committee constituted under chairmanship of District Collector shall ensure the implementation of the relocation plan as per the approved guidelines of State government and VVPA, 1972.An ECO-development Committee is also Proposed to assist and participate in the relocation activities.
- (xii) **Details on catchment and command area under the project.** NA
- (xiii) **Cost benefit ratio:**
Not calculated. Described as a Tiger / wild life conservation measure, Cost-Benefit has not been qualified.
- (xiv) **Recommendations of the Principal Chief Conservator of Forest/ State Government.**
Recommended by the Nodal Officer, FC Act & by the State Govt.
- (xv) **Utility of the project.**
After relocation of all 16 villages from the critical / Tiger habitat (CTH) area about 1268 of land (601 ha in case of relocation of two villages namely Girdhapura and Damodarupra) would be rendered for Tiger/wild life conservation purpose. The area so vacated shall develop into forest in continuity to the CTH which shall facilitate Tiger reintroduction. The Villagers relocated under the project shall also be benefited by Rehabilitation Packages proposed under the Scheme.
- (xvi) **Numbers of Scheduled Caste/Scheduled Tribes to be benefited by the project.** About 800.
- (xvii) **Whether land being diverted has any socio-cultural /religious value. NO**
Whether any sacred grove or very old growth trees / forests exist in the areas proposed for diversion. No
Whether the land under diversion forms part of any unique eco-system. No
- (xviii) **Situation W.R.T. any P.A.**
The proposed area is not located within 10 kms of any protected area.
- (xix) **Any other information relating to the project:**
The proposed site for relocation of villagers is in close proximity to industrial area of Ranpur where villagers may get regular employment for livelihood. The site is also well connected to nearby township of Kota. Due to refractory nature of the relocation site, scope or raising agriculture crops is limited, however allied activities such as animal rearing, dairy farming may be taken up by the villagers.
- (xx) **Recommendations-**
- a) The rehabilitation of the villagers in new surrounding is a major challenge for the Forest department and district administration a very strong institutional arrangement is needed to accomplish the task within a given timeframe. An effective grievance redressal mechanism must also be in place.
 - b) The vacant area of Relocation site and the adjoining forest areas may be planted by indigenous species with the involvement of local ECO Development Committees to meet the demands of fuel and fodder of the relocated villagers.

It is proposed that the proposal along with site inspection report received from the Regional Office (Central Zone) Lucknow, may be placed before the Forest Advisory Committee in its forthcoming meeting scheduled to be held on 25.01.2018 for its examination and appropriate recommendations.

Agenda No. 3

File No. 8-64/2014-FC)

Sub: Diversion of 155.06 Ha of forest land in Kondapalli Reserve Forest of Krishna Division for extension of Ash Pond, in favour of the Executive Engineer (Civil), Ash Pond Division, Vijayawada Thermal Power Station (VTPS), Ibrahimpatnam in Krishna District in the State of Andhra Pradesh – regarding.

1. The above mentioned proposal was considered by the FAC in its meeting held on 30.09.2015 and the Committee observed as below:-
 - (i) The Government of Andhra Pradesh, Department of Forests, Environment, Science & Technology (For. I) vide their No. 3068/FOR. I (1)/2013 letter dated 15.03.2014 submitted the proposal for diversion of 155.06 Ha of forest land in Kondapalli Reserve Forest of Krishna Division for extension of Ash Pond, in favour of the Executive Engineer (Civil), Ash Pond Division, Vijayawada Thermal Power Station (VTPS), Ibrahimpatnam in Krishna District in the State of Andhra Pradesh, in accordance with the Section-2 of the Forest (Conservation) Act, 1980.
 - (ii) The area to be diverted was a part of Kondapalli R.F. Notified under section 16 of Madras Forests Act – 1882, published in the Forest St. George Gazette, dated 05.07.1892. The proposed site for diversion was along the inside boundary line of the Kondapalli Reserve Forest.
 - (iii) As per instructions of the Conservator of Forests, Rajahmundry Circle, Rajahmundry vide RC No. 6025/76/D1, dated 20.07.2012, the Divisional Forest Officer, Krishna Division, Vijayawada had inspected the proposed site along with Forest Range Officer, Vijayawada, Executive Engineer / Civil / and Asst. Executive Engineer / Civil / Dr. NTTPS, Ibrahimpatnam on 08.09.2012 & 10.09.2012 and reported that the forest land required is adjacent to the existing Stage-III Ash Pond of 112.79 ha. is totally lying in between foot of the hills, covering an area of 87.57 ha. with grass and water in plain area and small bushy plants along the foot of the hill and the rest of area in upstream side of 25.22 ha with scrub jungle having the density of 0.10 to 0.20 and Tamarind trees of 90 to 120 cms girth and 10 mts height and some of the species like *Prosopis juliflora*, *Tephrosia procumbens*, *Lantana camara*, *Jatropha* and *Pulicheru*.
 - (iv) **The user agency has already utilized 42.27 Ha. for Hospital, tunnel, Ash pipe line alignment and approach roads and improved the vegetation out of 155.06 Ha. of land and the rest of the area is not disturbed by the User Agency. The area utilized for Stage – I Ash Pond, pipe lines is along the foot of the hill along the boundary of forest & patta land acquired by the user agency.**
 - (v) There are no saleable growth is existing 87.57 ha (A) of the proposed area. The remaining proposed area of 25.22 ha (B) is having Tamarind Trees and 42.27 Ha (C) has already been utilized. A+B+C=155.06 Ha.
 - (vi) Violations of the Forest Conservation act, 1980 were reported from the area proposed for diversion. In fact the user agency has already utilized 42.27 Ha. for Hospital, tunnel, Ash pipe line alignment and approach roads and improved the vegetation out of 155.06 Ha. of land and the rest of the area is not disturbed by the User Agency. The area utilized for Stage – I Ash Pond, pipe lines is along the foot of the hill along the boundary of forest & patta land acquired by the user agency.. The details of the violations as provided by the user agency is as follows.

	Activity for which forest land is being sought to be diverted under provisions of FCA, 1980	Forest land sought to be diverted under provisions of FCA, 1980. (Ha)	Activity for which forest land has been utilized without prior approval.	Forest land already utilized without prior approval (Ha)
1	Ashpond	128.72	Ashpond	15.93
2	Ash pipelines	10.99	Ash pipelines	10.99
3	Tunnel	0.43	Tunnel	0.43
4	Guest House	14.92	Guest House	14.92
	Total	155.06		42.27

- (vii) The user agency has identified 155.06 Hectares **Non-Forest land** in survey No. 1 of Maredupudi Village, V.R.Puram Mandal, Khammam District and handed over the same to the Divisional Forest Officer, Bhadrachalam (South) Division on dated 11.06.2003 towards compensatory Afforestation land. The site Suitability Certificate by the Forest Range Officer concerned has also been provided. However, differential GPS map of the area identified for CA has not been submitted by the State Government. The identified Non-Forest land to an extent of 155.06 Ha the area is having forest growth densely covered with mixed miscellaneous forest types and it is part of southern tropical dry deciduous forest and there are more Non-Teak tree growth in existing area. The density is above 0.4 and the land is close to existing Reserve Forest.
- (viii) The compensatory afforestation scheme has been prepared by the Forest Department, Andhra Pradesh, with total outlay of Rs 113.324 Lakhs. It has been proposed to carryout improvement of natural regeneration and an area of 155.06 Ha besides decongestion of Bamboo clumps loosening of soil to a depth of 15 cms. of young and old Bamboo clumps in natural forests and also mound young regeneration of natural forest along with initiatives like soil moisture conservation works, incentive planting and entry point activities were also envisaged within this financial outlay of Rs. 113.324 lakhs. The time schedule for compensatory afforestation is raising, 1st year maintenance and 2nd year maintenance.
- (ix) The authorities in the State Forest Department have recommended the proposal with following specific conditions:
- Construction of cross bund on upstream site to avoid intruding of the water into forest land when the ash water level reaches to designed level of elevation +49 MSL contour by the user agency
 - Payment of suitable penalty for already utilized area of 42.27 ha in violation of the Forest (Conservation) Act, 1980

2. Site Inspection Report by the Regional Office, Chennai

- i. The forest land proposed to be diverted had been inspected by the Regional Office (South Eastern Zone), Chennai. Site inspection of the project was done by Shri K.S. Reddy, Addl. Principal Chief Conservator of Forests (Central), Regional Office (South Eastern Zone), Chennai on 30.03.2015 The observations of the Regional APCCF were.

The following areas have already been utilized: -

	Area Proposed	Area already utilized
a. Ash Pond	- 128.72 ha	15.93 ha
b. Ash Pipelines	- 0.99 ha	10.99 ha
c. Tunnel-	- 0.43 ha	0.43 ha
d. Guest House,	14.92 ha	3.40ha
e. Project Hostel, Hospital, etc.		
Total -	155.06 ha	30.15 ha

- ii. The construction of guest house reportedly started prior to 1980. Some of the areas already utilized is a consequence of the works started prior to 1980.

- iii. There are no rare / endangered species found in the proposed forest area. The proposed area is not located in any protected archaeological / heritage sites, defense establishments any other important monuments.
 - iv. The main tree species found in the area is *Tamarindus indica*, Other species found are *Prosopis juliflora*, *Tephrosia procumbens*, etc. Density of the crop is 0.1 to 0.2.
 - v. 155.06 ha of non-forest land has been identified in Survey No.1 Maredupudi Village, V.R. Puram Mandal.
 - vi. Geographical area of Krishna District is reported to be 8796 sq.km. Of this, the forest area is 664 sq.km. Thus, the forest area works to only 7.5% of the geographical area. Even in this low percentage of forest area, large areas of forest areas are reported to be under encroachment in the district.
 - vii. There is a lot of industrial / commercial activity in and around Vijayawada City. Also, State Capital of newly formed. State of Andhra Pradesh is proposed close to Vijayawada City. Therefore, Vijayawada city needs more lung spaces.
 - viii. It is gathered that only around 15% of VTPS area is under green cover, as against the usual norm of 33%. Therefore, there is need to have more green belt around thermal power plant area.
 - ix. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (South Eastern Zone), Chennai recommended grant of approval under the Forest (Conservation) Act, 1980 for diversion of the said forest and subject to the following additional conditions:
 - a. The already utilized area of 30.15 ha is recommended for diversion since project related activity started prior to 1980.
 - b. The remaining area of 124.31 ha is recommended to be afforested with native species and protection given to the area and maintain it as green belt at the cost of VTPS. The area may be considered for diversion for the use of ash pond only after all possible efforts are made and still additional land is required for disposal of the fly ash.
 - x. As it is clear from the Site Inspection Report of the Regional Office the area claimed to have been utilized in violation by the user agency is at variance from the area mentioned by the Regional Office in their inspection report
 - xi. Also the Regional office has not given clear recommendation for diversion of entire 155.06 ha of forest land for construction of Ash pond and other proposed activities
 - xii. The compliance of FRA, 2006 has not been submitted in accordance with the MoEF&CC's advisory dated 3.08.2009. District Collector has not issued certificate in the format as prescribed in the aforementioned guidelines; rather DFO has certified the process of settlement of rights under the FRA, 2006. Further, documentary evidences submitted in support of settlement of rights have been submitted in the vernacular language which could not be interpreted in the Ministry.`
 - xiii. The user agency has not submitted undertakings to bear the cost of CA and NPV.
3. A copy of the minutes of the FAC meeting may kindly be seen at **(Pg. 180-184/c)**.
4. **The FAC after detailed discussion recommended that the state government may be asked to submit following information/documents:-**
- i. Comments on following recommendations of the Chennai Regional Office of MoEFCC
 - a. The already utilized area of 30.15 ha is recommended for diversion since project related activity started prior to 1980.
 - b. The remaining area of 124.31 ha is recommended to be afforested with native species and protection given to the area and maintain it as green belt at the cost of VTPS. The area may be considered for diversion for the use of ash pond only after all possible efforts are made and still additional land is required for disposal of the fly ash.

- ii. Action taken by State Government with regard to the violation of Forest (Conservation) Act, 1980 in the area.
 - iii. Documentary evidence to support claim of the State Government that construction of guest house, hostel and hospital etc were prior to 25th October, 1980.
 - iv. Revised CA scheme after identifying new CA area, in lieu of proposed CA area having dense forest growth, along with differential GPS map of the area identified for CA along with shape file/kml of the land to be diverted.
 - v. The compliance of the Scheduled Tribe and Other Traditional Forests Dwellers (Recognition of Forest Rights) Act, 2006 for the area proposed to be diverted is to be provided in the prescribed format by the State Government.
 - vi. The User Agency examine the generation of fly ash so as to reduce area required for ash pond. Further the alternatives including alternate sites explored for ash disposal by the user agency be provided.
5. **The FAC also recommended that the Nodal Officer of the State be requested to attend the FAC meeting in which the proposal would be next considered, with all relevant details including action taken on the violations of Forest Conservation Act, 1980 including penal levies, criminal proceedings etc if any.**
6. The above recommendations of FAC held on 30.09.2015 was communicated to the State Government of Andhra Pradesh vide Ministry's letter dated 10.11.2015 (Pg. 191-192/c).
7. The State Government of Andhra Pradesh, Environment, Forests, Science & Technology (Section. II) Vide their letter No. 3068/Section-II/2013 dated 02.03.2017 along with annexures **193^c to 277^c** has submitted their reply and the same may kindly be seen at **page No. 14-25/N**. the point wise reply is as given below:-

S. No.	Observations raised by the MoEF & CC, GoI vide its letter dated 10.11.2015	Reply submitted by the State Government of Andhra Pradesh vide their letter dated 02.03.2017
1.	(a). The already utilized area of 30.15 ha is recommended for diversion since project related activity started prior to 1980	In this regard the State Government has reported that the Government of Andhra Pradesh in their G.O. Ms. No. 520/Forest & Rural Development (For. I) Department dated 15.07.1975 (Pg. 122/c) had ordered for de-reservation of 29.78 acres of forest land in two bits of 8.17 Acres and 21.61 acres in Kondapalli RF of Krishna District and handed over to the Dr. NTPPS (Formally VTPS, APSEB). The Conservator of Forests, Guntur under whose Jurisdiction the area falls at that time and the Superintending Engineer, Vijaywada Thermal Power Station, Vijayawada have conducted joint inspection of the forest area required by the Vijayawada Thermal Power Station for construction of Guest House, Ash Pond and formation of approach roads on 12.06.1975 and decided to prepare a comprehensive plan for the forest area required by VTPS (As per file No. 6025/76, dated 25.07.1993 of Conservator of Forests, Rajahmundry Circle, Rajahmundry). Based on this, the construction of guest house, hospital building, laying of ash pipe lines, approach roads and development of tree vegetation was completed in the already utilized area of 30.15 ha prior to 1980.
	(b). The remaining area of 124.31 ha is recommended to be afforested with	In this regard the State Government has reported that the Initially, Dr. NTPPS has acquired patta /

	<p>native species and protection given to the area and maintain it as green belt at the cost of VTPS. The area may be considered for diversion for the use of ash pond only after all possible efforts are made and still additional land is required for disposal of the fly ash.</p>	<p>Government land measuring 155.32 Ha in Ibrahimpatnam and Jupudi villages of Ibrahimpatnam (M) for formation of Stage – II Ash pond adjacent to the Kondapalli RF area during the years 1985 to 1987. The contour of the forest land adjoining to the acquired lands of 155.32 ha starts above EL (+) 42.00M.</p> <p>The executive Engineer / Civil / VTPS has submitted the alienation proposals is piecemeal for an extent of 159.23 Ha of forest land vide letter Nos: EE/C/VTS-II/ D. No. 1498/85, dated 28.08.1985, D. No. 1535/85, dated 02.09.1985, D. No. 3315/87, dated 31.12.1987 for Stage – II Ash pond. Divisional Forest Officer, Eluru has returned the proposals and requested the VTPS authorities to submit the comprehensive proposals duly following the guidelines of the Forest Conservation Act, 1980 vide R.C. No. 1191/73/D3, dated 24.01.1990. Finally the executive Engineer / Civil/VTPS has submitted the comprehensive proposals for diversion of 159.23 ha of land in Kondapalli RF vide Lr. No. EE/C/VTPS/II/Dn.II/DE/F.4/D. No. 355/90, dated 24.02.1990.</p> <p>In the meantime, Dr. NTTPS has acquired patta land measuring 170.46 ha in Ibrahimpatnam, Jupudi and Trilochanapuram villages of Ibrahimpatnam (M) for extension of Ash pond under Stage – III works during the years 1992 and 1993 adjacent to the land already acquired for ash pond during 1985 to 1987. Stage – III Ash pond is formed by providing Bund No: I & II up to EL (+) 50.0 M and connected to the hillocks on west side and South side of the ash pond respectively. The other two sides on East and North area covered with Kondapalli hill ranges. Bund No. I is formed on west side with a length of 940 M and Bund No. II is formed on south side with a length of 2200 M. Bund No. II which is almost parallel to National Highway (NH - 65) which is from Vijayawada to Hyderabad at distance of 1.2 KM from High way. Bund No. II side is adjacent to Indiramma residential Colony at Ch. 100M and Kilesapuram (V) @ Ch. 1800. So it is not possible to acquire the patta land by the side of Bund No. II for extension of Ash Pond.</p> <p>It is further mentioned that Dr. NTTPS has put their all efforts in acquisition of patta land adjacent to the Bund No. I of Stage – III Ash pond located in Trilochanapuram (V). Most of the farmers area having lands less than 1.0 Acre and this is the only lively wood for their families. So framers are not willing to give their lands for ash pond and also most of the</p>
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		<p>farmers were already losing their lands in the land acquisition during the years 1992 & 1993.</p> <p>The correspondence was made with the forest department for diversion of 155.06 Ha of forest land i.e.124.31 Ha for extension of Stage – III Ash Pond and 30.15 Ha of already utilized for structures like Guest House, Project Hospital, Ash pipe lines etc., since 1985 to till date.</p> <p>It is also mentioned by the State Government that the Ministry of Environment and Forests, Government of India has stated that all the coal based thermal power stations are to achieve the target to 100% utilization of fly ash generation their “Fly Ash notification” vide S. O. 763 (E), date 14.09.1999 with amendments vide notification S. O. 979 (E), dated 27.08.2003 & notification S.O. 2804 (E), dated 03.11.2009. Hence the APGENCO management has not given the permission to acquire the land for extension of Ash Pond.</p> <p>As the bunds of Stage – II ash pond were formed up to EL (+) 50.00M, it is technically feasible to fill up ash up to EL (+) 49.00 M (duly allowing the free board of 1.0 M). This is only possible after diversion of 124.31 ha of forest land only Ha. of non-forest land can be utilized effectively and economically.</p>
2.	Action taken by State Government with regard to the violation of Forest (Conservation) Act, 1980 in the area.	<p>In this regard the State Government has reported that the Government of Andhra Pradesh has contemplated for construction of the thermal plant near Ibrahimpatnam to meet the power demand from the public and industries and also to overcome acute power shortage. The Andhra Pradesh State Electricity Board has proposed the Vijayawada Thermal Power Station of 2 x 210 MW units at Ibrahimpatnam in Stage – I. The necessary land was acquired from Revenue Department & Patta holders in Ibrahimpatnam. Ash such the necessary auxiliaries to the plant like Stage – I Ash Pond, pipe lines, Guest House, Project Hostel and Hospital have been constructed by obtaining the permissions from A. P. Government in G. O Ms. No. 521, dated 15.07.1975 from Forest and Rural Development Department for an extent of 29.78 acres for de-reservation of forest land from Kondapalli Reserve Forest. The Chief Conservator of Forests, A. P., Hyderabad has directed the DFO/Eluru to hand over the land 29.78 acres as per the above said G.O Ms No. 520, dated 15.07.1975 to the Electricity authorities after collecting of land value and any tree growth vide ref. No. 45146/74-G2, dated 07.08.1975.</p>

	<p>In order to construct the Guest house, Project hostel, the Chairman, APSEB has requested the District Collector, Krishna District vide D.O. letter No. 4858/82, dated 29.10.1982 for transfer of the hill slopes in favour of VTPS in Ibrahimpatnam opposite to Vijayawada Thermal Power Station towards west in order that the board may take steps for afforestation in entire area vide RC No. E2/82 dated 29.10.1982. In continuation of above the Executive Engineer /Civil / VTPS has submitted the alienation proposals to DFO / Eluru vide Lr. No. EE/C/VTS-II/D. No. 1498, Dated 28.08.1985, D. No. 1535/85, dated 02.09.1985, D. No. 3315/87, dated 31.12.1987 to an extent to 159.29 ha of forest land for Stage – II Ash Pond, in addition to the previous proposal of 100 acres of alienation. Due to non-processing of the proposals by the Forest Department and as per the Lr. No. DFO/Eluru, RC No. 1191/73/d3, dated 24.01.1990, the proposals were resubmitted in 7 sets duly attending the requirements as per the FC Act of 1980 for the approval of diversion of forest land. Subsequently the VTPS authorities have made correspondence with the forest department from time to time for the approval of required forest land, as the VTPS plant is expanded in 3 stages. The necessary proposals have already been submitted to the concerned forest department in appropriate proformas as per the advise of DFO / Eluru and Vijayawada and as per Principal Chief Conservator of Forests/Hyderabad. In this regard it is informed that the VTPS authorities are using the reserve forest area part of the required / proposed forest land by informing to the forest authorities in all of the three stages of the power production to the people of Andhra Pradesh in the interest of the public. Dr. NTTPS (Formally VTTPS) has identified 155.06 ha of non-Forest land in RS No. 1 of Maredupudi village, VR Puram Mandal, Khammam District and handed over same to the Divisional Forest Officer, Bhadrachalam (South) Division on 11.06.2003 towards compensatory afforestation land vide RC No. B/974/2002/MRO/VR Puram dated 11.06.2003 and the Mutation certificate was issued by MRO/VR Puram vid RC No. 13/974/2002, dated 17.12.2004 which were enclosed in the forest proposal in page No. 56 & 57/c. The diversion of 155.06 ha forest land in Kondapalli RF in favour of Dr. NTTPS is the oldest proposals and the necessary correspondence has been made with forest department from time to time for approval by duly attending the remarks made by the Forest Department. (Necessary copies were enclosed in page No. 122 to 134/c).</p>
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		However, the State Government has also reported there was no action taken by the State Government.
3.	Documentary evidence to support claim of the State Government that construction of guest house, hostel and hospital etc were prior to 25 th October, 1980.	In this regard the State Government has reported that the Smt. Indira Gandhi, Prime Minister of India has as laid foundation stone for the work of Vijayawada Thermal Power Station on 7 th April 1974. Sri J. Vengala Rao, Chief Minister of Andhra Pradesh Sri G. Raja Ram, Minister of Power of Andhra Pradesh were also present for that inauguration. The photo copy of the foundation stone is here with enclosed for evidence of support that construction of Guest House, Hospital etc, were taken up and completed in all respects at the time of commencement of Stage – I ie. 1 st unit in 1979, prior to 25 th October, 1980. Structures like Guest House, Hospital, Pipeline etc., are falling in the dis-reserved area of 30.15 ha. The copy of the photos is available at (Pg. 242-245/c) .
4.	Revised CA scheme after identifying new CA area, in lieu of proposed CA area having dense forest growth, along with differential GPS map of the area identified for CA along with shape file/kml of the land to be diverted.	In this regard the State Government has reported that APGENCO has handed over the non-forest land to an extent of 155.06 ha at R.S. No. 1 of Maredupudi (V), VR Puram (M), Khammam District towards compensatory afforestation in view of the forest land requires by Dr. NTTPS (Formally VTPS, APGENCO) on 11.06.2003 to FRO, VR Puram and Delivery of possession certificate was enclosed vide Pg. No. 56/c . The Divisional Forest Officer, Bhadrachalem (South) Division has submitted the revised scheme proposals to the Divisional Forest Officer, Krishna Division, Vijayawada vide Rc. No. 2078/2002-V6 dated 10.02.2012 (Pg. 32 to 54/c) . The Divisional Forest Officer, Bhadrachalem (South) Division has proposed the CA scheme with a total financial outlay of Rs. 113.324 Lakhs for the following works: (a) Non-forest are handed over by the User Agency is density covered with mixed Miscellaneous forest type and it is part of Southern tropical dry deciduous forests and there are more non-teak trees existing in the area and few teak trees are also existing. The growth is full of jungle and the density of the crop is above 0.40. (b) <u>Improvement of National Regeneration:</u> It is proposed to carry out clearance of coup lines and boundaries, clearance of miscellaneous growth, cutting and remove the dead stumps etc, in a area of over 155.06 Ha. Further it is also proposed to carry out decongestion to the Bamboo clumps and loosening of soil to a depth of 15 Cms to young and old Bamboo clumps in natural forest and also mounding to young

		<p>regeneration in natural forest with a finance outlay of Rs. 30.267 Lakhs.</p> <p><u>(c) Soil Moisture conservation Works :</u> As per the guidelines issued by the Prl. Chief Conservator of Forests in Rc. No. 1701/03-F-4, dated 02.07.2003, the unit cost of SMC works in high rain fall area is 1500/- per Ha. Since there is a dense forest having 0.4 density of forest and situated in the High rainfall area, the unit cost for SMC works have been revised and proposed as per the Prl. Chief Conservator of Forests instructions with finance outlay of Rs. 3.75 Lakhs.</p> <p><u>(d) Incentive Planting :</u> The alternative forest area handed over for compensatory for an area of 155.06 Ha. Is inflected dense forest having no scope for Gap / Blank planting. Therefore, the degraded area for incentive planting serenaded area in Comp. No. 115, 138, 158, 166, 167, 168 & 169 in Kunavaram Forest Range is proposed for rehabilitation by means of incentive planting. The total finance outlay for incentive planting is Rs. 54.09 Lakhs.</p> <p><u>(e) Entry Point activity to the VSS members:</u> As per the Prl. Chief Conservator of Forests instructions issued in Rc. No. 8678/03/F4, dated 26.07.2004 Whenever possible near by the VSS can be inclined in implementation of compensatory afforestation scheme as suggested by the Government of India. Accordingly the entry point activities to the VSS members by proposing trainings, study tours, raising of Henna, Kanuga nursery for planting along with CCT bunds in the VSS area, construction of community hall to the VSS members. The total finance out lay of Rs. 1.50 Lakhs is proposed in the scheme.</p> <p><u>(f) Project Management:</u> The incremental operational cost by proposing the maintenance of vehicles, maintenance of communication and office equipment with a finance outlay of Rs. 5.00 Lakhs and included in the scheme.</p>
5.	<p>The compliance of the Scheduled Tribe and Other Traditional Forests Dwellers (Recognition of Forest Rights) Act, 2006 for the area proposed to be diverted is to be provided in the prescribed format by the State Government.</p>	<p>In this regard the State Government has informed that the compliance report on Schedule Tribe and Other Traditional forest Dweller (RoFR) Act – 2006 for the area proposed in the prescribed format has been submitted by the State Government.</p> <p>The Certificate for RoFR Act, 2006 issued by the District Collector, Krishna District, Machilipuram vide his letter No. REV-ESECOLEA (REP)/1/2016-JA/(E4)-KCO dated 17.01.2017 (Pg. 206-207/c) and the copy of the Gram Sabha (s) is available at (Pg. 141-152/c).</p>

6.	<p>Observation:-The User Agency examine the generation of fly ash so as to reduce area required for ash pond. Further the alternatives including alternate sites explored for ash disposal by the user agency be provided.</p>
	<p>Reply:- In this regard the State Government has informed that the total installed capacity of Dr. NTTPS is 1760 MW (6x210 MW + 1x500MW) consisting 7 units. All 7 units are equipped with SILO systems for extracting fly ash to load into the tankers. Two numbers Hydro bins are constructed for 7th unit for extracting the Bottom ash and to load it into the tankers. As per the directions of the MOEF New Delhi, Gazette notification in September , 1999 the fly ash to the cement factories, brick Units and the farmers to bring the Usage to 100% with all efforts made from day to day in order to minimize the usage of new land for future ash pond expansion. In addition ti above, the accumulated ash in the Ash pond is also lifting by engaging two departmental Excavators into the vehicles of public at free of cost as per the directions of Director of MOEF and also to the Highway works of NHS and others by engaging their own machinery for evacuation of the Ash pond for improving the capacity of pond. The percentage of fly ash utilization achieved during 1998-1999 is 4.56% which is increased to 70.77% during 2015.2016, by making lot of efforts to improving the Ash disposal for achieving the 100% usage, the respective fly ash utilization statement as shown below:</p>

S. No.	Year	Ash Generation in MT	Ash Utilization in MT	% of Fly Ash Utilization
1.	1998-99	2940210	134006	4.56%
2.	1999-00	2902507	230826	7.95%
3.	2000-01	2979794	540897	18.15%
4.	2001-02	2836653	333536	11.76%
5.	2002-03	2807240	538990	19.20%
6.	2003-04	2594788	957039	36.88%
7.	2004-05	2619461	1207814	46.11%
8.	2005-06	2645673	1500547	56.72%
S. No.	Year	Ash Generation in MT	Ash Utilization in MT	% of Fly Ash Utilization
9.	2006-07	2770590	1726535	62.32%
10.	2007-08	2989293	2018974	67.54%
11.	2008-09	3030357	2186656	72.16%
12.	2009-10	3211156	2099972	65.40%
13.	2010-11	3586776	2165621	60.38%
14.	2011-12	4037190	2420063	59.94%

15	2012-13	4100653	2916984	71.13%
16	2013-14	4050705	2909737	71.83%
17	2014-15	4068505	2611107	64.18%
18	2015-16	4152772	2939116	70.77%

8. The State Government has also reported that due to in fly ash utilization, the area required for ash pond is decreased, otherwise the existing area of Stage – III Ash pond is not at all sufficient for deposition of ash generated from all 7 Units. As per the guidelines of Government of India, Ministry of Environment, Forests and Climate Change fly ash notification, dated 03.11.2009, to achieve 100% ash utilization by constituting a committee by Dr. NTPPS with the following action plan.

- (a) To communicate with local departments like R & B, Panchayath Raj, Municipal Administration, APCRDA etc., and explained to use of pond ash in filling low laying area and in formation of roads.
- (b) Huge publicity is also being given through pamphlets duly explaining the use of utilization of fly ash in agricultural fields and how to increase the yield in crops.
- (c) To improve the ash utilization in future as the ash requirement is going to be increased in separated Andhra Pradesh State. A lot of construction activities like formation of new roads, filling of low laying areas will be taken up in near future in the capital region for which huge quantity of pond ash is required.

9. The State Government has further reported that the project proponent submitted that the forest land for Stage – III Ash pond can be utilized for all 7 units of Dr. NTPPS. Another 70 Acrs of patta / Govt. land only available nearby Stage – III Ash pond is proposed for construction of Ash pond of Stage – V (1 X 800 MW). The land acquisition proposals were submitted to the District Collector, Machilipatnam and these are under progress.

10. However, from the examination of the above compliance, following was observed:

- (i) No, suitable justification was given by the State Government of Andhra Pradesh on the action taken by State Government with regard to the violation of Forest (Conservation) Act, 1980 in the area.
- (ii) The State Government of Andhra Pradesh has not been submitted the shape file/kml of the land to be diverted for the Revised CA scheme after identifying new CA area, in lieu of proposed CA area having dense forest growth, along with differential GPS map of the area identified for CA.

11. Accordingly, the State Government was requested to submitted the reply on the above observations as mentioned at para 10 above vide this Ministry's letter dated 02.05.2017 (Pg. 278/c) the State Government of Andhra Pradesh, Environment, Forests, Science & Technology (Section. II) Vide their letter No. 3068/Section-II/2013 dated 13.10.2017 along with annexures 280^c to 3437^c has forwarded a point wise a information given as follows:

S. No.	Observations raised by the MoEF & CC, GoI vide its letter dated 02.05.2017	Reply submitted by the State Government of Andhra Pradesh vide their letter dated 13.10.2017
1)	No suitable justification is given by the State Government of Andhra Pradesh on the action taken by State Government with regard to the violation of Forest (Conservation) Act, 1980 in the area.	It is reported that the Government of Andhra Pradesh has contemplated for construction of Thermal Plant near Ibrahimpatnam to meet the Power demand. It is proposed to take up in 3 Stages. Accordingly for Stage-I, necessary land was acquired from Revenue Department & Patha holders in Ibrahimpatnam & all necessary auxiliaries to Stage-I Ash pond, Pipelines, Guest House, Project Hostel & Hospital have been

		<p>constructed prior to 1980 vide G.O. Ms. NO-. 520, dated: 15.07.1975 from Forest & Rural Development Department for an extent of 29.78 Acres.</p> <p>Further, from time to time proposals for diversion are submitted to Forest Department by the user Agency. The User Agency has further reported that the Officials of APSEB who worked & involved in acquiring Forest land / for construction of auxiliaries of plant during the construction period in different Stages have been retired & most of them have passed away. Hence requested to kindly approve the proposal for diversion of 155.06 Ha in f/o Dr. NTPPS (VTPA) from the Kondapalli (Copies enclosed regarding violation from pages 122 to 134 of FC proposals Booklet.</p> <p>The State Government with regard to violation has made proposal of collection of two times NPV for the violated area of 42.27 Ha in Part – IV of proposal.</p> <p>Further the use agency has also furnished necessary undertaking to this effect (Pg. 284/c).</p>
2)	<p>The State Government of Andhra Pradesh has not submitted the shape file / KML file of the land to be diverted as per the Revised CA scheme after identifying new CA area, as the proposed CA area is having dense forest growth. The same to be submitted along with differential GPS map of the new area identified for CA.</p>	<p>In this regard the State Government informed that the:-</p> <ol style="list-style-type: none"> 1. Divisional Forest Officer, Bhadrachalem (South) Division has submitted the revised scheme proposals to the Divisional Forest Officer, Krishna Division, Vijayawada vide Rc. No. 2078/2002-V6, dated 10-02-2012 and enclosed in P. No. 32 to 54 of forest proposals booklets. 2. Divisional Forest Officer, Bhadrachalem (South) Division has prepared the CA scheme with a total financial outlay of Rs. 113.324 Lakhs for the following works. <ol style="list-style-type: none"> a) Non-forest land handed over by the user agency is densely covered with mixed miscellaneous forest type and it is part of Southern tropical dry deciduous forests and there are more non-teak trees existing in the area and few teak trees existing in the area and few teak trees are also existing. The growth is full of jungle and the density of the crop is above 0.40 b) Improvement of National Regeneration: it is proposed to carry out clearance of couple lines and boundaries, clearance of miscellaneous growth, cutting and remove the dead stumps etc, in a area of over 155.06 Ha. Further it is also proposed to carry out decongestion to the Bamboo clumps and loosening of soil to a depth of 15 Cms to young and old Bamboo clumps in natural forest and also mounding to young regeneration in natural forest with a finance outlay of Rs. 30.267 Lakhs.

	<p>c) Soil Moisture conservation Works: As per the guide lines issued by the Prl. Chief Conservator of Forests in Rc. No. 1701/03-F-4, dated 2-07-2003, the unit cost for SMC works in high rain fall area is 1500/- per Ha., since there is a dense forest and situated in the High rainfall area, the unit cost for SMC works have been revised and proposed as per the Prl. Chief Conservator of Forests instructions with finance outlay of Rs. 3.75 Lakhs.</p> <p>d) Incentive Planting: The alternative forest area handed over for compensatory for an area of 155.06 Ha. is dense forest having no scope for Gap / Blank planting. Therefore, the degraded area for incentive planting is selected in Comp. No. 115, is proposed for rehabilitation by means of incentive planting. The total finance out lay for incentive planting is RS. 543.09 Lakhs.</p> <p>e) Entry Point activity to the VSS members: As per the Prl. Chief Conservator of Forests instructions issued in Rc. No. 8648/03/F4, dated 26-07-2004 Wherever possible near by the VSS can be inclined in implementation of Compensatory Afforestation scheme as suggested by the Government of India. Accordingly the entry point activities to the VSS members by proposing training, study tours, raising of Henna, Kanuga nursery for planting along with CCT bunds in the VSS area, construction of community hall to the VSS members will be taken up. The total finance out lay of Rs. 1.50 Lakhs is proposed in the scheme.</p> <p>f) Project Management: The incremental operational cost by proposing the maintenance of vehicles, maintenance of communication and office equipment with a finance outlay of Rs. 5.00 Lakhs is included in the scheme. The KML file of forest land to be diverted in f/o Dr. NTTPS in kondapalli Rf and the CA land of 155.06 Ha already handed over to the forest Department in Rs. No. 1 of Maredupudi (V) VR Puram (M) are submitted along with the proposal for approval vide ref. 5th cited including GPS maps. Again here with the KML file and GPS maps of CA land are enclosed with this letter for approval of the proposals.</p>
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12. The Shape file/ KML as given for the proposed diversion and sites for CA has been examined by DSS Cell and DSS cell made the following observations:

- (i) In case of Forest land proposed for diversion:- The proposed area of 155.05 Ha. falls under Krishna district of Andhra Pradesh State & there is no WLS/NP/Tiger Reserve/Tiger Corridor situated within the 10KM radius of proposed area for diversion. **Forest Cover Map of Land proposed for Diversion:** Out of total forest area proposed for diversion, 14 ha. of land having the canopy density of Moderately dense forest, 98 ha. of land as Open forest, 18 ha. of land as Scrub (below 10% canopy density) and 26

ha. of land as Non-Forest in terms of forest classes (as per the ISFR 2015) based on the interpretation of satellite data period 2013-2014. **Forest Types details:** 5A/C3 Southern Dry Mixed Deciduous Forest: 111 ha., 6A/C1 Southern Thorn Forest: 6 ha., 4B/TS2 Mangrove Forest: 0.00 ha., 5/DS1 Dry Deciduous Scrub: 14 ha. and Non-Forest: 23 ha.

- (ii) **In case of Compensatory Afforestation:** CA land having an area of 155.06 Ha. has been provided in single patch. **Based on DSS, the proposed CA patch is having the Legal status of Forest land (Compt. No. 9999) and it is falling inside Papikonda National Park, Khammam district of Telangana State.**

Forest Cover Map of proposed CA land: The whole patch of proposed for CA land is characterized with Moderately Dense Forest (as per the ISFR 2015) having density above 0.4 based on the interpretation of satellite data period 2013-2014 and same has been depicted through high resolution satellite Imagery dated 14/11/2016.

It is proposed that the facts related to the above proposal may be placed before FAC in its next meeting to be held on 25.01.2018 for their examination and appropriate recommendation.

Agenda No. 4

File No. 8-55/2014-FC

Sub: Diversion of 285.44 hectares of forest land in Lankapalli R.F. of Khammam Division in favour of Singareni Collieries Company Limited (SCCL) for their Kistaram OCP.

1. Government of Andhra Pradesh vide their letter dated 28th April 2014 submitted the above subject proposal to obtain prior approval of the Central Government, in terms of the section-2 of the Forest (Conservation) Act, 1980.
2. The following additional information pertaining to the said proposal have been indicated in the said communication received from the Government of Andhra Pradesh:
 - (i) The SCCL is a Government Company jointly owned by both the State and Central Governments. This is the only coal mining company in South India entrusted with the task of extracting the coal to meet the energy needs of South India. The activities of SCCL are spread over in Khammam, Warangal, Karimnagar and Adilabad districts of Andhra Pradesh. The SCCL is presently having 37 coal mining leases spread over in the above four districts. In these sanctioned leases, SCCL is operating 36 underground mines and 14 opencast mines producing around 52 million Tonnes of Coal per annum.
 - (ii) SCCL has obtained Bhupalpalli Mining Lease over an extent of 2792 ha (27.92 sq. kms) in Non forest-land covering Kakatiya Khani (KTK) Nos., 1, 2, 3, 5 and 6 Incline mines.
 - (iii) Kakatiya Khani No.1 Incline (KTK-1) is an existing mine covered in the above mining lease in Bhupalpalli area, Warangal District, Andhra Pradesh. At present the mine is working in 3 seams, namely No.1, 2 and No. 3 seam in descending order. KTK - 1 incline property is partly covered in non - forest land and partly covered in forest land. This mine is already possessing Additional Mining Lease in Tadicherla RF, Karimnagar East Division, Warangal Circle to an extent of 235 hectares sanctioned vide MoEF letter no. 8-40/99-FC, dt. 16.10.2000, for a period of 30 years.
 - (iv) From recently drilled boreholes, it was found that the fault F2-F2 was shifted further towards West. Thus the area between the East side of Tadicherla Block - II and West side of (KTK-1) incline is named as 'Kakatiya Khani -1 (KTK-1) Incline Extension Block'. Out of the total area of extension block, an area of 128.77 Ha extending over strike length of 1.0 km and dip length of 1.3 kms having 5.70 million-tones of coal reserves is being proposed to be annexed to the ongoing KTK 1 Incline.
 - (v) KTK - 1 Incline including the proposed annexing block is covering an area of 506.75 hectares, out of which 142.98 hectares (Non RF) is covered in Bhupalpalli Mining Lease- (valid up to 3.8.2029) and 235 hectares (RF) is covered in Additional Mining Lease for 30 years diverted vide MoEF letter dated 16.10.2000 (valid up to 15.10.2030). The balance 128.77 Hectares out of which 115.78 hectares is forest land and 12.99 hectares is non-forest land. Since the area proposed is extension to the existing mine property, no additional expenditure is required for extracting the coal from this

block. As such, establishing of surface infrastructure can be avoided and the property can be extracted without disturbing surface, for which Mining lease is required to exploit the coal from this block through underground method of extraction. Hence, the present application is for Additional Mining Lease in RF in continuation to the existing mining lease and diversion is required for a period of 30 years.

- (vi) The occurrence of coal deposits extending into forest area is as a nature's gift. The location of project is site specific. No surface structures will be raised in the proposed lease area, as such no diversion of surface forest land is required.
 - (vii) The total forest land of 115.78 hectares is required for underground mining only is situated in Camp. Nos. 401 and 404 of Tadicherla RF, Bhupalalli Range, Karimnagar (E) Division, Warangal Circle.
 - (viii) There is no requirement of surface forest-land. The proposal is only for approval under FC Act 1980 for mining lease for underground operations at KTK - 1 Incline over 115.78 hectares of Tadicherla RF, Bhupalalli Range, Karimnagar East Division, Warangal Circle, Andhra Pradesh for a period of 30 years.
 - (ix) This proposal is for grant of mining lease to carry out underground mining operations which will be conducted at a depth range of 90 m to 470 m. No diversion of surface forest land is involved. However SCCL has agreed for payment of Compensation for the damage if any, caused to the forest on surface due to underground mining. The SCCL has also agreed for payment of NPV as per rules and an undertaking to this effect is enclosed.
 - (x) The user agency has certified that all other alternatives have been explored to minimize the requirements of forest land and the 115.78 hectares of forest land covering in Camp. No. 401 & 404 of Tadicherla RF proposed for diversion is bare minimum required for the proposed underground mining of KTK-1.
 - (xi) Wildlife species such as Sambhar, Sloth bear, Chowsinga, Wild Boar and Peacock are available in and around the forest proposed to be diverted for non-forest purpose.
3. The forest land proposed to be diverted has been **inspected by the Regional Office (South Eastern Zone), Chennai**. Additional information pertaining to the proposal available in the site inspection report submitted by the Regional Office (South Eastern Zone), Chennai vide their letter dated 11th September 2014 are as below:
- (i) Site inspection of the project was done by Shri K.S. Reddy, Addl. Principal Chief Conservator of Forests (Central), Regional Office (South Eastern Zone), Chennai on 03.07.2014. The Chief General Manager, SCCL, Kothagudem and General Manager (Estates), SCCL, General Manager (Environment), SCCL, Adviser (Forestry), SCCL and local forest staff were present during the inspection. Based on the site inspection and discussions held with the officials of SCCL and Forest Department, and perusal of records pertaining to the project, the report is submitted, as under: -
 - (ii) The Singareni Collieries Company limited (SCCL) is currently operating JVR OCP-I Mine with an annual production capacity of 2.5 Million Tonnes. The production from the Mine is mainly meeting the coal requirement for Kothagudem Thermal Power Station of Telangana State. This Mine is spread over in an area of 244.02 hectares in Lankapalli Forest Block and 148.00 hectares of Non-forest land. This Mine is likely to get exhausted within next 2 years. SCCL has obtained FC clearance for the adjoining 136.5 hectares. This Mine is likely to last up to 3 years. In addition to this, the Singareni Collieries Company Limited have submitted application for diversion of 776.20 Ha. for JVR OCP-II which was also inspected and report submitted.
 - (iii) The SCCL has applied for Mining Lease over an extent of 435.68 hectares in the name of Kistaram OCP. Of the 435.68 hectares, 285.44 hectares is forest land in Lankapalli Forest Block and the remaining is Non-forest land. SCCL have submitted proposal for diversion of 285.44 hectares of forest land in Lankapalli R.F. Sathupalli Range of Khammam Forest Division. Of the 285.44 hectares requested for diversion, 200.72 hectares is for quarry, drain and bund around quarry. 13.98 Hectares is required for top soil dump and 57.73 hectares is required for hard OB dump. 4.36 hectares is required for service buildings essentially to be located at the Mine and another 8.65 hectares is required for Coal Handling Plant and Coal Stock Yard.
 - (iv) SCCL requested for grant of lease for 20 years. The estimated coal reserves in this project are 21.61 Million Tonnes of which about 20.71 Million tonnes are reported to be located in forest

land applied for diversion. The Project is expected to provide direct employment to 370 persons. Estimated Annual production is 2 million tonnes of coal. The SCCL has been granted status of CPSU for the purpose of CA vide MoEF letter NO.11-423/2011-FC, dt.31.1.2013. Therefore, Forest Dept. identified double extent of degraded forest land and prepared CA Scheme for a financial outlay of Rs. 1,250.73 lakhs which works to RS.2.19 lakhs per hectare.

- (v) The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor etc. There are no protected archaeological Heritage sites/Defence Establishment or any other important monument is located in the area. There are no protected areas situated within 10 kms area within project site. The density of the tree growth in the applied Forest area is said to be more than 0.4. In this area, the No. of trees to be felled are estimated to be 1,16,361 of which 97,440 are below 30 cm. girth class and 880 No. of trees are above 60 cm. girth class. The remaining are from 31 cm. to 60 cm. girth class.
 - (vi) Non-forest land belongs to nearby Kistaram village. There is one village called Jagannathapuram in the Non-forest land required for the Project. In this village, there are about 100 houses consisting of about 150 families They do not have any agricultural lands. SCCL has identified about 30 Acres of land at a distance of 3 kms at Cherukupalli village for rehabilitating the villagers. The SCCL has agreed to rehabilitates the displaced persons as per the latest policy of the Government.
 - (vii) Regarding Certificate under RoFR Act, the distance Collector, Khammam vide Rc. No. G/1963/2013 dated 2.5.2014 has issued No. Objection Certificate for diversion of Forest land. As per the Gram Sabha Resolution enclosed to the Certificate, rights have been recognised to 12 families involving 10.03 hectares (24.08 Acres) and the rights holders have agreed for diversion of the land after providing R&R as per R&R Policy of the Government which was agreed by SCCL.
 - (viii) Old plantations of bamboo and recent plantation of Eucalyptus clones and NTFP Plantations are there in an area of 221.95 hectares required for the Project.
 - (ix) Sathupalli Mandal Headquarter is situated at a distance of 5 of 5 Kms. From the project site. This mining activity is bound to have adverse effect on the town, particularly due to the current and proposed mining activities in JVR-OC-I & II Mines in area of more than 1000 Ha of Forest land producing about 4 Million tonnes/annum. Hence, in view of the location of Sathupally town in the close proximity it may not be desirable to have another mine working in the close vicinity of the town. Hence, the proposal in not recommended.
4. The said proposal along with site inspection report (SIR) received from the Regional Office (South Eastern Zone), Chennai was placed before the Forest Advisory Committee in its meeting held on **20th -21st October, 2014** for their examination and appropriate recommendations. FAC after examination of proposal and interaction with representatives of user agency observed as below:
- (i) Legal status of forest land proposed to be diverted is Reserved Forests;
 - (ii) Crown density of vegetation available in the forest land proposed to the diverted is more than 0.40;
 - (iii) Forest land proposed to be diverted contains 1,16,361 trees, out of which 97,400 trees are of less than 30 cm girth. Only 880 trees are above 60 cm girth. The 221.95 hectares of forest land proposed to be diverted contains old bamboo plantation of bamboo and recently raised plantation of eucalyptus clones and NTFP species;
 - (iv) Forest land proposed to be diverted is vulnerable to soil erosion;
 - (i) The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor etc. There are no protected archaeological Heritage sites/Defence Establishment or any other important monument is located in the area. There are no protected areas situated within 10 kms area within project site. Presence of schedule-I animals such as four-horned antelope (*Tetraceros quadricornis*), and Python (*Genus python*) has however, been reported in the forest land proposed to be diverted;
 - (v) Initially compensatory afforestation was proposed to be created on non-forest land equal in extent to the area of forest land proposed to be diverted. However, it has been reported by the Regional Office (South Eastern Zone), Chennai that in terms of the MoEFCC's letter No. 11-423/2011-FC, dated 31st January 2013 wherein the State Government has been permitted to raise compensatory afforestation in lieu of forest land diverted in favour of SCCL over degraded forest land twice in extent of the area

of forest land diverted, the compensatory afforestation is proposed to be raised over degraded forest land twice in extent of the area of forest land proposed to be diverted at an estimated outlay of Rs. 3,832.30 lakhs;

- (vi) Forest land proposed to be diverted is free from any habitation. However, in the adjacent non-forest land required for this project, one village namely Jagannadhapuram consisting of 84 (83-ST + 01-Non-ST) families is existing. Execution of the project will necessitate shifting of these families;
- (vii) Total 435.68 hectares of forest land required for the proposed Kistaram OCP, of which 285.44 hectares is forest land. The said area is situated towards North side of existing JVR OCP - I (Formerly named as Sathupally OCP-I);
- (viii) The Kistaram OCP is planned to produce 2.00 Million Tonnes of Coal per annum with a net capital outlay of 194.03 crores and has a life of 20 years including pre-mining and post mining activities. The estimated reserves of Kistaram OCP is 21.61 Million Tonnes, of which 20.71 Million Tonnes are located in Forest land. This project provides direct employment to 370 persons;
- (ix) Out of the total 285.44 hectares of forest land proposed to be diverted, 200.72 hectares is required for quarry including drain, bund etc. around quarry, 71.71 hectares is required for external overburden dumps including drain, toe wall etc., around dumps, 4.36 hectares is required for service buildings and 8.65 hectares is required for coal handling plant and coal stock yard. Detailed justification along with full details of alternatives examined to avoid diversion of forest land for non-site specific activities such as, overburden dumps, service buildings and external dumps have not been provided;
- (x) State Government and Regional Office also observed that 4.36 hectares of forest land proposed to be utilised for service buildings and 8.65 hectares of forest land proposed to be utilised for coal handling plant (CHP) and coal stock yard is dense forest located adjacent to the existing road and Sathupally Municipality. A service buildings and CHP coal stock yard is already existing in the JVR OCP-I project, which is in operation in vicinity of the forest land proposed to be diverted. These non-site specific activities may be undertaken in non-forest area also. Hence, user agency may deduct the said 13.01 hectares of forest land proposed to be diverted. The balance 272.43 hectares of forest land is unavoidable and barest minimum for the project;
- (xi) Proposal received from the State Government contains documentary evidence in support of the settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 stipulated by the MoEF vide letter dated 3rd August 2009. As per the **Gram Sabha Resolution enclosed to the Certificate, forest rights have been recognised** to 12 families involving 10.03 hectares (24.08 Acres) and the rights holders have agreed for diversion of the land after providing compensation as per Resettlement and Rehabilitation(R & R) Plan prepared on the basis of the R&R Policy of the Government. The SCCL has agreed to accept the said conditions; and
- (xii) Regional Office, South Eastern Zone, Chennai after examination of the said proposal observed that Sathupally Mandal Headquarter is situated at a distance of 5 kilometers from the project site. This mining activity is bound to have adverse effect on the town, particularly due to the current and proposed mining activities in JVR-OC-I & II mines in area of more than 1000 hectares of forest land producing about 4 Million tonnes/annum. Regional Office, South Eastern Zone, Chennai therefore, further observed that in view of the location of Sathupally town in the close proximity it may not be desirable to have another mine working in the close vicinity of the town. Regional Office, South Eastern Zone, Chennai therefore recommended that approval under the FC Act for diversion of the said forest land.

5. **Recommendation of FAC held on 20th -21st October, 2014:** FAC after detailed deliberations recommended that decision on grant of approval under the FC Act for diversion of forest land may be deferred till EIA, EMP and proceedings of the public hearings are considered by the Expert Appraisal Committee (EAC) for grant of Environmental Clearance to the project. The EAC may be advised to specifically examine the impact of the project on Sathupally town while formulating their recommendation. Meanwhile, the State Government may be requested to furnish their comments on the following issues:
- (i) Impact of the project on Sathupally town along with measures proposed to be undertaken to mitigate these impacts; and

(ii) Justification for diversion of forest land for non-site specific activities such as, overburden dumps, service buildings and external dumps along with full details of alternatives examined.

6. The above recommendation of FAC was communicated to the State Government of Telangana vide Ministry's letter dated 21st November, 2014 (Pg. 599/c).

7. The State Government of Telangana vide their letter No. 2373/FOR.I (1)/2014 dated 27.01.2017 (Pg. 601-629/c) has forwarded a point-wise reply submitted by the Principal Chief Conservator of Forests, Telangana (HoFF), in respect of MoEF & CC, GoI, New Delhi letter dated 21.11.2014, and the same is given under below:-

S. No.	Observations raised by FAC	Reply submitted by State Government
1.	Impact of the project on Sathupally town along with measures proposed to be undertaken to mitigate these impacts; and	In this regard the State Government informed that the user agency stated that the Kistaram OCP is located at a distance of 2 Km. from Sathupalli Town. Hence, there may not be much impact on the Sathupalli Town. Green belt will be developed all around the mine to prevent spread of dust to the adjoining areas. SCCL will continuously sprinkle water on the Haul roads, CHP to control spread of dust. Coal will be transported in tarpaulin covered lorries. Further, the project proponent has also stated vide letter dated 13.01.2016 (Pg. 611-612/c) and requested to the Director General, ICFRE, Dehradun to study the impact of the area Kistaram OC coal mining on Sathupalli town. Hence, whatever measures are recommended by ICFRE in addition to the measures proposed by SCCL, the same also will be implemented to mitigate the impacts, if any.
2.	Justification for diversion of forest land for non-site specific activities such as, overburden dumps, service buildings and external dumps along with full details of alternatives examined.	In this regard the State Government informed that the user agency stated that the total requirement of the land for Kistaram OCP is 435.68 ha of which 285.44 is Forest land. Of the total forest land required, 200.72 ha. is for quarry including drain and boundary around the quarry which are site specific. Of the balance 84.72 ha., 71.71 ha. is identified for dumping which is also site specific as dumping also mining activity and needs Mining Lease. In addition to this Forest land, available Non-forest land of 95.03 ha is identified for dump after leaving 27.91 ha of non-forest land for protecting Jagannadhapuram Tank (water body) as prescribed in condition No. (xvii). Total OB to be excavated in this Mine is 129.58 million cu.m. and the dump is proposed up to a maximum height of 120 m. in a total area of 166.74 Ha. which includes 71.71 Ha. of forest land. The land for OB dumping is required initially for a period of three years and thereafter OB will be accommodated in external and backfilling in de-coaled area simultaneously.

8. The Principal Chief Conservator of Forests, (HoFF), Telangana vide their letter No. 54546/2009/FCA-1, Dated 06.01.2017 has reported the following additional points:-

A. Following alternatives are examined to avoid, dumping in Forest land: The user agency i.e. M/s. SCCL stated that the available Non-forest land on the North side of the quarry is 122.52 ha. of which

94.61 ha is proposed for dumping of OB. The balance 27.91 ha. of Non-forest land is left for protecting the Jagannadhapuram Tank. On the South side of the quarry, State Highway is passing in close proximity to this area, Kistaram village is located within 500 m. of this area and Kistaram Irrigation Tank which is exiting, is to be protected. Hence, dumping can not be done towards South side.

As can be seen from the Plan, the available Non-forest land is already identified adjacent to the Forest land to make the dump as contiguous one so that dumping can go up to the maximum height of 120 m. which will minimize requirement of land.

B. Location of Service Buildings in Forest land: The project proponent stated the as per Mines Act, 1952, CHP and essential infrastructure come under the definition of mine have Mining Lease and statutory mine boundary. Hence, a minimum area of 4.36 Ha. is identified for service buildings and 8.65 Ha. is identified for CHP & Coal Yard nearer to the mine. Thus, a total of 13.01 Ha. (4.36+8.65 Ha.) of forest land is proposed for locating the essential infrastructure. This will also reduce the travel distance of dumpers which in turn results in reduction of lead, fuel requirement, dust, exhaust gases etc. If the CHP & Coal Yard are to be located in Non-forest land, it will be very near to Kistaram (V) where more than 1500 families are staying. Hence, to keep the CHP and Coal Stock Yard away from the nearest village, the essential infrastructure facilities are proposed adjacent to the Pit mouth in the Forest land.

Hence, all the options have been examined while formulating the Project to avoid Forest land for dumping and other essential infrastructure in Forest land. Due to non-availability of sufficient Non-forest land nearby, bare minimum of 84.72 Ha. of forest land is identified for dumping and locating essential infrastructure.

User Agency may advise to explore the possibility to modify the mining plan to extract deeper seams of coal: The user agency stated that while preparing the Mining Plan for Kistaram OCP, the deeper seams of LB1 and LB2 below A-seam are not considered for extraction since the coal seams exist in small patches of the area and have thickness of 0.87 and 0.80 m. respectively. Moreover, the parting between A & B LB1: & LB2 are 32.00m and 20.00m respectively. Due to more thickness of the partings and low thickness of LB1 and LB2 seams, the average stripping ratio for extraction is 38.24 cum/T. Hence, it is not feasible to mine LB1 and LB2 seams below A-seam and also uneconomical. By taking the above facts into consideration the Mining Plan was approved by expert committee of Ministry of Coal after due deliberations.

The DFO, Khammam vide Rc. No. 89/2010/A3 dated 24.08.2016 has reported that the Divisional Forest Officer has examined the detailed point wise information / justification submitted by the user agency and reasons for requirement of 285.44 ha of forest land for Kistaram OCP along with Non-forest land included in the requirement and inspected the above requirement of forest land on 21.08.2015 along with FRO, Sathupally and SCCL authorities. The dumping area requirement, the area was perambulated and the justification given by the user agency was seen, even revenue area has been taken in addition to forest area for dumping. Another observation is water bodies. With respect to structures as per project needs was also checked in the field and found to be necessary for proper transport of extracted material to the existing permanent road. The Divisional Forest Officer, Khammam has submitted that, the additional information given by the user agency (SCCL) on dated 23.02.2016 is correct as per his field observations and recommended for diversion of 285.44 Ha of forest land as per the requirement of user agency.

9. It is also mentioned that **the file was referred to IA division** for obtaining their **comments in the matter**. The IA division vide their note dated 22.08.17 (18/n) informed that the proposal for grant of EC to Kistaram Open Cast Coal Mine project of 2 MTPA in mine lease area 435.68 ha of M/s SECL in district Khammam was considered the EAC in its 58th meeting held on 23-24 June, 2016 for forth meeting held on 30-31 January, 2017. **While deliberations on the proposal, the EAC took note on the following:**

- i. The observations of the FAC in its meeting held on 20-21 October, 2014 (as at para 4.15.3 (xiii) above) and subsequent clarifications sought from the state Government need to be clarified by the project proponent for its compatibility with the EIA/EMP reports and the public hearing. The Committee desired that the proposal may be considered by the FAC in parallel, and without any prejudice to the observations of the EAC.
- ii. Source of Fluoride in the ground/assessed to suitably address the observations of the EAC.
- iii. Year wise expenditure incurred on CSR activities indicate no definite trend with no firm planning and the budget estimate accordingly.

The EAC after detailed deliberation deferred the proposal for want of information on the above lines. The same was communicated to the project proponent and reply is awaited.

10. It is also mentioned that the project proponent was informed that the CA sites proposed earlier having encroachments and some of the proposed area for CA has been earmarked for departmental plantation and therefore the CA scheme is being revised. Accordingly, the State Government of Telangana was requested vide this Ministry's letter dated 19.09.2017 (Pg-635/c) to submit the approved revised CA scheme with suitability certificate and the shape / KML files for the revised CA along with shape file for proposed area of diversion for further consideration of the proposal in the Ministry. **The status of environment clearance may also be intimated.**
11. The State Government vide their letter no. 2373/For.1 (1)/2014 dated 15.11.2017 has forwarded a copy of revised CA scheme with financial outlay of Rs. 1970.193 Lakh for treating an area 571.00 ha of degraded forest area in Khammam (227 ha) and Sathupally divisions (344 ha). Detailed CA scheme is placed in file at **642-742/c**.
12. The Shape file/ KML file of Revised CA sites has been examined by the DSS Cell and following observations have been made:
 - i. Calculated area of the shapefiles received for revised CA Area is found correct as per the requirement i.e. 571.78 ha.
 - ii. Legal status of revised CA land is found as Forest land i.e. Compartment no. 51,52,53 148,149,175 as per the recorded Forest Area boundary uploaded on DSS.
 - iii. As per the current boundaries, revised CA is provided in four patches falling in the same district namely Khammam.
 - iv. Out of total proposed CA area, 93 ha. of land having the canopy density of Moderately dense forest that with 75 ha. of land classified under Open forest Category in terms of forest classes (as per the ISFR 2015) based on the interpretation of satellite data period 2013-2014.
 - v. Patchwise details of proposed CA patches w.r.t density classes (based on interpretation of satellite data period 2013-14) as per ISFR 2015, are as follows:

(Area in ha.)

S.No.	Patch	Very Dense Forest	Moderately dense Forest	Open Forest	Scrub	Non-Forest land
1	Patch-I	0	92	12	0	123
2	Patch-II	0	0	0	0	40
3	Patch-III	0	0	0	0	23
4	Patch-IV	0	1	63	0	219
Total		0	93	75		405

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 25.01.2018 for their examination and appropriate recommendation.

6.	Topography of the area	-							
7.	(i) Geology (ii) Vulnerability to erosion	There is possibility of soil erosion. The construction activities in the area will lead to the soil erosion for which the user agency is required to undertake appropriate mitigative measures.							
8.	(i) Vegetation (ii) Density	Area (Ha.)	Density	Eco-Class					
		187	0.2	5					
		256	0.4	5					
9.	Working plan prescription for the forest land proposed for diversion.	RDF as reported by DFO, Singrauli District Rewa Circle.							
10.	Species-wise (Scientific names) and diameter class wise enumeration of trees in unbroken area.	S. No.	Scientific Name	Local Name	(31-60) CM	(61-90) CM	(91-120)CM	(121-150)CM	(>150)CM
		1.	Madhuca indica	Mahua	5900	1630	570	250	660
		2.	Shorea Robusta	Saal	20200	9170	1880	380	170
		3.	Lagerstroemia Praviflora	Sendha	4270	1170	160	50	10
		4.	Diospyros Melanoxylon	Tendu	15670	3440	480	100	60
		5.	Ficus Bengalis	Bargad	0	0	0	10	10
		6.	Terminalia Crenulata	Saaja	5540	560	120	10	0
		7.	Dalbergia Sissoo	Shisoo	10	0	0	0	0
		8.	Syzigium Cumini	Jamti	390	100	30	20	20
		9.	Azadirachta Indica	Neem	160	110	10	0	0
		10.	Schleichera oleosa	Kusum	70	0	0	0	10
		11.	Bombax Ceiba	Semar	30	0	0	0	0

	Wildlife (Protection) Act, 1972 (Note: In case, ESZ of a Protected Area is not notified, then 10 kms distance from boundary of the Protected Area should be treated as ESZ):	No.
15.	Whether any RET species of flora and fauna are found in the area. If so details thereof	No rare/endangered species of flora & fauna were found in the area.
16.	Whether any protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.	There is no protected archaeological/heritage site/defence establishment in the proposed area.
17.	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.
18.	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
19.	Whether clearance under the Environment (protection) Act, 1986 is required?	Yes, The State Government has reported that project proponent has obtained environment clearance 11015/381/2008-IA-II (M) dated 10.12.2008 (Pg. 136-140/c).
20.	Status of Wildlife Clearance;	No, Wildlife Clearance required.
21.	Site Inspection Report of the Divisional Forest Officer in compliance to the conditions stipulated in the col. 7 (xi, xii) 8 and 9 previous approval.	Site Inspection Report by Divisional Officer, Singrauli is enclosed at page no. 540-542/c.
22.	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 details are given copy of the same is available at (Pg. 582-1042/c).
	(ii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure has been submitted copy of the same are available at (Pg.582-1042 /c).
	(iii) Total financial outlay for CA	4541.65 Lakhs

	(iv) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	Area is Suitable for Plantation certificates are given various Divisional Forests Officers and copy of the is enclosed with the proposal.
23.	Total Command Area of the project (in ha.)	Not required.
24.	Catchment Area Treatment	Not required
25.	Rehabilitation of Oustees a) No of families involved b) Category of families c) Details of rehabilitation plan	580 51 SC, 145 ST Categories and 384 other Category. R & R plan has been submitted (Pg. 93-114/c)
26.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	The District Collector, Singrauli, Government of Madhya Pradesh vide his letter No. 2048/FRA/TRIBAL/49/20169 dated 13.08.2016 (Pg. 215/c) has issued a FRA certificate for diversion of 467.809 hectares of forest land/revenue forest land (443.000 ha. forest land + 24.809 ha. Revenue forest land=467.809 ha. forest land) for Opencast Coal Mining in favour of M/s. Northern Coal Fields Limited, Rewa in Singrauli District State of Madhya Pradesh. 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.215-286/c).
27.	Undertakings to bear the cost of CA and NPV.	Submitted (Pg. 513-514 /c).
28.	Cost Benefit Ratio	17.84 Crore (Pg. 132/c). However, Cost benefits ratio has not given as per Ministry's Guideline dated 01.08.2017.
29.	Total Cost of the Project (Rupees in lakhs)	128139 lakhs (Pg. 64/c).
30.	Employment Potential Permanent / Temporary	20 Permanent 250 Temporary
31.	Recommendation i. DFO	Recommended with specific recommendations (pg. 540-543/c)
	ii. CCF	Not recommended (pg. 18/c) Proposal has been returned to DFO, Singrauli, for resubmit the proposal after completion the form-II.
	iii. Nodal Officer	Recommended (pg. 22-23/c)
	iv. State Government	Recommended (pg. 24/c)
32.	District Profile, Burhanpur (i) Total Geographical area of the district (ii) Total Forest area/Divisional Forest area (iii) Total area diverted since 1980 with number of cases. (iv) Total CA stipulated since 1980 a. Forest land including penal CA b. Non Forest Land	567282.244 hectares. 221656.88 hectares. 37 cases 6790.691 hectares. 0 8512.592 hectares.

(v) Progress of Compensatory Afforestation 31.12.2015	6339.042 hectares.
a. Forest land	2418.421 hectares.
b. Non Forest land	

3. The forest land proposed to be diverted has been inspected by Shri B. Abhay Bhaskar, Dy. Conservator of Forests (Central), Regional Office (Central Zone), Bhopal along with representatives of the State Forest Department and the user agency on 07th December, 2017.
4. Important information furnished in the inspection report submitted by the Central Regional Office of this Ministry vide its letter dated 21.12.2017 are as below: SITE INSPECTION REPORT OF DIVERSION OF 467.809 HA OF FOREST LAND / REVENUE FOREST LAND (443.00 HA FOREST LAND + 24.809 HA REVENUE FOREST LAND = 467.809 HA FOREST LAND) FOR OPENCAST COAL MINING IN FAVOUR OF M/S NORTHERN COAL FIELD LIMITED, REWA IN SINGRAULI DISTRICT STATE OF MADHYA PRADESH.
Date of Inspection: 07.12.2017.

(i) Legal Status of Forest land proposed for diversion.

- 1) Reserved Forests - 00.00 ha
- 2) Protected Forests - 443.00 ha
- 3) Revenue Forests - 24.809 ha
- 4) Non-forests - 55.913 ha

District wise breakup			
S. No.	District Name	Forest Land (ha.)	Non-Forest Land (ha.)
1	Singrouli	467.809	55.913
Village wise breakup			
S. No.	District Name	Forest Land (ha.)	Non-Forest Land (ha.)
1.	Dudhichua	222.039	0
2.	Madhauli	34.707	0
3.	Karuwari	147.448	0
4.	Panjreh	29.572	0
5.	Chatka	9.234	0
6.	Madhauli(Revenue Forest) kh no 410/1	3.333	0
7.	Madhauli(Revenue Forest) kh no 404/1	12.08	0
8.	Madhauli(Revenue Forest) kh no 411/1	4.046	0
9.	Madhauli(Revenue Forest) kh no 412/1	1.821	0
10.	Panjreh (Revenue Forest) kh no 193/2	2.195	0
11.	Panjreh (Revenue Forest) kh no 188/4	0.334	0
12.	Panjreh (Revenue Forest)	1	0
	Total area	467.809	
S. No.	Component	Forest Land (ha.)	Non-Forest Land (ha.)
1.	261	186.254	0
2.	262	256.746	0
	Total area	443	

- (ii) How the land proposed for diversion is to be utilized? : For opencast coal mining project.
- (iii) Whether the proposal involves any construction of buildings (including residential): No.
- (iv) Total cost of Project: Rs. 1,28,139 lakhs.

(v) Wild Life: CWLC comments may kindly be seen. No direct sighting of wildlife during site inspection.

Whether the forest area proposed for Specific observation diversion is important from Wildlife point of view or not : Specific observation of DFO, Singrauli and APPCF(LM) / Nodal Officer, Govt. of Madhya Pradesh recommendation on endangered species corridor i.e. Elephant as per the Singrauli Working Plan.

(vi) Aerial distance from the nearest boundary of any protected area:

(vii) Vegetation :

a. Trees to be felled : 22,500 nos (as per e.portal)

b. Effect of removal on the general ecosystem in the area: open cast mine, this will completely destroy the present ecosystem.

S. No.	Area (ha.)	Density	Eco-Class
1.	187	0.2	Eco 5
2.	256	0.4	Eco 5

As per Part-II, Canopy Density is 0.2 to 0.4 & Eco Class 5. The area is protected forest and revenue. The vegetation containing *Shorea robusta*, *Lagerstroemia parviflora*, *Diaspours melanoxyton*, *Ficus bengalensis*, *Terminalia crenulata*, *Dalburgia sisoo*, *Syzgium cumini*, *Azadirachta indica*, *Schleichera oleosa*, *Bombax ceiba*, *Terminalia chebula*, *Boswellia serrata*, *Buchanania ianzan*, *Lannea coromandelica*, etc. were observed. Area is primarily sal forest.

(ix). Background note of the proposal:

The project needs diversion of 467.809 ha of Forest Land / Revenue Forest Land (443.00 ha Forest Land + 24.809 ha Revenue Forest Land = 467.809 Ha Forest Land).

Entire area will be used for opencast coal mining project. The coal is of very good quality, will be used in thermal power and industrial projects.

(x). Compensatory Afforestation: Total of 936 ha over degraded forest land

A	Whether land proposed / selected for CA is suitable for plantation and management point of view?	Yes					
B	Whether land for CA is free from encroachment of other encumbrances?	Yes					
C	Whether land for CA is important from religious or archaeological point of view?	No					
D	Land identified for raising C.A is in how may patches? Whether patches area compact or not?	Total of 23 patches					
		Patch Wise Details					
		Sl. No.	Patch No.	Area (ha.)	PF / RF	Range	Compartment No.
		1	4	25	PF	Jiyavan	PF 746
		2	5	20	RF	Karthua	RF 17
		3	6	20	RF	Karthua	RF 848
		4	7	20	RF	Karthua	RF772
		5	8	50	PF	West Sarai	PF 606
6	9	25	PF	West Sarai	PF 612		
7	24	50	RF	Mada	RF 424		

		8	21	50	RF	Waidhan	RF 399
		9	1	25	RF	Jiyavan	RF 813
		10	2	25	PF	Jiyavan	PF 777
		11	3	25	PF	Jiyavan	PF 763
		12	16	100	RF	Bargawan	RF 578
		13	17	50	PF	Chitrangi	PF 01
		14	18	50	PF	Chitrangi	PF 81
		15	19	50	PF	Chitrangi	PF 75
		16	22	40	PF	Waidhan	PF 287
		17	23	36	RF	Waidhan	RF 402
		18	10	25	PF	West Sarai	PF 669
		19	11	50	PF	Gorbi	PF 158
		20	12	50	PF	Gorbi	PF 182
		21	13	50	PF	Gorbi	PF 187
		22	14	50	PF	Gorbi	PF 178
		23	15	50	RF	Bargawan	RF 246
		Total		936			
E	Maps with details	Yes					
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	4541.65 lakhs					

- (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 : applicable
- a) Total Number of families : 580
 - b) Number of Scheduled Caste families : 51
 - c) Number of Scheduled Tribes families : 145
 - d) Number of other families :384
- (xiv) Cost benefit ratio: Submitted, but not able to understand by undersigned.
- (xv) Utility of project: Open cast coal mining project.
- (xvi) Number of Scheduled Cast and Scheduled Tribe involved in the Project: Yes, 580 nos.
- (xvii) Compliance of FRA 2006-DC Certificate: DC, Singrauli vide letter dt 13/08/2016 is submitted.
- (xviii) Whether the land being diverted has any socio-cultural / religious value; No.
- (xix) Whether any sacred groves or very old growth of tree of forest exist in the area proposed for diversion?
No
- (xx) DFO recommendation: says that towards the elephant corridor the Working plan has prescribes norms at 2049 (9) & 2.47 (10). The proposal is recommended with condition that User Agency shall comply with the Working Plan prescriptions.
- (xxi) Recommendation of Nodal Officer and the State Government: Recommended.
- (xxii) Details of comments of the APPCF (LM), MP on alternate routes/alignments for location the projects:
Recommended by APCCF (LM), MP.

<p>टिप्पणियों के साथ प्रस्ताव को स्वीकार करने या अन्यथा के लिए राज्य वन विभाग की विस्तृत राय और निर्दिष्ट सिफारिशों (राय देते समय संबंधित वन संरक्षक अथवा उप वन संरक्षक की प्रति कुछ टिप्पणियों की सुस्पष्ट समीक्षा की जाय और विवेचनात्मक टिप्पणी दी जाय।</p>	<p>रीवा कृत अंतर्गत वन मंडल, सिंगरावली के पश्चिम बेल्टन के वनखण्ड दुधीचुआ की रकबा 443.000 हेक्टेयर वन भूमि एवं ग्राम मंडोली के विभिन्न खससों की 24.809 हेक्टेयर राजस्व वन भूमि कुल 467.809 हेक्टेयर वन/राजस्व वन भूमि में उपरिल कोयला खनन कार्य के लिये:-</p> <ul style="list-style-type: none"> • प्रस्तावित वन भूमि 443.00 हेक्टेयर में से 186.254 हेक्टेयर रकबा कस क्रमांक पी-262 इस वनमंडल के प्रचलित कार्य आयोजना के अनुसार हाथी कॉरीडोर में सम्मिलित है। वनमंडल की कार्य आयोजना में हाथी कॉरीडोर के संबंध में निम्नानुसार प्रावधान किया गया है। (i) 2.47(9) कॉरीडोर में किसी भी प्रकार का कार्य जिससे कॉरीडोर की निरंतरता में व्यवधान उत्पन्न होता हो जैसे स्थाई भवन निर्माण, डिपो की स्थापना, लेबर कैम्प की स्थापना तथा स्थाई निर्माण कार्य नहीं किये जायेंगे। (ii) 2.47(10) कॉरीडोर में स्थित कसों को यथा संभव गैर वानिकी उपयोग हेतु हस्तांतरित नहीं किया जाये। यदि ऐसा करना अवश्यभावी हो तो सर्वप्रथम वैकल्पिक कॉरीडोर की स्थापना की जाये। • कार्य आयोजना के उक्त प्रावधान का पालन सुनिश्चित कराने की शर्त पर स्वीकृति की अनुशंसा की जाती है।
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(xxiii) Observations / comments of DCF(C), RO, Bhopal:

The DFO, Singrauli in Patr-II & SIR says that that area is having endangered species corridor i.e. Elephant involving Compartment No. P-262. The proposal is recommended by DFO with condition that User Agency shall comply with the Working Plan prescriptions.

The APCCF (LM) / Nodal Officer, Govt. of Madhya Pradesh Part-V has also authenticated the views of DFO, Singrauli and recommended the project diversion on condition that the Singrauli Working Plan prescriptions shall be complied by the User Agency.

The detailed view of CWLW is attached, which may kindly be perused.

Specific observation / comments of DCF(C), RO, Bhopal:

- a) Due to surrounding operational mines and biotic pressure from the villagers, sal forest is in degraded condition. Some dense patches of sal forests were observed, which may be protected.
- b) The area proposed shows the presence of endangered species corridor i.e. Elephant. So 10% of the cost of CA scheme shall be used for the Wildlife Management Plan for nearly protected area.
- c) After DSS analysis of CA area (report enclosed), it appears that several CA patches have MDF. So, the revised CA area may be sought wherever >10 ha MDF in CA patches is seen.
- d) It was observed that some CA area is barren, rocky and undulating with low soil depth. So, 25% over the CA plan shall be used for the Soil Moisture Conservation Work.
- e) As per DSS report the proposed area is Inviolate (report enclosed) due to presence of VDF (VDF patches over 83 ha).
- f) The proposed area for diversion is 467.809 ha, on DSS analysis the area calculation comes to 544.96 ha. The variation of 87.151 ha may kindly be reconciled by the User Agency.

In view of above specific observations / comments, DFO, Singrauli, APCCF (LM) / Nodal Officer, Govt. of Madhya Pradesh and CWLW letter dt 21/09/2017 recommendation with presence of endangered species corridor i.e. Elephant, this report is submitted for consideration in FAC, please.

Recommendations of APCCF(C), R.O., Bhopal:

In view of the details mentioned in the site inspection report of Dy. Conservation of Forest (C), undersigned recommends the diversion of 467.809 ha of Forest Land / Revenue Forest Land (443.00 ha Forest Land + 24.809 ha Revenue Forest Land = 467.809 ha Forest Land) for Opencast Coal Mining in Favour of M/s Northern Coal Field Limited, Rewa in Singrauli District State of Madhya Pradesh under Forest (Conservation) Act, 1980, subject to the above given observation and conditions.

It is proposed that the proposal along with site inspection report received from the Regional Office (Western Zone), Bhopal may be placed before the Forest Advisory Committee in its forthcoming meeting scheduled to be held on 25.01.2018 for its examination and appropriate recommendations.

Agenda No. 6

F. No. 8-25/2009-FC

Subject: Proposal for diversion of 226.67 hectares of forest land for Karo OCP in favour of M/s. Central Coal Fields Limited (CCL) in Bokaro district of Jharkhand.

1. The FAC in its meeting held on 15.06.2017 considered the submissions made by the Government of Jharkhand Department of Environment Forest and Climate Change vide letter No. 3/Vanbhoomi-2/2009/1316/VP dated 24.03.2017 along with its annexures.
2. The FAC also observed that the proposal had been considered first by the FAC in its meeting on 20th August, 2009
3. The observations of the CCF (Central) as below were considered by the Committee in the meeting on 20th August 2009.
 - a) The user agency is asking for 29.799 (forest) + 64.969 (non-forest) = 94.768 ha of land for external OB dump which appears to be a large area. The user agency should plan in such a fashion that the internal dumping starts early which will reduce the actual OB dump area. The mining plan should be modified in that line. The external OB dump should be limited to the non-forest area alone. The user agency also should explore the possibility of dumping the OB from the proposed mine in the already existing voids or voids being created due to mining in other adjacent mines of the user agency.
 - b) The Karo OCP is located in the East Bakaro coal fields, where a number of mines of CCL are under operation. Due to the mining the area has been denuded causing environmental problems like dust pollution, damage of trees, etc., which need immediate attention. The user agency should plan for taking up plantation in all the available areas in the East Bokaro coalfields of CCL. The plantation should be done by the CCL under the supervision and advice of the Forest Department. Instead of sectoral green planning, the CCL should go for integrated green planning including soil and moisture conservation measures for the East Bokaro coal fields.
 - c) The voids available locally within the CCL should be identified and earmarked for deposition of ash generated from the nearby Bokaro TPS.
 - d) The user agency should give an undertaking to contribute proportionately for the regional wildlife management plan which is under preparation.
4. Subsequently then Committee desired that following information be sought from the State Govt and be placed before next FAC:-
 - i. The details of total area, including forest land, leased to the M/s.CCL with total mineable reserve.
 - ii. The total number of Open cast and underground mines, approved and active, with annual production and utilization of coal from each of them.
 - iii. The time required for de-mining of the existing mines and their reclamation as per existing progressive mine closure plans.
 - iv. The additional requirement of forest area as per long term future expansion plan keeping in view the demand and supply.
 - v. The working plan prescription for the area in question.
5. The above recommendations of the FAC were conveyed to the State Government vide Ministry's letter of even number dated 24.09.2009. The State Government vide their letter No.3/Vanbhumi-2/2009/3354 dated 23.10.2009, submitted the information as under:

- i. With respect to query no.(i), the User Agency through the State Government has submitted that there are 58 projects involving 21,700 ha area including 4060.95 ha forest area with 1475 MT mineable reserves.
 - ii. With respect to query no.(ii), the User Agency through the State Government has submitted that there are 37 OCP and 21 UG projects.
 - iii. With respect to query no.(iii), the User Agency has submitted the details.
 - iv. With respect to query no.(iii), the User Agency had submitted the following:

Future Projects	:	2546.91 ha
Expansion Projects:		1462.41 ha
<u>New Projects</u>	<u>:</u>	<u>1512.15 ha</u>
Total	:	5521.47 ha

The demand and supply position was also given.
 - v. The Working Plan prescription was also submitted.
6. The proposal along with the additional information submitted by the State Government, was again considered by the **FAC in its meeting held on 4th November, 2009** and the FAC again sought additional information from the State Government on the following:
- i. Whether the present proposal is an extension of the already existing mine or a fresh mine.
 - ii. The location of this mine vis-à-vis other 57 mines on the coal map of the area on SOI toposheet of suitable scale.
 - iii. Land use pattern within 10 km radius from the boundary of the mine.
 - iv. The photographs with report on the forest crop composition of the area.
 - v. Certificate of the State Government regarding settlement of right forest dwellers rights under the Forest Rights Act, 2006 as required as per advisory to States issued by the Ministry.
7. The above recommendation of the FAC were communicated to the State Government vide this Ministry's letter of even number dated 14th December, 2009.
8. The Government of Jharkhand vide letter no. 3/Vanbhumi-2/2009/2142 dated 17.06.2010, placed along with its annexures, submitted the requisite information sought by the Ministry vide its letter dated 14.12.2009. Summary of the same is given as under:
- i. With respect to query no.(i), the State Government has submitted that the proposal of Karo OCP is an expansion proposal of existing Kaveri OCP Mine. The final approval for diversion of Kaveri OCP, area 77.43 ha was granted vide MoEF's letter no. 8-22/2003FC dated 31.03.2004.
 - ii. With respect to query no.(ii), the User Agency through the State Government submitted that the location map of Karo OCP along with other existing / operating as well as upcoming mines of CCL are given in the toposheet of 1:2,50,000 scale.
 - iii. With respect to query no.(iii), the User Agency has submitted the land use pattern within 10 km radius from the boundary of the Karo project, as per satellite survey/data given by CMPDI is given below and enclosed a map.

Sl. No.	Class of Land	Particulars	Area	
			Sq km	Percentage
1.	Settlement	Urban	10.28	3.27
		Rural	3.2	1.02
		Industrial	0.97	0.30
		Sub-total	14.44	4.59
2.	Vegetation Cover	Dense Forest	27.3	8.69
		Open Forest	42.33	13.47

		Scrub	102.30	32.50
		Plantation of OB Dump	6.08	1.94
		Sub-Total	151.71	47.91
3.	Agricultural Land	Crop land	44.92	14.30
		Fallow land	42.28	13.48
		Sub-Total	87.20	27.75
4.	Waste land + Sand land		21.04	6.79
5.	Mine Area	Quarry	4.58	1.46
		OB Dump	4.73	1.51
		Sub-Total	9.01	2.86
6.	Surface Water Body		4.28	1.36
	Total		314.28	100.00

- iv. With respect to query no.(iv), the State Government has informed that the photographs with report on forest crop composition of the area were being provided.
- v. With respect to query no.(v), the State Government has informed that no proposal/claims for this area has been received under the FRA, 2006.
9. Proposal along with the above information was considered by the FAC in its meeting held on 21st July.2010 and the FAC after detailed discussion recommended the proposal for diversion of forest land.
10. However, the competent authority of the MoEF&CC, after examination of the recommendation of the FAC had made following observation:
- “Isn’t total of about 1,30,000 trees of various girth classes including 85,000 below 60 girth cm on the higher side?”*
11. The above observation of the competent authority of the MoEF&CC were conveyed to the State Government vide this Ministry’s letter of even number dated 29.09.2010.
12. The Government of Jharkhand vide their letter no. 3 / VanBhumi - 02 / 2009 /4221 / VP dated 11th August, 2015, along with its annexures submitted the reply to the observation raised by the MoEF&CC in its letter dated 24.09.2010.
13. The State Government had informed that as per report received from the PCCF, Jharkhand vide his letter no. 2407 dated 24.07.2015, trees enumeration has been done and the abstract enclosed. The State Government has also reported that as per the direct enumeration of trees in the area instead of 1,30,000 trees reported in the original proposal, only 86,412 trees have been found existing in the area. Out of the total enumerated trees those above 60 cm girth are 7,374 while number of trees below below 60 cm girth number of trees estimated to be 79,038
- No. of trees below 60 cm girth - 79,038
- No. of trees above 60 cm girth - 7,374
14. DGPS maps in shape files for land proposed for diversion have not been provided.
15. The FAC observed that variation in two reports of the state government about number of trees in the forest land proposed for diversion is not understandable. The state government has not given any reason for this variation in number of trees. DGPS maps have not been made available to check /assess the forest cover in the proposed area. The committee was also of the view that since the State Government of Jharkhand has submitted the requisite information after a lapse of a period of almost five years and during the intervening period several attributes like land identified for raising CA, CA scheme, area earmarked for safety zone, etc. might have been changed the area need to be re-inspected.
16. After thorough deliberation the **FAC in its meeting dated 24th November, 2015 recommended that:**
- a. A site inspection be carried out afresh by the Regional Office Ranchi of the area as well as the area identified for compensatory afforestation. The site inspection report would also address the issue of large variation in the tree numbers in two reports of the State Government as well as in the report of Regional Office. The report shall also give the current status of vegetation in area proposed for diversion and CA sites.
- b. The DGPS co-ordinates of the proposed site and the CA area in shape files to be provided.

- c. The proposal to incorporate the area under safety zone too, which has presently not been included as, as per the existing guidelines, the area of safety zone needs to be included in the total forest area proposed for diversion.
 - d. The compliance of the conditions stipulated in approval earlier granted vide F No 8-22/2003-FC dated 31.03.2004 for the diversion of 77.74 ha of forest land be provided
 - e. The details about the service area component of the purpose wise breakup of the forest land to be provided.
 - f. The compliance of relevant provisions of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 to be provided.
17. The FAC also considered the Report on Site Inspection carried out by Regional Office, Ranchi which is reproduced below;

SITE INSPECTION REPORT IN RESPECT OF DIVERSION OF 226.67 HA OF FOREST LANDS FOR KARO OCP OF CCL.

This has reference to the letter no.8-25/2009-FC dated 28th December, 2015 of MoEF & CC. This proposal was discussed in the Forest Advisory Committee (FAC) meeting held on 24th, November, 2015 wherein FAC has observed that variation about the number of trees in the two reports of the state Government about the number of trees is not understandable. Accordingly FAC has desired that a fresh site inspection be carried out by Regional Office, Ranchi, which will also give current status of vegetation in the area proposed for diversion and CA sites. Accordingly this office had requested the State Govt to provide following information for conducting site inspection vide letter of even number dated 7th January, 2016, which is still awaited from state Govt.

- The DGPS co-ordinates of the proposed site and the CA area in shape files.
- The compliance of the conditions stipulated in approval earlier granted vide F. No.8- 22/2003-FC dated 31.3.2004 for the diversion of 77.74 ha of forest land.
- The details about the service area component of the purpose wise breakup of the forest land. The compliance of relevant provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 to be provided.

However, the User agency has provided some details directly to this office and accordingly site inspection has been conducted on 08.03.1016 in the presence of Sri UmaKanta Ram, ACF, Bokaro Forest Division, the user agency represented by Sri L.K.Maha patra, Project Officer Karo, Sri S.P. Sarang, Staff Officer, Sri Mukesh kumar, Dy GM, Sri R.R Nayak, Survey Officer were also present.

Details of Site Inspection are as under:

1. **Legal status of the forest land proposed for diversion 226.67 ha protected forest**

Item-wise break-up details of the forest land proposed for diversion: *The UA has provided the details of service area.*

<i>Sl. No.</i>	<i>particulars</i>	<i>Forest land in Ha</i>	<i>Non forest Land in Ha</i>	<i>Total land in Ha</i>
1.	<i>Quarry</i>	<i>187.091</i>	<i>110.973</i>	<i>298.064</i>
2.	<i>External OB Dump</i>	<i>29.799</i>	<i>64.969</i>	<i>94.768</i>
3.	<i>Haul Road</i>	<i>8.68</i>	<i>1.92</i>	<i>10.60</i>
4.	<i>CHP</i>	<i>10.62</i>	<i>2.636</i>	<i>13.256</i>

5.	Sub station	1.506	0.134	1.64
6.	Workshop-I Excavation	4.505	1.115	5.62
7.	Service area	61.895	19.689	81.584
8.	Safety Zone	15.61	29.71	45.32
9.	Sub total	319.706	231.146	550.852
10.	Less forest in Safety Zone	(-) 15.61	0.00	(-)15.61
	Total	304.096	231.146	535.242
	Already released under FC Act	77.43		
	Forest land for diversion	226.67		

3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:

Not reported.

4. Total cost of the project at present rates:

Rs.115.7572 crores.

5. Wildlife:

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

The area, in view of forests around and also ruggedness, appears to be a good habitat for lower vertebrates and reptiles.

6. Vegetation:

On ocular estimation the density of Vegetation seems to be **0.4** and above.

The topography of the entire block is rugged, and pronounced with hills, and small valleys. The elevation may vary from 335 meter in the north to a minimum 236 m in the south. In this project, the forest and non forest lands are located side by side and on the non forest land mostly cultivation is taking place.

The forest appears to be moderately dense and much thicker in the northern side. The vegetation includes mixed species such as, sal, mahua, asna, palas (Butea),bauhinia etc. Towards the southern part the forest land is denuded to some extent with a few trees cut at stump height. There are also small grass lands and open lands.

On the hill range the forest is thicker towards the northern side from the western side, whereas the bigger Sal, Mahua trees appear more commonly on the slopes. However the forest is not pure patch of Sal. Mostly Piar(chironji) and Kendu occur in association with Sal in the upper storey along with Mahua. In the middle storey the trees are mainly Khair, Piar(chironji), Dhatki, Koreya, Kendu etc.

In the forest, there are many small nallahs which discharge the water finally to the Damodar river system.

(a) Total number of trees to be felled.

As per records only 86,412 trees are to be felled, which is still on the higher side and probability of soil erosion is likely increase following felling on the undulating topography of the applied area. Out of these trees those above 60 cm girth are 7374 while number of trees below 60 cm girth number are 79038.

The state Government had informed vide letter No.3/Van Bhumi-02/2009/ 4221/Va.Pa. dated 6/8/2015 that 86,412 trees have been found by direct enumeration in place of 1,30,000 trees reported earlier on the basis of sample enumeration. During inspection enumeration marking was seen on some trees. (Photos enclosed).

Species wise list of trees reported is as under:

S. No.	Tree Name	Numbers	0 to 29 cm.	30 to 59 cm.	60 to 89 cm.	90 to 119 cm.	120 cm. & Above
1	Aam	16	1	4	7	4	
2	Ailsa	2		2			
3	Aitha	19	15	3	1		
4	Arar	6	3	2	1		
5	Asan	247	85	142	18	2	
6	Awla	21	8	11	1	1	
7	Bandarloor	921	416	463	41	1	
8	Bargad	13		7	4	1	1
9	Behra	7	2	3	1		1
10	Bel	681	198	403	73	7	
11	Bair	190	83	100	4	1	2
12	Bhelwa	3464	913	2310	221	15	5
13	Bhurkund	2		1	1		
14	Bhursa	16	9	7			
15	Bhutta	1	1				
16	Buch	30	16	14			
17	Chaili	14	5	9			
18	Churchur	897	514	357	26		
19	Dhela	1	1				
20	Dhoya	1401	460	760	168	13	
21	Dhundi	3	2			1	
22	Doka	3980	1325	2419	222	11	3
23	Dumar	18	2	12	4		
24	Gamhar	5	1	3		1	
25	Garnim	25	2	16	7		

26	<i>Ghuith</i>	3	3				
27	<i>Gudra</i>	1	1				
28	<i>Gullar</i>	100	39	57	2	1	1
29	<i>Gulmohar</i>	2	2				
30	<i>Gurhi</i>	11	6	5			
31	<i>Gurhikaram</i>	2	2				
32	<i>Harre</i>	25	9	15	1		
33	<i>Jamun</i>	142	27	70	30	11	4
34	<i>Jharya</i>	1	1				
35	<i>Jogiya</i>	10	3	6	1		
36	<i>Kaaj</i>	45	13	23	7	2	
37	<i>Kamail</i>	1	1				
38	<i>Karam</i>	268	66	167	25	10	
39	<i>Karang</i>	82	21	46	11	4	
40	<i>Kari</i>	1411	605	784	19	3	
41	<i>Kathal</i>	4	3		1		
42	<i>Kathmohli</i>	1		1			
43	<i>Kend</i>	9964	3628	5834	440		22
44	<i>Kheir</i>	80	25	55			
45	<i>Khemal</i>	1			1		
46	<i>Karah</i>	7		4	3		
47	<i>Konar</i>	15	1	7	5	2	
48	<i>Koraiya</i>	2578	1379	1116	79	2	2
49	<i>Kusum</i>	1064	341	634	77	8	4
50	<i>Mahua</i>	1054	170	553	168	77	86
51	<i>Makarkend</i>	602	217	364	21		
52	<i>Mayuri</i>	4	3	1			
53	<i>Neem</i>	467	107	309	48	2	1
54	<i>Paker</i>	118	30	68	9	5	6
55	<i>Palas</i>	2648	746	1589	280	27	6

56	<i>Paldhi</i>	150	38	92	14	5	1
57	<i>Paser</i>	61	35	25	1		
58	<i>Peepal</i>	42	13	19	6		4
59	<i>Piranji</i>	1254	332	722	164	32	4
60	<i>Piyar</i>	10368	3729	6211	397	24	7
61	<i>Puttar</i>	1074	618	439	16	1	
62	<i>Raipan</i>	3842	1459	1987	373	19	4
63	<i>Ratangudra</i>	13	12	1			
64	<i>Sakhua</i>	18018	4260	11034	2303	322	99
65	<i>Sallga</i>	77	11	55	11		
66	<i>Sanodh</i>	1	1				
67	<i>Saran</i>	1			1		
68	<i>Shikarbans</i>	1	1				
69	<i>Sidha</i>	12638	5199	6831	552	50	6
70	<i>Simar</i>	189	31	93	48	16	1
71	<i>Siris</i>	59	13	38	7		1
72	<i>Sisam</i>	22	2	15	7		
73	<i>Sisha</i>	2	1			1	
74	<i>Vivid prajati</i>	5909	2598	2856	394	49	12
Total		86412	29864	49174	6320	771	283

Effect of removal of trees on the general ecosystem in the area:

The forest seems to be moderately dense and forms a good ecosystem that supports wild flora and fauna, the removal of trees will definitely show adverse impact on them.

(b) Important species:

Sal, Mahua, Pipal, Bargad, Harre, Khair, Jamun, Bel, Chiraunji, Karam, Semal, Sidha, Gular, Koraiya, Salai, Kusum, Babul, Siris, Piyar, Neem, Kend, etc.

Number of trees of girth below 60c m. 79038 nos. of trees girth below 60 cm.

Number of trees of girth above 60 cm. 7374 nos. of trees girth above 60 cm.

7. Compensatory afforestation:

In the original proposal the user agency had identified CA land of 480 ha in four patches as under:

Govindpur PF	50 Ha.
Kanjkiro PF	250 Ha.
Penk PF	150 Ha.
Budgadda PF	30 Ha.
Total	480 Ha.

Now as per the details given by the user agency new alternate CA land of total 652 Ha has been identified in 10 patches. Details of the CA land along with DGPS maps in shape files were received in this office. During the inspection it is observed that some agricultural fields were seen on the CA and the same was also ascertained through DSS which clearly shows agricultural fields on the proposed CA land.

However, it is evident from DSS that one patch of CA land i.e. Baidkaro- 01 with area 80.18 ha is falling on the mine workable area.

Revised CA land details identified by the project proponents are as under:(As per DSS)

Compensatory Afforestation Land details

<i>Sl No.</i>	<i>Name</i>	<i>Area (ha)</i>
<i>1</i>	<i>Mungo-05</i>	<i>56.038633</i>
<i>2</i>	<i>Mungo-04A</i>	<i>102.372812</i>
<i>3</i>	<i>Mungo-03</i>	<i>108.074507</i>
<i>4</i>	<i>Mungo-02</i>	<i>39.241327</i>
<i>5</i>	<i>Mungo-01</i>	<i>52.859475</i>
<i>6</i>	<i>Kanjkiro-02C</i>	<i>20.386833</i>
<i>7</i>	<i>Kanjkiro-02B</i>	<i>2.912071</i>
<i>8</i>	<i>Kanjkiro-02A</i>	<i>54.114113</i>
<i>9</i>	<i>Kanjkiro-01</i>	<i>94.87008</i>
<i>10</i>	<i>Govindpur-01</i>	<i>41.942583</i>
<i>11</i>	<i>Baidkaro-01</i>	<i>80.182753</i>
<i>Total Area (ha)</i>		<i>652.995187</i>

In this regard it is stated that no formal communication has been received from the State Government.

(a) Whether land for compensatory afforestation is suitable from plantation and management point of view or not:

User agency informed that the land for CA has been changed. However, Land suitability certificate of the DFO and CA scheme along with 10 year maintenance for the proposed new CA land has not been submitted by the user agency/state Govt.

- (b) **Whether land for compensatory afforestation is free from encroachment/other encumbrances:**
As per records encroachment has not been reported.
- (c) **Whether land for compensatory afforestation is important from Religious/Archaeological point of view:**
Not given.
- (d) **Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not:**
In revised CA scheme compensatory afforestation is proposed in eleven patches.
- (e) **Total financial outlay:**
Financial outlay as per new CA land identified is yet to be submitted by the user agency.

8. **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:**
Not reported.

9. **Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not:**
160 nos. of family are displaced. Rehabilitation plan has been enclosed in the proposal.

10. **Reclamation plan:**
The UA has submitted the reclamation map & plan (enclosed). As per the submitted map external dumping will start from end of 7th year and will continue up to end of 21st year. The internal dumping will start from the end of 21st year and will continue up to end of 35th year.

Details and financial allocation:

Records not available.

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

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

13. **Cost benefit ratio:**
Cost benefit ratio is 1:8.84

14. **Recommendations of the Principal Chief Conservator of Forest/State Government:** The PCCF has recommended the proposal.

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

16. **Dy. Conservator of Forests shall give detailed comments on whether there are any alternative routes/alignment for locating the project on the non-forest land:**
Coal mining is a site specific activity.

17. **Utility of the project:**
Numbers of Scheduled Caste/Scheduled Tribes to be benefited by the project:

270 nos. employments will be generated for which direct beneficiaries will be 1500 and indirect beneficiaries will be 4500. The total man days employed will be around 4700.

18. **Situation with respect to any Protected Area:** Hazaribagh wildlife sanctuary is around 80 km from the proposed diversion site.

19. **Any other information to the project/observations:**
During the inspection it is observed that a number of mines already exist in the area and large amount of OB has been generated and has been stored on different lands. Presently the UA is asking for further forest area for OB dumping for the proposed Karo project. The user agency should explore the

possibility of dumping the OB in exhausted voids, or in new voids in other nearby mines so that some forest land can be conserved.

During the inspection no boundary pillars were seen and user agency was advised to undertake demarcation of the area proposed for diversion by erecting 6 feet RCC pillars embedded two feet inside the soil and four feet above the ground with serial number, forward and backward bearings.

Forest area marked as safety zone should be properly demarcated and the same to be afforested at project cost. In no circumstances the area marked as safety zone shall be utilized for any other purposes.

Keeping in view of the density of the forest and since large number of trees are involved in felling the user agency may explore the possibility of underground mining which is less detrimental to the existing flora and fauna.

20. RECOMMENDATIONS OF ADDL PRINCIPAL CHIEF CONSERVATOR OF FORESTS (CENTRAL).

The instant proposal is for diversion of 266.67 ha of forest land for KARO OCP of M/s Central Coalfield Ltd. in Bokaro District of Jharkhand.

This proposal was discussed in the Forest Advisory Committee (FAC) meeting held on 24th, November, 2015. The FAC observed that variation about the number of trees in the two reports of the state Government about the number of trees is not understandable and FAC desired that a fresh site inspection be carried out by the Regional Office, Ranchi which will also give current status of vegetation in the area proposed for diversion and CA sites. Accordingly, this office requested the State Govt to provide following information for conducting site inspection vide letter of even number dated 7th January, 2016.

1. The DGPS co-ordinates of the proposed site and the CA area in shape files.
2. The compliance of the conditions stipulated in approval earlier granted vide F. No.8- 22/2003-FC dated 31.3.2004 for the diversion of 77.74 ha of forest land.
3. The details about the service area component of the purpose wise breakup of the forest land.
4. The compliance of relevant provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 to be provided.

The reply of the state Government has not been received so far. However, the User agency provided some details directly to this office and accordingly site inspection has been carried out by the DCF on 08.03.1016.

On perusal of records and Site Inspection Report of DCF the following observations are made:

The item-wise break-up of the land required in this project is as follows:

<i>Sl. No.</i>	<i>Particulars</i>	<i>Forest land in Ha.</i>	<i>Non forest Land in Ha.</i>	<i>Total land in Ha.</i>
1.	Quarry	187.091	110.973	298.064
2.	External OB Dump	29.799	64.969	94.768
3.	Haul Road	8.68	1.92	10.60
4.	CHP	10.62	2.636	13.256
5.	Sub station	1.506	0.134	1.64
6.	Workshop-I Excavation	4.505	1.115	5.62

7.	<i>Service area</i>	61.895	19.689	81.584
8.	<i>Safety Zone</i>	15.61	29.71	45.32
9.	<i>Sub total</i>	319.706	231.146	550.852
10.	<i>Less forest in Safety Zone</i>	(-) 15.61	0.00	(-)15.61
	Total	304.096	231.146	535.242
	<i>Already released under FC Act</i>	77.43		
	Forest land for diversion	226.67		

The density of Vegetation of the forestland proposed for diversion seems to be **0.4 and above**. The forest appears to be moderately dense and much thicker in the northern side. Southern part the forest the land is denuded to some extent with a few trees cut at stump height. Overall the forest area involved seems to be moderately dense and forms a good ecosystem that supports wild flora and fauna. The removal of trees will definitely show adverse impact on them.

As per report of the State Government 86,412 **trees are to be felled. This figure is quiet large in number** and the probability of soil erosion is likely to increase on account of undulating topography of the area. Out of these **trees those above 60 cm girth are 7374 while the number of trees below 60 cm girth is 79038**. State Government had informed vide letter no. 4221 dated 6/8/2015 that 86,412 trees have been found by direct enumeration in place of 1,30,000 trees reported earlier on the basis of sample enumeration. During inspection enumeration marking was seen on some trees.

The Cost benefit ratio is 1:8.84, which is very less.

In the original proposal, the user agency had identified CA land of 480 ha in four patches. Now it is reported by the user agency that it has identified alternate CA land of total 652 Ha in 10 patches. Details of the CA land along with DGPS maps in shape files were received in this office from the user agency. However, no formal communication has been received from the State Government regarding change of CA land. Some agricultural fields were seen on the CA land and the same was also ascertained through DSS, which clearly shows agricultural fields on the proposed CA land.

Since a number of mines already exist in the area, a large amount of OB has been generated and has been stored on different lands. Presently the user agency is asking for further forest area for OB dumping for the proposed Karo project. The user agency should explore the possibility of dumping the OB in exhausted voids, or in new voids in other nearby mines so that some forest land can be conserved.

No boundary pillars were seen during site inspection and user agency was advised to undertake demarcation of the area proposed for diversion by erecting 6 feet RCC pillars embedded two feet inside the soil and four feet above the ground with serial number, forward and backward bearings.

Keeping in view the density and quality of the forest land proposed for diversion, which involves felling of a large number of trees, the user agency may explore the possibility of underground mining or reducing the requirement of forest area. The view of the DCF may be perused and issues raised by him may be considered. The FAC may take a view in the light of above stated facts.

18. The Government of Jharkhand Department of Environment Forest and Climate Change vide letter No. 3/Vanbhoomi-2/2009/1316/VP dated 24.03.2017 along with its annexures had forwarded information/documents in response to the Ministry's letter dated 28.06.2016.

19. The details submitted are as below.

S. No.	Observations raised by the MoEF & CC vide letter dated 28.06.2016	Reply submitted by the State Govt. of Jharkhand letter dated 24.03.2017																																				
1.	The DGPS co-ordinates of the proposed site for diversion of forest land and the CA area in shape file to be provided.	<p>In this regard the state government informed that the Regional Office, Ranchi has submitted Site Inspection Report for suitable site of Compensatory Afforestation and demarcated 11 patches for suitable of CA, details are given below:</p> <table border="1" data-bbox="804 640 1423 1939"> <thead> <tr> <th data-bbox="804 640 986 719">Name of PF</th> <th data-bbox="986 640 1295 719">Plot No.</th> <th data-bbox="1295 640 1423 719">Area (Ha.)</th> </tr> </thead> <tbody> <tr> <td data-bbox="804 719 986 775">Govindpur</td> <td data-bbox="986 719 1295 775">2765,2496,2745</td> <td data-bbox="1295 719 1423 775">30.00</td> </tr> <tr> <td data-bbox="804 775 986 931">Karma</td> <td data-bbox="986 775 1295 931">1751,1841,1851, 1865,1873,1994, 2010,2030,2031</td> <td data-bbox="1295 775 1423 931">30.00</td> </tr> <tr> <td data-bbox="804 931 986 1077">Dabhadih & Murhulsudi</td> <td data-bbox="986 931 1295 1077">Dabhadih Plot No.-1,2,5,90, 228,229,230,231 ,and Murhulsudi Plot No. 2</td> <td data-bbox="1295 931 1423 1077">20.00</td> </tr> <tr> <td data-bbox="804 1077 986 1133">Kanjkiro (I)</td> <td data-bbox="986 1077 1295 1133">387,403,421,450</td> <td data-bbox="1295 1077 1423 1133">50.00</td> </tr> <tr> <td data-bbox="804 1133 986 1189">Kanjkiro (II)</td> <td data-bbox="986 1133 1295 1189">3166P,3167,3273</td> <td data-bbox="1295 1133 1423 1189">50.00</td> </tr> <tr> <td data-bbox="804 1189 986 1290">Mungo Rangamati (I)</td> <td data-bbox="986 1189 1295 1290">1,2,11,13,28,48,36</td> <td data-bbox="1295 1189 1423 1290">50.00</td> </tr> <tr> <td data-bbox="804 1290 986 1379">Mungo Rangamati (II)</td> <td data-bbox="986 1290 1295 1379">69,138,80,84</td> <td data-bbox="1295 1290 1423 1379">50.00</td> </tr> <tr> <td data-bbox="804 1379 986 1536">Mungo Rangamati (III)</td> <td data-bbox="986 1379 1295 1536">84,258,94, 106,234, 324,319</td> <td data-bbox="1295 1379 1423 1536">50.00</td> </tr> <tr> <td data-bbox="804 1536 986 1738">Mungo Rangamati (IV)</td> <td data-bbox="986 1536 1295 1738">931,1015,1012, 1006, 308,295,1024,278, 297,318,725,995</td> <td data-bbox="1295 1536 1423 1738">50.00</td> </tr> <tr> <td data-bbox="804 1738 986 1827">Mungo Rangamati (V)</td> <td data-bbox="986 1738 1295 1827">859,1025,1024,</td> <td data-bbox="1295 1738 1423 1827">50.00</td> </tr> <tr> <td data-bbox="804 1827 986 1939">Mungo Rangamati (VI)</td> <td data-bbox="986 1827 1295 1939">478,796,814, 829,831,887,885,886,</td> <td data-bbox="1295 1827 1423 1939">50.00</td> </tr> </tbody> </table>	Name of PF	Plot No.	Area (Ha.)	Govindpur	2765,2496,2745	30.00	Karma	1751,1841,1851, 1865,1873,1994, 2010,2030,2031	30.00	Dabhadih & Murhulsudi	Dabhadih Plot No.-1,2,5,90, 228,229,230,231 ,and Murhulsudi Plot No. 2	20.00	Kanjkiro (I)	387,403,421,450	50.00	Kanjkiro (II)	3166P,3167,3273	50.00	Mungo Rangamati (I)	1,2,11,13,28,48,36	50.00	Mungo Rangamati (II)	69,138,80,84	50.00	Mungo Rangamati (III)	84,258,94, 106,234, 324,319	50.00	Mungo Rangamati (IV)	931,1015,1012, 1006, 308,295,1024,278, 297,318,725,995	50.00	Mungo Rangamati (V)	859,1025,1024,	50.00	Mungo Rangamati (VI)	478,796,814, 829,831,887,885,886,	50.00
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		893,899,838,840,849 ,859,866,921	
		Total	480.00
		The Land Suitability Certificate has been approved by the Divisional Forest Officer for 11 patches for CA, With CA scheme and DGPS map Hard/Soft copy has been submitted by the State Government.	
2.	The compliance of the conditions stipulated in approval earlier granted vide F. No. 8-22/2003-FC dated 31.03.2004 for the diversion of 77.74 ha of forest land be provided.	In this regard the State Government informed that the compliance of the conditions stipulated in approval earlier granted vide F. No. 8-22/2003-FC dated 31.03.2004 for the diversion of 77.74 ha of forest land has been provided by the project proponent and the copy of the same was enclosed.	
3.	It is not clear from the details provided for compliance on the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 whether the entire area of 226.67 ha has been placed before the concerned Gram Sabha for their NOC. Thus, the complete Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 certificate alongwith relevant evidence as per the Ministry's guidelines dated 03.08.2009 read with 05.07.2013.	In this regard the State Government informed that the Deputy Commissioner, Bokaro District vide letter No. XXI-10/2010/19(Mun) dated 18.07.2014 has been issued FRA Certificate for 226.67 ha forest land. However, the Gram Sabha Resolution has not been submitted.	

20. Recommendation of FAC in its meeting held on 15.06.2017: The FAC considered the submissions of the State Government, RO Ranchi and the User Agency. The FAC also considered the Decision Support System analysis of the proposal and observed as below:

- (i) The purpose wise break up of forest land as provided does not indicate whether the Safety Zone will be maintained within the area proposed for diversion.
- (ii) The Translated copies of the Gram Sabha resolutions were not provided.
- (iii) The CA sites shown to the RO, Ranchi and as proposed by the State Government are different and therefore the CA sites proposed now by the State Government need to be inspected by the RO, Ranchi.
- (iv) It was also brought to the notice of the FAC that a proposal for conveyor belt has been submitted separately to the RO, Ranchi as a linear project. It may be clarified whether this form integral part of the current proposal.

The FAC after considering the above facts and details recommended that the issues of concern be referred back to the State government and on receipt of the necessary clarification and rectification, the proposal be placed before FAC for its consideration.

21. The above recommendation of FAC, was communicated to State Government of Jharkhand vide Ministry's letter dated 27.07.2017 (Pg. 591/c). The State Government Jharkhand vide their letter No. 3/VAN BHOOMI-02/2009/5008-VP dated 30.11.2017 (Pg. 621-706/c) has forwarded the information / documents in response of Ministry's letter dated 27.07.2017 point-wise summary of the information is given as under:-

S. No.	Observations raised by FAC	Reply submitted by State Government																																																								
1	The purpose wise break up of forest land as provided does not indicate whether the Safety Zone will be maintained within the are a proposed for diversion.	<p>It is reported by the State Government that the revised land schedule has been submitted keeping in view to divert safety zone of 5.69 ha in place of 15.61 ha. given earlier which has been forwarded to MoEF vide letter No. 2303 on 13.08.2016. The map showing demarcation of safety zone is being enclosed (Pg. 705-706/c). The current land schedule excluding 77.48 ha. already diverted forest land is given here under:-</p> <table border="1"> <thead> <tr> <th>S. No.</th> <th>Particular</th> <th colspan="3">Forest land in Ha.</th> <th>Non-Forest land in Ha.</th> <th>Total land in Ha.</th> </tr> <tr> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5</th> <th>6</th> <th>7</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Quarry</td> <td>135.76</td> <td>2.62</td> <td>138.38</td> <td>110.68</td> <td>249.06</td> </tr> <tr> <td>2.</td> <td>Ext OB Dump</td> <td>8.10</td> <td>0.00</td> <td>8.10</td> <td>65.51</td> <td>73.61</td> </tr> <tr> <td>3.</td> <td>Haul Road, CHP, Washery Substn, WS etc</td> <td>36.77</td> <td>0.00</td> <td>36.77</td> <td>8.31</td> <td>45.08</td> </tr> <tr> <td>4.</td> <td>Service Area</td> <td>40.08</td> <td>3.34</td> <td>43.42</td> <td>17.00</td> <td>60.42</td> </tr> <tr> <td>5.</td> <td>Safety Zone in Non-Forest Area</td> <td>0.00</td> <td>0.00</td> <td>0.00</td> <td>15.72</td> <td>15.72</td> </tr> <tr> <td>6.</td> <td>Total Forest land to be diverted</td> <td>220.71</td> <td>5.96</td> <td>226.67</td> <td>217.22</td> <td>443.89</td> </tr> </tbody> </table>	S. No.	Particular	Forest land in Ha.			Non-Forest land in Ha.	Total land in Ha.	1	2	3	4	5	6	7	1.	Quarry	135.76	2.62	138.38	110.68	249.06	2.	Ext OB Dump	8.10	0.00	8.10	65.51	73.61	3.	Haul Road, CHP, Washery Substn, WS etc	36.77	0.00	36.77	8.31	45.08	4.	Service Area	40.08	3.34	43.42	17.00	60.42	5.	Safety Zone in Non-Forest Area	0.00	0.00	0.00	15.72	15.72	6.	Total Forest land to be diverted	220.71	5.96	226.67	217.22	443.89
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2.	The Translated copies of the Gram Sabha resolutions were not provided.	In this regard it is reported by the State Government that the copy of FORM-II issued vide letter no. 752 date 09.09.2017 by DC Bokaro is enclosed (Pg.689/c)). The translated copy of Gram Sabha resolution has not been submitted.																																																								
3.	The CA sites shown to the RO, Ranchi and as proposed by the State Government are different and therefore the CA sites proposed now by the State Government need to be inspected by the RO, Ranchi.	In this regard it is reported by the State Government that the CA site inspection by RO Ranchi was carried out on 09.08.2017 Inspection Report is attached.																																																								

4.	It was also brought to the notice of the FAC that a proposal for conveyor belt has been submitted separately to the RO, Ranchi as a linear project. It may be clarified whether this form integral part of the current proposal.	In this regard it is reported by the State Government that the user agency has clarified that <u>the project involved the activity of coal mining, coal beneficiation (washery and evacuation of coal)</u> . The coal mining and washery involves 226.67 ha. for which is the present proposal. The coal evacuation involves 7.5 ha of land which is different from the two activities of coal mining and beneficiation and hence was applied as a separate proposal. As such although project involves all the three activities of coal mining, beneficiation (washery) and evacuation, the proposals were separated due to different natures of activities. The proposal of 7.5 ha coal Dispatch conveyer of Karo OCP is not the integral part of current proposal of 226.67 ha. The report of CMPDIL is again being enclosed for perusal (Pg.704/c).
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22. With regard to recommendation of FAC on 15.06.2017 i.e *the CA sites shown to the RO, Ranchi and as proposed by the State Government are different and therefore the CA sites proposed now by the State Government need to be inspected by the RO, Ranchi.* Accordingly, The SIR done by RO Ranchi and the same is placed in file at pg.592-620/c). The same is also reproduced below:

This instant proposal was discussed in the Forest Advisory Committee (FAC) meeting held on 15th June, 2017 wherein FAC has observed that the CA sites shown to the RO and as proposed by the State Government are different and therefore the CA sites proposed now by the State Government need to be inspected by the RO, Ranchi. FAC has desired that a fresh site inspection of the CA land be carried out by Regional Office, Ranchi. Accordingly, CA land site inspection has been conducted on 09.08.2017 by DCF, Regional Office, Ranchi in the presence of Sri D.K Srivastava, Range Officer, Bermu Range of Bokaro Forest Division, the User Agency represented by Sri Manoj Kumar, Manager, Mining, Sri Raj Muni Ram, Project Officer Karo, Sri G.S Prasad, Survey officer were present at the time of inspection.

The State Government vide letter no. 3/Van Bhoomi-02/2009-1316 dated 24-3-17 has submitted the CA land details which are as under:

Sl. No.	Name of PF	Plot No.	Area (ha.)
1.	Govindpur	2765, 2496, 2745	30.00
2.	Karma	1751, 1841, 1851, 1865, 1873, 1994, 2010, 2030, 2031	30.00
3.	Dabhadih & Murshulsudi	Dabhadih Plot No- 1, 2, 5, 90, 228, 229, 230, 231 and Murshulsudi Plot No-2	20.00
4.	Kanjkiro (I)	387, 403, 421, 450	50.00
5.	Kanjkiro (II)	3166P, 3167, 3273	50.00
6.	Mungo Rangamati (I)	1, 2, 11, 13, 28, 48, 36	50.00
7.	Mungo Rangamati (II)	69, 138, 80, 84	50.00
8.	Mungo Rangamati (III)	84, 258, 94, 106, 234, 324, 319	50.00
9.	Mungo Rangamati (IV)	931, 1015, 1012, 1006, 308, 295, 1024, 278, 297, 318, 725, 995	50.00
10.	Mungo Rangamati (V)	859,1025,1024	50.00
11.	Mungo Rangamati (VI)	478, 796, 814, 829, 831, 887, 885, 886, 893, 899, 838, 840, 849, 859 ,866,921	50.00
Total			480.00

Total 480 ha of degraded forest land in 11 patches for CA has been identified in Bermu Range of Bokaro Forest Division.

Details of all the patches along with the site inspection remarks are given in tabular form as below:

Sl. No.	CA Land identified	Area (Ha.)	Site inspection remarks
1.	Govindpur	30.00	During the inspection it was noticed that in the plot no. 2496 and 2745, some civil construction were seen . Forest representative informed that the gross area of the entire patch is 38.5 ha and the area required for doing compensatory afforestation is only 30 ha.
2.	Karma	30.00	The entire patch seems to be fit for CA.
3.	Dabhadih & Murshulsudi	20.00	During the inspection it is noticed that some part of the area around 15 ha seems to be Moderately dense forested with density round 0.4 to 0.5 and the DSS also ascertained the same.
4.	Kanjkiro (I)	50.00	During the inspection it was noticed some encroachments in the form of agricultural fields were noticed and forest representative informed that during the course of afforestation these encroachments will be removed.
5.	Kanjkiro (II)	50.00	It is in two patches and area seems to be fit.
6.	Mungo Rangamati (I)	50.00	Identified in six patches and the area seems to be fit for CA.
7.	Mungo Rangamati (II)	50.00	Identified in three patches and area seems to be fit for CA.
8.	Mungo Rangamati (III)	50.00	Area seems to be fit for CA and is free from encroachments and other encumbrances.
9.	Mungo Rangamati(IV)	50.00	During the inspection it is noticed that in this patch some area around 10 ha seems to be moderately dense forested . However no encroachments noticed.
10.	Mungo Rangamati (V)	50.00	During the inspection it is noticed that in this patch some area around 15 ha seems to be moderately dense forest .
11.	Mungo Rangamati (VI)	50.00	During the inspection it is noticed that in this patch some area around 20 ha seems to be moderately dense forest . No encroachments noticed.
	Total	480.00	

Final Remarks in SIR:

- As per DSS, software calculated CA area around 675 ha of degraded forest land instead of 480 ha.
- In two patches encroachments in the form of civil constructions and agricultural fields were noticed. In Govinpur patch in the plot no. 2496 and 2745, some civil construction were seen. Forest representative informed that the gross area of the entire patch is 38.5 ha and the area required for doing compensatory afforestation is only 30 ha. In the patch kainjkaro (i), agricultural fields were noticed and forest representative informed that during the course or afforestation these encroachments will be removed.
- As per DSS around 130 ha of the CA area seems to be moderately dense forested especially in the combined Mungo Rangamati patch.

The facts related to the above proposal may be placed before FAC in its meeting to be held on 25.01.2018 for their examination and appropriate recommendation.

Agenda No. 7

F. No. 8-55/2007-FC

Sub: Diversion of 330.70 ha of forest land in Nawada Forest Division for construction of Koderma Tilaiya new Broad Gauge Railway line (49.515 km) in favour of East Central Railway, Koderma in Bihar.

In – principle approval for above subject proposal was granted vide this Ministry’s letter dated 22.06.2011.

2. The State Government of Bihar vide their letter no. Van bhumi-21/2006 - 115(E)/PV dated 28.02.2014 submitted the compliance of conditions stipulated in the Stage-I approval .In compliance to condition no 6 of the stage –I approval, the State Government constituted a committee which gave its recommendations which were sent to the Railways for their comments by CWLW Bihar . The comments were further discussed by the chief wildlife warden Bihar with the Railway Authorities and thereafter the State Government forwarded the recommendations of the chief wildlife warden Bihar vide letter no. *Van bhumi-21/2006 - 542(E)/PV* dated 8.10.2014 thereby agreeing to the recommendations made by the CWLW Bihar. The recommendation of the CWLW Bihar were discussed in the FAC meeting dated 28 Nov 2014. The FAC recommended for amendment in condition no 8 , 9 and 11 of the Stage I approval dated 22.6.2011. Accordingly, with the approval of the competent authority, **following conditions of the stage I approval dated 22.6.2011 stand amended.**

Sl.no	Condition as provided in the Stage I approval dated 22.6.2011	Amended Condition
1	Condition no 8: The construction of Jamundaha and Bara Halt stations be avoided to reduce the adverse impact of proposed rail line on the dense forest area. As a result no station will be constructed in 24 km long dense forest area. Possibility may be explored to shift Belatand station over to already available land at Gajhandi with the Railways. Also avoid construction of Jharahi station on Jharkhand portion. Condition no 9: No station should be constructed between Jharahi/Dilwa and Bara/Khaironndh in future.	Only one crossing point to facilitate the operational requirements of the railway shall be permitted. This point will only be for the operational purpose and no passenger train/traffic should be allowed to ply on this route. An undertaking from the railways will be taken to this effect.
2	Condition no 11. No labour camps shall be set up inside the forest area. The user agency shall provide fuel wood preferably alternate fuel to the labourers working at the site to avoid damage / felling of trees.	11(i)“The labour camps will be allowed for operational reasons only in unavoidable circumstances and prior permission to set up camps inside forest area will be obtained from the Chief Wildlife Warden.” (ii) Natural methods of slope stabilization will be used rather than the concrete structures wherever technically feasible. The railways will also take up appropriate soil conservation measures to arrest soil erosion and siltation of water bodies. (iii) Speed limit for the train shall be decided by the Railway Authorities only after consultation with the CWLW as per terrain and presence of wildlife. Moreover Railway Authorities will

	<p>abide by any restrictions on speed imposed as per the orders of the Hon'ble Supreme Court.</p> <p>(iv)The State Government will prepare a detailed Wildlife Management Plan for the area which should also include proposed activities recommended by the committee (Dr. D.S Shrivastava and Dr. Sameer Sinha) including restoration of habitat and wildlife conservation for its implementation at the project cost within six months from the date of issue of Stage II approval.</p> <p>(v)Railway Authorities shall deposit 2% if the cost of project falling within forest, in advance, for implementation of Wildlife Management Plan. In case cost of plan works out to be more than 2% of above project cost, it will be binding on the railway authorities to pay this additional amount. Undertaking to this effect shall be given by Railway authorities. 2% project cost shall be deposited before transfer of forest land to the railway authorities.</p>
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Accordingly, the order for amending the above conditions of Stage –I Clearance was issued by this Ministry's letter dated 02.02.2015.

3. Being a linear proposal, the Ministry forwarded the entire file to Regional Office Ranchi for further processing.
4. The non-compliance of two conditions of the Stage-I approval issued by the Ministry was communicated by Regional Office, Ranchi vide its letter dated 17.8.2017 (**page 371/c**).
5. The Nodal Officer, Bihar vide their letter No.FC-1063 dated 13.10.2017 (**page 375/c to 380/c**) has submitted the reply of reffered letter dated 17.8.2017. Summary of the same is as under:

S. No.	Condition stipulated	Status of compliance
1.	Condition No.8, which was additionally imposed by the Ministry vide letter No.8-55/2007-FC dated 2.2.2015, is not complied by the user agency. As per the condition, no passenger train/traffic should be allowed to ply on this route and an undertaking from the railways will be taken to this effect. Accordingly, an undertaking should be submitted to this office.	<p>Undertaking in this regard has not been submitted by the User Agency. It is reported that the Railway line is being constructed mainly for movement of coal for NTPC Barh Thermal Power Plant. Tilaiya-Koderma section is almost completed 40 km, out of 65 km i.e. except forest area. The expected goods traffic on the proposed railway line will be 18 pair rakes per day for peak demand of the Plant. The expected passenger traffic will be 4 pair rakes per day. Technically feasible & economical, eco-friendly measure will be taken to mitigate the impact of this railway line on wild life. The user agency has not proposed any passenger train stoppage in the forest area. The distance between Tilaiya to Koderma via Gaya is 121 km & via proposed route is only 65 km, which will be beneficial for the people of nalanda, Sheikhpura & Lukhisarai.</p> <p>The Chief Wildlife Warden, Bihar has recommended for the relaxation to ply the passenger trains in the new Hisua (Tilaiya)-Koderma Railway Line</p>

		subject to an upper limit of 22 trains (18 goods train+4 passenger trains) attendant with the condition that no scheduled stoppage passenger trains shall be permitted in the segment of 24 km in the forest area.
2.	The Ad-hoc-CAMPA, New Delhi vide their letter No.1-05/2013-CAMPA dated 25.3.2014 (page 340/c) had conveyed that total of the compensatory levies as indicated in Cols.8(a) and (g) of the proforma comes to Rs.66,65,90,000/- which does not match with the amount claimed to be deposited. It was also informed that the RTGS date of the remittance of Rs.4,10,37,900/- has not been mentioned in the poforma.	The Ad-hoc-CAMPA, New Delhi vide his letter No.1-05/2013-CAMPA dated 3.11.2017 (page 381/c) has confirmed the receipt of compensatory levies of Rs.33,84,90,000/- (CA: Rs.4,10,37,900/-, Wildlife Management Plan: Rs.3,19,00,000/- & NVP: Rs.26,55,52,100/-) in Corporation Bank, New Delhi.

3. It is reported by the Regional Office, Ranchi, from the examination of the above, it is submitted that the condition No.8 was imposed by the FAC with the approval of the Hon'ble Minister. Now, for the relaxation of the condition no.8, the proposal may be submitted to Ministry for kind consideration of FAC.

It is proposed that the proposal may be placed before the Forest Advisory Committee in its forthcoming meeting scheduled to be held on 25.01.2018 for its examination and appropriate recommendations.

Naresh Kumar, DIGF (FC)

Agenda No. 1

F. No. 7-77/2017-FC

Sub: Request for Exemption of NPV as per order dated 5/10/2015 passed by Hon'ble Supreme Court of India in I.A. No. 2506/2009 in W.P. (C) No. 202/1995 titled T.N. Godavarman Thirumalpad vs. Union of India and Others – reg.

MOEF&CC has vide letter dated 24.05.2016 (F/X) and 25.08.2017 (F/Y) requested the State of Orissa to represent their case before the competent authority of this Ministry so that a fair and lawful decision can be taken in the matter pertaining to exemption of NPV as per order dated 05/10/2015 passed by Hon'ble Supreme Court of India. However, there is no response from the State of Orissa as of date.

The facts submitted by the Applicant in I. A. No. 2673 of 2009 are as under:

1. The Applicant seeks exemption from payment of NPV in respect of rural roads being taken up under Pradhan Mantri GraminYojna (Hereinafter being referred to as "PMGSY").
2. The PMGSY was launched on 25th December, 2000 as a 100% Centrally Sponsored Scheme to provide all-weather road connectivity in rural areas of the country. The PMGSY envisages connecting all unconnected habitations with a population of 500 persons and above in the plain areas and 250 persons and above in hill States, the tribal and the desert areas.
3. In order to provide road connectivity to habitations in remote areas, it is sometimes required to construct new roads or upgrade the existing roads or portion thereof through the forests. It is required to obtain the forest clearance under the Forest Conservation Act, 1980 and its subsequent amendments for the constructions of the new roads.
4. The order dated 28th March 2008 passed by the Hon'ble Supreme Court directs payment of NPV for using forest land and the said order concludes with certain categories (ten) exempted from payment of NPV rates for three years and subject to variation thereafter.
5. Subsequently, the Hon'ble Supreme Court vide order dated 9th May 2008 modified its earlier order dated 28th March 2008 in lieu of some typographical mistakes.
6. The Hon'ble Supreme Court vide order dated 9th May 2008 deleted the exemption on payment of NPV in case of villages roads which had been allowed vide the earlier order dated 28th March 2008.
7. That construction of new roads/upgradation of existing roads under PMGSY brings many socioeconomic benefits to the rural population and therefore is in national interest.
8. That ' Rural Roads' being a State subject, projects under PMGSY are executed by State/UT Governments through their agencies, i.e. SRRDA (State Rural Roads Development Agency) for monitoring, financial management and coordination at the State Level and Programme Implementation Units (PIUs) for Programme Implementation at the District level.
9. It is alleged by the applicant that if the alleged amount of NPV will be allowed to be paid, then it will cause heavy burden on the State exchequer, and it will be difficult to execute the programme. The

applicant it stating that there is abject poverty in which the local people including the tribal people are living. There is no proper housing, hospitals and schools and people are living in extremely poor conditions. By virtue of such improvement in infrastructure, the rural people will get a chance to earn livelihood, which will increase their financial capability and they can lead a decent life.

10. The Present Application has been filed for seeking indulgence of the Hon'ble Supreme Court to review/modify the order dated 9th May 2008.
11. The Applicant has prayed for grant of exemption from the payment of NPV to rural roads being constructed under PMGSY.

The CEC in compliance to the Hon'ble Court's order dated 04.12.2009 filed its report dated 16th August 2013 in the present matter. The observations made by the CEC *inter-alia* are as follows:

Recommendation of the CEC

"8. In the above background the CEC reiterates the recommendations made by it in its Report dated 29th September, 2009 in IA No. 2506 of 2009 filed by the Ministry of Rural Development, Government of India seeking exemption from the payment of the NPV for the forest land diverted for construction of rural roads including in the State of Orissa and recommends that no relief in the present IA may be granted."

The operative part of the order dated **05/10/2015** passed by the Hon'ble Supreme Court of India passed in W.P (C) No. 202/1995 is produced as under:

"CATEGORY – III: MATTERS RELATING TO EXEMPTIONS FROM THE PAYMENT OF THE NPV:

Various applications have been filed by different applicants to exempt them from payment of Net Present Value ('NPV'). Now all those applications will be transferred to MoEFCC by the Registry within 45 days' time from today. The MoEFCC will consider those applications in accordance with law as expeditiously as possible.

If, for any reason, any person is aggrieved by the said decision, he shall be free to file an appropriate applications/ petition before the National Green Tribunal ('NGT') within 60 days' time from the date of the order passed by the MoEFCC.

Liberty is reserved to NGT to condone the delay, if any, in approaching it within the time granted by us if a satisfactory explanation is offered by the applicant/petitioner.

With the aforesaid observation and directions, we dispose of the Interlocutory Applications/matrs specified in Annexure – III to the note supplied by Shri Harish Salve, learned amicus curiae."

12. This Ministry vide letter dated 12.05.2016 and 25.08.2017 requested the applicant to represent their case before the FAC meeting. However, no one was present on the behalf of the applicant. The proposal was **considered by the FAC on 30.08.2017** in light of the IA filed in the Hon'ble Supreme Court of India.

The Applicant seeks exemption from payment of NPV in respect of rural roads being taken up under Pradhan Mantri GraminYojna .

The CEC in compliance to the Hon'ble Supreme Court's order dated 04.12.2009 has filed report dated 16th August 2013 in the present matter. The recommendation of the CEC is as under:

"8. In the above background the CEC reiterates the recommendations made by it in its Report dated 29th September, 2009 in IA No. 2506 of 2009 filed by the Ministry of Rural Development, Government of India seeking exemption from the payment of the NPV for the forest land diverted for construction of rural roads including in the State of Odisha and recommends that no relief in the present IA may be granted."

The FAC considered the proposal and studied the recommendations of CEC on this matter. Since the applicant was not present and it was decided to issue notice to the applicant in this case and list the matter in the next FAC meeting for consideration again.

13. As per the recommendation of FAC the project proponent Rural Development Department, Govt. of Odisha, Bhubaneswar was once again requested vide this Ministry's letter dated 17.01.2018 to depute your representative who is conversant with the subject matter also with the facts and documents to present before the competent authority on 25.01.2018 at 10.00 A. M. in Krishna Conference Hall, 4th Floor, Jal Block, Indira Paryavaran Bhawan, New Delhi, to enable this Ministry to take a fair and lawful decision in the matter, as per the rules and procedure of the FAC

In view of the aforementioned facts and circumstances, it is proposed that matter may be placed before the FAC to take a view on this proposal.

**ADDITIONAL AGENDA FOR THE MEETING OF FOREST ADVISORY
COMMITTEE SCHEDULED TO BE HELD ON 25th January, 2018**

Nisheeth Saxena, Sr. AIGF (FC)

Agenda No. 1

F. No. 8-63/2017-FC

Sub: Proposal for diversion of 789.93 ha. of Forest Land in favour of Water Resources Department, in Damoh District for Construction of Satdharu Irrigation Tank Project, in Damoh district in the State of Madhya Pradesh.- regarding.

1. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, State Government of Madhya Pradesh vide their letter No. F-3/82/2017/10-11/12/3691 Bhopal dated 08.12.2017 (Pg. 1-412/c) submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 789.93 ha. of Forest Land in favour of Water Resources Department, in Damoh District for Construction of Satdharu Irrigation Tank Project, in Damoh district in the State of Madhya Pradesh.
2. The facts related to the proposal as contained in the State Government of Madhya Pradesh letter dated 08.12.2017 are given below in the form of fact sheet:

FACT SHEET

1.	Name of the Proposal	Diversion of 789.93 ha. of Forest Land in favour of Water Resources Department, in Damoh District for Construction of Satdharu Irrigation Tank Project, in Damoh district in the State of Madhya Pradesh.											
2.	Name and nature of the user agency	Executive Engineer, Water Resource Department, Madhya Pradesh.											
3.	Nature of the user agency	State Government Department.											
4.	Location (i) State (ii) District (iii) Category	Madhya Pradesh. Damoh. Irrigation.											
5.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy. No. (iii) Maps	Damoh Territorial Forest Division. 789.93 hectares area involved. <table border="1" style="margin: 10px auto;"> <thead> <tr> <th>Division</th> <th>Forest Land (Ha.)</th> <th>Legal Status</th> </tr> </thead> <tbody> <tr> <td>Damoh</td> <td>587.55</td> <td>Reserved Forest</td> </tr> <tr> <td>Damoh</td> <td>202.38</td> <td>Protected Forest</td> </tr> </tbody> </table> i. SOI Toposheet – (Pg. 20/c). ii. Digital DGPS map- (Pg. 45/c). iii. Land Use Plan – Not submitted. iv. Compensatory Afforestation – Not submitted.			Division	Forest Land (Ha.)	Legal Status	Damoh	587.55	Reserved Forest	Damoh	202.38	Protected Forest
Division	Forest Land (Ha.)	Legal Status											
Damoh	587.55	Reserved Forest											
Damoh	202.38	Protected Forest											
6.	Total period for which the forest land is proposed to be diversion (In years)	99 years, as reported by the user agency.											
7.	Topography of the area	-											

8.	(i) Geology (ii) Vulnerability to erosion	- Area is not vulnerable.
9.	Vegetation (ii) Density	Eco-Class – 5 0.1 to 0.4
10.	Working plan prescription for the forest land proposed for diversion.	RDF
11.	Species-wise (Scientific names) and diameter class wise enumeration of trees in unbroken area.	Number of trees to be felled in the diverted forest land: FRL=3247 FRL2=2671 FRL4=2021 Total No. of trees = 7939 The details of species – wise & girth wise trees are available in file at (Pg. 76-82/c).
12.	Brief note on vulnerability of the forest area to erosion.	Area is not vulnerable from erosion point of view.
13.	The sensitivity of the forest region for soil protection.	Not reported.
14.	Details wildlife present in and around the forest land proposed for diversion.	In applied area there is some wild animal habitat. Like animal, Jackal, Blue bull, Spotted Deer, Common langur and birds and like Peacock etc. are found.
15.	Whether area is significant from wildlife point of view	-
(i)	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).	No.
(ii)	Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within 1 Km. from boundary of the forest land proposed for diversion:	In part-II of form A it is reported-No by DFO, Damoh. However, in a certificate given by the project proponent it is mentioned that Nauradehi WLS is situated at distance of 4.5 Km. from the proposed site of diversion.
(iii)	Whether the forest land proposed for diversion is located within eco-sensitive zone (ESZ) of the protected area notified under Wildlife (Protection) Act, 1972 (Note: In case, ESZ of a Protected Area is not notified, then 10 kms distance from boundary of the Protected Area should be treated as ESZ):	No.
16.	Whether any RET species of flora and fauna are found in the area. If so details thereof	No rare/endangered species of flora & fauna were found in the area.
17.	Whether any protected archaeological/ heritage site/defence establishment or any	There is no protected archaeological/heritage site/defense establishment in the proposed area.

	other important monuments is located in the area.	
18.	Site inspection report carried out by concerned DFO,	(Pg. 87-88/c).
19.	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.
20.	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
21.	Whether clearance under the Environment (protection) Act, 1986 is required?	Yes, <u>As reported by the User Agency the EC application is under process.</u>
22.	Status of Wildlife Clearance;	No Wildlife Clearance required.
23.	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 concerned DFO, in his SIR reported that CA scheme is being prepared on non-forest land and area is suitable for CA and the same is preparing in 12 patches it is also mentioned that <u>CA Scheme prepared on degraded forest land in 17 patches (Pg. 87/c).</u> In this case CA on degraded forest land is not admissible as per extent guidelines under the Forest (Conservation) Act, 1980. However, CA details as given are placed in file at (Pg. 94-412/c).
	(ii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure has been submitted copy of the same are available at (Pg.94/c).
	(iii) Total financial outlay for CA	4606.629 Lakhs (Pg. 74/c).
	(iv) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	Area is Suitable for Plantation, certificate has been given.
24.	Total Command Area of the project (in ha.)	7555 ha. However, approved CAT plan is required with the estimated cost.
25.	Catchment Area Treatment	<u>The approved Catchment Area Treatment Plan has not given, by State Government / user agency with estimated Cost.</u>

26.	Rehabilitation of Oustees a) No of families involved b) Category of families c) Details of rehabilitation plan	No displacement.
27.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	The District Collector, Damoh, Government of Madhya Pradesh vide his letter dated 07.09.2017 (Pg. 38-39/c) has issued a FRA certificate for diversion of 789.93 ha. of Forest Land in favour of Water Resources Department, in Damoh District for Construction of Satdharu Irrigation Tank Project, in Damoh district in the State of Madhya Pradesh. <u>However, the State Government / user agency has not submitted the Gram Sabha Resolutions</u>
28.	Cost Benefit Ratio	1.41 (Pg. 34-37/c).
29.	Total Cost of the Project (Rupees in lakhs)	31565 lakhs as reported by State Government.
30.	Employment Potential Permanent / Temporary	25 permanent 100 Temporary
31.	Recommendation i. DFO ii. CCF iii. Nodal Officer v. State Government	Recommended (Pg. 83/c). Recommended (pg. 91/c) Recommended (pg. 92/c) Recommended (pg. 93/c)
32.	District Profile, Damoh (i) Total Geographical area of the district (ii) Total Forest area/Divisional Forest area (iii) Total area diverted since 1980 with number of cases. (iv) Total CA stipulated since 1980 c. Forest land including penal CA d. Non Forest Land (v) Progress of Compensatory Afforestation 24.10.2016 c. Forest land d. Non Forest land	693532.00 hectares. 272827.80 hectares. 24 cases 777.126 hectares. 0 595.55 hectares. 598.55 hectares. 843.446 hectares.

3. The State Government of Madhya Pradesh in their said letter dated 08.12.2017 submitted following additional information pertaining to the proposal.
- (i) The user agency has submitted undertaking to pay the cost of CA (**Pg. 67/c**).
 - (ii) **The User Agency has not submitted the undertaking to pay the cost of NPV.**
 - (iii) The authorities in the State Government have recommended the proposal without any specific conditions.

SITE INSPECTION REPORT, REGIONAL OFFICE, BHOPAL.

The Addl. PCCF (Central) vide his letter no. 6-MPA017/2017-BHO/1517 dated 17.01.2018 (Pg. 414-422/c) submitted the site inspection report to this Ministry. Facts reported by the Regional Office in its site inspection report are given as under:

Officers present during site inspection:-

- (i) Shri B. Abhay Bhaskar, DCF(C), R.O. Bhopal
- (ii) Shri. Tiwari, EE, WRD, Damoh, Govt. of Madhya Pradesh.
- (iii) Shri Uikey, SDO, Damoh Forest Division, MP.
- (iv) Field staff of Forest Department & WRD, M.P.
- (v) Date of Inspection: **6th January 2018.**

1. Legal Status of Forest land proposed for diversion.
 - a. Reserved forest land : 587.55 ha
 - b. Protected forest land : 202.38 ha
 - c. Revenue forest land : 00.00 ha
 - d. Non-forest land : **Not Given** ha
2. How the land proposed for diversion is to be utilized? : **Storage of water for irrigation project.**

Component wise breakup			
Sl. No	Component	Forest Land (ha.)	Non-Forest Land (ha.)
1	Dam	Nil	Not Given
2	submergence	789.93	Not Given

3. Whether the proposal involves any construction of buildings (including residential): **No.**
4. Total cost of Project. : **Rs. 31565.00 lakhs.**
5. Wild Life:
Whether the forest area proposed for diversion : **4.5 km away from the Nauradehi wildlife sanctuary.**
is important from Wildlife point of view or not.
6. Aerial distance from the nearest boundary of any protected area: **4.5 km away from the Nauradehi wildlife sanctuary.**
7. Vegetation :

a. Trees to be felled:

Level	(31-60) cm.	(61-90) cm.	(91-120) cm.	(121-150) cm.	(>150) cm.	Total
FRL	2618	205	107	106	211	3247
FRL-2	-	-	-	-	-	-
FRL-4	-	-	-	-	-	-

b. Effect of removal on the general ecosystem in the area: the irrigation project.

As per Part-II, Canopy Density is 0.1 to 0.4 & Eco-class 4. The vegetation of area consist of *Tectona grandis*, *Zizyphus jujuba*, *Butea monosperma*, *Ficus religiosa*, *Alangium salviifolium*, *Acacia catechu*, *Embllica officianalis*, *Albezzia amara*, *Azadirachta indica*, etc were observed. The forest is degraded forest and teak plantations were observed. .

S. No.	Area (in ha.)	Density	Eco-Class
1	363.78	0.1	Eco 5
2	32.02	0.2	Eco 5
3	264.08	0.3	Eco 5
4	130.05	0.4	Eco 5

8. Background note of the proposal:

The project is Satdharu medium irrigation tank project with command area of 7,555 ha spread over 36 villages. The project will bring command area under multiple cropping pattern, which will bring the uplifting of peoples.

The total CAT plan of 76.80 sq. km. is proposed.

9. Compensatory Afforestation: **Applicable, non-forest land = 793 ha. in district Damoh (e.portal)**

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?	<p style="text-align: center;">12 (twelve) patches in Damoh district</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Sl. No</th> <th style="text-align: center;">Village</th> <th style="text-align: center;">Area (ha)</th> <th style="text-align: center;">Khasra no.</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>Choupara Madiyado</td> <td style="text-align: center;">44.3</td> <td>Khasra No 123</td> </tr> <tr> <td style="text-align: center;">2</td> <td>Geedan</td> <td style="text-align: center;">20</td> <td>Khasra No 102</td> </tr> <tr> <td style="text-align: center;">3</td> <td>Geedan</td> <td style="text-align: center;">12.9</td> <td>Khasra No 182</td> </tr> <tr> <td style="text-align: center;">4</td> <td>Ghughas</td> <td style="text-align: center;">10.2</td> <td>Khasra No 16</td> </tr> <tr> <td style="text-align: center;">5</td> <td>Ghughas</td> <td style="text-align: center;">82.1</td> <td>Khasra No 1</td> </tr> <tr> <td style="text-align: center;">6</td> <td>Pipariya Ghanshayam</td> <td style="text-align: center;">39.1</td> <td>Khasra No 7</td> </tr> <tr> <td style="text-align: center;">7</td> <td>Sagoni Bayi Taraf Road</td> <td style="text-align: center;">47.8</td> <td>Khasra No 36/27 Ka</td> </tr> <tr> <td style="text-align: center;">8</td> <td>Sagoni Dayi Taraf Road</td> <td style="text-align: center;">92.7</td> <td>Khasra No 36/27 Ka</td> </tr> <tr> <td style="text-align: center;">9</td> <td>Shahjadpura</td> <td style="text-align: center;">22.2</td> <td>Khasra No 03</td> </tr> <tr> <td style="text-align: center;">10</td> <td>Shahjadpura</td> <td style="text-align: center;">264</td> <td>Khasra No 15</td> </tr> <tr> <td style="text-align: center;">11</td> <td>Shahjadpura</td> <td style="text-align: center;">36.7</td> <td>Khasra No 07</td> </tr> <tr> <td style="text-align: center;">12</td> <td>Pipariya Ghanshayam</td> <td style="text-align: center;">121</td> <td>Khasra No 05</td> </tr> </tbody> </table>	Sl. No	Village	Area (ha)	Khasra no.	1	Choupara Madiyado	44.3	Khasra No 123	2	Geedan	20	Khasra No 102	3	Geedan	12.9	Khasra No 182	4	Ghughas	10.2	Khasra No 16	5	Ghughas	82.1	Khasra No 1	6	Pipariya Ghanshayam	39.1	Khasra No 7	7	Sagoni Bayi Taraf Road	47.8	Khasra No 36/27 Ka	8	Sagoni Dayi Taraf Road	92.7	Khasra No 36/27 Ka	9	Shahjadpura	22.2	Khasra No 03	10	Shahjadpura	264	Khasra No 15	11	Shahjadpura	36.7	Khasra No 07	12	Pipariya Ghanshayam	121	Khasra No 05
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E	Maps with details	Yes																																																				
F	C.A. area should be clearly shown on the map, patches wise and their contiguity to the forest area, etc.	Yes																																																				
E	Total financial outlay of 10 years CA programme	4606.629 lakhs																																																				

10. Whether proposal involves violation of Forest (Conservation) Act? : **NO.**

11. Whether the proposal involves rehabilitation of displaced people? : **Yes, more than 70 families are involved.**

12. Reclamation Plan details and Financial Allocation: **required & not submitted.**

13. Cost benefit ratio : **1: 1.41**

14. Utility of project: **for water storage and irrigation in command area.**

15. Number of Scheduled Case and Scheduled Tribe involved in the Project: **No.**

16. Compliance of FRA 2006-DC Certificate: **is submitted from DC, Damoh dated 07/09/2017.**

17. Whether the land being diverted has any socio-cultural / 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. Recommendation.
The site inspection was carried out on 06th January 2018.

22. Specific observation and suggestion for project based on Site Inspection:-

- (i) More than 70 nos. of families are coming directly in the submergence area. They are from very poor economic background.
- (ii) Though District Collector has given FRA certificate, however the local forest staff informed during site inspection that more than 70 nos. of application under FRA are pending with the DC, Damoh for final disposal.
- (iii) Looking in to the economic condition of the farmers & pending FRA applications, it is *proposed* to seek the disposal of the FRA applications from the State Govt. and the rights of those families shall be settled by following due procedure.
- (iv) The area is very dry which can be seen through the cropping patten and economic condition of the farmers. During site inspection, large numbers of peoples carrying drinking water on bicycles were observed. So, looking in to the National Water Policy, 2012, it is *proposed* to seek the detailed drinking water supply plan / scheme from State Govt of Madhya Pradesh or minimum of 20% of the water on annual basis shall be used for providing clean & potable drinking water to the villagers.
- (v) As the project is only for dam, the User Agency shall be asked / submit the comprehensive proposal for irrigation Canal, DISNET, OFD involving forest land.
- (vi) CA on non-forest land is proposed, the area is having very low soil depth / barren land / hills. Wherein the fertile land is being asked for diversion. So, it is *proposed* that 25% over the CA plan shall be used for the Soil Moisture Conservation Work.
- (vii) The area for CA specifically in *Pipariya Ghanshayam* which is 160 ha is rocky and not fit for plantation. So, it is *proposed* to seek alternative CA site.
- (viii) The variation in the khasra number of CA was observed in the data on *e.portal* and the forwarding letter of APCCF (LM), Govt. of MP vide letter dt. 08/12/2017. It is *proposed* to seek the correct list of CA land.
- (ix) User Agency shall submit the copy of approved R & R plan involving the families whose applications are pending with the DC, Damoh for final disposal.
- (x) The User Agency shall submit the copy of approved CAT plan.

The site inspection report is submitted for consideration in Forest Advisory Committee, please.

23. Recommendations of APCCF(C), R.O., Bhopal:

- (i) In view of the details mentioned in the site inspection report of Dy. Conservator of Forest (C), undersigned recommends the proposal for the for diversion of 789.93 ha of forest land in favour of Water Resources Department in Damoh district for construction of Satdharu Irrigation Tank Project in Damoh District, State of Madhya Pradesh under Forest (Conservation) Act, 1980 keeping in view all the conditions & observations as contained in DCF(C)'s Site Inspection Report.

24. DSS analysis report:- The shape file as given for proposed diversion and sites for CA has been examined by DSS cell of Forest Conservation the detail report is placed in file at (F/X). The major observations are:-

- iii. In case of proposed Forest land for diversion, Calculated area of forest land proposed for diversion is found 787.60 Ha. **Noradehi Wildlife sanctuary is located at distance of 4.67 Km from proposed area for diversion.** Out of total forest area proposed for diversion, **35 ha. of land having the canopy density of Moderately dense forest**, 468 ha. of land as Open forest, 2 ha. of land as Scrub (below 10%

canopy density) and 283 ha. of land as Non-Forest in terms of forest classes (as per the ISFR 2015) based on the interpretation of satellite data period 2013-2014.

Forest Types details: 5A/C3 Southern Dry Mixed Deciduous Forest: 365 ha., 5A/C1 b Dry Teak Forest: 121 ha. and Non-Forest: 301 ha.

- iv. **Compensatory Afforestation:** CA has been proposed over **Non-Forest land/ Revenue land** in Twelve patches under Damoh district of Madhya Pradesh State. **Two patches** under Pipariya Ghanshayam Village, Khasra No. 5 & 7 have been **found overlapped** with each other & Total area of proposed **Compensatory afforestation land is found 770 ha. instead of 793 Ha.** Therefore, approx. 23 Ha area of proposed CA land is found short. Moreover, some part of CA land under Pipariya Ghanshayam Village is **found rocky land** as depicted through High Resolution Satellite Imagery.

Forest Cover Map: Whole Land proposed for CA is characterized with Open Forest & Non Forest (as per the ISFR 2015) based on the interpretation of satellite data period 2013-2014 and same has been depicted through high resolution satellite Imager.

It is proposed that the facts of the above proposal may be placed before the Forest Advisory Committee meeting scheduled to be held on 25.01.2018 as **additional agenda** for their examination and appropriate recommendations.

Agenda No. 2

F. No. 8-55/2017-FC

Sub: Proposal for diversion of 120.4062 ha of forest land in favour of Executive Engineer, Public Works Department Jhalawar, Rajasthan for Extension of Kolana Air Strip of Existing run way from 1700 meter to 3000 meter in Jhalawar District, Rajasthan State.- regarding.

1. The State Government of Rajasthan, Jaipur vide their letter No. P.1 (56) VAN/2004 part Jaipur dated 17.10.2017 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 120.4062 ha of forest land in favour of Executive Engineer, Public Works Department Jhalawar, Rajasthan for Extension of Kolana air Strip of Existing run way from 1700 mtr to 3000 mtr in Jhalawar District, Rajasthan State. The above mentioned proposal was considered by the FAC in its meeting held on 20.12.2017 and the Committee after with the representatives of the user agency observed as below:-
2. The Committee discussed the above mentioned proposal, heard the views of the user agency and observed as follows:-
 - (i) The proposal is for diversion of 120.4062 ha of forest land in favour of Executive Engineer, Public Works Department Jhalawar, Rajasthan for extension of Kolana Air Strip of Existing run way from 1700 meter to 3000 meter in Jhalawar District, Rajasthan State. The forest land proposed to be diverted is 5.6 Km from Mukundara Tiger Reserve, notification of ESZ has not been issued as yet and there is no protected archaeological heritage site of the Defence Establishment on the proposed area.
 - (ii) It is reported that in the year 2008, about 9.71 ha forest land was involved in violation of Forest Conservation Act and no environment clearance has been taken by the user agency so far. Detailed CA scheme 120.4062 ha of non-forest land, with time schedule and cost structure has not been submitted.
 - (iii) The District Collector Jhalawar vide his letter No. 2750 dated 17th March, 2017 has issued FRA Certificate for diversion of 120.4062 ha of forest land in favour of Executive Engineer, PWD. However,

recent certificate is not as per the prescribed format issued by this Ministry vide its guidelines dated 5th July, 2013.

- (iv) The site Inspection of the proposed site was carried out by CF (Central), Regional Office Lucknow on 15.11.2017. It has been reported that the proposed forest area includes a patch of 10 ha medicinal plantation undertaken by National Medicinal plantation Board and two plantation raised in Ramdi (2012-13) and Munderiforests (2013-14) of 20 ha. & 25 respectively. A water body is located in the vicinity of existing airstrip. Extension of airstrip is not likely to have any direct adverse impact on the water body. However, conversation measures may be taken up at the project cost.
- (v) The existing airstrip spreads over 49.99 hectare of land having a runway of 1700 meter and VIP Lounge. The proposal involves construction of Terminal Station & taxiway apron besides extension of air strip up to 3000 meter and of boundary wall all the periphery of extended area. The existing runway at Kolana airstrip is 1700 meter in length and 30 meter in width. The runway is proposed to be extended up to 3000 meter with 60 meter width to facilitate landing of commercial flights. In addition, Taxiway apron & terminal station have to be constructed. A safety zone of 150 meter all along the airstrip and vacant land of 450 meter is required to be maintained at both ends of the airstrip. Out of 120.4062 ha of forest land proposed for diversion, 79.52 ha is proposed for maintaining safety zone and 2.187 ha is proposed for realignment/ shifting of the existing Mega Highway. The component wise breakup is as follows-

S. No.	Particulars	Forest Land(Ha)	Non-Forest Land(Ha)	Total Area(Ha)
1.	Extension of Air Strip	7.62	11.61	19.23
2.	Taxiway Apron	9.26	9.64	18.90
3.	Terminal Station	21.81	0.00	21.81
4.	Mega Highway	2.187	9.56	11.747
5.	Safety Zone	79.52	50.9224	130.4424
6.	Total Requirement	120.4062 ha	81.7324	202.1386

- (vi) Important species are Azadiracta indica, Anogeius latifolia, Alibizza procera, Acacia nilotica, Aillanthes excels, Mangifera indica), Syzaziuum cumini, Madhuca indica.

Number of trees to be felled of girth below 60 cm is 1183 and above 60 cm are 29.

- (vii) The FAC was informed that at present Kolana airstrip is situated about 4 km away from Jhalawar towards Jhalawar-Baran road. It was constructed in the year 2005 to cater to the needs of local administration. Jhalawar-Kota region over the years has emerged as an important centre having potential for huge investment and growth. Several infrastructural and industrial projects are in pipeline in the region. However, Jhalawar-Kota region has got no operational airport in vicinity which is views as a barrier to rapid economic growth and social development in the region. The proposed extension of airstrip is supposed to augment the air connectivity of the area which in turn is expected to create a large multiplier effect in terms of investments, tourism development and employment generation in the area.
- (viii) Compensatory Afforestation is proposed in equivalent non-forest area of 120.4062 hectare in the village Harnawada, Tehsil - Gangdhar.
- (ix) According to the report commencement of work at Airstrip has been undertaken without obtaining permission under FC Act and 9.71 hectare has been used in violation. An FIR (No. 19 dated 28.11.2008)

has been lodged against 3 officials of PWD for the said violation. A Copy of Offence Report Dt. 28.11.2008 has been made available by DCF, Jhalawar.

- (x) Cost benefit ratio: Benefit / Cost ratio of the project has not been done as per the revised guidelines.
- (xi) The FAC observed that the area demanded by the user agency for terminal station (21.8 ha) and safety zone are large in comparison to other such air strips in the country and no justification could be provided by the representative of the user agency. No action has been taken by the state government against the authority who has encroach upon the forest land measuring 9.71 ha for which only in-principle approval was granted under section 2(ii) of FC Act but no final approval was granted.
- (xii) **Recommendations of FAC in its meeting dated 20.12.2017:-** After careful consideration of the facts placed before it and as placed on the website of forest clearance, FAC observed that following information be asked from state government before it is placed in the FAC meeting:-
 - a) State Government to explain in details why and how the state government allowed use of forest land for non- forestry purpose i.e. aerial strip construction.
 - b) The outcome of the case/FIR lodged against erring official for violating provisions of FC Act and other law of land. Action may be initiated under section 3A/3B of FC Act against the authority who diverted the forest land for non-forestry purpose without approval and departmental actions shall also be taken against the officials who violated the FC Act, 1980.
 - c) State/User agency should submit detailed land use plan including of the Terminal Station along with the DGCA guidelines in such matters.
 - d) Cost- benefit analysis will be made in accordance with the Guide lines issued on 1.8.2017.
 - e) Complete compliance of FRA will be done and certificate on prescribed form will be submitted along with the compliance report.
 - f) The area of eco-sensitive zone (ESZ) around Mukundra Tiger Reserve has not been delineated. In absence of such delineation, the conditions stipulated regarding activities within 10 km from boundaries of wildlife Sanctuary should be made applicable. All the activities permitted should be governed by the provisions of the Environment (Protection) Act, 1986 and the rules made thereunder and be regulated in the manner specified. Process regarding delineation / notification of ESZ may be taken up expeditiously to remove operational difficulties, if any, with the prescriptions/guidelines of ESZ as applicable.
 - g) Adequate Measures for protection and conservation of the water bodies located near the proposed Airport complex should be taken up at the project cost and included in the proposal.
 - h) Proposal would be placed before FAC once the reports/replies on the above observations are received from the State Government and Regional office.

3. **A copy of the minutes of the FAC meeting may kindly be seen at F/X.**

4. Taking into consideration the minutes of FAC held on 20.12.2017 as uploaded on Ministry's website, the State Government has forwarded the information vide their letter No. F-14 (Kolana)/2016/FCA/PCCF/491-94 dated 16.01.2018 as sought by FAC. The point wise as sought by FAC and reply given by the State Government are as follows:-

S. No.	Observations raised by FAC, 20.12.2017	Reply Submitted by State Government
1.	State Government to explain in details why and how the state government allowed use of forest land for non-forestry purpose i.e. aerial strip construction.	In this regard it is informed that the in-principle approval for diversion of 9.71 ha. of forest land for construction of Kolana Air

		<p>Strip has been issued by the Government of India vide letter No. 8B/RAJ./9/18/2004/FC/1816. The user agency has complied the conditions of said in-principal approval. The FIR has been registered against defaulted engineers. The Regional Office Lucknow vide their letter dated 23.12.2008 has earlier informed to CF, East Circle Kota for taking necessary action under article 3(A)/3(B) of Forest (Conservation) Act, 1980.</p> <p>It is further informed that Rs. 169.11 Crore has been sanctioned by the State Government. In this continuation the user agency has submitted the instant proposal for diversion of 120.4062 ha of forest land for Extension of Kolana Air Strip from 1700 mtr to 3000 mtr. The proposed proposal for extension of air strip is surrounded by forest land in three sides and there is no other government of private land available near to the existing side, is submitted for which the State Government has already approved.</p>
2.	<p>The outcome of the case/FIR lodged against erring official for violating provisions of FC Act and other law of land. Action may be initiated under section 3A/3B of FC Act against the authority who diverted the forest land for non-forestry purpose without approval and departmental actions shall also be taken against the officials who violated the FC Act, 1980.</p>	<p>In this regard it is reported that the DCF, Jhalawar informed that the FIR has been lodged for the said violation of FCA against 3 officials namely Shri K.K. Mathur, EE, Shri B. K. N. Chitle EE and Shri N. P. Dagal AE) in connection with violation vide FIR No. 1-19/28.11.2008. The Range Officer after making of evidence of crime / Mauka-Panchnama and Najri Map, has registered a case under Section 2 of Forest (Conservation) Act, 1980 and Section 32 and 33 of Rajasthan forest Act 1953 have been submitted.</p> <p>In accordance with Article 68 of Rajasthan Forest Act, 1953, the penalty / case compound by Rs. 25000/- has been deposited by Shri KK Mathur. Accordingly the FIR No. 1-19/28.11.2008 has been disposed off.</p> <p>In continuation of the direction of Regional Office's Lucknow vide their letter dated 23.12.2008 informing to CF, East Circle Kota for taking necessary action under article 3(A)/3(B) of Forest (Conservation) Act, 1980, the office of CF has further forwarded to APCCF, Rajasthan. Accordingly, the actin has been taken as per Forest (Conservation) Act, 1980. The show cause notice has been issued against Shri NP Dagal. and Since Shri KK Mathur EE has been retired and Shri BKN Chitle the then EE has been expired therefore no action has been taken against them.</p>
3.	<p>State/User agency should submit detailed land use plan including of the Terminal Station along with the DGCA guidelines in such matters.</p>	

Reply: In this regard it is informed that for extension of Air Strip 120.4062 ha. of forest land is required and proposed under this diversion proposal. the Main component of proposal is air strip extension, Taxi way Apron Terminal Station, Mega Highway and Safety Zone for which calculation sheet is as given below:-

		FOREST LAND				NON FOREST LAND			
		NO	LENGTH	WIDTH	AREA				
TERMINAL PART-A (R/S)	HANGER A	1	156.78	85	13326.3				
	HANGER B CARGO	1	149.38	70	10456.6				
		1	133.44	100	13344				
	POLICE STATION	1	100	60	6000				
	DISPENSARY	1	57.34	100	5734				
	LAWN, TREE PLANTATION, SITING BENCHES	1	138.6	97.7	13541.2				

S. No	Observations	Compliance by UA/DCF/CCF/ Nodal Officer							
		Security Station	1	81.22	50	4061			
		Fire Station	1	67.32	50	3366			
		Outer Road	1	1778.5	30	53355			
		Inner Road	1	695.45	20	13909			
	TERMINAL PART-B (R/S)	Arrival Terminal	1	90 m.	100 m.	9000 sqm.			
		Departure Terminal	1	90 m.	100 m.	9000 sqm.			
		Administrative Block	1	120 m.	100 m.	12000 sqm.			
		Cargo	1	90 m.	100 m.	9000 sqm.			
		Road	1	500 m.	30 m.	15000 sqm.			
		Internal Road	2	100 m.	20 m.	4000 sqm.			
		Arrival and Departure Parking	1	500 m.	32 m.	16000 sqm.			
		Space for LAWN, PLANTATION, SITING BENCHES	1	100 m.	70 m.	7000 sqm.			
						218093 sqm. Say 21.81 hect.			

		Other Component details				
		Component details	Total land details	Forest land Details	Non Forest Land	Remarks
		Extension of air strip	3209 x 60 = 19.23 Hec.	1x278m.x60m = 1.67 hec.. 1x430mx11.85 = 0.51 1x906mx60m 5.44 total = 7.62 Hect	11.61 Hect.	Extension on air strip
		Taxiway Highway	4x120m.x30m. = 1.44 hect. 2x78m.x30m. 0.47 1x2665m.x45m. 11.99 1x500m.x100m. = 5.00 Total = 18.90 hect.	2x120mx30m = 072 hect. 1x40mx30m = 0.12 1x1538mx45m - 6.92 1x155mx28m=0.43 1x140mx14m = 0.20 1x127mx68.5m = 0.87 Total = 9.26 hect.	9.64 hect.	As per Requirement
		Mega Highway	1x3916m.x30m. = 11.75 hect.	1x729m.x30m. = 2.187 hect.	9.56 hect.	As per Requirement
		Safety Zone	1x3693m.x125m. =46.1625 3693m.x228. 17m.=84.2861 Total = 130.4486	1x450mx438m = 19.71 1x275119m = 3.27 1x904m.x105.5m.= 9.54 1x1000m.x342m. = 34.20 1x220m.x582m .= 12.80 Total = 79.52 Hect.	50.9086 Hect.	As per Requirement
4.	Cost- benefit analysis will be made in accordance with the Guide lines issued on 1.8.2017.	In this regard the cost benefit analysis is given in the revised format.				
5.	Complete compliance of FRA will be done and certificate on prescribed form will be submitted along with the compliance report.	The Certificate on Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has been given.				
6.	The area of eco-sensitive zone (ESZ) around Mukundra Tiger Reserve has not been delineated. In absence of such delineation, the conditions stipulated regarding activities within 10 km from boundaries of wildlife Sanctuary should be made applicable. All the activities permitted should be governed by the provisions of the Environment (Protection) Act, 1986 and the rules made	In this regard it is reported that the EC and WL Clearance are not required.				

	thereunder and be regulated in the manner specified. Process regarding delineation / notification of ESZ may be taken up expeditiously to remove operational difficulties, if any, with the prescriptions/guidelines of ESZ as applicable.	
7.	Adequate Measures for protection and conservation of the water bodies located near the proposed Airport complex should be taken up at the project cost and included in the proposal.	In this regard it is informed Rs. 24.65 Lakhs has been sanctioned by Collector for conservation and development of water bodies.
8.	Proposal would be placed before FAC once the reports/replies on the above observations are received from the State Government and Regional office.	Compliance is given.

It is proposed that the facts of the above proposal may be placed before the Forest Advisory Committee meeting scheduled to be held on 25.01.2018 as **additional agenda** for their examination and appropriate recommendations.
