

F. No. 5-3/2007-FC
Government of India
Ministry of Environment, Forest and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.
Dated: 09th May, 2018

To,
The Principal Secretary/ Secretary (Forests),
All State/ UT Governments.

Sub: Guidelines for stipulating the norms for Survey and Investigation (Prospecting of ores) on forest land-reg.

Sir,

I am directed to refer this Ministry's letter no. 5-3/2007-FC dated 19.08.2010 wherein guidelines for "stipulating the norms for Survey and Investigation (Prospecting of ores) on forest land" were conveyed.

The Ministry has received representations from the Ministry of Mines, Ministry of Coal and Ministry of Petroleum & Natural Gas, GoI to modify the existing guidelines to exempt drilling of 15 – 20 bore-holes per sq. km in forest area for prospecting of minerals from the requirement of obtaining prior approval of the Central government under the Forest (Conservation) Act, 1980. The issue was discussed in the meetings of Forest Advisory Committee held on **23.02.2018 and 22.03.2018**.

The FAC after careful examination of the matter observed that exempting large scale non-forest activities, such as drilling of 15 – 20 bore-holes / sq. km. for prospecting of minerals in forest areas, from the requirement of obtaining prior approval under the Forest (Conservation) Act, 1980 is not acceptable. However, to facilitate expeditious decision on applications seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for prospecting of minerals in forest areas the Ministry, in consultation with the Ministries of Mines, Coal and Petroleum and Natural Gas formulated a simplified format of the application for obtaining prior approval of Central Government under the Forest (Conservation) Act, 1980 for prospecting in forest areas.

After recommendation of Forest Advisory Committee in connection with prospecting of minerals to further simplify the process of grant of approval under the FCA, 1980 for prospecting of mineral in forest areas, it has been decided that:

- i. The prospecting of minerals by drilling bore holes for collecting seismic waves and collecting mineral samples constitutes non-forestry activities for the purpose of Forest Conservation Act.
- ii. The user agency shall apply online for diversion of forest area as per the procedure laid down by MoEF&CC from time to time.
- iii. General approval may be accorded to the state government by the MoEF&CC for prospecting of minerals in forest land having average weighted crown density up to 40 % as per the latest FSI report.
- iv. In case of coal, lignite and metallic ores - test drilling up to 20 boreholes of maximum 8" dia per 1.0 sq km and in case of non-metallic ores excluding coal & lignite - test drilling up to 16 boreholes of maximum 6.6" dia per 1.0 sq km for prospecting exploration or reconnaissance operations, without felling of trees, may be allowed by state government. In all other cases involving more number of drilling of bore holes, prior permission of Central Government under the Act would be required.
- v. In case of seismic survey for exploration of hydro carbon the user agency shall pay NPV @ of 2.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.
- vi. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology

in forestland having crown density upto 40%, the prospecting agency shall pay NPV @ of 5.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPAs. State government shall get the amount verified from Adhoc CAMPAs prior to allowing actual work on ground.

- vii. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density between 40 to 70 percent, the State Government shall forward the application to the Regional Office of the Ministry for consideration. The proposal will be considered in the REC and if recommended then the approval will be granted with mandatory condition *inter alia* that user agency will pay NPV @ of 10.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed.
- viii. The NPV deposited for prospecting will not be adjusted against the diversion proposal of forest land under section 2 of FCA 1980. The amount will be non-refundable as well non-adjustable.
- ix. User agency shall submit complete plan of operation for prospecting in the entire forest area in the mining block prior to start of work to the Nodal officer of the state.
- x. User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area and degraded forest land as per prescription of working plan in a contiguous patch.
- xi. The user agency shall engage ICFRE to conduct study on the impact numbers of bore holes for prospecting over forest and wild life of the area and suggest mitigation measures. The design of study shall be approved by MoEF&CC.
- xii. Prospecting in protected areas such as national parks, wildlife sanctuaries, biosphere reserve, Tiger reserves, corridors, pristine forests identified by State and Central Government etc. shall not be allowed.
- xiii. The delegation of power to grant permission for prospecting by the state government shall be valid for 5 years only and will be reviewed after expiry of five years.

This issue with the approval of competent authority.

Yours faithfully


(Sandeep Sharma) 9.5.16

Assistant Inspector General of Forest (FC)

Copy to:

1. Prime Minister's Office
2. Secretary, Ministry of Mines, Government of India
3. Secretary, Ministry of Coal, Government of India
4. Secretary, Ministry of Petroleum and Natural Gas, Government of India
5. Principal Chief Conservator of Forests, all State/UT Governments
6. Nodal Officer, the Forest (Conservation) Act, 1980, all State/ UT Governments
7. All Regional Offices, Ministry of Environment, Forest and Climate Change (MoEF&CC), GoI.
8. Joint Secretary in-charge, Impact Assessment Division, MoEF&CC, GoI
9. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division, MoEF&CC, GoI/Director, ROHQ, MoEF&CC, GoI/TO(FC)/TO(RoHQ).
10. Sr. Director (Technical), NIC, MoEF&CC with a request to place a copy of the letter on website of this Ministry.
11. Sr. PPS to the Secretary, MoEF&CC
12. Sr. PPS to the Director General of Forest & Special Secretary, MoEF&CC, GoI
13. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEF&CC, GoI
14. PS to the Inspector General of Forest (Forest Conservation) MoEF&CC, GoI
15. Monitoring Cell, FC Division, MOEF&CC
16. Guard File


(Sandeep Sharma) 9.5.16

Assistant Inspector General of Forest (FC)