

MINUTES OF THE 49th MEETING OF STATE LEVEL EXPERT APPRAISAL COMMITTEE (SEAC), JHARKHAND HELD ON 16TH AND 17TH OCTOBER, 2017

The 49th meeting of State Level Expert Appraisal Committee (SEAC), Jharkhand was held on 16th and 17th October, 2017 under the Chairmanship of Sh. K.P. Bhawsinka in the Conference Room at SEAC, Ranchi.

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|-------------------------|--------------------|
| 1. Shri K.P. Bhawsinka | - Chairman |
| 2. Dr. B.K. Tewary | - Member |
| 3. Shri R. N. Singh | - Member |
| 4. Shri Y. K. Singh | - Member |
| 5. Shri S.P. Shriwatava | - Member |
| 6. Dr. V.P. Sinha | - Member |
| 7. Dr. R.V. Singh | - Member |
| 8. Shri U.P. Singh | - Member |
| 9. Shri Om Prakash, | - Member Secretary |

The following issues were discussed in the meeting.

A. Discussion on matter related to :

1. Minimum distance of forest from project site for EC.

SEAC is a technical expert committee for screening, scoping & appraisal and evaluate the EIA / EMP of different projects based on existing rules and guidelines of MOEF & CC. The issue of the formulation of minimum distance from forest of project site entrusted by SEIAA, Jharkhand and was discussed and arrived at conclusion for different type of projects and minimum distance from adjacent forests. SEAC had deliberated in the 47th meeting along with the experts from DGMS, JSPCB, Deptt. of Mines & Geology & Forest officials, etc but no input was provided by them. Further the available documents, rules & guidelines of the related subject matter was studied and discussed before concluding the said issue and forwarded to SEIAA for necessary action.

In this regard, the referred guidelines of MOEF & CC, Govt. of India issued on 4th July, 2014 was also considered. This guideline is meant for the case of diversion of area inside the notified forest in which a 7.5 meter safety zone is a pre-condition for all the projects.

Whereas the present subject matter related to formulation of the guideline for protection of forest beyond its boundary. The finalization of minimum distance between mining lease area and forest is empirical, as it will depend on many factors such as (i) type and location of the mineral deposits, (ii) mining methods and (iii) nature of the forest.

Sri Y. K. Singh, Member, SEAC has opined that the minimum distance of project site from the forest boundary be 500 meter and also in consonance with JSPCB prevalent guidelines.

Bhawsinka
The members of the SEAC, Jharkhand are guided by the guidelines, rules & regulations issued by MoEF & CC published in Gazette as per EIA notification, 2006 and some decision related to environment by the Hon'ble Supreme Court of India.

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In view of the above, the SEAC members are of the opinion that the earlier formulated guidelines be kept as such & no change is required.

*K.P. Bhawsinka
Chairman
SEAC, Jharkhand*

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2. Common Check List for EC for the different projects.

SEIAA has forwarded a well documented checklist for different projects which is in accordance with the checklist available in the MoEF site. SEAC deliberates the subject matter and accepts the forwarded document.

3. Minutes of 45th to 48th meeting of SEAC.

All the members of SEAC deliberated and concluded that the minutes of 45th to 48th meeting of SEAC has been finalised based on merit of the case, appraisal and presentation of consultants.

The aforesaid minutes of 45th to 48th meeting of SEAC are based upon the presently prevalent guidelines of SEIAA. So, it need not be reviewed. If new guideline is finalized by SEIAA, it would be effected from date of issue and not retrospectively.

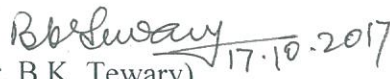
The minutes of 45th meeting was seen & considered by Chairman, SEAC and after perusal he has put signature.

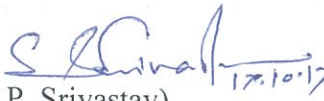
Therefore, SEAC concludes that there is no further comments and as such these minutes are endorsed without any change.

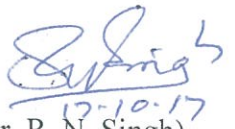
4. SEIAA letter no. 165, dated 08-09-17 regarding site visit to Tiruldih Balu Ghat, Saraikela- Kharsawan.

SEAC entrusted Dr. B. K. Tiwary and Sri U.P. Singh, Expert Members to visit the site of Tiruldih Balu Ghat, Saraikela Kharsawan on 24.10.2017 and submit their report for further action. Member Secretary, SEAC was requested to inform the concerned authorities at the site for smooth field visit.

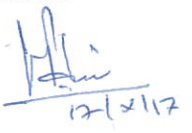
The meeting concluded with thanks to all present.

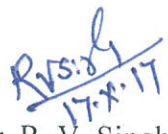

(Dr. B.K. Tewary) 17.10.2017
Member

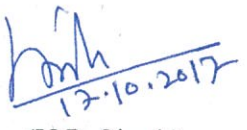

(S.P. Srivastav) 17.10.17
Member



(Dr. R. N. Singh) 17-10-17
Member

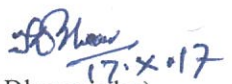

(Y.K. Singh)
Member


(Dr. V.P. Sinha)
Member


(Dr. R. V. Singh)
Member


(U.P. Singh)
Member


(Om Prakash)
Member Secretary


(K.P. Bhawsinka)
Chairman

Minimum distance of forest from project site for EC.

The SEAC Committee members, as well as invited experts from Director General of Mines Safety, Deptt. of Mines & Geology, JSPCB and Deptt. of Forests, Environment & Climate Change, Govt. of Jharkhand have made deliberation on 17th & 18th August, 2017 regarding determination of minimum distance of the project site from the notified forest. All the members and invited experts expressed their opinion & logic.

2. Admittedly, the impact of industries on forest, its flora & fauna and its environment vis- a-vis distance of industry from the forest has not been properly & methodically evaluated and assessed in our country. In spite of the fact, some empirical guidelines have been formulated in different departments viz Deptt. of Mines & Geology, JSPCB etc.
3. Invited experts were requested to submit their opinion and basis for determination of minimum distance with relevant documents. The Member Secretary, SEIAA too, has been requested to gather the guidelines from SEIAAs of other states. However, neither invited experts submitted their opinion / documents, nor SEIAA, Jharkhand could collect & provide guidelines from SEIAAs of other states.
4. Some members have submitted their write-up regarding the said issue. Admittedly, degree and nature of environmental pollution caused by different projects / industries varies as per the type of projects (Hazardous / Non- hazardous / Highly Polluting / Polluting / Non-polluting). Besides, minimum distance of the proposed project from forest should also vary from type & density of forest, as well as, Wildlife Sanctuary / National Park / Eco Sensitive Zone / Bio-Diversity Reserves.
5. Jharkhand State Pollution Control Board formulated guidelines (Notification no. B- 12, dated 07.10.15) for minimum distance for different type of Industries from the forest boundary, which varies from 250 to 1000 meter depending upon the type of projects / industries.
6. A proceeding of SEIAA, Kerala has been put before the committee, which ascertains that the minimum distance of industries from boundary of forest land should be uniformly 100 meter. Similarly, ^{em}the state of Jammu & Kashmir, the minimum distance has been prescribed 300 m for site specific project and that of Karnataka it is more than 200 meter.

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7. **Parameter / Criteria** for determining minimum distance :

(i) Type of Industry / project :

- (a) Highly polluting
- (b) Polluting
- (c) Non-polluting (Less-polluting)

(ii) SEIAA, Jharkhand has framed guidelines for minimum distance as under

Distance from notified forest :

Date (w.e.f.)	New project	Renewal of project	Remarks
07.05.2013	250 m	250 m	No basis / ground preferred
24.09.2013	250m	50 m	
27.05.2015	250 m	As is where it is basis	
14.11.2015	250 m	As legally existing earlier	

It is pertinent to mention that all those decision have been taken either in joint meeting or by the SEIAA itself.

(iii) Jharkhand Pollution Control Board guidelines :

Jharkhand PCB formulated guidelines vide its notification dated 07.10.15 for minimum distance of forest boundary from different type of Industries varying from 250 to 1000 meter depending upon the type of projects / industries.

(iv) Guidelines of PCB & SEIAA of other states, as stated supra, also vary from 100 m to 300 m.

8. SEIAA vide its letter no. 197, dt. 25.09.17 enclosing minutes of 51st meeting of SEIAA asked the SEAC for reconsideration of its "*Recommendation*" with reference to the provision of **7.5 m safety zone** around diverted / leased area **within** notified forest. It's being clarified that leasing out forest area *within* a notified forest, as per the provisions of Forest (Conservation) Act, 1980 and giving Environmental Clearance as per EIA notification, 2006 outside forest area are altogether different issues.

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(a) In case of forest area diversion / clearance under Forest (Conservation) Act, 1980, the user agency (i.e. Project proponent) has to pay following amount, as well as, transfer equivalent area of diverted land to the government to compensate for the forest area and to mitigate the loss of forest cover & its deleterious effect :

- (a) Net Present Value (NPV) for the diverted/ leased forest area,
- (b) Compensatory Afforestation fund
- (c) Land, in lieu thereof and equal to diverted/leased forest area.

All the above mentioned levies are imposed under the provisions of Forest (Conservation) Act, 1980 on the principle of *polluters pay*.

Besides, a **7.5 m safety zone** around diverted / leased out forest area **within** notified forest is being created and maintained by the user agency, at project cost, to prevent the further deteriorations of adjacent forest and its flora & fauna, due to activity in the said project.

Moreover, the diverted / leased forest area and forest around it is being monitored for Forest Deptt. for its protection and conservation and if required for taking legal action against any probable violation of Indian Forest Act, 1927, Wildlife (Protection) Act, 1972 and other forest or environment related Acts.

(b) However, in case of projects outside the forest area, which has to be granted environmental clearance, no such provision for levying NPV & Compensatory afforestation fund and transfer of equivalent leased land is existing, as per EIA notification, 2006. Besides, 7.5 m safety zone is not required to be created & maintained by Project Proponent. Moreover, protection measure is not being taken by Forest Deptt., since it is beyond its jurisdiction.

9. **Field observation :** Being a forester, it has been observed in Jamshedpur tenure that Jay Prakash Udhyan, Adityapur (a notified Protected Forest) – a dense patch of Sal forest and full of natural regeneration of Sal, is just adjacent to Kharkai river. The O/o Regional Chief Conservator of Forest, Jamshedpur / CF, Jamshedpur / DFO, Adityapur too, was earlier situated at J.P. Udhyan, Adityapur. J. P. Udhyan is being openly & heavily used as hauling-path for legal / illegal sand mining at Kharkai river adjacent to Udhyan. Hauling of sand through Udhyan leads to degeneration of Sal forest, mortality of its regeneration and air pollution for the nearby habitation. Notified forest is being illegally used as “approach-road” for several apartments adjoining forest in Adityapur-Gamharia and in & around Jamshedpur.

Besides, illegal mines use to take “ mining-lease ” near forest and they use to do illegal mining at the forest itself. So, it is better to let the industry / mining site

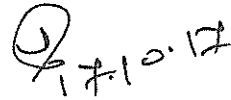


be situated at a safe distance from forest to safeguard the forest as well as environment and the Wildlife dwelling within.

10. Members have unanimously arrived at the conclusion that **minimum distance** of notified forest (RF / PF) for **new project** should be **250 meter** and for **renewal** of the legally **existing** project may kept be **100 meter** from the said project site, so that the irreversible damage may not be caused to the forest, environment and wildlife dwelling within, due to mining & other industrial activities.

Besides, the minimum distance as proposed above, it would be expedient to enhance the said limit depending upon the severity of pollution caused by the highly polluting industry.

11. However, site-specific & project-specific conditions may be imposed by SEAC / SEIAA, with reasonable observations, obviously, in consonance with the prevailing guidelines of Jharkhand Pollution Control Board.

 17.10.17

**Member Secretary,
SEAC, Jharkhand.**