

Sub: Proposal for diversion of 107.816 ha of forest land for Tawa underground coal mining project in favour of M/S Manager, WCL, Pathakheda Region in Betul district, Madhya Pradesh -reg.

The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, The Forest (Conservation) Act, 1980, Government of Madhya Pradesh vide their letter No. F-1/Fp/MP/MIN/20921/2016/10-11/90 Bhopal dated 09.01.2018 forwarded a fresh proposal to obtain prior approval of the Central Govt. in terms of the section-2 of the Forest (Conservation) Act, 1980 for **diversion of 107.816 ha of forest land for Tawa underground coal mining project in favour of M/S Manager, WCL, Pathakheda Region in Betul district, Madhya Pradesh.**

The facts related to the proposal as contained in the State Government's letter dated 09.01.2018 and Site Inspection Report dated 16.07.2018 are given below in the form of fact sheet:

1.	Name of the Proposal	Diversion of 107.816 ha of forest land for Tawa underground coal mining project in favour of M/S Manager, WCL, Pathakheda Region in Betul district, Madhya Pradesh.
2.	Location:	
	State	Madhya Pradesh.
	Districts	Betul.
	Category	Mining.
	Total period for which the forest land is proposed to be diverted (in year).	30
3.	Detail of user agency	
	Name of the user agency	Western Coalfield Limited (WCL).
	Nature of user agency	Central PSU.
4.	Particular of Forests	
	Name of Forest Division	Betul North (T).
	Area of Forest land for Diversion	107.816 Ha.
	Legal Status of Forest land	Reserved Forest = 107.816 ha.
	Density of Vegetation	Area = 107.816 Ha. Density = 0.7 Eco class = 3
5.	Maps	
	i. Differential GPS map of the area proposed for diversion	(Pg. 54/c).
	ii. Differential GPS map of the area identified for raising CA	Not Given.
	iii. Survey of India toposheet on 1:50,000 scale showing the area proposed for diversion	(Pg. 55-56/c).
	iv. Survey of India toposheet on 1:50,000 scale showing the area identified for CA	(Pg. 69-70/c).
	v. Land use plan	Not given.
	vi. Forest Cover map	Not given.
6.	Vegetation	
	i. Species-wise and diameter class wise enumeration of trees.	NIL
	ii. Density	0.7

	iii. Number of trees to be felled	FRL = 0 FRL-2=0 FRL-4=0 None of the trees are going to fell.
	iv. Working plan prescription for the forest land proposed for diversion.	Yes
7.	Vulnerability of area to soil erosion	NIL
8.	Details of wildlife present in and around the forest land proposed for diversion;	NIL
9.	Approximate distance of proposed site for diversion from boundary of forest.	-0-
10.	Whether the forest land proposed for diversion is located within eco-sensitive zone(ESZ) of the Protected Area notified Wildlife (Protection) Act, 1972 (Note: In case, ESZ of a protected area is not notified, then, 10 KM distance from boundary of the Protected Area should be treated as ESZ):	-No-
11.	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. (if so, the details of the area the comments of the Chief Wildlife Warden to be annexed)	Proposal in not part of any protected area, but in 10km radius of Satpura-Melghat Tiger Reserve Corridor & Pachmadhi Biosphere Reserve boundary.
12.	Whether any rare/ endangered/ unique species of flora and fauna found in the area if so, details thereof.	Not given in Part-II. However, no direct sighting of wildlife during site inspection.
13.	Whether any protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.	-No-
14.	Whether the requirement of forest land as proposed by the User Agency in col.2 of Part-I is unavoidable and bare minimum for the project. If no, recommended area item-wise with details of alternatives examined.	-Yes-
15.	Whether any work in violation of the Act has been carried out (Yes/ No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still under progress.	Yes, the details can be seen in the file at Page 64-70/c
16.	Details of Compensatory Afforestation Scheme:	
	i. Details of non-forest area/ degraded forest area identified for compensatory Afforestation, its distance from adjoining forest, number of patches, size of each patch.	Diversion of land is for underground mining and hence, Compensatory Scheme is not applicable.
	ii. Map showing non-forest/ degraded forest area identified for compensatory Afforestation and adjoining forest boundaries.	

	iii. Detailed compensatory Afforestation scheme including species to be planted, implementing Agency, time schedule, cost structure etc.	
	iv. Total financial outlay for compensatory Afforestation scheme.	
	v. Certificate from competent authority regarding suitability of area identified for compensatory Afforestation and from management point of view. To be signed by the concerned Deputy Conservatory of Forests.	
17.	Documentary evidence in support of settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted enclosed.	Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has not submitted by the State Government.
18.	Site Inspection Report of the Divisional Forest Officer.	The Site Inspection Report carried out by the Divisional Forest Officer, North Betul, Madhya Pradesh, copy of the same may kindly be seen at (Pg 57-59/c).
19.	Whether the project requires environment clearance.	Yes, and the user agency has obtained environment clearance vide letter no. J-11015/30/89-IA 11(M).
20.	Status of Wildlife clearance.	Not Applicable
21.	Rehabilitation of Oustee	-No-
	Number of SC Families	
	Number of ST families	
	Number of Backward Families	
	Copies of R&R Plan	
22.	Cost Benefit Analysis	Cost benefit ratio of project is 1.56 Cost benefits Analysis report is placed in the file may kindly be seen at (Pg. 56-57/c).
23.	Total Cost of the project	Rupees 6727.75 lakh it is reported by the State Government.
24.	Employment Potential	Regular Employment = 1373 Temporary Employment = 750
25.	Undertakings to bear the cost of CA and NPV	Not Required.
26.	Profile of the District / Department / Damoh Division.	
	Geographical Area of the Dist.	1004300.00 Ha.
	Total Forest Area	404844.30 Ha.
	Total area diverted since 1980	Area 2211.781 ha. Number of case - 50
	Total area proposed for afforested since 1980	Degraded forest land ---- ha Penal CA over Forest land 1274.317 ha. Non-forest land ---- ha
	Total area afforested since 27.04.2017	Degraded forest land ---- ha Forest land 0 ha. Non-forest land 0 ha.
27.	Recommendation with Specific conditions, (if any)	
	DFO	Recommended. (at page no. 57-59/c)

CF	Recommended. (at page no. 71/c)
PCCF/ Nodal Officer (FCA)	Recommended. (at page no. 79/c)
State Govt.	Recommended. (at page no. 80/c)

SITE INSPECTION REPORT OF PROPOSAL FOR DIVERSION OF 107.816 HA OF FOREST LAND FOR TAWA UNDERGROUND COAL MINING PROJECT IN FAVOUR OF M/S MANAGER, WCL, PATHAKHEDA REGION IN BETUL DISTRICT, MADHYA PRADESH.

Title of Project as per Part-I : Post facto approval of 107.816 ha forest land for underground mining of Pathakhera Area

Date of Inspection: 12/07/2018

1. Legal Status of Forest land proposed for diversion.
 - 1) Reserved Forests - **107.816 ha**
 - 2) Protected Forests - **00.00 ha**
 - 3) Revenue Forests - **00.00 ha**
 - 4) Non-forests - **46.492 ha**
2. How the land proposed for diversion is to be utilized? : **For underground coal mining project.**
3. Whether the proposal involves any construction of buildings (including residential): **No.**
4. Total cost of Project. : **Rs. 6727.75 lakhs**
5. Wild Life: **Not give in Part-II. No direct sighting of wildlife during site inspection.**

Whether the forest area proposed for diversion is important from Wildlife point of view or not : **Proposal is not a part of any protected area. but in 10 km radius of Satpuda-Melghat Tiger Reserve Corridor & Pachmadhi Biosphere Reserve boundary**

6. Aerial distance from the nearest boundary of any protected area : **Not given in part-II**
7. Vegetation :
 - a. Trees to be felled : **NIL.**
 - b. Effect of removal on the general ecosystem in the area: **Not Applicable.**

As per Part-II, Canopy Density 0.7 in Eco Class 3. The area is Revenue Forests and similar situation was observed during site inspection. The vegetation containing *Tectona grandis*, *Anogeissus latifolia*, *Madhuca longifolia*, *Lagestromia parviflora*, *Butea monosperma*, etc were observed.

8. Background note of the proposal:

The project needs 107.816 ha of forest land and in addition project requires 46.492 ha of non-forest area is required. User agency have Government of India , Ministry of Environment & Forests New Delhi Letter no./ F.NO.-8-102/2004-FC dated 30/01/2012 Stage-I approval for diversion of 90.00 ha of forest land (A-I) which is other project in same area, but DFO refers said Stage-I approval and its condition in every proposal for diversion from WCL, Betul. In compliance to the same the User Agency / WCL had deposited the amount with Forest Department which is as follows :

1. Rs 23,22,38,995.00 via RTGS UTR in CAMPA account
 2. Rs 1,67,52,284.00 via DD no. 609019 dt 1/6/2018 to DFO, Betul
 3. Rs 64,69,605.00 via DD no. 609018 dt 1/6/2018 to DFO, Betul
- Entire area will be used for underground coal mining project. The coal is of non-cooking quality.**

9. Compensatory Afforestation : **Not applicable as per 3.2(vii)(c) of F(C)A, 1980 handbook/ guideline.**
10. Whether proposal involves violation of Forest (Conservation) Act ? : **Yes, as the proposal is for the post facto approval of 107.816 ha forest land for underground mining of Pathakhera Area.**
11. Whether the proposal involves rehabilitation of displaced people? : **No.**
12. Reclamation Plan : details and Financial Allocation : **Not applicable.**
13. Cost benefit ratio : **submitted.**
14. Utility of project: **Underground coal mining project.**
15. Number of Scheduled Case and Scheduled Tribe involved in the Project: **Yes.**
16. Compliance of FRA 2006-DC Certificate: **Not submitted.**
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. DFO recommendation : there are different recommendations of DFO as in *e.protal* and **F(C)A forms part-II**

- i. **e.protal** : (1) The applicant agency is continuously extracting mineral from the above mentioned forest land since 1980, therefore Ex-post facto approval may be granted to the applicant after imposing penalty on the organization as mining activities is being carried out by the organization without prior approval of the Central Government .

ii. **F(C) A form Part-II:**

<p>1. आवेदित कक्ष क्रमांक - आर.एफ. - 340, 341, 342, 343 सतपुड़ा मेलघाट कारीडोर की सीमा से एवं पचमढी बायोस्फियर रिजर्व की सीमा से 10 कि.मी. की परिधि में आता है ।</p> <p>2- आवेदित वन भूमि में वन संरक्षण अधिनियम 1980 के लागू होने के पूर्व ही कोल बेयरिंग एरियाज एक्ट 1957 के तहत अधिग्रहित कर आवेदक संस्थान द्वारा भूमिगत खनन कार्य किया गया है एवं वर्ष-1980 के बाद भी भूमिगत खनन कार्य किया जा रहा है । भारत सरकार पर्यावरण एवं वन मंत्रालय के पत्र क्रमांक/ एफ.नं.-2-1 / 2003 - 1 c (Part-4) दिनांक 06/07 दिसम्बर 2004 से जारी निर्देशों के अनुरूप दिनांक 25.10.1980 के पश्चात भूमिगत खनन जारी रहना वन संरक्षण अधिनियम 1980 के उल्लंघन की परिधि में आता है ।</p> <p>3. आवेदक संस्थान द्वारा वन (संरक्षण) अधिनियम 1980 के अंतर्गत भारत शासन से औपचारिक स्वीकृति प्राप्त प्रकरण में वैकल्पिक एवं दंडिक वृक्षारोपण की मांग अनुसार कुल राशि रूपये 25,54,62,766/- (पच्चीस करोड़ चौवन लाख बासठ हजार सात सौ छैसठ रूपये मात्र) आज दिनांक तक जमा नहीं की गयी है । वर्ष-2012 से आज दिनांक तक मंहगाई में वृद्धि होने फलस्वरूप वैकल्पिक एवं दंडिक वृक्षारोपण हेतु आंकलित राशि में बढ़ोतरी होना अवश्यम्भावी है ।</p> <p>4- दंडात्मक नियमानुकूल प्रावधान रखते हुये आवेदक संस्थान को भूमिगत खनन की कार्योत्तर स्वीकृति प्रदान करने की अनुशंसा की जाती है ।</p>
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20. Recommendation of Nodal officer and the State government: **Recommended.**
21. Details of comments of the APCCF (LM), MP on alternate routes/alignments for locating the projects. : **Recommended by APCCF (LM), MP.**
22. **Specific observation:-**

1. The user agency had started operation of mining in 1992, the entry and exit shaft is located on non-forest land. The approximately 30% of coal from proposed forest land is extracted and after progress of mine rest will be extracted.

2. As per the forest department, surface area is under management of forest department and regular management of area as per the working plan prescription.
3. As per Part-II, DFO reports that the area has CD 0.7, Eco-class 3. However, the project is underground mining & no removal of tree is proposed. The similar situation was also observed.
4. The violation may be dealt in accordance to MoEFCC guideline no. F. No. 11-42/2017-FC dated 29/01/2018.
5. The Penal CA in accordance to Para 4.3 (ii) of Handbook of FCA Shall be submitted.
6. CA is not applicable for UG mines as per 3.2(vii)(c) of F(C)A, 1980 handbook/ guideline but UA continued the operation and the State Forest department did not stop the extraction of mineral, responsibility on both may be fixed.

The above observations are framed as the WCL is Govt. Company and surface area is under active management of forest department. The specific observation and comments are 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. Conservator of Forest (C), undersigned recommends the diversion of 107.816 ha of forest land for Tawa underground coal mining project in favour of m/s Manager, WCL, Pathakheda Region in Betul district, Madhya Pradesh under Forest (Conservation) Act 1980 subject to the specific observation in the SIR.

In view of the above facts related to the proposal, it is proposed that proposal may be submitted to the forthcoming Forest Advisory Committee (FAC), in its meeting scheduled to be held on 30.08.2018.
