

Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj Jorbagh Road,
New Delhi-110003

Dated: 28th September, 2020

To

The Principal Secretary (Forests),
Government of Maharashtra,
Mantralaya Mumbai.

Sub: Proposal for prior approval of the Central Government under the Forest (Conservation) Act, 1980 for non-forestry use of 36.98 ha of Reserved Forest land for Hindusthan Lalpeth (Expansion) Opencast Coal Mining Project in favour of M/s Western Coal field Ltd. (WCL), in Chandrapur Forest Division, Chandrapur District (Maharashtra) – reg.

Sir,

I am directed to refer to the Government of Maharashtra's letter . FLD-3615/CR-294/F-10 dated 24.03.2017 on the above subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980. After careful examination and recommendation of the proposal by the Forest Advisory Committee, constituted under Section-3 of the said Act, 'in-principle' approval to the proposal under the Forest (Conservation) Act, 1980 was granted by the Central Government vide letter of even number dated 16th April 2018 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide letter no. Desk-17/NC/RS/ID-12402/1071/19-20 dated 26.09.2019 Desk-17/NC/RS/ID-12402/151/20-21 dated 26.06.2020 and communication dated 30.7.2020, final approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, **for non-forestry use of 36.98 ha of Reserved Forest land for Hindusthan Lalpeth (Expansion) Opencast Coal Mining Project in favour of M/s Western Coal field Ltd. (WCL), in Chandrapur Forest Division, Chandrapur District (Maharashtra)** subject to the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Compensatory afforestation:
 - (a) Compensatory afforestation shall be raised over degraded forest land equivalent to double the diverted forest land and at least 1000 plants per hectare (36.97 hectares x 1000 = 36970 plants) shall be planted with provision of subsequent maintenance of ten years from the funds already provided by the User Agency; within three years.

- (b) Additional 25 % cost deposited by the user agency shall be utilized for soil and moisture conservation (SMC) activities in the CA land; and
 - (c) Approved site-specific CA schemes, in lieu of diversion of forest land shall be implemented by the State Forest Department from the funds already provided by the User Agency. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years; The state Government shall ensure the no plantation under any scheme/programme was taken up in the past in the proposed site for undertaking CA.
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- iii. The State Government shall ensure that Net Present Value of the forest area diverted under this proposal from the User Agency has been realized as per the Judgment of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and guidelines issued by this Ministry vide letter No. 5-3/2007-FC dated 05.02.2009 in this regard and additional NPV if becomes due as per decision of Hon'ble Supreme Court/Government of India, shall be paid by the User Agency;
 - iv. Funds, if any to be received from the User Agency under the project in future, shall be transferred, through e-challan, to the account of State CAMPA concerned;
 - v. The State Government shall ensure that complete compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by the MoEF&CC in this regard, **before handing over of forest land under diversion**, to the user agency;
 - vi. State Government shall get the area demarcated and boundary pillars on ground prior to commencement of work from the funds provided by the User Agency. No additional forest area more than 36.98 ha shall be used for open cast mining. 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. The boundary pillars around the lease area will be erected by the user agency at its own cost by involving the Forest Department and Revenue Department in the District;
 - vii. The State Government and user agency shall ensure that the adequate precautions shall be taken to safeguard the adjoining areas from explosives and it shall not be stored in the forest area;
 - viii. The State Government shall ensure that 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;
 - ix. Maintenance of Safety Zone:
 - (a) The State Government and user agency shall ensure that a safety zone of 7.5 meter will be maintained along the boundary with in the 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. 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;

- (b) In case of mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation/roads is properly fenced by the user agency at the project cost to protect the vegetation/ regeneration activities in the safety zone; and
- (c) The State Government and user agency shall ensure that 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 taken up at the project cost under the supervision of the State Forest Department;
- x. The State Government and user agency shall ensure that the area will be reclaimed as per approved Mining Plan and handed over back to the Forest Department. Rehabilitation shall be done as per the approved rehabilitation action plan prepared by CMPDI, Nagpur;
- xi. The State Government and user agency shall ensure that the forest area will be reclaimed during the currency of lease, and the area will be handed over to the Forest Department periodically;
- xii. The State Government shall ensure that provisions of approved Wildlife Management Plan shall be implemented under the supervisions of Forest Department from the funds already provided by the User Agency;
- xiii The following activities shall be undertaken by the User Agency, as per approved plan / schemes under supervision of the State Forest Department at the project cost:
 - (a) Mitigative measures to minimize soil erosion and choking of stream shall be initiated to be implemented within a period of three years with effect from the date of issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department;
 - (b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;
 - (c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
 - (d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28°; and
 - (e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- xiv The forest clearance will be for a period co terminus with the lease period specified in the lease agreement;
- xv. The State Government shall ensure that the user agency shall implement the land surrender schedule in accordance with the approved mine plan and progressive

mine closure plan;

- xvi The State Government shall ensure that User agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any, located in the area within 100 meters from outer perimeter of the mining lease;
- xvi The State Government shall ensure that the user agency shall implement the R&R
 - i. Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;
- xvi The dumping area for muck disposal shall be stabilized and reclaimed by planting
 - ii. suitable species by the user agency at project cost under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan;
- xix The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xx. The State Government and user agency shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xxi The State Government and user agency shall ensure that the layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xxi The State Government and user agency shall ensure that no labour camp shall be
 - i. established on the forest land;
- xxi The State Government shall ensure that the User Agency shall provide fuels
 - ii. preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xxi The user agency will abide by the applicable recommendations of the State Government including State Forest/Wildlife Departments;
- xx The State Government and user agency shall ensure that the forest land shall not be
 - v. used for any purpose other than that specified in the proposal;
- xx The State Government and user agency shall ensure that the forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- xx The State Government and user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
- xx The User Agency shall submit the annual self - compliance report in respect of the

above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;

- xxi Any other condition that the concerned Regional Office of this Ministry may stipulate,
- x. from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- xx The user agency shall comply all the provisions of the all Acts, Rules, Regulations,
- x. Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.

Yours faithfully,

Sd/-

(Surender Mehra)

Dy Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Maharashtra, Nagpur
2. The Deputy Director General (Central), Regional Office, MoEF&CC Nagpur
3. The Nodal Officer (FCA), Office of the PCCF, Government of Maharashtra, Nagpur
4. User Agency
5. Monitoring Cell, FC Division, MoEF