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FOREST FORCE), MAHARASHTRA STATE, NAGPUR**
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Sub:- Diversion of 80.77 ha Forest Land for renewal of mining lease under Section – (ii) of the Forest (Conservation) Act-1980 for Durgapur Opencast project in Compartment No. 400 and 401 of Chandrapur Forest Division, Distt. Chandrapur in the State of Maharashtra.

No. : Desk-17/NC/I/I.D- / 896 /19-20
Nagpur – 440 001, Dated : 23/8/2019

To,
The Principal Secretary (Forests),
Revenue & Forest Department,
Mantralay, Mumbai-400032

The Area General Manager WCL, Chandrapur has submitted the proposal for diversion of 80.77 ha Forest Land for renewal of mining lease under Section – (ii) of the Forest (Conservation) Act-1980 for Durgapur Opencast project in Compartment No. 400 and 401 of Chandrapur Forest Division, Distt. Chandrapur in the State of Maharashtra. The details of forest land proposed for diversion are given as below –

Sr. No.	Name of Village	Comptt No.	Area (in ha.)	Legal Status
1	Chandrapur	400	39.15	Reserved Forest
2	Forest Division, Chnadrapur	401	41.62	
Total Forest Area			80.77	

2.00 Proposal for renewal of mining lease for Durgapur Opencast project has been initiated by Area General Manager WCL, Chandrapur Area for approval under the Forest (Conservation) Act, 1980. Previously, the proposal for diversion of 80.77 ha. of forest land had been approved by the Government of India under the Forest (Conservation) Act, 1980 vide letter No.8-123/2003-FC, dated 08/11/2005. The Project is located in Durgapur Geological Block in Chandrapur District of Maharashtra State. The project can be demarcated on Toposheet No.55P/8 & 56M/5 having Latitude of 19°59'40.95" to 20°01'13.53" and Longitude of 79°19'15.69" to 79°19'57.13". The project has capacity of production 2.00 Million tonnes of Coal per annum and is directly linked to the Thermal Power station of Maharashtra State Electricity Board, Chandrapur.

2.1 The User Agency has stated that the coal reserve in the proposal for diversion of 80.77 ha forest land for Durgapur Opencast mine is 15.19 Million Tone out of which only 7.19 MT coal had been mined out during Forest Clearance granted for the period from 2005 to 2013. Subsequently, 8.00 MT coal reserve is still available in the benches of remaining forest land.

However, this reserve could not be extracted as vertical mining was not possible. Hence, for the extraction of balance coal reserve extension of time period is required. Therefore, the user agency has proposed for renewal of mining lease under the Forest (Conservation) Act, 1980.

2.2 Details of approvals under the Forest (Conservation) Act, 1980 conveyed by the Ministry from time to time.

Sr. No.	Project Name	Forest area diverted in (ha.)	Letter from the Government of India for diversion under the FCA, 1980.	In-Principle or formal approval under the FCA, 1980.	Period of diversion approved by the Government of India.
1	Durgapur Open Cast Mine	172.54	F.NO. 8-35/2001-FC, dated 12/06/2002.	formal approval	2 Years
2	Durgapur Open Cast Mine	136.54 (Reduced from 172.54)	F.No.8-35/2001-FC, dated 19/09/2006 & 19/05/2005.	formal approval granted for renewal of mining lease	20 Years or co-terminus with Mining Lease
3	Durgapur Open Cast Mine	80.77	F. No. 8-123/2003-FC, dated 08/11/2005.	formal approval	8 years
4	Durgapur Rayatwari Underground Mine	462.43	F. No. 8-53/2005-FCD, dated. 11/08/2006.	formal approval	Co-terminus with Mining lease as per CBA (A&D) Act 1957.
5	Durgapur Deep Extension Open Cast mine	121.58	F. No. 8-84/2014-FC, dated 16/12/2015.	in-principal approval	Proposal under consideration for Stage-II approval

2.2 The above said approvals for Durgapur Block are in accordance with Ministry of Energy (Department of Coal) Notification under Coal Bearing Areas (Acquisition & Development) Act, 1957 for (i) 338.85 ha. of forest land issued vide Notification No. S.O. no 450 (E), dated 04.08.1979 (ii) 1220.00 ha forest land coming under Schedule 'B' for Dugapur Block, Wardha Valley Coalfield issued vide Notification No. S.O. no 450 (E), dated 04.08.1979 and for (iii) 121.58 forest land issued vide Notification No. 2922, dt. 25/11/2010. The B:C ratio for the project is 8.811.

3.0 The required documents as prescribed in Government Circular, Revenue and Forest Department No.FLD-1081/2041/(A)/F-3, dated 20/03/1982 and according to Government of India's instructions issued from time to time as well as on the following points are enclosed in three copies.

- 1) Prescribed form dated 10/01/2003.
- 2) Certificate regarding minimum demand of forest land for the project,
- 3) Area Statement,
- 4) Index map,
- 5) The area belongs to Eco-value class-III of Open Forest category.

4.0 The Divisional Forest Officer, Chandrapur Forest Division, Chandrapur has certified that:-

- 4.1 the area belongs to Eco-value class-III of Open Forest category.
- 4.2 the forest land required is the barest minimum.
- 4.3 there are 93 trees of various species and girth in the area proposed for diversion. Girth class wise abstract is given as under:-

Tree Girth in Cm.										
15-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136-150	Above 150	Total
4	14	810	4	1	1	1	0	1	2	93

- 4.4 the proposed project is 12.25 km from the boundary of the Tadoba-Andhari Tiger Reserve and the Notified Buffer/Eco-Sensitive Zone boundary is near about 1.25 km..
- 4.5 the proposed project is not likely to affect monumental site of cultural, historical, religious, archeological or recreational importance.
- 4.6 the non forest area covered under the project is not acquired under the Maharashtra Private Forest (Acquisition) Act, 1975 by application of section 35 of Indian Forest Act 1927 is not recognized as deemed reserved Forest nor it has been identified as "Forest" as envisaged in the interim order given by the Hon'ble Supreme Court, dated 12/12/1996.
- 4.7 there is no violation of Forest (Conservation) Act 1980.
- 4.8 no Compensatory afforestation is required as the same has been already carried out over 162.00 ha degraded forest land in accordance with the approval granted by the Central Government vide letter F. No. 8-123/2003-FC, dated 08/11/2005.

5.0 The user agency has given an undertaking:-

- 5.1 to defray the cost of Net Present Value.
- 5.2 to defray the cost of compensatory afforestation.
- 5.3 The user agency has submitted Mining Plan approved by CMPDIL Nagpur and Mine Reclamation plan.
- 5.4 The project has been accorded environmental clearance with conditions stipulated by Government of India vide their letter No. J-11015 /56/2008-IA, II (M), pt. file dated 10/11/2017.
- 5.5 The user agency has submitted the certificate of the Collector, Chandrapur under the Schedule Tribes and Other traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 vide letter No.Karya-4/RB-II/2017/65, dt.4/5/2017 as per Government of India letter dt.5/7/2013 in prescribed format Form- II.
- 5.6 The Divisional Forest Officer, Chandrapur and the Chief Conservator of Forest (T), Chandrapur Circle have recommended the proposal for diversion of 80.77 ha. of forest land under the Forest (Conservation) Act, 1980.

6.0 In view of this, the proposal is recommended under section 2 (ii) of the Forest (Conservation) Act, 1980 subject the following conditions:-

- 6.1 The legal status of the land required will remain unchanged.
- 6.2 Wherever possible and technically feasible, the User Agency shall undertake by involving local community, the afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, in consultation with the State Forest Department at the project cost.
- 6.3 Construction of temporary dwelling / hutments etc. for labors will not be allowed in the forest areas.
- 6.4 Adequate precautions shall be taken to safeguard the adjoining areas from explosives and it shall not be stored in the forest area.
- 6.5 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.
- 6.6 The period of renewal of the mining lease of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development & Regulating) Act 1957, as amended or Rules framed there under;
- 6.7 The User Agency shall defray the cost of Net Present Value of 80.77 ha, of forest land proposed for renewal of mining lease.
- 6.8 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.
- 6.9 A safety zone of 7.5 meter will be maintained around mining lease site. Fencing, protection and regeneration of the safety zone area (7.5 meter strip all along the outer boundary of the mining lease area) where feasible, shall be done at the project cost.
- 6.10 The User Agency shall ensure demarcation of boundary of safety zone (7.5 meter strip all along the outer boundary of the mining lease area) and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPs coordinates and deploying adequate number of watchers under the supervision of the State Forest Department.
- 7.0 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.
- 7.1 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.
- 7.2 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
- 7.3 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 7.4 The user agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year and an annual report on implementation thereof shall be submitted to the State Forest Department.
- 7.5 The user agency shall prepare a schedule for surrender of the mined out and reclaimed forest land in accordance with existing mining plan and submit the same along with an undertaking to surrender the mined out and reclaimed forest land as per such schedule before grant of Stage-II approval.

- 7.6 All extraction works will be done as per mining plan approved by the Government of India.
- 7.7 Rehabilitation shall be done as per the approve rehabilitation action plan prepared by CMPDI, Nagpur.
- 7.8 The User Agency will defray the cost of removal of 93 trees in the proposed area. However, minimum number of trees will be felled.
- 7.9 No permanent building or labour sheeds should be constructed in the leased area.
- 8.00 The layout plan of the proposal shall not be changed without the prior approval of Central Government.
- 8.1 The forest land shall not be used for any purpose other than that specified in the proposal.
- 8.2 The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in project. Bird's nests artificially made out of eco-friendly material shall be used area, including forest area and human settlements, adjoining the forest area being diverted for the project.
- 8.3 The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or present without prior approval of the Central Government.
- 8.4 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

It is, therefore, requested that Government of India may kindly be moved for approving the diversion of 80.77 ha Forest Land for renewal of mining lease under Section – (ii) of the Forest (Conservation) Act-1980 for Durgapur Opencast project in Compartment No. 400 and 401 of Chandrapur Forest Division, Distt. Chandrapur in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 3 copies

(Sanjeev Gaur)
Addl. Principal Chief Conservator of Forests
& Nodal Officer,

Copy to the Chief Conservator of Forests (T), Chandrapur for information.
Copy to the Divisional Forest Officer, Chandrapur for information.
Copy to Area General Manager WCL, Chandrapur for information.