

PART - IV

(to be filled by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

17	Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks, (While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon)
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Specific Recommendations
of Principal Chief Conservator
of Forests (Hoff) M.S.
Nagpur is enclosed on
Page No. 58 B & 58E

Yant
4/9/15
Addl. Principal Chief Conservator of Forests
And Nodal officer
Maharashtra State, Nagpur

Proposal for diversion of 46.04 ha Forest Land under Section - 2 of the Forest (Conservation) Act-1980 for Penganga Opencast mining project at village Danoda and Borgaon, Tal.Korpana, Dist Chandrapur

Specific Recommendation of Principal Chief Conservator of Forests, Maharashtra State (Head of Forest Force) with regards to acceptance or otherwise of the proposal supported by reasons.

- 1) The proposal is for diversion of 46.04 ha. forest land area for Penganga Opencast mining project at village Danoda and Borgaon, Tal.Korpana, Dist Chandrapur. The detailed area statement is shown as under-

Item of Work/ Purpose	Village	Taluka	District	Survey/ Gut no	Area (in ha)	Legal Status	
Diversion of Forest Land for Mining Purpose of Penganga Open Cast Project	Borgaon	Korpana	Chandrapur	46	16.020	Deemed Reserve Forest	
				60	0.246		
				46 P	1.965		
				46/2	2.00		
				52	6.464		
				53	3.416		
				54	0.200		
	(A) Total Area					30.311	
	Danoda Rith	Korpana	Chandrapur	10	0.200		
				23	13.534		
(B) Total Area					13.734		
Total area (A) + (B)					44.045		
Safety Zone	Borgaon	Korpana	Chandrapur	46	0.190		
				60	0.034		
				46 P	0.035		
				46/2	0.436		
				53	0.434		
	Danoda	Korpana	Chandrapur	23	0.866		
	(C) Total Area					1.995	
Grand Total					46.040		

The proposal for Penganga Opencast project has been initiated by Area General Manager WCL, Wahi Area. The Government of India, Ministry of Coal, New Delhi has approved Penganga Open Cast Mine under Coal Bearing Areas (Acquisition and Development) Act, 1957 issued vide notification U/s 9 (1) S.O. No: 2746, dated 29th October, 2010 and published in Gazette of India, dated 6th November 2010. The project includes 697.79 ha. of non-forest land.

Penganga Opencast mine is located south of existing Mungoli Opencast /Kolgaon Opencast block in the Korpana Tahsil of Chandrapur district of Maharashtra State. The

project area can be demarkated on survey of India Topo sheet No-56 M/1 with Latitude $19^{\circ} 15' 19''$ to $19^{\circ} 49' 27''$ and Longitude $79^{\circ} 13' 48''$ to $79^{\circ} 15' 36''$. The proposed project of Penganga Opencast mine will be supplying coal mainly to power plants of Maharashtra State, which caters to the need of power supply in Vidarbha and other parts of the Maharashtra State. Project report of Penganga Opencast mine is prepared by CMPDIL Nagpur and duly approved by WCL Board vide letter No WCL/BD/SECTT/BM-257/2014/1601 dated 2/10/2014.

- 2) The area belongs to Eco-value class-III and category Open Forest of density below 0.4.
- 3) The Deputy Conservator of Forests Central Chanda Division, Chandrapur has certified that no alternate alignment is possible and the forest land required is the barest minimum.
- 4) There are 516 trees of various species and girth in the area proposed for diversion. Girth class wise abstract is given as under:-

Tree Girth in Cm								
46-60	61-75	76-90	91-105	106-120	121-135	136-150	Above 150	Total
275	0	166	0	56	0	6	13	516


- 5) The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary as certified by Deputy Conservator of Forests Central Chanda Division, Chandrapur.
- 6) Deputy Conservator of Forests Central Chanda Division, Chandrapur has certified that proposed project is not likely to affect monumental site of cultural, historical, religious, archeological or recreational importance..
- 7) The project has been accorded environmental clearance with conditions stipulated by Government of India vide its letter No. J-11015/46/2009-IA, II (M), Dated 31/1/2013.
- 8) The User Agency has submitted Mining Plan.
- 9) The Deputy Conservator of Forests, Central Chanda Division, Chandrapur, has certified that 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.
- 10) There is no violation of Forest (Conservation) Act 1980, as certified by Deputy Conservator of Forests, Central Chanda Division, Chandrapur .
- 11) The Deputy Conservator of Forests Central Chanda Division, Chandrapur has certified that the proposed project is beyond 10km of the boundaries of the protected areas sanctuary and national park.
- 12) The User Agency has given an undertaking to defray the cost of Net Present Value.

- 13) User Agency has agreed to defray the cost of compensatory afforestation over double degraded forest land.
- 14) The Deputy Conservator of Forests Central Chanda Division, Chandrapur has given suitability certificate for 92.500 ha degraded forest land of Compt No. 152 Rampur area 25.00 ha, Compt No.166 Somthana area 25.00 ha, Compt. No.170 area 25.00 ha and Tulana Compt No.163 area Tulana 17.50 ha, village of Rajura Range, Central Chanda Division, Dist Chandrapur which to be proposed for compensatory afforestation land in lieu of forest land required for Penganga Opencast mining project at village Danoda and Borgaon, Tal.Korpana, Dist Chandrapur and it is suitable for afforestation and free from encroachment and encumbrances.
- 15) The user agency has given undertaking to submit the compliance of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 in format prescribed by Government of India vide letter dt.5/7/2013 before final approval.

In view of this, the proposal is recommended for approval under section 2 (ii) subject the following conditions.

- i) The legal status of the land required will remain unchanged.
- ii) Compensatory afforestation will be raised at the cost of User Agency on double degraded forest in compartment Compt No. 152 Rampur area 25.00 ha, Compt No.166 Somthana area 25.00 ha, Compt. No.170 area 25.00 ha and Tulana Compt No.163 area 17.50 ha of Rajura Range, Central Chanda Divison, Dist Chandrapur
- iii) The Agency will pay the cost of survey, demarcation and erection of the permanent pillars on the compensatory afforestation land project land made available by the Agency.
- iv) Construction of temporary dwelling / hutment's etc. for labors will not be allowed in the forest areas.
- v) Adequate precautions shall be taken to safeguard the adjoining areas from explosives and it shall not be stored in the forest area.
- vi) 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.
- vii) Ministry to the Mines and Minerals (Development & Regulation) Amendment Ordinance, 2015 promulgated by the Central Government on 12th January 2015 and informed that as per the Ordinance, there would be no renewal of any Mining Leases in future. All Mining Leases to be granted in future would have tenure of 50 years vide Ministry of Environment, Forests and Climate Change, Government of India letter No. F.No.11-51/2015-FC, dated 1/4/2015.
- viii) The User Agency shall pay Rs. 30 lakhs for Wildlife Mitigation purpose as recommended by Chief Conservator of Forests (Territorial), Chandrapur as per plan approved by Principal Chief Conservator of Forests (Wildlife), Maharashtra State Nagpur .
- xi) 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.

- xi) 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..
- xii) 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 adequated number of watchers under the supervision of the State Forest Department.
- xiii) 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.
- xiv) 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 const under supervision of the Forest Department.
- xv) 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 done at the project cost under the supervision of the State Forest Department
- xvi) The user agency will defray the cost of Net Present Value of 46.04 ha. of forest land as per the latest Guideline of Government of India.
- xvii) The user agency shall submit the compliance of the Schedule Tribes and Other traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 in format prescribed by Government of India vide letter dt.5/7/2013 before final approval.
- xiii) The area will be reclaimed as per approved Mining Plan and handed over back to the Forest Department.
- xix) All extraction works will be done as per Mining Plan approved by the Government of India.
- xx) The User Agency will defray the cost of removal of 516 trees in the proposed area. However, minimum number of trees will be felled.
- xxi) The Forest area will be reclaimed during the currency of lease, and the area will be handed over to the Forest Department periodically.
- xxii) All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.


Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur

**OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF
FOREST FORCE), MAHARASHTRA STATE, NAGPUR**
ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER, MAHARASHTRA STATE, NAGPUR.
First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001.
Tel no. (0712) 2530166, 2556916, Fax no. (0712) 2550675 E-mail- apccfnodal@mahaforest.gov.in

Sub:- Proposal for diversion of 46.04 ha Forest Land under Section - 2 of the Forest (Conservation) Act-1980 for Penganga Opencast mining project at village Danoda and Borgaon, Tal.Korpana, Dist Chandrapur.

No. : Desk-17/NC/I.D- / 1033 15-16
Nagpur - 440 001. Dated : 04/09/2015

To,

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

Area General Manager, WCL Wani Area, Chandrapur has submitted the Proposal for diversion of 46.04 ha Forest Land under Section - 2 of the Forest (Conservation) Act-1980 for Penganga Opencast mining project at village Danoda and Borgaon, Tal.Korpana, Dist Chandrapur. The location of proposed area is as given below -

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Following 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 are enclosed in two 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 in suitable scale.
- 5) The area belongs to Eco-value class-III and category Open Forest of density below 0.4.
- 6) The Deputy Conservator of Forests Central Chanda Division, Chandrapur has certified that no alternate alignment is possible and the forest land required is the barest minimum.
- 7) There are 516 trees of various species and girth in the area proposed for diversion. Girth class wise abstract is given as under:-

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- 9) Deputy Conservator of Forests Central Chanda Division, Chandrapur has certified that proposed project is not likely to affect monumental site of cultural, historical, religious, archeological or recreational importance..
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- 18) The user agency has given undertaking to submit the compliance of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 in form prescribed by Government of India vide letter dt.5/7/2013 before final approval.

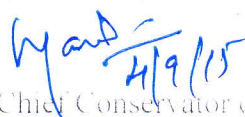
In view of this, the proposal is recommended for approval under section -2 (II) of Forest (Conservation) Act- 1980 subject to the following conditions –

- i) The legal status of the land required will remain unchanged.
- ii) Compensatory afforestation will be raised at the cost of User Agency on double degraded forest in compartment Compt No. 152 Rampur area 25.00 ha, Compt No.166 area 25.00 ha, Compt. No.170 area 25.00 ha and Tulana Compt No.163 area Tulana 17.50 ha, village of Rajura Range, Central Chanda Division, Dist Chandrapur
- iii) The Agency will pay the cost of survey, demarcation and erection of the perimeter on the compensatory afforestation land project land made available by the Agency
- iv) Construction of temporary dwelling / hutment's etc. for labors will not be allowed in the forest areas.
- v) Adequate precautions shall be taken to safeguard the adjoining areas from explosives and it shall not be stored in the forest area.
- vi) 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.
- vii) Ministry to the Mines and Minerals (Development & Regulation) Amendment Ordinance, 2015 promulgated by the Central Government on 12th January 2015 and informed that as per the Ordinance, there would be no renewal of any Mining Leases in future. All Mining Leases to be granted in future would have tenure of 50 years vide Ministry of Environment, Forests and Climate Change, Government of India letter No. F.No.11-51/2015-FC, dated 1/4/2015.
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- xi) 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 adequated number of watchers under the supervision of the State Forest Department.
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- xix) The User Agency will defray the cost of removal of 516 trees in the proposed area. However, minimum number of trees will be felled.
- xx) The Forest area will be reclaimed during the currency of lease, and the area will be handed over to the Forest Department periodically.
- xxi) 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 diversion of 46.04 ha Forest Land under Section - 2 of the Forest (Conservation) Act-1980 for Penganga Opencast mining project at village Danoda and Borgaon, Tal.Korpana, Dist Chandrapur under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies


 Addl. Principal Chief Conservator of Forests
 & Nodal Officer,
 Maharashtra State, Nagpur.

Copy to Chief Conservator of Forests (T), Chandrapur for information.

Copy to Divisional Forests Officer, Chandrapur Division, Chandrapur for information.

Copy to Area General Manager, WCL Wani Area, Chandrapur for information.