

F. No. 8-115/1995-FC (Vol.)
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj Jorbagh Road,
New Delhi-110003
Dated: 16th April, 2018

To

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

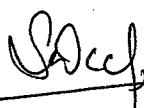
Sub: Diversion of 36.98 ha reserved Forest land in favour of Western Coal field Ltd. (WCL), Chandrapur area for Hindusthan Lalpeth (Expansion) Opencast Project at Reserved Forest Compartment No. 485 in Chandrapur Forest Division under Section 2 of the Forest (Conservation) Act, 1980 in Chandrapur District in the State of Maharashtra

Sir,

I am directed to refer to the State Government of Maharashtra's letter No. FLD-3615/CR-294/F-10 dated 24.03.2017 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.


After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *Stage-I Clearance/ In-principle* approval of the Central Government is hereby granted for diversion of 36.98 ha reserved Forest land in favour of Western Coal field Ltd. (WCL), Chandrapur area for Hindusthan Lalpeth (Expansion) Opencast Project at Reserved Forest Compartment No. 485 in Chandrapur Forest Division under Section 2 of the Forest (Conservation) Act, 1980 in Chandrapur District in the State of Maharashtra subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) The user agency shall pay NPV for entire forest area (36.98 ha) which is proposed to be used for open cast Mining in addition to whatever NPV has been paid by the user agency in past for underground mining.
- (iii) Compensatory afforestation shall be raised over degraded forest land equivalent to double the diverted forest land. At least 1000 plants per hectare (36.97 hectares x 1000 = 36970 plants) shall be planted over identified degraded forest land with provision for ten years subsequent maintenance.
- (iv) 25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
- (v) Complete compliance of Forest Right Act 2006 will be complied by the user agency and state Government. 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. 03.08.2009 read with 05.07.2013 before final approval.
- (vi) State Government shall get the area demarcated and boundary pillars on ground prior to commencement of work. 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

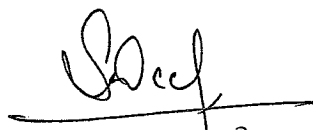

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adequate number of 4 feet high RCC boundary pillars inscribed with DGPs co-ordinate and deploying adequate number of watchers under the supervision of the State Forest Department. The boundary pillars around the lease area will be erected by the user agency at its own cost by involving the Forest Department and Revenue Department in the District.

- (vii) The 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.
- (viii) Adequate precautions shall be taken to safeguard the adjoining areas from explosives and it shall not be stored in the forest area.
- (ix) 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.
- (x) 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.
- (xi) 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.
- (xii) 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.
- (xiii) 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 approve rehabilitation action plan prepared by CMPDI, Nagpur.
- (xiv) The Forest area will be reclaimed during the currency of lease, and the area will be handed over to the Forest Department periodically.
- (xv) The user Agency shall pay Rs. 50 Lakhs for Wildlife Mitigation purpose as per the recommendation of Chief Conservator of Forests (Territorial) Chandrapur' plan for which will be approved by Principal Chief Conservator of Forests (Wildlife) Maharashtra State, Nagpur.
- (xvi) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
- (xvii) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (xviii) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
- (xix) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (xx) Following activities shall be implemented at the cost of user agency:


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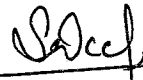
- (a) Mitigative measures to minimize soil erosion and choking of stream shall be initiated to be implemented within a period of three years with effect from the date of issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department;
- (b) Planting of 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.
- (xxi) **The user agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage- I clearance;**
- (xxii) The Forest clearance will be for a period co terminus with the lease period specified in the lease agreement. The State Government will submit the lease agreement document specified in the lease agreement;
- (xxiii) The user agency shall implement the land surrender schedule in accordance with the approved mine plan and progressive mine closure plan;
- (xxiv) 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;
- (xxv) The State Govt. ensure that the user agency shall implement the R&R 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
- (xxvi) The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project 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.
- (xxvii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xxviii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxix) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxx) No labour camp shall be established on the forest land;
- (xxxi) The User Agency shall provide fuels 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;
- (xxxii) **The user agency will abide by the applicable recommendations of the State Government including State Forest/Wildlife Departments;**
- (xxxiii) The forest land shall not be used for any purpose other than that specified in the proposal;


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- (xxxiv) 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;
- (xxxv) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxxvi) 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;
- (xxxvii) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxxviii) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, 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.


After receipt of compliance report on fulfilment on the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,


(Sandeep Sharma) 16.4.18
Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Maharashtra, Nagpur.
2. The Nodal Officer (FCA), Office of the PCCF, Government of Maharashtra, Nagpur.
3. The Addl. PCCF (Central), Regional Office, Nagpur.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF.
6. Guard File.


(Sandeep Sharma) 16.4.18
Assistant Inspector General of Forests (FC)