Sub.:- Forest Land- Kolhapur

Proposal for diversion of 49.00 ha. forest land under section 2(ii) of the Forest (Conservation) Act, 1980 for Laterite Mining & Road in favour of Shri. Bhairavnath Earthmovers & Co., Ghungur, Tal-Shahuwadi, Dist-Kolhapur.

PART - V

(To be filled up by the Secretary In charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

1. Recommendation of the State Government	The proposal is recommended vide Government letter **No.FLD-2318/ CR-277/ F-10** **Dated: 22/01/2019**

(Virendra Tiwari)
Additional Principal Chief Conservator of Forests
(Mantralaya)

VIRENDRA TIWARI
Additional Principal
Chief Conservator of Forests (Mantralaya)
Revenue and Forest Department
Mantralaya, Mumbai 400 032

Place : Mumbai

Date : 22/01/2019

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Government of Maharashtra

By Speed Post

No.FLD-2318/ C.R.277/ F-10
Revenue and Forest Department,
Room No.456/461 Annex,
Hutatma Rajguru Chowk,
Madam Cama Marg,
Mantralaya, Mumbai-400 032.
Date: - 22/01/2019

To,

The Secretary to the Government of India,
Ministry of Environment, Forests and Climate Change,
Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj,
New Delhi.-110 003.

Sub.:- Forest Land- Kolhapur

Proposal for diversion of 49.00 ha. forest land under section 2(ii) of the Forest (Conservation) Act, 1980 for Laterite Mining & Road in favour of Shri. Bhairavnath Earthmovers & Co., Ghungur, Tal-Shahuwadi, Dist-Kolhapur.

Sir,

The proposal for diversion of 49.00 ha. of Forest land for Laterite Mining & road in Gut No.685 at Village Ghungur (Area 24.00 ha) and at Village-Parkhandle (Area 25.00ha) in Tal. Shahuwadi, Dist. Kolhapur has been submitted by Shri. Bhairavnath Earthmovers & Co, Ghungur, Tal-Shahuwadi, Dist-Kolhapur under section 2 (ii) of the forest (Conservation), Act, 1980. No non-forest land is involved in the project The detailed forest area statement is as under:-

Sr. No.	Item	Village	Tahsil	Gut No.	Area (in ha.)	Legal Status
1.	Diversion of forest land for Laterite mining	Ghungur	Shahuwadi	685	18.23	Reserved Forest
		Parkhandle	Shahuwadi	572	21.60	Protected Forest
2.	**Safety Zone**				**6.80**	
Total area for mining					**46.63**	
3.	Road	Ghungur	Shahuwadi	685	2.37	Reserved Forest
Grand Total Area					**49.00**	

2. The proposal for Laterite Mining Activities & Road has been initiated by Shri. Bhairavnath Earthmovers & Co, Ghungur, Tal-Shahuwadi, Dist-Kolhapur for diversion of 49.00 ha. forest land for Laterite Mining under section 2(ii) of the Forest (Conservation) Act, 1980. The proposed area contains mainly Laterite and the mining project shall produce

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Laterite analyzing above 30% Al_2O^3 content which is located mainly in the Reserved Forest land. It is estimated that about 8.84 million tons of ore reserves are available from this area. It is proposed to mechanize the mine and produce maximum @1,50,000 to 2,00,000 MT per annum of Laterite for cement factory or other purpose. The project can be demarcated on Survey of India Top sheet No. 47 H/13 and the forest area lies within Latitude $16^0$49'45.5" to $16^0$49'57.3'' and Longitude $73^0$58'15.2'' to $73^0$58'56.7''. The B.C. ratio for the project is 61.98. No non-forest land is involved in the project. The District Mining Officer, Collectorate, Kolhapur, vide letter No.Sr.No.Office/6A/RR/3148/2016,dt.17/12/2016 has certified that:-

a) Director of Geology & Mining, Government of Maharashtra, Nagpur, vide his letter No. MLR/1877/2012/1960, dated 06/07/2015 informed to Additional Collector of Kolhapur that the above said area of Gut No.685 at Village Ghungur (Area 24.00 ha) and at Village-Parkhandle (Area 25.00ha) in Tal. Shahuwadi, Dist.Kolhapur is prospected by Directorate of Geology and Mining Government of Maharashtra, Nagpur in Field season 2007-2008 to 2009-2010.

b) Above said area in Gut No 685 admeasuring area 24.00 ha in village Ghungur and Gut No 572 admeasuring area 25.00 ha in village Parkhandle, Tahsil-Shahuwadi, District-Kolhapur, Maharashtra State is occupied Laterite Mineral located only in forest land.

c) The Laterite Mineral in above said area is available only in forest land in Gut No 685 admeasuring area 24.00 ha in village Ghungur and Gut No 572 admeasuring area 25.00 ha in village Parkhandle, Tahsil-Shahuwadi, District-Kolhapur, Maharashtra State. Laterite Mineral should be mined from this particular area only. Laterite Mineral is not available in other than this area of village.

d) The Laterite Mineral needs to be mined from the same locality where it occurs and not found in other area of this village. Therefore above said forest land area may be allotted for Laterite mining purposes.

e) This project of Laterite mining activities is located in forest land over and area of Gut No 685 admeasuring area 24.00 ha in village Ghungur and Gut No 572 admeasuring area 25.00 ha in village Parkhandle, Tahsil-Shahuwadi, District-Kolhapur, Maharashtra State. Hence, diversion of forest land is required for Laterite mining purposes only.

3. Deputy Conservator of Forests, Kolhapur has certified that no suitable alternate non-forest land is available other than the proposed area and demand for the forest land is barest minimum.

4. Deputy Conservator of Forests, Kolhapur has certified that there is no violation of Forest Conservation Act, 1980 or its guidelines.

5. Deputy Conservator of Forests, Kolhapur has submitted the Site Inspection Report dated 15/02/2017 and Chief Conservator of Forests (T), Kolhapur has submitted the Site Inspection Report dated 29/ 06/2017.

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6. The Deputy Conservator of Forests, Kolhapur has certified that the proposed project area belongs to Eco value class III open forest category.

7. Deputy Conservator of Forests, Kolhapur has certified that the proposed project is not included in the area of any National Park/Wildlife Sanctuary or Nature reserve.

8. The Deputy Conservator of Forest, Kolhapur has certified that Wildlife boundary and buffer zone boundary distance from project is 35 km of the protected area. The proposed project is not important from wildlife.

9. The Deputy Conservator of Forest, Kolhapur Forest Division, Kolhapur has given suitability certificate for 22.95 ha area of private Gut No 111,282,283,322 of village-Ghungur and 19.72 ha.area of private Gut No 296/A,318/A,318/B,303/C,317/C,317/A of village-Sonurle and 7.03 ha area of Gut No 6/2 & 7/2 of village-Gelavade, Tahsil-Shahuwadi, District-Kolhapur (Total 49.00 ha) which to be proposed for compensatory afforestation land in lieu of forest land required for proposed Laterite Mining and it is contiguous, suitable for afforestation work and management and free from encroachment and encumbrances.

10. The Deputy Conservator of Forests, Kolhapur has certified that 49.00 ha. in private Gut No 111,282,283,322 of village-Ghungur (22.95 ha) and private Gut No 296/A,318/A,318/B,303/C,317/C,317/A of village-Sonurle (19.72 ha) and Gut No 6/2 & 7/2 of village-Gelavade (7.03 ha) of Tahsil Shahuwadi, District Kolhapur proposed for compensatory afforestation land is not included in the area as forest as identified by the expert Committee appointed under the judgment of the Hon'ble Supreme Court dated 12/12/1996. Also this land is not acquired under the provisions of Private Forest (Acquisition) Act,1975 by virtue of application of sec 35 of Indian Forest Act 1927 and is not recognized as deemed Reserved Forest.

11. Deputy Conservator of Forests, Kolhapur has certified that the proposed project is not likely to affect any monumental site or site of historical, archaeological or recreational importance.

12. Deputy Conservator of Forests, Kolhapur has certified that there are 713 trees of various species and girth class standing in the area proposed for diversion.

13. The user agency has submitted Mining Plan approved by Directorate of Geology and Mining, Government of Maharashtra, vide letter No STC/446/2013-14/3590 dated 22/12/2015.

14. The user agency has submitted an undertaking to bear the cost of trees felling from the proposed forest land

15. The user agency has submitted an undertaking to defray the cost of Net Present Value of the forest land proposed for diversion.

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16. The user agency has submitted an undertaking to agree to defray the cost of Compensatory Afforestation as determined by the Forest Department.

17. The user agency has submitted the cost benefit analysis report.

18. The user agency has submitted the reclamation plan for proposed Laterite mine.

19. The User Agency has submitted the certificates of Collector, Kolhapur under Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act 2006 issued vide letter No IV-FRA-SR-159/2016 dated 14/12/2016 for 49.00 ha. for Laterite Mining and letter No IV-FRA-SR-167/2018 dated 25/05/2018 for 2.37 ha for road in prescribed format Form- II & I as per Government of India guidelines dated 05/07/2013 with all annexures as required.

20. Deputy Conservator of Forests, Kolhapur & Chief Conservator of Forests (T) Kolhapur have recommended the proposal for diversion of 49.00 ha under the Forest (Conservation) Act, 1980.

21. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal subject to the conditions, given in his specific recommendations, under Section-2 (ii) of the Forest (Conservation) Act, 1980. His specific recommendations are enclosed in the proposal.

22. In the circumstances explained in above paragraphs and enclosures, the State Government recommends that the said forest land may be allowed to be diverted for the non-forestry use on the conditions proposed by the Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur. The matter may kindly be placed before Government of India for its approval under Section-2 (ii) of the Forest (Conservation) Act ,1980 and the same may please be obtained and communicated to this Government at earliest.

Yours faithfully,

O/C

(Virendra Tiwari) 22/01/2019
Additional Principal Chief Conservator of Forests
(Mantralaya)

Encl: A) Set of case papers

b) **The following documents are enclosed:-**

1. Prescribed form as per Rules
2. Certificate regarding minimum demand for forest land for the project
3. Area Statement
4. Index map of suitable scale
5. Commitment from the Applicant for defraying the cost of exploitation as well as cost of compensatory plantation
6. User Agency has given an undertaking of Net Present Value

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7. Brief note of the project from the project authority
8. Map of non-forest land for compensatory afforestation
9. Site Inspection Report
10. Certificate that there is no violation of Forest (Conservation) Act, 1980
11. Certificate in Part-V

Copy to:

1. Principal Secretary, Environmental Department, Mantralaya, Mumbai.
2. Principal Secretary (Tribal), Tribal Development Department, Mantralaya, Mumbai.
3. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur.
4. Additional Principal Chief Conservator of Forests (CAMPA), Maharashtra State, Nagpur.
5. Chief Conservator of Forests (T), Kolhapur.
6. Collector, Kolhapur.
7. Deputy Conservator of Forests, Kolhapur.
8. Shri. Bhairavnath Earthmovers & Co., Ghungur, Tal-Shahuwadi, Dist-Kolhapur
9. Select File F-10.

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