

**Sub: Proposal for prospecting of 1745.883 ha of forest land of Kente Extension Coal Block in favour of Rajasthan Rajya Vidyut Utpadan Nigam Limited for exploration of coal reserves by undertaking 153 boreholes of 4" Dia in Suguja District in the State of Chhattisgarh-reg.**

1. The State Government of Chhattisgarh vide their letter No. F-5-44/2017/10-2 dated 07.07.2017 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. This Ministry vide their letter dated 27.07.2017 was requested to Regional Office, Nagpur of this Ministry to carry out site inspection of the proposal area. Regional Office, Nagpur vide their letter no. FC-Misc-158/RON/2017-NGP/2301 dated 23.08.2017 has informed that examination of the proposal of the prospecting for coal mining in the Regional office revealed that actual area proposed for temporary change in land use is 6.12125 ha comprised of 6.12 ha drilling of 153 bore holes (0.04 ha.per bore hole) and 0.00125 ha for sumps. No forest land has been proposed to be used for construction of road paths, etc. Total area proposed for temporary change in land use is less than 100 ha. In this connection, it is to inform that as per the provision of the guidelines dated 04.07.2014, wherein inter-alia it is stated that site inspection by the Regional Office concerned of this Ministry will be insisted only if the actual area of forest land proposed to be utilized for construction of new road/paths and for drilling of bore holes/sample collection pits etc. is more than 100 ha.
3. The facts of the proposal was placed before FAC in its meeting held on 30<sup>th</sup> August, 2017 for examination and appropriate recommendation please.
4. FAC after thorough deliberation and discussion with User agency, representative of Regional Office, Nagpur observed that the user agency is already working in the area adjoining to the proposed area before taking any decision on the instant proposal and the FAC recommended that:
  - (i) Regional Office Nagpur shall inspect the area and consider all facts in light of the decision of NGT, and Hon'ble Supreme court order in Civil Appeal No. 4395 of 2014 in the matter of Rajasthan Rajya Vidyut Nigam Ltd. Vs. Sudeep Shrivastava .
  - (ii) Regional office shall also submit its report on compliance of the conditions imposed by MOEF and CC in the approval granted to the same user agency for Parsa East and Kete Basan captive coal block open cast mining project in favour of M/s Rajasthan Rajya Vidut Utpadan Nigam Limited in South Surguja Forest Division in Surguja District of Chhattisgarh. vide this Ministry's letter no. F. No. 8-31/2010 dated 15.03.2012.
  - (iii) State government shall submit complete compliance of the conditions imposed by MOEF and CC in the approval granted to the same user agency for Parsa East and Kete Basan captive coal block open cast mining project in favour of M/s Rajasthan Rajya Vidut Utpadan Nigam Limited in South Surguja Forest Division in Surguja District of Chhattisgarh vide this Ministry's letter no. F. No. 8-31/2010 dated 15.03.2012.
5. Accordingly, the State Govt. and Regional Office were requested to submit the compliance as sought vide this Ministry's letter dated 13.09.2017 on the recommendation of FAC held on 30.08.2017.
6. With regard to para 4 (i) & (ii) above the Regional Office vide their letter no. FC-Misc-158/RON/2017-NGP/2502 dated 18.09.2017 (F/X) has submitted their report and the same is reproduced below:

**BACKGROUND**

- (i) The Forest Advisory Committee (FAC) in its meeting held on 30.08.2017 has inter-alia recommended following:
  - a. Regional Office, Nagpur shall inspect the area and consider all facts in light of the decision of NGT and Hon'ble Supreme Court order in Civil Appeal No. 4395 of 2014 in the matter of Rajasthan Rajya Vidyut Utpadan Nigam Limited Vs. Sudeip Srivastava.

- b. The Regional Office shall also submit its report on the compliance of the conditions imposed by the MoEF&CC in approval granted to the same User Agency for Parsa East and Kete Basan Captive Coal Block Open Cast Mining project in South Surguja Forest Division vide Ministry's letter no. 8-31/2010-FC dated 15.03.2012.
- (ii) Hon'ble NGT, pursuant of diversion order dated 28.03.2012 passed by the State Government of Chhattisgarh in favour of the User Agency, vide its order dated 24.03.2014 Appeal No. 73 of 2012, set aside the orders dated 23.06.2011 passed by the then Hon'ble MEF&CC rejecting the advice of the FAC and order dated 28.03.2012 of the State Government. The Hon'ble NGT in the said order also directed the MoEF&CC to seek fresh advice of the FAC on the following:
- “(i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.*
- (iii) Pursuant to the recommendation of the FAC and also on light of observations of the Hon'ble NGT, an inspection of the area was undertaken by the Regional Office on 13.09.2017. Following was revealed during inspection:

## 1. OBSERVATIONS OF THE HON'BLE NGT:

### (i) Status of flora and fauna in terms of biodiversity and forest cover

As per discussion held during the inspection, it is revealed that so far, no extensive study has been conducted in the area for the assessment of floral and faunal diversity. Discussion with the officials/staff of the State Forest Department revealed that the forest type of the area includes Moist peninsular Low Level Sal Forest, Southern Moist Mixed Deciduous Forest and Dry peninsular Sal Forest. Vegetation density of most of the forest cover varies from 0.4 to 0.7. Major vegetation composition of the area is *Shorea robusta*, *Terminalia tomentosa*, *Pterocarpus marsupium*, *Adina cordifolia*, *Anogeissus latifolia*, *Bauhinia* spp., *Ficus*, spp., *Dalbergia laticifolia*, *Holoptelia interifolia*, *Gmelina arborea*, *Hardwickia binnata*, *Lagestromia parviflora*, *Tectona grandis*, *Terminalia* spp. and other miscellaneous species. Similarly, with respect to the faunal diversion, species like Elephant, Sloth bear, Hyena, leopard, jackal and wild boar have been reported by the State Forest Department based on the data maintained by them on human-wildlife conflicts. Details pertaining to the floral and faunal diversity in the area has been retrieved from secondary sources such as Working Plan of the Forest Division, no project area specific study on the assessment of floral and faunal diversity has been conducted for far in the area.

It was also informed by the User Agency that as per recent study conducted in May, 2017 by the India-Business & Biodiversity Initiatives (IBBI), CII-ITC Center of Excellence, Gurgaon it has been reported that there are 97 plant species have been reported in the area, comprising of 44 trees, 16 shrubs, 35 herbs and 2 fungi species. Similarly, in the Wildlife Management Plan prepared for the Parsa East and Kete Basen Coal Block, there are 86 tree species, 38 shrubs species, 19 herbs, 17 climbers species, and 12 species of grass have been reported in the area.

Further, with regards to faunal diversity also no study establishing the faunal biodiversity in the area is available. As per the Wildlife Movement Plan, there are 18 species of mammals, 23 species of reptiles and

82 species of birds reported in the area. Detail pertaining to the other faunal diversity of vertebrates viz. amphibian and aquatic and invertebrates diversity is not available for the area.

Given the large track of forests and life forms in the area, it seems that diversity in these studies may be taken as indicative of biodiversity in the area. Therefore, to assess the exact biodiversity, extensive study through some organization of repute such as Indian Council of Forestry Research and Education, Dehradun should be conducted.

**ii) *is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna.***

As mentioned in the preceding para, it cannot be ascertained from the available data on floral and faunal diversity, if coal block of PEKB and Kete Basen are habitats to endemic species or otherwise. Further, analysis of the available data on flora and fauna revealed that certain endangered plant species and schedule-I species exist in the area. However, for want of credible study on the complete inventory of the floral and faunal diversity, it is difficult to assess the exact number of critical, endangered and vulnerable species. As per the existing Wildlife Management Plan, there are 18 plants species which have been reported as threatened in the area under question.

**(iii) *Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need.***

As per the discussion held with the Divisional Forest Officer, Surguja, and other officials of the State Forest Department, it was gathered that so far, there is no notified corridor of the elephants in the State. However, movements of elephants in Chhattisgarh occurs from Jharkhand and Odisha regularly along their existing corridors. The DFO, Surguja informed that elephants migrate to Chhattisgarh from Jharkhand and Odisha and the movements mainly occurs in Surguja, Korba, Jashpur, Raigarh and Korea Districts. It was also informed that no mapping of the corridors of the elephant's movements has been done so far. It was further elaborated during the discussion with the officials/staff of the Forest Department that based on the reporting of elephants movements in the area, following three tentative migratory routes are undertaken by the elephants:

**Route-I**

Elephants enter the State of Chhattisgarh from Jharkhand in the North in Jashpur District, passes through the forest area and reaches to Tamorpingla and Samersot Wildlife Sanctuary in Balrampur and Surajpur District, respectively. From these two sanctuaries stray movement of elephants occurs in nearby forest area like Mainpat.

**Route-II**

Elephants enter Chhattisgarh from Odisha in the east in Raigarh District take route through the forests of Dharamjaigarh and reaches to Korba. The dense forests of Lemru in Korba serves as temporary habitat of elephants. During the course of temporary stay the elephants make stray movements to the nearby forest areas.

**Route-III**

Elephants enter Chhattisgarh from Odisha in the east in Raigarh District, traverse through the forests of Dharamjaigarh, Pathalgaon/Jaspur, Sitapur, Lakhanpur/Surguja and then reaches to Tamor Pingla WLS in Surajpur District.

It was further informed by the officials/staff of the Forest Department that during the course of their movements along the above corridors, stray movements of elephants occurs to the nearby forest areas and during such movements, human-wildlife conflicts occurs. It was further reported that no regular movements of elephants has been reported in the PEKB and Kete Coal Block. The nearest stray movement of the elephants was recorded in Patkura village which is located a distance of approximately 20 Km from the mine of the User Agency.

It was further revealed during discussion that area in question does not form the migratory route/corridor of any wild animals particularly, elephant. The officials/staff of the Forest Department further adverting to the record pertaining to the human-wildlife conflicts revealed that during the last period of 4 years and current year, intensity of human-wildlife conflicts, in respect of leopard has been reported high in Forest

Ranges of Lundra, Sitapur, Ambikapur, and Udaipur. A list containing detail of human-wildlife conflicts is enclosed as **Annexure-I (Pg. 316-317/c)**.

**(iv) *Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies***

The area under question showcases rich Sal forests. Vegetation density associated with forest ranges from open forest to moderately dense and very dense forests. Further, biotic pressure in the form of grazing, lopping and illicit felling was also observed during the inspection. Further, as narrated in preceding para, no extensive study has been conducted in the area for the assessment of floral and faunal diversity and for want of any credible study on the complete inventory of the floral and faunal diversity; it is difficult to comment on likely conservation/protection value associated with the forests. Further, it is also pertinent to mention here that mining in the area under question is already going on the strength of Hon'ble Supreme Court order dated 28.04.2014 passed in Civil Appeal No (s). 4395 of 2014, and so far, the User Agency has carried out mining over an area of 384.0 ha, comprised of 234.0 ha of forest land and 150.0 ha of tenancy land. Therefore, in light of fact that mining operations and conservation strategies in the same area cannot go hand in hand and also for want of credible inventory on floral and faunal diversity, it is difficult to associate conservation/protection value to the area under question. However, if the credible information on the surrounding forest area is generated through extensive surveys by reputed organizations, conservation/protection values can be ascertained fairly.

**(v) *What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora.***

It is observed during the inspection so far mining is being carried out by the User Agency within the area of 762 ha approved for first phase of mining for a period of 15 years. So far, the User Agency has carried out mining over an area of 384.0 ha, comprised of 234.0 ha of forest land and 150.0 ha of tenancy land. Further, with regards to the efficacy of the reclamation methods, it is observed that User Agency has been undertaking progressive reclamation work with the advancement of mining operations. An area of 70.35 ha has been reclaimed biologically by the User Agency. A detail of technical and biological reclamation undertaken by the User Agency is enclosed as **Annexure-II (321/c)**. Further, it is also imperative to mention here that so far the User Agency has translocated 5,989 trees of 60 cm girth of sal and other species within their lease area such as on the sides of haul roads, blanks areas in the safety zone, etc. A survival percentage of 85-90% has been reported. In view of the foregoing submissions, the further view may be taken at the MoEF&CC level regarding efficacy of the sequential mining, reclamation method and translocation of trees.

**(vi) *What is their opinion about the Wildlife Management plan finally prescribed.***

A Wildlife Management Plan involving financial provision of Rs. 22.0 Crores, concurred by the Wildlife Institute of India, Dehradun, has been proposed to be implemented in the core area and buffer area over a period of 15 years. The provisions to implement in the Wildlife Management Plan include general protection of the core area and protection and conservation of the buffer zone ecosystem by carrying out various activities like fire protection, protection from grazing, illicit felling and plantation, empowerment of people for protection, soil and moisture conservation works, etc. The Wildlife Management Plan has been proposed to mitigate the impact of the mining operations on the wildlife in area, including providing for safe movement of elephants. However, it is observed that though the said plan has been approved for its implementation by the PCCF (Wildlife) on 6.03.2013, till date no provisions of the Wildlife Management have been implemented by the State Forest Department. On being asked for reasons in exorbitant delay in the implementation of the Wildlife Management Plan, the DFO concerned has cited the administrative constraints for non-implementation of the provisions of the Wildlife Management Plan. The Divisional Forest Office on 13.09.2017 has submitted a proposal (APO) for the approval of the Steering Committee, CAMPA, Chhattisgarh to incur an amount of Rs. 3.53 crores towards the implementation of the provisions of the Wildlife Management Plan in the area under question. Certainly, the provisions of the Wildlife Management Plan aims to mitigate the impact however, delay in their implementation jeopardize its spirit.

- (vii) *What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialized knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.*

As stated in the previous para mining in the area already going on in the area under question. Contention of Hon'ble NGT in the above observation appears to holistically examine the all dimensions of environmental, ecological and social impacts of mining and based on the outcome permission or denial for mining may be decided and if permitted what would be restrictions. MoEF&CC, New Delhi while according approval under the Forest (Conservation) Act, 1980, has stipulated certain set of conditions which needs to be complied with the User Agency throughout their mining lease period. A compliance report on the status of conditions stipulated in the approval accorded by the Central Government is also enclosed herewith. Most of the conditions stipulate in the approval are being complied with by the State Government/User Agency, except Wildlife Management Plan.

**2. Status of compliance of conditions stipulated in the approval accorded by the Central Government in the approval dated 15.03.2012**

The Central Government vide its letter dated 15.03.2012 accorded approval subject to fulfilment of certain conditions prescribed therein. A detailed report on the status of compliance of conditions stipulated in the Stage-I approval is enclosed at **Annexure-III (Pg.322-327/c)**. From the examination of the monitoring of conditions stipulated in the Stage-II approval dated 15.03.2012, following is revealed:

**Condition complied with Partially by the State Government/User Agency**

- (i) **Condition no. 2** - As per details made available by the office of the DFO, Surguja, so far, compensatory afforestation has been carried out over an area of 3737 ha against the stipulated area of 3796.656 ha. An area of 59.656 ha is yet to be undertaken for compensatory afforestation. Further, no detail pertaining to year wise plantation undertaken and survival percentage thereof could be retrieved from the office of the DFO, Surguja as the same was not available readily. With regards to the digitized map of the area, it was informed that same is under process and it will be made available in due course.
- (ii) **Condition no. 8** - It is observed that reclamation works are carried out by the User Agency. The user agency has informed that mining/reclamation schedule is being implemented as per Environmental Management Plan / phased reclamation programme. However, no annual report about the progress of reclamation is being submitted to Regional Office, Nagpur.

**Condition not complied with by the State Government/User Agency**

- (i) **Condition no. 20** – Wildlife Management Plan has not been implemented so far.
- (ii) **Condition no. 23**- No provision for appropriate financial outlay for the establishment of Rescue and Rehabilitation team to mitigate human-wildlife conflicts have been observed to be made by the User Agency. However, to support their claim the User Agency has informed that provisions have been incorporated in the Wildlife Management Plan and accordingly, the same have not been implemented separately by them.
- (iii) **Condition no. 24** - It is observed that though the said plan has been approved for its implementation by the PCCF (Wildlife) on 6.03.2013, till date no provisions of the Wildlife Management have been implemented by the State Forest Department.
- (iv) **Condition no. 25** – No mitigative measures as prescribed in the Wildlife Management Plan for reducing the dependency of cattle and people on the surrounding forest area have been implemented by the User Agency. However, to support their claim the User Agency has informed that provisions have been incorporated in the Wildlife Management Plan and accordingly, the same have not been implemented separately by them.
- (v) **Condition no. 27**- No annual compliance report in respect of the conditions stipulated in the approval accorded under the FC Act, are being submitted to the Regional Office, Nagpur.

## **AREA OF 1745.883 HA OF FOREST LAND PROPOSED FOR PROSPECTING OF COAL IN KETE EXTENSION COAL BLOCK (KECB)**

- (i) The Ministry of Coal, Government of India, vide its letter no. 13016/26/2004-CA-I/CA-III(Pt.) (Vol. II) dated 31.03.2015, allotted the KECB to User Agency i.e. Rajyasthan Rajya Vidyut Utpadan Nigam Limited for captive purpose. A copy of the letter dated 31.03.2015 is enclosed at **Annexure – VII (Pg. 355-357/c)**. The KECB is contiguous to Parsa East and Kete Basen Coal Block (PEKB). All three coal blocks are located in outer fringe areas of Hasdeo Arand Coalfields. The User Agency has proposed prospecting in the KECB to assess the coal reserve and subsequently to carry out captive mining to meet coal requirement for their Super Critical and other Thermal Power Plants located in the State of Rajasthan.
- (ii) The proposal of the User Agency envisages drilling of 153 boreholes of 4'' Dia over an area of 1745.883 to assess the pattern of distribution of coal seams in the KECB and to estimate the proven reserve base in the coal block.
- (iii) The legal status of the forest land proposed for prospecting is Protected Forest. As per information furnished in Part-II submitted online, average density has been reported to be 0.6. During the inspection also, it was observed that density of forest area proposed for prospecting ranges between 0.4 to 0.7. The forest types of the area falls into the category of Moist peninsular Low Level Sal Forest, Southern Moist Mixed Deciduous Forest and Dry peninsular Sal Forest. Forests of the area are maintained under SCI and IWC Working Circles and the DCF concerned has reported adequate regeneration in the area.
- (iv) It was observed during the inspection that forest area of KECB has mostly flat terrain with sal as dominant species. The area was also observed to have cart roads which are currently used by the villagers for their movements and by the Forest Department for various forest management related activities. The User Agency has proposed to use such cart roads during the prospecting and no construction of new roads has been proposed. The representative from the User Agency have also informed that in case the location of bore hole is not approachable by cart roads, the rigs/machines will be dismantled and transported manually to the location of bore hole.
- (v) Important wildlife reported in the area sloth bear, Hyena, jackal, wild boar, etc. In addition to these movement of elephants and leopard has also been reported in area. However, examination of the proposed area using DSS tools revealed the sloth bear as an important species in the area and area does not form part of any tiger corridors, tiger reserve, PAs. Further examination of the area revealed that no remnant Forest Type are found in the area. It was also gathered during the inspection that area of the KECB does not form the part of elephant corridors, however, stray movement of elephants has been reported in the area. Similarly, leopards, based on the human-wildlife conflicts records maintained by the State Forest Department, have also been reported in the forests of the area. Area does not form part of any PAs and Eco-sensitive Zone. Nearest PAs areas are Samarsot Wildlife Sanctuary, Tamorpingla Sanctuary and Badalkhol Sanctuary which and they are situated at an approximate distance of 150 Km, 80 Km, and 156 Km, respectively from the area under question.
- (vi) Biotic pressure in the form of grazing, lopping and illicit felling was also observed during the inspection. It was informed that there are total 50 villages falling in the core and buffer areas (10 Km) of the forest land proposed for coal mining. Out of the total 50 villages 7 villages fall in the core zone while 43 villages falls in the buffer zone. It was informed by the User Agency 2 villages have been reported to be directly affected by the mining. Rehabilitation of these 2 villages has been proposed by the user Agency. Villagers in these villages have been reported to dependent on forest to meet their requirement like fuelwood, grazings and other livelihood needs (**Annexure-VIII (Pg.358-359/c)**).
- (vii) No violation of the Forest (Conservation) Act, 1980 were observed in the area proposed for diversion. The authorities in the State Forest Department and State Government have recommended the proposal for prospecting without any specific condition.
- (viii) Examination of the proposed area using DSS tools revealed that as per Decision Rule No. 2, the area falls into the category of pristine forests.

### **Other information**

- (i) The Rajyasthan Rajya Vidyut Nigam Limited (RVUNL) has been allotted three coal blocks in the area by the Ministry of Coal. Currently, mining is undertaken in Parsa East and Kete Basen Coal Block. The two coal block viz. KECB and Parsa Coal Block have been allotted by the Ministry of Coal to the RVUNL vide its letter dated 31.03.2015 and 8.09.2015, respectively. All three coal blocks have been allotted for captive use of the coal.
- (ii) During the inspection it was also gathered that the User Agency has RVUNL has 6 Thermal Power Plants (TPP) in the State of Rajasthan having total power generation capacity of 7,580 MW and total annual coal requirement of 35.12 MT. It was further informed that out of the total 6 TPP, 2 TPP are Super Critical TPP requiring 11.06 MTPA of coal. Out of 2 Super Critical TPP, Chhabra SCTPP is currently operation while 2<sup>nd</sup> SCTPP will be fully operational by January, 2018. The remaining TPP of the User Agency have been reported to be operational. Current coal linkages for aforementioned TPP, are with SECL and PEKB, KECB and Parsa Coal Blocks. The PEKB coal has total coal reserve of 452 MT, out of which 23 MT have been mined out so far at an annual production capacity of 10 MTPA. At an enhanced production of 15 MTPA, the life of the mine will be 34 years. The User Agency has further informed that estimated coal reserves in Parsa and Kete Extension Coal Block area has coal reserves of 150 MT and 200 MT respectively. An annual production of 12 MTPA (5 MTPA-Parsa CB; 7 MTPA KECB) will be realized from these two coal blocks in near future to meet the coal requirement of TPPs of the User Agency. Details of TPP and their coal requirement, as made available by the User Agency, is enclosed at **Annexure –IX**.
- (iii) It was also informed by the User Agency that proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of 860 ha of forest land for coal mining in Parsa Coal Block has been submitted to the authorities in the State Forest Department and the same is under consideration in the Divisional Forest Office, Surguja.

**7. Comments and Recommendations of the Additional Principal Chief Conservator of Forests (Central), Regional Office Nagpur,**

The detailed observations on the proposal have already been made in the inspection report. From the observations recorded in the inspection report, it can be ascertained that area is rich in vegetation, particularly Sal species and movement of wildlife has also been reported. Three coal block i.e. PEKB, parsa Coal Block and KECB are contiguous in the area and currently, mining operation are undertaken in the PEKB. So far, the User Agency, out of total 2388.525 ha of lease area, has carried out mining over an area of 384.0 ha comprised of 234.0 ha of forest land and 150.0 ha of tenancy land. Captive mining in the new area has been proposed by the User Agency to meet the demand of coal. Had it been on a standalone case of mining, given the density of forest, it would not deserve consideration for approval under the FCA, 1980. However, as the proposed area is one of the 3 coal blocks, out of which mining is already going on in coal block contiguous to this area, the proposal may be considered.

8. With regard to para 4 (iii) above the State Govt. vide their letter no. Bhu-Parbandh/Khunj/331-228/2898 dated 20.09.2017 (F/Y) has submitted the point wise compliance report as below:

Sr.	Conditions	Compliance status as on 31.08.2017 as reported by UA	Compliance reported by Nodal Officer (FCA)
<b>1.</b>	<b>Legal Status of forest land shall remain unchanged</b>		
<b>A</b>	Compensatory afforestation shall be raised and maintained by the State Forest Department over degraded orange forest land proposed to be diverted at the project cost.	An amount of Rs. 58.41 crore has been deposited in CAMPA for compensatory afforestation over total area of 3797 ha of degraded orange forest.	The compensatory afforestation over an area of 3737 ha has been done so far from the funds of Rs. 58.41 Crore provided in the account of Ad-hoc CAMPA.
<b>B</b>	Fencing protection and regeneration of the safety zone area shall be done at the project cost. Besides this, afforestation on degraded forest land, to be selected elsewhere, measuring one	Fencing, protection and regeneration work of safety zone for first phase of the project has been completed. Native species of saplings have been planted along with transplantation of	<b>This work is being done by the project proponent.</b>

	and a half times the area under safety zone, shall also be done at the project cost.	important species like SAL (Majority) and other trees in safety zone area. <b>An amount of Rs. 29,00,435/- has been deposited in CAMPA of Forest Department for compensatory afforestation over 1.5 times of safety zone area over degraded forest land on 03.10.2011 &amp; 24.03.2014.</b>	
<b>C</b>	Wherever possible and technically feasible, the User Agency shall undertake aforestation 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.	A total of 1,77,000 numbers trees has been planted in external over burden dumps, mine reclaimed areas and infrastructure areas till August 2017. In addition to this approximately 4500 numbers of trees have also been planted along roads, and other area outside the lease area of the coal block as per advice of District Forest Dept. <b>Plantation details is enclosed as Annexure-I</b>	The project proponent has been directed to prepare annual afforestation plan.
<b>2.</b>	<b>Following activities undertaken by the project proponent under the supervision of the State Forest Department at the project cost:</b>		
<b>i.</b>	Proper mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented.	Mitigative measures such as construction of drainage system, settling ponds, construction of bunds along completed dumps, geo-textiling over the dump slopes and showing of grass seeds on dump slopes for stabilization, plantation of trees on slopes have been undertaken to minimize soil erosion and choking of streams.	This condition is being complied by the project proponent.
<b>ii.</b>	Planting of adequate drought hardy plant species and sowing of seeds to arrest soil erosion.	Sowing of grass seeds and plantation of drought hardy species has been done over slopes of completed dumps.	Neem, Sal species etc. are being planted to avoid soil erosion.
<b>iii.</b>	Construction of check dams, retention / toe walls to arrest sliding down of the excavated material along the contour.	Check dams, retention / toe walls have been constructed to arrest sliding down of the excavated material along the contour.	This condition is being complied by the project proponent.
<b>iv.</b>	The areas shall be reclaimed keeping in view the international practice of stabilizing the dumps by grading / benching so that angles of repose (normally less than 28 at any given place) are maintained.	Reclamation of internal & external over dumps are being done through proper grading and benching thus making the dumps stable and the ultimate slope of all the dumps is less than 28°. <b>Details plan is enclosed as Annexure-II</b>	This condition is being complied with. The project proponent has been directed to prepare year wise target plan.
<b>V.</b>	No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.	No damage is being done to the top soil. Top soil generated during mining activities is being stored in separate top soil dump as per top soil management plan and same is being re-used in reclamation area. Drainage system has been constructed along top-soil dump. Soil grass seeds are also being used to maintain	This condition is being complied by the project proponent.



		fertility of soil and to control erosion. <b>Details of top soil management plan is enclosed as Annexure-III</b>	
3	The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (protection) Act, 1986 and any other Acts/Regulation/Rules.	Environment Clearance for the project has been granted by Ministry of Environment & Forests vide letter no. – 11015/03/2008-IA.II(M) dated 21.12.2011	This condition is being complied by the project proponent.
4	The period of the diversion 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, or Rules framed there under, subject to a maximum period of 30 years.	Period of the Mining lease is 30 years	This condition is being complied by the project proponent.
5	The user agency shall furnish an undertaking to pay the additional NPV, if so determined, as per the final decision of Hon'ble Supreme Court of India.	The under taking has been given for the same.	The under taking has been given by the project proponent.
6.	Demarcation of mining lease area will be done on the ground at project cost using four feet high reinforced cement concrete pillars with serial numbers, forward and back bearings and distance from pillar to pillar.	Demarcation of mining lease area has been completed using 4 feet high reinforced cement concrete pillars with Geographical co-ordinates, serial numbers and distance from pillar to pillar.	The project proponent has demarcated lease boundary by using 4 feet high reinforced cement concrete pillars.
7.	Mining/reclamation schedule shall be implemented by the user agency at their cost as per Environmental Management Plan / Phased reclamation programme. The annual report about the progress of reclamation should be submitted to the CCF (Central), Regional (C) office, Bhopal.	Progress of Mining/Reclamation work will be submitted annually to CCF (Central), Regional Office, Nagpur.	The project proponent has been directed to prepare year-wise Mining/reclamation plan.
8.	<b>The mining shall be done in two phases.</b>		
i.	During phases-I, Covering 15 years, the mining shall be restricted to 762.00 ha of forest land.	Presently mining activities are being done in the Phase –I area of 762 ha only.	The project proponent has agreed to this condition .
ii.	During phase – II the mining permission over remaining 1136.0 ha will be linked to their forestation and biodiversity management in phase-I	Agreed.	The project proponent has agreed to this condition .
iii.	The project proponent will submit the application for permission for mining in phase-II along with compliance report of phase-I.	Agreed.	The project proponent has agreed to this condition .
9.	The user agency will ensure the dumping of OB and phase wise rehabilitation and afforestation of	OB dumping and phase-wise rehabilitation and afforestation is	The project proponent has agreed to this condition .

	the used / mined out pits/ voids as per the approved plan under the supervision of the State Forest Department.	being done in mined out pits under supervision of Forest Department.	
10.	The user agency will make arrangement for free supply of alternate fuels to labourers and staff working on the project site so as to avoid any pressure on the adjacent forest areas.	Free supply of alternate <sup>4</sup> fuel such as LPG has been made for labourers and staff working on the project site which has ensured that there is no pressure on the adjacent forest areas for availability of fuel.	The project proponent has agreed to this condition .
11.	The forest land shall not be used for any purpose other than that specified in the proposal.	Forest land is being used only for specified purpose.	So far, forest land has not been use for other purpose.
12.	Any tree felling shall be done only when it is unavoidable and under Strict supervision of the State Forest Department.	Tree felling is being done only when it is required to be done under supervision of the State Forest Department.	The project proponent has agreed to this condition .
13.	No damage to the flora and fauna of the area shall be caused.	No damage to the flora and fauna of the surrounding areas.	The project proponent has agreed to this condition .
14.	No labour camps shall be set up inside the forest area.	No labour camps have been established inside the forest area.	The project proponent has agreed to this condition .
15.	The forest land proposed to be diverted shall under no circumstances shall be transferred to any other agency, department or person without prior approval of the Central Government.	Diverted forest land has not been transferred to any other agency. Department or person.	The project proponent has agreed to this condition .
16.	The user agency will implement the Resettlement and Rehabilitation Plans per the R&R Policy of State Government.	Resettlement and Rehabilitation plan has been prepared as per Adarsh Punarwas Yojna of the State Government and same has been implemented as per approved plan.	The project proponent is being complied R&R policy.
17.	The user agency will undertake transplantation of important tree species under 60 cm girth under the supervision of State Forest Department.	Transplantation of important tree species under 60 cm girths is being done through transplanting equipment under the supervision of State Forest Department. 5989number of trees has been transplanted as on 31.08.2017.	This work has been done by the project proponent.
18.	The State Government will not come up for opening up of the main hasdeo-Arand area.	Matter is related to the State Govt.	<b>Matter is related to the State Govt.</b>
19.	The user agency will ensure proper implementation of wildlife Management Plan prepared by the State Govt.	An amount of 22 Crore has been deposited in CAMPA by user agency for implementation of the approved wild implementation of the approved wild life Management plan.	Wild life management plant at cost of Rs. 22 crore has been approved by PCCF wildlife on 06.03.2013 this plan has been prepared on the existing wage rate in 2012-2013 and there is probability to increase the said cost of plan for which the user agency agreed for payment. Rs. 22 lakh has been recommended for 1 <sup>st</sup> year of implementation of wildlife plan (Pg. 301/c)
20.	The user agency will assist the State Government in conservation and preservation of the Flora and Fauna of the area.	The user agency has been assisting the State Govt. in conservation and preservation of the flora and fauna of the areas as	The project proponent has agreed to this condition .

		<p>and when advised by the forest Deptt.</p> <p>1. An amount of 2 Cr. Has been deposit in State Govt. for Harihar Chhattishgarh”</p> <p>2. An amount of Rs. 12 lacs have been deposited to forest dept. for upgradation of Sanjay Park at Ambikapur.</p>	
<b>21.</b>	<p>The State Government will suitably incorporate the comments, as suggested by of the WII, Dehradun, into the Wildlife Management Plan prepared for the area. The project proponent has deposited an amount of Rs. 22 Crores towards cost of implementation of the Wildlife management Plan. Increased costs, if any, due to incorporation of the suggestions of WII , Dehradun will be borne by the user agency. Final copy of the Wildlife management Plan will be submitted to this Ministry and the Regional office, Bhopal within a period of three months for the purpose of monitoring. A soft copy in PDF format will also be submitted to the Ministry.</p>	<p>The suggestions put forward by the WII Dehradun were incorporated by the State Govt. in the Wild Life Management Plan which has a financial assurance of Rs. 22 Crores.</p> <p>The revised WLMP has been submitted to all Offices including the Regional Office of MoEF&amp;CC.</p>	<p>The suggestion given by WII have been incorporated in the approved Wildlife management plan of Rs. 22 Crore.</p>
<b>22.</b>	<p>The user agency will make provision for appropriate financial outlay for the establishment of Rescue and Rehabilitation team to mitigate human-wildlife conflicts.</p>	<p>A financial outlay has been made for establishment of the Rescue &amp; Rehabilitation of Human-wildlife conflicts in the approved Wildlife life management Plan .</p>	<p>It is incorporated wildlife management plan.</p>
<b>23.</b>	<p>The Wildlife management Plan will be implemented by the State Government and independent institutions like the nature Conservation Foundation, Wildlife Trust of India and the Center for Ecological Studies at the Indian institute of Science apart from the Wildlife Institute of India may be involved in implementation of the Plan . In order to ensure proper implementation of the wildlife Management Plan the State Government whall make necessary provisions for carrying out the monitoring and evaluation of the pln. It would be appropriate to include. Chief Wildlife Warden of the State in monitoring the implementation of the Plan .</p>	<p>Related to State Govt.</p>	<p>Wildlife management plan will be implemented as per stipulated condition.</p>

<b>24.</b>	The user agency will undertake and implement suitable mitigative measures as prescribed in the Wildlife Management Plan for reducing the dependency of cattle and people on the surrounding forest area.	Finanacial budget has been provided to undertake necessary steps for reducing dependency of cattle and people on the surrounding forest areas in the approved Wildlife Management Plan.	In this regard the project proponent has been directed
<b>25.</b>	Any other condition that the Chief conservator of Forest (Central), Regional Office, Bhopal may impose from time to time in the interest of conservation, protection or development of forest,	Undertaking	The project proponent has agreed to this condition.
<b>26.</b>	The user agency shall submit the annual compliance report in respect of the above conditions to the State Govt. and to the Regional Office, Bhopal regularly.	Annual compliance Report is being regularly submitted to the State Govt. and Regional office MoEF, Bhopal/ Nagpur.	This condition is being complied.

In view of above, the above facts may be placed before FAC in its meeting scheduled to be held on 26.10.2017 for examination and appropriate recommendation please.

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