

**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.**

1. The above subject proposal was sent by the State Govt. vide their letter no. FLD-3615/CR-294/F-10 dated 24.03.2017. Facts related to the proposal as contained in the State Government's letter dated 24.03.2017 is summarized below in form of a factsheet:

**FACT SHEET**

1.	Name of the Proposal	Diversion of 36.98 ha Reserved Forest land in favour of Western Coalfields 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.
2.	Location (i) State (ii) District	Maharashtra Chandrapur
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy. No. (iii) Map	Chandrapur Forest Division 36.98 ha  Reserve Forest  Enclosed ( <b>Pg. 71-75/c</b> ).
4.	Topography of the area	-
5.	(i) Geology (ii) Vulnerability to erosion	- Not Applicable
6.	(i) Vegetation of density (ii) No. of trees to be felled	Eco-class III (open forest ) 0.1 density 79 trees felling is involved
7.	Species-wise (Scientific names) and diameter class-wise enumeration of trees in unbroken area.	Total number of trees which are coming under the proposal has been submitted by DFO Chandrapur and the same can be seen from pg.181/c
8.	Whether forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. (if so, details of the area and comments of the Chief Wildlife Warden	No

9.	Whether any work of in violation of the Forest (Conservation) Act, 1980 has been carried out (Yes/No). If yes details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.	No
10.	Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project, if no recommended area item-wise with details of alternatives examined.	Yes the barest minimum land is proposed for the project
11.	Approximate distance of the proposed site for diversion from boundary of forest.	DFO Chandrapur has mentioned in part-II that the distance of the proposed site for diversion from boundary of Forest is 0.00 KM.
12.	Total cost of project	Rs. 68.53 Crores
13.	Cost benefit analysis	Cost benefit analysis is given but not on revised guidelines of this Ministry (pg. 85/c).
14.	<b>Compensatory Afforestation</b>	Compensatory afforestation has been proposed over equivalent non-forest land.
	(i) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.	CA has been proposed over an area of 25.00 ha. in Comptt. No. 13 in Warora Range, Warora Taluka, Chandrapur District, 23.96 ha in Comptt. No. 518 in Chandrapur range, Chandrapur Taluka & District and 25.00 ha. in compt. No. 1534 in Savali Range, Talika Savali, Chandrapur District by DFO Chandrapur Forest Division.
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining Forest boundaries.	Land identified for CA has been submitted and the same can be seen from pg. 211-215/c
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	Detailed CA scheme for 7 years has been submitted and the same can be seen from pg. 217-233.  <b>CA scheme has been provided for 73.96 ha whereas in abstract total amount has been mentioned for 77.74 ha (pg. 235/c)</b>
	(iv) Total financial outlay for CA	Rs. 4,51,78,725.47/- (Pg.235/c)
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	Certificate from Divisional Forest Officer, Chandrapur in this regard has been submitted (pg. 209)

15.	Employment to be generated	User Agency has mentioned in Part-1 that Permanent employment of 594 No's will be generated as on 01.04.2014 and additional employment potential will be available by way of growth of ancillary industries.
16.	Compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	<b>The user agency has not given FRA compliance.</b>
17.	Recommendation i. DFO, Site inspection Report	Recommended (pg. 171-173/c) Site inspection report is given by DFO Chandarpur (pg. 175/c)
	ii. CCF	Recommended (pg. 243/c) with specific recommendation of CCF as below : i. <b>Project authority should deposit Rs. 50.00 Lakh for wild life Mitigation purpose.</b> ii. Any other condition deemed necessary may be imposed on the project agency time to time.
	iii. PCCF/Nodal Officer	Recommended (pg. 157/c) with specific recommendations of PCCF (Pg. 167-169/c).
	iv SG	Recommended (pg. 159/c)
18.	District Profile (i) Total Geographical area of the district  (ii) Total Forest area/Divisional Forest area  (iii) Total area diverted since 1980  (iv) Total CA stipulated since 1980 (Forest land)  Forest land including penal CA: Non –Forest land:  (v) Progress of CA as on 30.06.2014  Forest land  Non-Forest land	3242.50 Sq. Km  620.35 Sq. Km, 240.63 sq. m with FDCM  The total forest area diverted sine 1980 is 1568.57 ha (25 cases)    695.37 ha 123.10 ha   695.37 ha 123.10 ha

**2. The proposal has been recommendation by PCCF subject to following specific conditions:**

- i. The legal status of the land required will remain unchanged.
- ii. Compensatory afforestation will be raised the cost of User Agency on degraded forest land (73.96 ha) of a) -Area 25.00 ha in Comptt. No. 13 in Warora range, Warora taluka, Chandrapur district, b) Area 23.96 ha in Comptt. No. 518 in Chandrapur range, Chandrapur taluk and district, c) Area 25.00 ha in Comptt. 1534 in Saoli range, Saoli taluk, Chandrapur district.
- 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 / hutments 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 of the Mines and Minerals (Development & Regulation) Amendment Ordinance, 2015 promulgated by the Central Government on 12<sup>th</sup> January 2015 and informed that as per the Ordinance, there would be not 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 01.04.2015.
- viii. 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.**
- ix. 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.
- x. A safety zone of 7.5 meter will be maintained around 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.
- xi. The user agency shall ensure demarcation of boundary of safety zone and its protection by erecting 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.
- xii. 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.
- xiii. 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.
- xiv. 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.
- xv. The user agency will defray the cost of Net Present value of 36.98 ha of forest land as per the latest guideline of Government of India.

- xvi. **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. 05.07.2013 before final approval.**
  - xvii. The area will be reclaimed as per approved Mining Plan and handed over back to the Forest Department.
  - xviii. All extraction works will be done as per mining plan approved by the Government of India.
  - xix. **Rehabilitation shall be done as per the approve rehabilitation action plan prepared by CMPDI, Nagpur.**
  - xx. **The user agency will defray the cost of removal of 79 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.
3. The above mentioned **proposal** was placed before **FAC in its meeting held on 30.08.2017** and after thorough deliberation and discussion with the user agency, the representative of State Government and Regional Office, **observed the following:**
- a. State Government shall submit detail Cost benefit analysis taking into account the benefit to be accrued and environmental cost incurred from extraction of additional coal if the user agency continue to carry underground mining and this analysis shall be compared to similar analysis if user agency go with the proposed proposal of open cast mining. Both the analysis shall be done as per the latest guidelines of MoEF&CC issued on 1.8.2017.
  - b. State Government shall submit CA scheme for 10 years.
4. Now the Nodal Officer (FCA), Government of Maharashtra vide their letter No. Desk-17/NC/RS-1/I.D-12402/2083/17-18 dated 30.11.2017 (**pg.259-291/c**) has submitted their reply. The information sought by MoEF & CC and reply thereof given by the State Government are as below:

S. N.	Points	Compliance
1.	State Government shall submit detail Cost benefit analysis taking into account the benefit to be accrued and environmental cost incurred from extraction of additional coal if the user agency continue to carry underground mining and this analysis shall be compared to similar analysis if user agency go with the proposed proposal of open cast mining. Both the analysis shall be done as per the latest guidelines of MoEF&CC issued on 1.8.2017.	In this regard, it is informed that the user agency has submitted the detail cost benefit analysis as per the latest guidelines of MoEF&CC issued on 1.08.2017. The copy of the same is given and placed in file at <b>pg. 263-268/c</b> .  The cost Benefit ratio is given as 21.26 .
2.	State Government shall submit CA scheme for 10 years	In this regard, it is informed by the State Govt. that the CA scheme dully approved by the Divisional Forest Officer, Chandrapur Division, Chandrapur is given .  Now the 10 years scheme has been submitted with a revised cost of Rs. 63638467.48/-and the same may kindly be seen at <b>Pg. 279-291/c</b> .

5. The Shape file/ KML as given for the proposed diversion and sites for CA has been examined by DSS Cell and DSS cell made the following observations in their report (pg. 294-298/c):
- i. In case of Forest land proposed for diversion: Proposed area for diversion is 36.98 ha. Whereas area calculated through software is 41.22 ha. No WLS/NP/Tiger Reserve situated within the 10KM radius of proposed area for diversion. Proposed Site is situated at 9.81 KM from Tadoba Indravati Tiger Corridor. Proposed area for diversion classified as Not-inviolate area based on Decision Rule No. 1 & 2. Out of total proposed area for diversion, 16 ha. of land having the canopy density of open forest that with 01 ha. of land classified as water and 24 ha. of land as Non Forest in terms of forest classes (as per the ISFR 2015) based on the interpretation of satellite data period 2013-2014.
  - ii. **In case of Compensatory Afforestation:** CA land has been provided over three different patches falling in the Raigarh and Bastar districts. Calculated area of proposed Compensatory afforestation land is 73.98 ha. Total land identified for CA for the proposal is on double degraded forest land. **Earlier CA has been proposed over 25 ha. in compartment no. 13, Warora Range; 23.96 ha. in Compt No. 518 in Chandrapur range and 25 ha. in comp No. 1534 in Savali Range.** Proposed CA patch over 23.96 ha in Compt No. 518 in Chandrapur range falls over airstrip which has been now changed and proposed over Compart no. 484 in Chandrapur range bearing the same area. Out of total proposed area for CA, 02 ha of land having moderately dense forest that with 35 ha. of land classified as open forest Category and 37 ha. of land as Non-Forest in terms of forest classes (as per the ISFR 2015) based on the interpretation of satellite data period 2013-2014.

In view of above, it is proposed that the facts of the above proposal may be placed before the FAC in its forthcoming meeting scheduled to be held on 25.01.2018 for its examination and appropriate recommendations.

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