

**Sub: Proposal for prior approval under section 2 (iii) of forest (Conservation) Act, 1980 for 293.12 ha forest land for Limestone mining at village Shedwai, Tal. Jeevati, District Chandrapur, Maharashtra in favour of New India mining Corporation Pvt. Ltd.**

1. State Government of Maharashtra vide their letter No. FLD-3616/CR-409/F-10 dated 03.01.2017 has submitted the proposal for seeking prior approval under section 2 (iii) of forest (Conservation) Act, 1980.
2. The facts related to the proposal, as contained in the State Government's letter dated 03.01.2017, are presented below in the form of a factsheet:

**FACT SHEET**

<b>1.</b>	Name of the Proposal	Proposal for prior approval under section 2 (iii) of Forest (Conservation) Act, 1980 for 293.12 ha forest land for Limestone mining at village Shedwai, Tal. Jeevati, District Chandrapur, Maharashtra in favour of New India mining Corporation Pvt. Ltd
<b>2.</b>	Location (i) State (ii) District	Maharashtra Chandrapur
<b>3.</b>	Particulars of Forests: (i) Name of Forest Division and Forest area involved.  (ii) Legal status/Sy. No.	Central Chanda Forest Division 293.12 ha  Reserved Forest
<b>4.</b>	Vulnerability to erosion	--
<b>5.</b>	Density	0.4 Eco-Class-3
<b>6.</b>	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
<b>7.</b>	Significance of the forest land proposed for lease from wildlife point of view.	No
<b>8.</b>	Details of wildlife present in and around the forest land proposed for lease	No rare or endangered or unique species of flora and fauna found in proposed forest land.
<b>9.</b>	Whether the forest land proposed or lease is located within eco-sensitive zone (ESZ) of the Protected Area notified under Wildlife (Protection) Act, 1972 (Note: in case, ESZ of a protected area is not notified, then, 10 kms distance from boundary of the Protected Area should be treated as ESZ)	No
<b>10.</b>	Whether any protected archaeological/ heritage site/defence establishment or	No

	any other important monuments is located in the area.	
11.	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
12.	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.	Nil
13.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	<b>Compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not given</b>
14.	Recommendation	
	Nodal Officer	Recommended subject to conditions ( <b>Pg-5-7/c</b> )
	SG	Recommended ( <b>pg-1-4/c</b> )

3. This Ministry vide its letter dated 12.01.2017 (**Pg-118/c**) was requested to the Regional Office, Nagpur of this Ministry to carry out Site Inspection of the proposed area. Regional Office, Bhopal vide their letter no. FC- III/MH-19/2017-NGP/1291 dated 30.01.2017 (**Pg-119-130/c**) has submitted Site Inspection Report (SIR) in response of Ministry's letter dated 12.01.2017.

4. **SITE INSPECTION REPORT BY THE REGIONAL OFFICE (WCZ) NAGPUR:** The SIR has been carried out by Shri Charan Jeet Singh, Scientist 'C', Regional Officer (WCZ), Nagpur for this proposal on 24.01.2017 with the officials of State Forest Department and representative of the user agency. The SIR is reproduced below:

**1. Legal status of the forest land proposed for diversion.**

Legal status of the forest land proposed for approval under Section – 2 (iii) of the Forest (Conservation) Act, 1980 is Reserved Forest and Unclassed Forests. Out of the total area of 293.12 ha an area of 273.88 ha is Reserved Forests and 19.24 ha is Unclassed Forests (Jeevathi land). **Jivathi land inside the lease area was disputed land as revenue record mentioned the said area as private land while as per records available with the Forest Department, the said land falls under the Reserved Forests.** Initially, the User Agency had submitted a proposal for diversion of 273.88 ha excluding an area of 19.24 ha. However, subsequently to the clarification received from the State Forest Department, an area of 19.24 ha was also included in the diversion proposal.

**2. Item-wise break-up details of the forest land proposed for diversion:**

Purpose wise breakup of the forest land required by the User Agency is given as under:

S. No.	Particulars	Area (ha)
i.	Area under pits	71.86
ii.	Roads	0.81
iii.	<b>Buildings</b>	<b>0.72</b>
iv.	Storage of top soil	0.20
v.	Green Belt area	28.7
vi.	Magazine	0.08
		102.37

**No details pertaining to the requirement of remaining area of 190.75 ha was made available by the User Agency. No details pertaining to non-mineralized zone, OB dump area, requirement of forest area for primary crushing or secondary crushing, etc. was made available by the User Agency.**

The representatives of the User Agency have also informed that the transportation of the ore will initially be taken by road and during subsequent years transportation will be taken through conveyor belt.

3. **Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:-**As per details provided in the para 2 above.
4. **Total cost of the project at present rate:-**Total cost of project is Rs 400 crores approximately.
5. **Wildlife, whether forest area proposed for diversion is important from wildlife point of view or not?:**The representative from the Forest Department has informed that no PAs is located within 10 km of distance from the boundary of the area proposed for diversion. It was also informed that area proposed for diversion falls at a distance of around 70 km from the Tadoba National Park and no Tiger Corridor is located within a boundary of 250 meters of the area proposed for diversion. The representative from the State Forest Department has informed that no significant wildlife is found in the area. Common species found in the area include monkey, common hare, hyena, fox, blue bull, wild boar, etc.
6. **Vegetation:** - The forests of the area fall in the category of Tropical Dry Deciduous Forests belonging to Eco-class-III. Major species found in the area include *Pterocarpus marsupium*, *Terminalia alata*, *T. Tomentosa*, *T. Arjuna*, *T. Bellerica*, *Careya arborea*, *Butea monosperma*, *Ougenia oojenensis*, *Albizia lebbeck*, *Dalbergia latifolia*, *Haloptelia integrifolia*, *Bombax ceiba*, *Mitragyna parviflora*, *Boswellia serrata*, *Casia fistula*, *Marinda enctoria*, *Lannea coromondella*, *Anogeissus latifolia*, *Dispyros melanoxylon*, *Chloroxylon swietenia*, *Grewia tilifolia*, *Aegel marmelos*, *Acacia leucocephala*, *Cassia siamea*, *Delichandrone falcata*, *Cleistanthus collinus*, *Gamelia arborea*, *Pongamia pinnata*, *Ficus recemosa*, *Ailanthus excelsa*, etc.

It was observed during the inspection that most of the area proposed for diversion falls in the category of open forests. The DCF in Part-II has reported the density of the area as 0.4. Density reported by the DCF appears to be appropriate. However, very few pockets, especially area located on the northern aspect of hillocks were observed with density upto 0.6. Officials from the State Forest Department have informed enumeration of trees in the area proposed for diversion has not been done so far.

**Effect of removal of trees on the general ecosystem in the area:**Removal of such a large number of trees from the ecosystem will certainly have adverse impact on the local ecosystem.

The mining lease area of the User Agency forms **the catchment of a seasonal river named Pada Vegu River and Bapur Rivers are flowing at a distance of approximately 1.5 m and 2.0 km respectively from the boundary of the mining lease of the User Agency. A dam in the same rivers has also been constructed downstream in Telangana State.** The entire mining lease of the User Agency constitutes the catchment area of the aforementioned dam. Therefore with a view to ensure the recharge of ground water and to arrest of flow of silt into the local rivers/nalls, provisions for implementation of a Catchment Area Treatment Plan in the area and appropriate soil

conservation measures should be provided by the User Agency during the implementation of their mining project.

7. **Background note on the proposal:** The mining lease of the User Agency is located at a distance of approximately 110 Km from Chandrapur. Proposed mining lease has been allotted to M/s Abhijeet New India Cement Private Limited, Nagpur by the Department of Geology, Government of Maharashtra vide their letter no. MMN-10004/CR-696/UDYOG/9, dated 28.02.2006 for captive use. The mining lease of the User Agency is spread over an area of 293.12 ha has mineral reserve of approximately 65 Million Tonnes. The Indian Bureau of Mines, Nagpur vide its letter no. 314(3)/2009-MCCM(CZ)/MP-9/304 dated 31.12.2009 has approved the mining plan of the User Agency. The representative of the User Agency have also informed that the environment clearance for production of 1 Million tonne of limer stone from their proposed mining lease has already been considered and recommended by the EAC in its 39<sup>th</sup> meeting held on 26-28 October, 2015 for excavation of 1 MTPA of limestone from their proposed mining lease.

The mining lease of the User Agency has five blocks i.e. lease of the User Agency is in five patches as per details given below:

S. No.	Particulars	Survey No.	Area (Ha)
1.	Block-I	Part of 50/1, 50/2, 50/12 and 48	160.81
2.	Block-II	Part of 50/1, 50/2, 50/12, 51/2 and 79/2	115.50
3.	Block-III	59 and 64	5.48
4.	Block-IV	14 to 22, 24 and 25	2.76
5.	Block-V	34	8.57
	<b>Total</b>		<b>293.12</b>

It is observed that maps submitted along with the proposal depicts mining lease in 3 blocks only. The representative of the User Agency has informed that area corresponding to Block-III and IV was omitted in the map inadvertently and the revised map depicting all 5 blocks will be submitted shortly to the State Forest Department.

The mining has been proposed on hill top and the depth of the mine from the hill top will be 24 meters. The method of mining will be opencast mechanized. Water table is situated at a depth of approximately 10 meters below ground level. It is informed by the User Agency that mining will not intersect the ground water table.

M/s Abhijeet New India Cement Private Limited, Nagpur has proposed setting up of a cement plant of 2.5 MTPA capacity at Dewara in Chandrapur District in Maharashtra. The MoU with the State Government of Maharashtra for setting up of the cement plant has also been entered by the User Agency.

8. **Compensatory afforestation:** The user agency has identified equivalent non-forest land in Tembhurna village in Umarkhed Tehsil of Yavatmal District of Maharashtra. The DCF concerned has issued a site suitability certificate of the area proposed for CA. The DCF concerned has certified that non-forest area proposed for compensatory afforestation is contiguous to forest land and is suitable for management purpose. It is also certified that area proposed for CA is not included in the deemed forest category as identified by the Expert Committee appointed under the Judgement of Hon'ble Supreme Court dated 12.12.1996 and by virtue of Section – 35 of the Indian Forest Act.

It is informed by the User Agency that details pertaining to the attributes of the CA i.e. Differential GPS map, CA scheme, etc. is being prepared in consultation with the concerned Division Forest Officer and the same will be submitted in due course.

9. **Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:** No violations of the Forest (Conservation) Act, 1980 have been reported. During inspection also no violation of the Forest (Conservation) Act, 1980 were observed in the area proposed for diversion.

**10. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not. Detail is furnished specifically if rehabilitation plan would affect any other forest area by trans-locating outstees in and around the said forest:** Yes. A village named Chalpatguda located inside the mining lease of the User Agency. The village Chalpatguda falls in Block-I having forest area of 160.81 ha. Exact number of families to be rehabilitated is yet to be worked by the User Agency.

**11. Reclamation Plan:** It is informed by the User Agency that Indian Bureau of Mines, Nagpur vide its letter no. 314(3)/2009-MCCM(CZ)/MP-9/304 dated 31.12.2009 has approved the Mining Plan with Progressive Mine Closure Plan. It is also informed by the User Agency that mining will be carried out phase wise in different blocks. At a given time one single block will be mined and after exhaustion of the mineral completely, mining operations will be shifted to the next block. The concurrent reclamation of the mined out area will be undertaken by the User Agency. It is informed by the User Agency, with the advancement of the mining operations, the backfilling in the mined out area will be undertaken and the area will be reclaimed technically and biologically following scientifically established methods in consultation with the State Forest Department.

**12. Details on catchment and command area under the project:** The mining lease area of the User Agency forms the catchment of a seasonal river named Pada Vegu River and Bapur Rivers are flowing at a distance of approximately 1.5 m and 2.0 km respectively from the boundary of the mining lease of the User Agency. A dam in the same rivers has also been constructed downstream in Telangana State. The entire mining lease of the User Agency constitutes the catchment area of the aforementioned dam. Therefore with a view to ensure the recharge of ground water and to arrest of flow of silt into the local rivers/nalls, provisions for implementation of a Catchment Area Treatment Plan in the area and appropriate soil conservation measures should be provided by the User Agency during the implementation of their mining project

**13. Cost benefit ratio:** Not provided

**14. Recommendations of the Principal Conservator of Forests/State Government.**

The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra has recommended the proposal for approval under Section 2 (iii) of the Forest (Conservation) Act, 1980 subject to conditions of payment of NPV.

**15. Addl. Principal Chief Conservator of Forests (Central) shall give detailed comments on whether there are any alternatives routes/alignments for locating the project on the non-forest land:** The detailed observations on the proposal have already been made in the inspection report. The area proposed for diversion has mostly vegetation density of 0.4 or below except few patches where density is upto 0.6. As per the details submitted in the proposal, the area is not important from the Wildlife view point and no PAs or Tiger Corridor is located in the region. Further, as per the DSS examination in light of draft parameters of inviolate forest area, the area is not an inviolate forest area. The proposal will boost the economic growth in the region besides providing direct and indirect employment to the local villagers.

In view of the aforementioned facts, the proposal may be considered by the Central Government for approval under Section 2 (iii) of the Forest (Conservation) Act, 1980.

**16. Utility of the project. Numbers of Scheduled Castes/Scheduled Tribes to be benefited by the project:** The User agency has informed that proposed project would boost the economic growth of the region and at the same time the project would provide direct and indirect employment to the local villagers.

**17. Whether land being diverted has any socio-cultural /religious value. Whether any sacred grove or very old grown trees/forests exists in the areas proposed for diversion:** No.

**18. Situation w.r.t. any P.A.:**Area proposed for diversion falls at a distance of around 70 km from the Tadoba National Park and no Tiger Corridor is located within a boundary of 250 meters of the area proposed for diversion

**19. Any other information relating to the project:**

- i. As per the Rule 8 of the Mineral Concession Rules, 2016 which came into force on 4.03.2015, it is inter-alia provided that the applicant in whose favour the State Government has issued Letter of Intent in writing before January 12, 2015 for grant of a mining lease for minerals, the mining lease shall be executed and registered on or before 11.01.2017 failing which rights of such an applicant for grant of mining lease shall be forfeited. Pending the execution of lease in favour of the applicant, the applicant approached the Hon'ble High Court of Bombay at Nagpur by way of filing a W. P. (C) No. 213 of 2016 and the Hon'ble High Court vide its order dated 10.01.2017 directed that "merely because actual lease deed is not executed, the proposal of the petitioner shall not lapse, in the meanwhile."
- ii. The user agency has already moved a proposal seeking prior approval of the Central Government under Section- 2 of the Forest (Conservation) Act, 1980. The said proposal is pending with the DCF, Chandrapur for want of details of non-forest land identified for raising compensatory afforestation.
- iii. The representative from the User Agency has informed that the process for settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has already been completed in the year 2012. Documentary evidences in support of settlement of rights in accordance with the MoEF&CC's advisory dated 5.07.2013 are being obtained from the concerned authorities in the Chandrapur District.
- iv. Ground water table in the mining lease area of the User Agency has been reported at a depth of approximately 10 meters below ground level. The lease area of User Agency is also drained by seasonal nallah. Therefore, it is desirable that a study of for the protection and conservation of the water regime of the area may be conducted by the User Agency in consultation with the institutes of repute and recommendations of the same are implemented in the lease area during mining operations.
- v. The mining lease area of the User Agency forms the catchment of seasonal rivers named Pada Vegu River and Bapur Rivers and a dam constructed on the same rivers downstream in Telangana State. Therefore with a view to ensure the recharge of ground water and to arrest of flow of silt into the local rivers/nalls, provisions for implementation of a Catchment Area Treatment Plan in the area and appropriate soil conservation measures should be provided by the User Agency during the implementation of their mining project.
- vi. Most of the area proposed for diversion falls in the category of open forests. Very few pockets, especially area located on the northern aspect of hillocks were observed with density upto 0.6.
- vii. No significant wildlife has been reported in the area. The area does not form the part of any PAs and Tiger Corridor. The nearest PAs is located at a distance of approximately 60 Km from the forest area proposed for diversion.
- viii. As per the examination of the proposal using Decision Support System in light of draft parameters for inviolate forest areas, the area proposed for diversion is not an inviolate forest area.

**5. Other Remarks:**

- (i) Approval under section 2 (ii) or 2 (iii) of Forest (Conservation) Act, 1980 for the forest land included in the total mining lease area has not previously been obtained.
- (ii) The compliance on Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not given.

- (iii) It is also mentioned that this Ministry vide its letter no. 5-01/2017-FC (F/G) dated 08.02.2017 was requested the State Governments to provide a list of existing mining leases executed on or before 11.1.2017/ status of validity of all mining leases which had been saved under the provisions of of MMDR Act, 2015, and pending in this Ministry for consideration under Section 2 (iii) of Forest (Conservation) Act, 1980. The State Government of Maharashtra vide their letter no. FLD-2017/CR-80/F-10 dated 24.03.2017 (F/M) has provided the status of various pending proposals including the present status of M/s New India mining Corporation Pvt. Ltd which is given below:

**“LOI not issued by Government of Maharashtra. The matter related to validity of the mining lease is sub-judice in Hon’ble Bombay High Court, Nagpur bench”.**

The facts related to the above proposal alongwith Site Inspection Report (SIR) done by RO, Nagpur may be placed before FAC in its forthcoming meeting on 25.04.2017 for their examination and appropriate recommendation

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