

**Sub: Proposal for diversion of 126.72 ha (84.35 ha Forest and 42.37 ha GM Jungle Jhadi) of Forest Land for KDH Open Cast Mine in favour of M/s Central Coalfield Limited in the State of Jharkhand.**

1. The State Government of Jharkhand vide their letter No. Van Bhumi-06/2017/3422/V.P. dated 13.08.2018 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. The facts related to the proposal as contained in the State Government's letter dated 13.08.2018 are given below in the form of fact sheet:

**FACT SHEET**

<b>1.</b>	Name of the Proposal	Proposal for diversion of 126.72 ha (84.35 ha Forest and 42.37 ha GM Jungle Jhadi) of Forest Land for KDH Open Cast Mine in favour of M/s Central Coalfield Limited in the State of Jharkhand.
<b>2.</b>	Location (i) State (ii) District	Jharkhand Ranchi
<b>3.</b>	Particulars of Forests: (i) Name of Forest Division and Forest area involved.  (ii) Legal status/Sy.No.  (iii) Map	Ranchi Forest Division, Forest Land 84.35 ha GM (JJ) 42.37 ha <b>Total 126.72 ha</b>  84.35 ha Forest Land and 42.37 ha GM (JJ)  Attached
<b>4.</b>	Topography of the area	-
<b>5.</b>	(i) Geology (ii) Vulnerability to erosion	- <b>The proposed area is undulated and is vulnerable to erosion</b>
<b>6.</b>	(i) Vegetation  (ii) Density  (iii) No. of trees to be felled	Bargad, Palas, Sagwan, Pipal, Kakain, Gamhar, Semal, Neem, Gijan, Saal, Khair, Amaltash, Acacia, Karam, Shisham, bel, Aam, Deval, Kend, Karanj, Harre, Kathagwan, Mahua, Bair, Kadam, jamun, Bhelwa, baher, Imli, sidha, Dhowtta, piyaar, Aasan ( <b>Pg. 18/c</b> ).  0.3 on an average  No trees required to be felled as reported by State Government. <b>As reported in Regional Office SIR, 4418 nos. of trees enumerated to be felled.</b>
<b>7.</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>8.</b>	Whether any RET species of flora and fauna are found in the area. If so details thereof	No

9.	Approximate distance of the proposed site for diversion from boundary of forest.	The adjoin land is notified forest
10.	Whether any protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.	No
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.	Yes
13.	Whether clearance under the Environment (protection) Act, 1986 is required?	<b>Not reported</b>
14.	Compensatory Afforestation	
	(i) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.	Compensatory afforestation has been proposed over 255 ha degraded forest land
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining forest boundaries.	Given
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	Estimate for 7 years is given (Pg. 35-44/c)
	(iv) Total financial outlay for CA	Rs. 35391900.00 for 7 years as reported in Part-II of Form A
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	Certificate regarding suitability of area for CA has been given by DFO, Ranchi Forest Division <b>but it is not reported that the area is free from encroachment and encumbrances (Pg. 34/c).</b>
15.	Catchment Area Treatment	NA
16.	Rehabilitation of Oustees a) No of families involved b) Category of families c) Details of rehabilitation plan	455 Schedule Caste – 66, Schedule Tribe – 32, Others - 357 R&R plan is given (Pg. 69-81/c)
17.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	Certificate for Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 <b>for an area of 208.43 Acre of forest land and 104.69 Acre Gair Majaruwa Jungal Jhari land</b> issued by District Collector, Chatra (Pg. 103-155/c)
18.	Cost Benefit Ratio	1:16.39 (Pg. 67-68/c)

<b>19.</b>	Total Cost of the Project	Rs. 5021.7 lakhs
<b>20.</b>	Employment likely to be generated <b>a)</b> Whether the project is likely to generate employment <b>b)</b> Permanent/ Regular Employment (Number of person) <b>c)</b> Temporary Employment (Number of person-days)	Yes  1023  Nil
<b>21.</b>	Recommendation <b>i.</b> DFO   <b>ii.</b> CF   <b>iii.</b> Nodal Officer  <b>iv</b> Stage Government	<p>The economy of the area is dependent on agriculture only. There is no other major means of livelihood in this area. Production of coal and other related works will provide direct and indirect employment to the people of this region. Further, this area will add up to the economy of the state and the nation as a whole. Cost benefit analysis would be in favour of this project. Therefore, this proposed is recommended for acceptance. <b>(pg-27/c)</b></p> <p>The forest land proposed for diversion by CCL is recommended on strict compliance of condition to be stipulated by the Government of India, Forest, Environment and Climate Change. The user agency should provide a vehicle to the Forest department for monitoring of compliance of the conditions. <b>(pg-23/c)</b></p> <p>Recommended <b>(pg-22/c)</b></p> <p>Recommended subject to following conditions <b>(pg-2/c)</b></p> <ol style="list-style-type: none"> <li><b>i.</b> Legal status of the diverted forest land shall remain unchanged.</li> <li><b>ii.</b> The User Agency shall pay, NPV of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India;</li> <li><b>iii.</b> The Agency shall pay the cost of maintaining the compensatory afforestation at the current wage rate for proposed double degraded forest land.</li> <li><b>iv.</b> All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.</li> </ol>
<b>22.</b>	District Profile <b>(i)</b> Total Geographical area of the district <b>(ii)</b> Total Forest area/Divisional Forest area <b>(iii)</b> Total area diverted since 1980 <b>(iv)</b> Total CA stipulated since 1980 <b>a.</b> Forest land including penal CA <b>b.</b> Non Forest Land. <b>(v)</b> Progress of Compensatory Afforestation <b>a.</b> Forest land <b>b.</b> Non Forest land	7698.00 Sq. Km  732.86 Sq. Km  14  722.1236 ha 255 ha  0  126.72 ha 0

3. The Regional Office, Ranchi submitted the Site Inspection Report (SIR) of the area proposed for diversion vide their letter no FP/JH/MIN/8374/2014/3289 dated 12.07.2019 (Pg. 704-710/c). Facts reported by the Regional Office in its site inspection report are given as under:

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

- |   |                 |
|---|-----------------|
| 1) Protected Forests notified under Indian Forest Act, 1927 – | 84.35 ha        |
| 2) <u>Gairmajarua Jungle Jhari Forests -</u>                  | <u>42.37 ha</u> |
| 3) Total Forest land proposed for diversion -                 | 126.72 ha       |
| 4) Non-Forest land required -                                 | 31.5 ha         |

**Status of KD Hesalong lease area:**

- |   |                                |
|---|--------------------------------|
| 5) Total area under lease -                               | 717.17 ha                      |
| 6) Total forest land under lease area -                   | 514.64 ha                      |
| 7) Total non-forest land under lease area -               | 202.53 ha                      |
| 8) Previous Approved Forest Area (1996 and 2009) -        | 130.36 ha                      |
| 9) Forest land broken before 1980 -                       | 79.66 ha (Not applied)*        |
| 10) Forest land unbroken and unutilized -                 | 106.34 ha (Not applied)**      |
| 11) <u>Forest land broken before 1980 and reclaimed -</u> | <u>71.56 ha (Not applied)*</u> |
| Sum of 8) to 11)  | 387.92 ha                      |
| <u>Area of this proposal</u>                              | <u>126.72 ha</u>               |
|   | 514.64 ha                      |

\*CCL have stated that application for these two areas will also be submitted in due course

\*\*This area does not have mineable coal deposits as informed by CCL officials

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

The item-wise break-up of the forest land and non-forest land are follows:

SI No.	Component	Forest Land (ha)	Non-Forest Land (ha)
1	OB Dump/ Re diversion	44.07	15.9
2	Haul road	3.93	0
3	Mine out area/ void	78.72	15.6
<b>Total</b>		126.72	31.5

**3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:**

The facilities and services requiring major buildings including residential buildings in forest land are not involved in this proposal, as these facilities and services are to be operated/utilized in pre-existing buildings Establishment.

**4. Total cost of the project at present rates:**

The cost of project is Rs.50.217 Crores.

**5. Wildlife:**

**Whether forest area proposed for diversion is important from wildlife point of view or not:**

The proposed forest area for diversion does not form a part of National Park, Wildlife Sanctuary and Biosphere/Tiger Reserve. No rare/endangered species of fauna are found in the area. As per site observation, the areas to be diverted are adjacent and in the vicinity of working broken coal mine areas and these are not significant from wildlife point of view.

**6. Vegetation:**

The forests consist of tropical deciduous forests with tree cover of dominantly of Palash (*Butea monosperma*) (85%) sparsely interspersed with Sal, Sidha, Neem and plantation trees of Sagwaan, Kathaswan; it is actually a Palash jungle. The density of vegetation is reported 0.3.

**Total number of trees to be felled.**

Total no. as per enumeration list: 4418;

1542 > 60 cm girth

2876 < or =60 cm girth

**Effect of removal of trees on the general ecosystem in the area:**

Removal of trees for *open cast mining* will definitely have adverse effects on the general ecosystem of the area with loss of tree and vegetation cover over 100+ hectares with negative implications for moisture regime, microclimate and soil conditions. These could be recompensed with progressive reclamation and well planned and technically sound re-vegetation of the mined over areas and complete eco-restoration after closure of the mine.

**7. Background note on the proposal:**

KD Hesalong OCP is located in North-Karanpura Area of CCL in Ranchi district. KD Hesalong OCP is surrounded by Kendua Nala and Rohini Project in the Western side, Khalari Station and Jhelitand village in the southern side, Damodar river in the northern side whereas on the eastern side is Dakra Colliery and Sonadoba Nala.

Village wise details of the PF and GMJJ land is given as below:

Village	Forest land (ha)	Non-forest land (ha)	Total (ha)
Bishrampur	48	31.5	79.5
Karkatta	78.72	0	78.72
Total	126.72	31.5	158.22

The KD Hesalong project commenced in 1973. Current annual capacity of this mine is 4.50 million tonnes per year.

**8. Compensatory afforestation:**

Compensatory afforestation has been proposed over 255 ha degraded forest land in 5 patches, details are as follows:

Sl. No.	Name of Site	Thana & Thana No.	Plot No.	Net Area (ha)
1	Nawadih	Burmu-4	863, 868, 541, 231, 502, 472	60.00
2	Cheliyo	Burmu-2	889, 624, 550, 438	60.00
3	Hesalong	Burmu-6	347, 328, 88	40.00
4	Karkatta	Mandar-33	06 (part)	40.00
5	Taranga	Mandar-34	01 (part)	55.00
Total				255.00

- (a) **Whether land for compensatory afforestation is suitable from plantation and management point of view or not:** It is reported that proposed CA land is suitable for plantation as reported by DFO, Ranchi Forest Division.
- (b) **Whether land for compensatory afforestation is free from encroachment/other encumbrances:** Not Reported.
- (c) **Whether land for compensatory afforestation is important from Religious/Archaeological point of view:** Not reported.

- (d) **Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not:**

In five patches.

- (e) **Map with details:** Enclosed as Annexure

- (f) **Total financial outlay:** Enclosed as Annexure

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:**

As reported, no violation of has been committed.

10. **Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not :**

455 no of families (Scheduled Caste Family – 66, Schedule Tribes Family – 32) are displaced for the project. Copy of Rehabilitation and Resettlement Plan is enclosed.

11. **Reclamation plan:** Not available.

**Details & Financial allocation:** Not available.

12. **Details on catchment and command area under the project:** Not applicable.

**Catchment area treatment plan to prevent siltation of reservoir:** Not applicable.

13. **Cost benefit ratio:**

The cost-benefit analysis not as per Ministry's guidelines dated 1.08.2017.

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

Recommended by the PCCF / State Government with standard conditions.

15. **Recommendation of Dy. DGF (Central) along with detailed reasons:**

The KD Hesalong Project is part of approved coal production plan of CCL from the North Karnapura Coalfield deposits. The currently working areas under the previous approvals of 1996 and 2009 have almost reached exhaustion of coal deposits, and for sustaining the production and efficient utilization of the remaining coal deposit in this already opened mine, the expansion in fresh/unbroken forest area as per the current extension plan is imminently necessary. As such the proposal is recommended for approval under Forest (Conservation) Act 1980.

16. **Addl. DG (Central) shall give detailed comments on whether there are any alternative routes / alignment for locating the project on the non-forest land:**

This coal mining proposal being part of North Karanapura Coalfield Area deposits, is site specific proposal and the exploration or evaluation of alternate site etc. is not feasible or relevant. The decision to open new areas is factored by production plans of CCL, in the context of coal production targets and phasing of mines etc. in conformity with national priorities and contingencies.

17. **Utility of the project:**

The project's utility is factored by national plan of coal production mainly for use in power generation through coal-fired thermal power plants along with other uses. CCL, as a subsidiary of Coal India Limited, a Central Government undertaking aligns its production targets and phasing based on current scenario of ratio of coal-fired thermal power in the national power grid mix from different types of sources. Besides, the operation of this coalmine is stated as per Project Report to generate total 1023 no of permanent employment and temporary 15000 person-days (approx) on an annual basis.

18. **Numbers of Scheduled Caste / Scheduled Tribes to be benefited by the project:**

Not Reported.

- (a) **Whether land being diverted has any socio-cultural/ religious value:** Not reported.

- (b) **Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion:**  
Not reported.
- (c) **Whether the land under diversion forms part of any unique eco-system:** Not reported.

**19. Situation with respect to any Protected Area:**

The forest area proposed for diversion does not forms part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. It is located beyond 10 km of sanctuaries in the larger region with Lawalong Wildlife Sanctuary at 44 km, Hazaribag WLS at about 50 km and Palamu WLS & Tiger Reserve at 57 km.

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

- 1) The User Agency should have ideally under the recent guidelines, applied for the diversion of the remaining forest land in KD Hesalong OCP envisaged to be actually used in future (79.66+71.56) and surrender the forest area (106.34) which is not required for mining.
- 2) The *reclamation and eco-restoration* component of CCL needs transformative reforms in terms of *technology and process*, and *management or administrative regime with professionally sound engagement on sustained basis* to enhance the success and quality of eco-restoration efforts yielding the best feasible end landform in respect of outcomes for soil, water and biodiversity characteristics. The works of reclamation, eco-restoration and green belt creation undertaken so far in this project are deficient with considerable scope for improvement. Although the KD Hesalong OCP project has a adequate Reclamation and Closure Plan with Eco-restoration component, the North Karanpura Coalfield management should work towards upgrading the eco-restoration component as an integral and equally significant part of mining project for KD Hesalong OCP and other projects in hand or in the pipeline. In this context, the following areas of improvement are suggested:
  - i. Provision of core dedicated work force for Eco-restoration with long-term engagement and with appropriate resources and infrastructure for such long term mining operations in hand and those to be taken up.
  - ii. The workforce to be equipped with in-house competence, expertise and capability for self-enhancement in techniques in respect of site specific customization and innovation and learning from some of their own best works and those of others.
  - iii. Project wise engagement of consultancy services and collaborative R & D association with expert institutions / organizations in the field of eco-restoration and related subject specializations.

**Further, examination of the proposal revealed following:**

- (i) Proposal involves diversion of 126.72 ha of notified forest land. Vegetation density of 0.3 with 4,418 project affected trees has been reported by the State Government. Purpose wise breakup of forest area proposed for diversion is given as under:

S. No.	Component	Forest Land (ha)	Non-Forest Land (ha)
1	OB Dump/ Re diversion	44.07	15.9
2	Haul road	3.93	0
3	Mine out area/ void	78.72	15.6
<b>Total</b>		126.72	31.5

From the above, it can be ascertained that area earmarked for safety zone has not been indicated in the proposal. Further, area of OB dump has been has been proposed to be re-diverted. However, corresponding detail of earlier approval whose re-diversion is to be sought under the extant proposal has not been submitted along with the proposal.

- (ii) Compensatory afforestation (CA) has been proposed over degraded forest land of 255 ha in Ranchi Forest Division, double in extent to the forest land being diverted as per detail given below:

S. No.	Name of Site	Thana & Thana No.	Plot No.	Net Area (ha)
1	Nawadih	Burmu-4	863, 868, 541, 231, 502, 472	60.00
2	Cheliyo	Burmu-2	889, 624, 550, 438	60.00
3	Hesalong	Burmu-6	347, 328, 88	40.00
4	Karkatta	Mandar-33	06 (part)	40.00
5	Taranga	Mandar-34	01 (part)	55.00
Total				255.00

However, analysis of KML files submitted in respect of area proposed for CA revealed that sites of CA has been changed to other locations than what is proposed in the proposal. Clarification needs to be obtained from the State Government in this regard.

- (iii) The proposed forest area for diversion does not form a part of National Park, Wildlife Sanctuary and Biosphere/Tiger Reserve. No rare/endangered species of fauna are found in the area. As per site observation, the areas to be diverted are adjacent and in the vicinity of working broken coal mine areas and these are not significant from wildlife point of view.
- (iv) Cost benefit analysis has been submitted, however, the same is not as per Ministry's guidelines dated 1.08.2017 as all parameters specified in the said guidelines have not been accounted for in the analysis.
- (v) Proposal involves rehabilitation of 455 families, comprising of 66 SC, 32 ST and 357 other families. R&R Policy of the CIL has been submitted along with the proposal. However, approved R&R plan, specific to the expansion project, prepared in consonance with the R&R Policy of CIL/State Government has not been submitted along with the proposal.
- (vi) Results of examination of the proposal using DSS tools revealed the area falling under High Conservation Value Zone, based on Decision Rule 1 as it touches wetland of more than 10 ha while as per Decision Rule 2 the area is not a High Conservation Zone.
- (vii) Extant proposal is for diversion of 126.72 ha of forest land. Total lease area under the possession of the User Agency is 717.17 ha, comprising of 514.64 ha of forest land and 202.53 ha of non-forest land. Out of total forest land involved in the lease, 130.36 ha is diverted under the Forest (Conservation) Act, 1980 in the past, 151.22 ha is reported to be broken prior to 1980 and remaining 106.34 ha is yet to be applied for diversion of forest land.
- (viii) It is to mention here that 101.41 ha was diverted under the Forest (Conservation) Act, 1980 for a period of 10 years vide letter dated 1.07.1996 (Pg 226/c) and 28.95 ha was diverted vide letter dated 26.10.2009 for a period of 20 years. Thus out of total 514.64 ha of forest land, so far, the User Agency has diverted only 130.36 ha of forest land. Further, approval in respect of 101.41 ha was accorded for a period of 10 years which stands expired on 30.06.2006. No proposal for renewal of the same has been submitted by the User agency.
- (ix) As per the extant guidelines of the ministry and various Rulings of the Courts, proposal for entire forest land involved in the mining lease should have been submitted by the User Agency for seeking prior approval of the Central Government i.e. out of total 514.64 ha of forest land involved in the lease, currently, the User Agency has valid approval of 28.95 ha of forest land only and 126.72 ha is being considered under the extant proposal while the rest of the forest land under the possession of the User Agency (101.41+106.34+151.22=358.97 ha) also needs to be applied/renewed under the Forest (Conservation) Act, 1980.
- (x) It also worth mentioning here that forest area of 126.72 ha is reported to be required for the extension of the KDH OCP project for a production capacity of 4.5 MTPA. Mining Plan for the expansion project of KDH OCP was approved by the Board of Directors of CCL on 19.08.2010 (Pg 428/c). As per approved Plan an additional area of 195.96 ha (Pg 534/c) is required for the expansion project, comprising of additional forest land of 135.91 ha, however, extant proposal is submitted only for 126.72 ha, excluding the area of 9.19 ha which as per approved Mining Plan is earmarked for safety zone.
- (xi) The Regional Office of the MoEF&CC inspected the area on 24<sup>th</sup> June, 2019 and submitted report vide their letter No. FP/JH/Min/8374/2014/3289 dated 12<sup>th</sup> July, 2019. The Dy Director General of Forests (Central),



Regional Office, Ranchi recommended the proposal for diversion under the Forest (Conservation) Act, 1980. Regional Office, in its inspection has reported following areas for improvement by the User Agency:

- (a) Provision of core dedicated work force for Eco-restoration with long-term engagement and with appropriate resources and infrastructure for such long term mining operations in hand and those to be taken up.
  - (b) The workforce to be equipped with in-house competence, expertise and capability for self-enhancement in techniques in respect of site specific customization and innovation and learning from some of their own best works and those of others.
  - (c) Project wise engagement of consultancy services and collaborative R & D association with expert institutions / organizations in the field of eco-restoration and related subject specializations.
- (xii) State Government and Regional Office reported no violation of the Forest (Conservation) Act, 1980. However, the proposal of the User Agency does not appear to be in conformity with the relevant guidelines of the MoEF&CC and various rulings of Courts instructing the State Government to submit the proposal for the entire forest land involved in the project to avoid fait accompli situations. Further, approval accorded for 101.41 ha in 1996 has not been renewed by the User Agency/State Government under the Forest (Conservation) Act, 1980. Continuation of mining operations, after expiry of the forest clearance on 30.06.2006 amounts to violation of the Forest (Conservation) Act, 1980.

In view of the above, it is proposed that the proposal may be submitted before the FAC, in its forthcoming meeting scheduled for 31.07.2019 for its further examination.

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