

**Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)**

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi – 110003
Dated: 30th August, 2023

To,

The Principal Secretary (Forests),
Government of Maharashtra,
Mumbai.

Subject: Diversion of 146.996 ha. forest land for Integrated Coal Mining including post mine reclamation in Marki-Mangli II coal block in Yavatmal District of Maharashtra State in favour of M/s Yazdani International Private Limited (Online No. FP/MH/MIN/145510/2021) - reg.

Madam/Sir,

I am directed to refer to the Government of Maharashtra's letter no. FLD-3223/CR-179/F-10 dated 02.08.2023 on the above cited subject. In this regard following shortcomings have been observed in the proposal submitted by the State Govt:

- i. As per DSS analysis, it has been found that an incorrect KML file of the forest land proposed for diversion has been uploaded online as it is falling in the Uttar Pradesh State. Therefore, the correct KML file of forest land proposed for diversion shall be uploaded online.
- ii. Satellite imagery shows that the plantation work has been carried out in proposed forest land for diversion. The state shall submit the details of the plantations carried out.
- iii. The Mining Lease (ML) Boundary needs to be verified on ground because part of the earthen dam is coming under the ML boundary.
- iv. The DFO, Pandharkawada in their Site inspection report informed that the project does not requires R&R plan. However, satellite imagery shows the presence of Agriculture land within the Mining lease boundary. This needs clarification.
- v. Satellite imagery shows Mined out area within and outside the lease boundary along with the Tailing pond. This needs clarification.
- vi. As per the DSS analysis, an earthen dam is situated near the proposed mining area. Further, some seasonal nallah also flows through the proposed site for which the provisions of conservation and protection measures have not been suggested by the State. Therefore, comments of the water resource department on the proposed measures and impact of the project on the hydrological regimes are required to be submitted.
- vii. As per DSS analysis, the total area of CA proposed on the Non-forest land is found to be 129.871 ha against the present proposal. It has been mentioned that a 15% rebate in CA land is applicable. However, the proposal submitted is being processed as per Forest(Conservation) Rules, 2003 therefore the rebate as claimed is not applicable in this case. The KML file of NFL equivalent to area proposed for diversion along with DGPS Map & Survey of India Toposheet map shall be submitted/uploaded online.

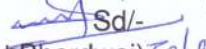
- viii. The site suitability of CA land shall be ascertained as per the Ministry guideline dated 13.07.2022.
- ix. The CA scheme has been prepared for non forest land area of 146.996 ha whereas 148.4123 ha area of the non forest land has been taken against present diversion proposal. Further, the State Govt. reported that the actual plantation will be carried out in the degraded forest land. However, CA scheme has been prepared with a model of 1111 plants/ ha. Therefore, this variation needs to be re-looked and a complete & correct CA Scheme shall be submitted.
- x. Details of degraded forest land identified for planting saplings which could not be planted in the Very Dense Forest & Medium Dense Forest of area of 84 ha of the proposed Non-forest land for CA, has not been provided by the State. The same needs to be submitted along with the afforestation scheme, KML file and suitability certificate.
- xi. KML files indicating the different components of the projects have not been submitted and the same have not been mentioned in Part-I of the proposal. The same needs to be submitted/ uploaded conspicuously depicting the various projects component vis-à-vis total lease area.
- xii. The KML file of 7.5 meter safety zone area has not been uploaded and the safety zone area details are not mentioned in the component wise breakup in online Part-I which needs submission.
- xiii. KML files and afforestation scheme of the degraded forest land proposed for afforestation in lieu of 1.5 times the area of safety zone has not been submitted. The same needs to be submitted along with the afforestation scheme and suitability certificate.
- xiv. Cost benefit analysis indicating the CB ratio of 1:119.562 has been submitted which appears to be exorbitantly high. The same needs to be revisited and required to be submitted as per the format prescribed in the FCA, 1980 Handbook of guidelines dated 28.03.2019 keeping in view the revised rates of NPV dated 06.01.2022.
- xv. Given the density of 0.4 to 0.6 of the proposed forest area of 146.996 ha, number of project affected trees reported as 1,13,425 appears to have been estimated on lower side. The same needs to be reconfirmed by the State.
- xvi. The DFO, Pandharkawada in their Site inspection report informed that out of 146.996 ha forest land proposed for diversion, 60.392 ha is under possession of Forest Development Corporation of Maharashtra (FDCM). Therefore, details of the work carried out by the FDCM on the proposed diversion area along with their NOC shall be submitted.
- xvii. Details of coal evacuation plan and how the requirements of water and electricity will be met by the user agency shall be submitted. The details of additional forest land required for the same shall also be submitted.
- xviii. The State Govt. shall submit the status of Mine lease validity along with the relevant details.
- xix. Keeping in view the fact that the proposed area is having the presence of Schedule-1 species and further it has been mentioned by the State that "the proposed forest land for diversion is covered under approved tiger conservation plan of Tadoba Andhari tiger reserve. In this regard, Section 38-O(g) in The Wildlife (Protection) Act, 1972 ensure that the tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustainable uses, except in public interest and with the approval of the National Board for Wild Life and on the advice of the Tiger Conservation Authority". In this regard the State shall clarify whether the advice of NTCA in the instant case has been taken. The status of approval of NBWL shall

also be submitted.

- xx. The comments/ views of the CWLW conspicuously depicting the Mining impact on the surrounding landscape along with copies of the Tiger Conservation Plan shall be submitted.
- xxi. In online Part-II, the presence of rare/endangered/unique species of flora and fauna in the proposed forest land for diversion has been reported. The details in this regard shall be submitted.
- xxii. In online Part-II, the proposed forest land for diversion is reported to be vulnerable to the soil erosion and coal mining will create biotic pressure especially on the cattle. Therefore, soil moisture conservation plan addressing the mitigation measure for soil erosion needs submission.
- xxiii. The Government of Maharashtra vide their letter No. FLD-3223/CR-179/F-10 dated 02.08.2023 forwarded the instant proposal as a fresh diversion proposal without any reference to the mining activities carried out by the earlier allottee to the extent of 0.1 million tonne as reported in MoM of SEIAA meeting held on 14.09.2022. This needs clarification.
- xxiv. Approved copy of the Mining plan along with the mine closure plan has not been submitted which is required to be submitted/ uploaded.
- xxv. As per the TOR after exhaustion of mineral reserve, an area of 5 ha land is proposed to be utilized for solar park. Comments of the state forest department in this regard needs submission.
- xxvi. The copy of the ownership proof of the proposed CA land on the Non forest land shows that only 40.6246 ha land has been acquired by the user agency. Therefore, complete documents for the entire NFL proposed for CA land shall be submitted. The State shall also ensure that the area proposed for CA is free from all sort of encumbrances and under possession of the user agency. A certified translated copy of the documents/ownership proof in Hindi or English shall be provided.

Accordingly, it is requested to furnish the above mentioned information to this Ministry for further consideration of the proposal. *Moreover, it appears that proposal has not been examined at State Level specially the KML of proposed site which falling in Uttar Pradesh, and mining plan has been submitted. Therefore in future due diligence should be made before sending the proposal to the Ministry.*

Yours sincerely,


Sd/-
(Suneet Bhardwaj) 50/08/23

Assistant Inspector General of Forests

Copy to:-

1. The PCCF (HoFF), Department of Forest, Government of Maharashtra, Nagpur;
2. The Dy. DGF (Central), Regional Office, MoEF&CC, Nagpur;
3. The Nodal Officer (FCA), Department of Forest, Government of Maharashtra, Nagpur;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi for uploading on PARIVESH portal.