

**F. No. 8-10/2018-FC**  
Government of India  
Ministry of Environment, Forests and Climate Change  
(Forest Conservation Division)  
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**Indira Paryavaran Bhawan,**  
Jor Bagh Road, Aliganj,  
New Delhi – 1100 03.  
Dated: 18<sup>th</sup> May, 2018

To,

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

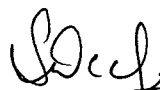
**Sub: Diversion of 46.04 ha of forest land under Forest (Conservation) Act, 1980 for Penganga Open Cast Mining Project at village-Danoda and Borgaon, Tal-Korpana, District Chandrapur, Maharashtra.**

Sir,

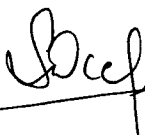
I am directed to refer to the State Government's letter no. No. FLD-3615/CR-295/F-10 dated 14.02.2018 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, **Stage-I Clearance/ In-principle** approval of the Central Government is hereby granted for diversion of 46.04 ha of forest land under Forest (Conservation) Act, 1980 for Penganga Open Cast Mining Project at village-Danoda and Borgaon, Tal-Korpana, District Chandrapur, Maharashtra subject to the following conditions:

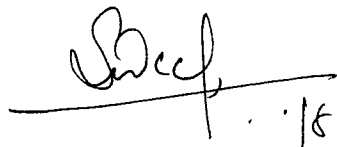
- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) It is observed that there is discrepancy in total lease area. The area shown in the proposal is 743.83 ha, whereas the area mentioned in environment clearance is 781 ha. The user agency may provide clarification with documentary evidences in this regard;
- (iii) On analysis through DSS it is observed that the forest area within the lease area is 112 ha and not 46.04 ha. The entire area under the Mungoli Extension Block should be estimated and mapped and georeferenced map of forest and non-forest land should be submitted before further mining activities in the Mungoli Extension Block. A committee under Nodal Officer of the dealing with FCA, the representative of the WCL dealing with land records Revenue authority of the district and Conservator of Forests in the Regional office, Nagpur as representative of the Ministry should be constituted to prepare the geo-referenced map of Mungoli Extension Block and all type of forest lands (as per the definition of supreme Court order dated 12.12.1996 in T.N. Godavarman vs UoI) falling within the Penganga OC mining project and submit the report to the Ministry for consideration of FAC along with compliance report for final approval.
- (iv) After the delineation of entire forest area within the Mungoli extension Block developed as Penganga OC mining project, the application for the forest clearance of whole forest land within the coal block should be submitted for consideration of the FAC and the NPV for the entire forest land, as identified by the Committee, and as per the guideline dated 01.04.2015 should be deposited by WCL along with the compliance report for final approval.

  
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- (v) The state government and the WCL will inform the IA division for the amendment in EC by stating facts about the existence and extent of forest land in the Penganga OC mining project and its proposed land use.
- (vi) The forest area of 46.04 ha shall be used for diversion of a seasonal nallah and construction of embankment for Penganga Opencast Mine project of Wani area including the development of safety belt (1.994 ha) as proposed in the application form. No non-forestry activities related to mining will be carried out till the clarification related to status of land is submitted by the State Government.
- (vii) The user agency shall submit detail revised land use plan of the total mining area and a copy of approved mining plan.
- (viii) The state government will examine the details of the relocation of persons from the forest area under diversion and if required will submit approved R&R plan. The user agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF &CC along with indicators for monitoring and expected observable milestones;
- (ix) Compensatory afforestation will be raised over 92.50 ha of degraded forest land identified by the State Government (Comptt. No. 152 Rampur area 25.00 ha; Comptt. No. 166 Somthana area 25.00 ha; Compt. No. 170 Area Tulana 25.00 ha; Comptt. No. 163 Area Tulana 17.50 ha) and at least 1000 plants per hectare of diverted forest land (46040 plants of native tree species) will be planted. The CA cost will be revised accordingly and CA cost shall be deposited in the Compensatory afforestation Fund of Maharashtra State managed by adhoc CAMPA.
- (x) 25% of the Cost of CA will be deposited in addition to the CA cost in the account of Adhoc-CAMPA for soil and moisture conservation works at CA site.
- (xi) Since as per the EC the life of the mine is 19 years, the forest clearance section 2(ii) of FCA, 1980 will be valid for 20 years or the period for which area is mined whichever is earlier w.e.f from the date of issue of environment clearance (31.01.2013).
- (xii) The WCL will pay Rs. 30 lakhs for Wildlife Mitigation purpose as recommended by Chief Conservator of Forests (Territorial), Chandrapur as per plan approved by Principal Chief Conservator of Forests (Wildlife), Maharashtra.
- (xiii) The state Government will ensure complete compliance of the FRA 2001 and WCL will submit the compliance of the Schedule Tribes and other traditional Forest Dwellers (Recognition of Forest Rights) Act in format prescribed by Government of India vide /letter dt. 5/7/2013 before final approval.
- (xiv) The area will be reclaimed as per approved Mining Plan and handed over back to the Forest Department.
- (xv) The conditions imposed in the EC dated 31.01.2013 will be complied regarding reclamation of mine and development of green area within the mine;
- (xvi) The in-principle approval will be effective after the payment of entire NPV which becomes due after assessment of forest land in the Mungoli Extension Coal block and other outstanding dues with WCL in CAMPA account;
- (xvii) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

  
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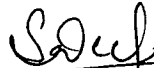
- (xviii) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
- (xix) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (xx) Fencing, protection and regeneration of the safety zone area [7.5 meters strip shall be kept within the mining lease boundary and area of the safety zone shall be part of the total area of mining lease as per the Ministry's guidelines dated 27.05.2015] shall be done at the project cost within three years and maintained thereafter as per approved working plan of the State Govt. Besides this afforestation on degraded forest land to be selected elsewhere measuring one & a half times the area under safety zone shall also be done at the project cost;
- (xxi) User agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any, located in the area within 100 meters from outer perimeter of the mining lease;
- (xxii) **The user agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage- I clearance;**
- (xxiii) The user agency shall implement the following activities under the supervision of the State Forest Department;
- (a) Mitigative measures to minimize soil erosion and choking of stream shall be initiated to be implemented within a period of three years with effect from the date of issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department.
  - (b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;
  - (c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
  - (d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28°; and
  - (e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- (xxiv) The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Addl. Pr. Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
- (xxv) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Birds nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.

  
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- (xxvi) The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- (xxvii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xxviii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxix) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxx) No labour camp shall be established on the forest land;
- (xxxi) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xxxii) The User Agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five km. from the mine lease boundary. This list is to be duly verified by the concerned Divisional Forest Officer. The User Agency shall regularly undertake desilting of these village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies. A detailed plan for desilting of identified ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF & CC before Stage-II approval;
- (xxxiii) The forest land shall not be used for any purpose other than that specified in the proposal and the forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xxxiv) The User Agency shall submit the annual self - compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;
- (xxxv) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxxvi) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project;

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,



(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator Forests, Government of Maharashtra, Nagpur.
2. Addl. Principal Chief Conservator of Forests (Central), Ministry of Environment, Forests and Climate Change, Regional Office (WZ), Nagpur.
3. The Nodal Officer(FCA), O/o the PCCF, Government of Maharashtra, Nagpur.
4. User Agency.
5. Monitoring Cell.
6. Guard file.



(Sandeep Sharma)

Assistant Inspector General of Forests