



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS
& CLIMATE CHANGE

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F.No. FC-I/MH-125/2018-NGP/4880

Date: 01.02.2019

✓ To,

The Secretary (Forests),
Revenue and Forest Department,
Hutatma Rajguru Chowk
Madam Cama Marg
Mantralaya, Mumbai - 400032.

Sub: Diversion of 4.40 Ha Protected Forest Land in favour of Shri. Malhar Minerals, Kolhapur for Laterite Mining at Gut No. 685 at Village - Ghungur, Tal. Shahuwadi in District Kolhapur in the State of Maharashtra - Regarding.

Sir,

The undersigned is directed to refer to State Government vide its letter No FLD-2317/C.R.233/F-10 dated 08.10.2018 and APCCF & Nodal Officer (FCA), Maharashtra letter No. Desk-17/NC/I/I.D- /685/17-18 dated 14.06.2017 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and letter no. Desk-17/NC/II/ID- 12511/(25)/1558/2018-19 dated 05.11.2018 and Desk-17/NC/II/ID-12511/(25)/1668/2018-19 dated 27.11.2018 forwarding additional informations on the proposal as sought by the Regional Office vide its letter of even number dated 22.10.2018 and to say that the said proposal has been examined and recommended by the Regional Empowered Committee constituted by the Central Government under Section - 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the recommendation of the Regional Empowered Committee and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords 'in-principle' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 4.40 Ha Protected Forest Land in favour of Shri. Malhar Minerals, Kolhapur for Laterite Mining at Gut No. 685 at Village - Ghungur, Tal. Shahuwadi in District Kolhapur in the State of Maharashtra subject to the fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over 4.40 ha non-forest land shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance;
- (iv) The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale. A copy of the Differential GS map along with its

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shape/kml files shall be submitted to the Regional Office along with the compliance report;

- (v) The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927 or under the relevant sections of the local Forest Act, as the case may be, within the stipulated period to the Central Government for information and record;
- (vi) The User Agency shall transfer the cost of raising and maintaining the CA plantation as per conditions (ii) stipulated above, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (vii) The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency 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 in this regard;
- (viii) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (ix) All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to CAMPA through the e-payment module to the designated account of the State concerned;
- (x) The period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development & Regulating) Act, 1957, as amended or Rules framed there under;
- (xi) The User Agency shall prepare a schedule for surrender of the mined out and reclaimed forest land in accordance with existing mining plan and submit the same along with an undertaking to surrender the mined out and reclaimed forest land as per such schedule to the MoEF&CC before grant of Stage-II approval under the FC Act for diversion of the said forest land;
- (xii) The mining activities shall be restricted within an area of 4.40 ha. and the User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. If it is found that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer (FCA) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed;
- (xiii) Following activities shall be undertaken by the user agency for the management of safety zone:
 - (a) User agency shall ensure demarcation of boundary of safety zone and its protection by erecting adequate number of 4 feet high RCC boundary pillars

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- inscribed with DGPS coordinates and deploying adequate number of watchers under the supervision of the State Forest Department.
- (b) In case of the mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation/roads should be properly fenced by the user agency at the project cost to protect the vegetation/ regeneration activities in the safety zone.
 - (c) Safety zone shall be maintained as green belt around the mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the State Forest Department at project cost.
 - (d) Afforestation on degraded forest land, to be selected elsewhere, measuring one and a half times the area under safety zone shall also be done by the State Forest Department at the project cost.
- (xiv) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xv) Following activities, if applicable, shall be undertaken by the User Agency at the project cost:
- (a) Preparation and implementation of a plan containing appropriate mitigative measures to minimize soil erosion and choking of streams;
 - (b) Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion;
 - (c) Construction of check dams, retention/ toe walls along the contour to arrest sliding down of the excavated material;
 - (d) Stabilize the overburden dumps by appropriate grading/ benching so as to ensure that that angles of repose at any given place is less than 28° ; and
 - (e) Strict adherence to the prescribed top soil management.
- (xvi) No labour camp shall be established on the forest land;
- (xvii) 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;
- (xviii) The boundary of the diverted forest land, mining lease shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xix) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xx) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxi) 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;
- (xxii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxiii) Felling of trees shall be restricted to 11 trees. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxiv) 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. Bird's nests artificially made out of eco-friendly material shall be used in

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the area, including forest area and human settlements, adjoining the forest area being diverted for the project;

- (xxv) The User Agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department. A scheme of such measures may be submitted along with the Stage- I compliance;
- (xxvi) The State Government shall ensure that rights have been settled in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted in accordance with the various guidelines issued by the MoEF&CC in this regard;
- (xxvii) The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State;
- (xxviii) The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year;
- (xxix) 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
- (xxx) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines and Court/ Tribunal directions for the time being in force, as applicable to the project.

After receipt of a report on the compliance of conditions no (iii), (vi), (vii), (ix), (xi), (xxiv), (xxv), (xxvi) and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal order approving the diversion of forest land is issued by the Central Government.

Yours faithfully,

A. Suresh Kumar
01/02/19
(Suresh Kumar Adapa)
Scientist 'D'

Copy to:

- i. The PCCF, Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iii. Director (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi.
- iv. User agency.
- v. Guard file.

Sd/-
(Suresh Kumar Adapa)
Scientist 'D'