



कार्यालय:- वन प्रमंडल पदाधिकारी, चतरा दक्षिणी वन प्रमंडल।
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सेवा में,

पत्रांक 327

दिनांक 30/01/2023

वन संरक्षक,
प्रादेशिक अंचल, चतरा।

विषय:-

मेसर्स सी0सी0एल0 द्वारा मगध ओ0सी0पी0 फेज-2 हेतु 192.36 हे0 (वन भूमि- 57.29 हे0 एवं जंगल झाड़ी भूमि- 135.07 हे0) वन भूमि अपयोजन प्रस्ताव पर भारत सरकार द्वारा की गई पृच्छा का अनुपालन के संबंध में।

प्रसंग:-

भारत सरकार, पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय, न्यू दिल्ली का पत्र संख्या- 8-27/2022-FC दिनांक 07.12.2022

महाशय,

उपर्युक्त विषयक प्रसंगिक पत्र के सन्दर्भ में सूचित करना है कि भारत सरकार, पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय, न्यू दिल्ली द्वारा विषयगत परियोजना हेतु समर्पित प्रस्ताव पर की गई बारह बिन्दुओं पर पृच्छा के आलोक में प्रयोक्ता अभिकरण ने अपने पत्रांक PO(M)/PD/2022-23/3153 दिनांक 27.01.2023 द्वारा बिन्दुवार अनुपालन प्रतिवेदन समर्पित किया गया है। समर्पित बिन्दुवार अनुपालन प्रतिवेदन पर कंडिकावार अधोहस्ताक्षरी मंतव्य दी गई है जो निम्नवत है-

Condition No.	Query	DFO Comments
1	2	3
i	As per detail furnished in Part-I, total forest area and non-forest area required under the proposal are 192.36 ha and 219.88 ha, thereby total area required for the project is 412.24. However, detail of area filled in the Part-I by the user agency under column M1(i)(a) mentioned the total area of the project as 495.92 ha. This discrepancy needs to be rectified by the State.	<p>From the reply of the user agency, it is clear that the total proposed area under diversion in this proposal is of 412.24 Ha only including 192.36 ha forest land and 219.86 Ha non-forest land.</p> <p>The area shown by the user agency under column M1(i) a is 495 92 Ha which includes the instant-proposal's area of 412.24 Ha and 83.68 Ha of already. diverted area vide GoI, MOEF letter no. F. NO-8-38/2008-FC; dated 18.10.2010. This 83.68 Ha diverted forest land is a part of 96.72 Ha totally diverted area vide the above said GOI, MOLF letter no and the balance 13.04 Ha of the already above mentioned 96.72 Ha has now has been brought and shown in Sanghmitra OCP of the Magadh Sanghmitra Area of M/S CCL. The reply and details provided by the user agency may be accepted.</p>
ii	Contrary to finding in the Part-II with regards to detail of unique species of flora and fauna, inspection report dated 26.05.2022 of the DCF mentions the occurrence of no species/rare/endangered species	The area is full of various species of flora and fauna and is facing very negative impact of the ongoing mining activities. Visit of the endangered Asian elephant is very common in the hills of Develgada, Kurlonga and other places of the proposed forest under diversion. The adjacent

	of flora and fauna. The same may be rectified.	forest area and non-forest area are the movement territories of the Asian elephant in which the wild elephant from the Palamu forest's and Ranchi forest seasonally and regularly come and stay for a sufficient period of time to give a clean indication that the proposed, forest area as well as the adjacent forest and non-forest area are a part of wild elephants (Asian elephant) habitat.
iii	Total project area is 1593.73 ha (as per Mining Plan) comprising of 495.92 ha in Chatra District and 1097.81 ha in Latehar District (Pg 205/c). Detail of forest land involved in the 1593.73 ha, along with detail of approval under the FC Act, 1980, if any, obtained needs to be intimated by the State.	<p>The user agency has given the breakup of the total project the area of 1593 73 Ha by showing that 661.72 Ha is of forest land category and 932.00 Ha is of non-forest land category in both Chatra and Latehar district of the state where the Magadh OCP of M/S CCL is located & is doing work of coal excavation in its different queries. The above said. 661.72 Ha forest land category includes 83.68 Ha of already diverted 96.72Ha forest land diverted by GoI, vide MoEF letter No. F. NO-8-38/2008-FC; dated 18.10.2010. and 192.36 Ha of the instant proposal & 385.68 Ha forest land proposal is likely to be submitted by the user agency in Latehar.</p> <p>The reply made by the user agency may be accepted.</p>
iv	The comments of the PCCF (Wildlife) revealed that user agency has not compiled with the provisions of WLMP stipulated in the past. The State Government may therefore furnish a justification for the same along with detailed comments on the observations made in the letter dated 29.08.2022 of the PCCF (Wildlife) including impact of the projects of UA on the hydrological regimes in the area as mentioned by the PCCF (CWLW).	<p>The queries' made by the GOI is of big concern & the user agency have been found very negligent to the compliance of the Conditions stipulated by GOI in respect of the already approved proposal of 96.72 Ha forest area vide GOI, MOEF letter no. F. NO-8-38/2008-FC; dated 18.10.2010. During the course of the review of the compliance of the stipulated condition of the previously approved proposal for 96.72 Ha forest land by DFO, it is found that wildlife mitigation measure in and around the project area is nil & man-animal conflict as well as the depleting flora and fauna is very evident - after the mining activity has been started. The wildlife management plan has now been prepared by the user agency under the guidance of DFO, Chatra South at the cost of 1565.42 Lacs for 10 (ten) years. In which 872.78 Lac is for the management of wild life in Chatra South forest division & 692.64 Lac is for wild life sanctuary of nearby Hazaribagh district.</p>

V	The examination of the DSS report (copy enclosed) revealed the following:	
V (a)	As per DSS report, vegetation density is up to 0.4 (copy enclosed) while DCF in Part-II reported vegetation density of 0.8, therefore, the same needs to be revisited and exact status needs to be intimated by the State.	The proposed forest area under diversion of F(C) Act has been revisited on 30.01.2023 and it has been found that some areas are having vegetation density of 0.8 and Some areas of even more than 0.8 while some areas are having vegetation density less than 0.8 and may be as low as 0.1 and 0.2. There may be difference in overall estimation of vegetation density of such a large forest area of different vegetation density and the report based on DSS analysis. Moreover on the basis of the visit of the proposed forest area under diversion, I am of the opinion that average vegetation density of the entire proposed area may be reported as 0.6
V (b)	Google Satellite Imagery of the area proposed for diversion revealed occurrence of cultivation, settlement, drainage/nala and mining activity on the area proposed for diversion. Comments on the same needs to be furnished by the state.	The proposed site has been inspected on 30.01.2023 and the cultivation, settlement, Drainage/nala and illegal or unauthorised mining activities as raised in the queries has been visited. The settlement is very old and the people living in the settlement are all local scheduled tribes mostly Oraon tribes. The scheduled tribes living in the settlement had cleared the adjacent land and have been doing the work of cultivation since very long. The Drainage/nala present in the proposed forest area shall be conserved and managed as per the feasibility report approved by Minor irrigation dept. Chatra districts Executive Engineer's vide letter no 38 date 25.01.2023. The mining activity as referred in the query has been admitted by the user agency and necessary actions in this regards may be taken, for which the user agency has expressed consent.
V (c)	Certain encroachments in the form of cultivation, road etc. is visible in the area proposed for raising CA. Comments on the same needs to be furnished by the State Government.	In place of the 29.51 Ha degraded forest area identified earlier for raising CA, which has been found encroached in the form of cultivation, road etc a new and fresh patch of approx. equivalent degraded forest area of 30.02 Ha for raising CA has been identified & the KML file and DGPS of the newly identified forest area for raising CA is being submitted and identified as mentioned in the reply of the user agency.
v	The Ministry granted approval to 96.72 Ha of forest land on 18.10.2010. Status of compliance of the conditions stipulated in the said approval	Of course, there is no justification of the non-compliance of the stipulated condition of MOEF, GOI regarding the non-implementation WLMP in respect of 96.72 Ha of forest land approved for

	including preparation and implementation of Wildlife Management Plan and reasons/justification for non-compliance, if any, may also be furnished by the State.	<p>mining work in favour of M/S CCL it is sever lapses in regard of flora & fauna of the project area which has suffered a long after the project was commissioned by M/S CCL.</p> <p>Moreover the lapses now has been identified and the desired wild life Margent Plan has been prepared by the user agency under the guidance of DFO, Chatra South at a cost of 1565.42 Lacs & the use agency has to deposit the cost of approved WLMP by Chief wild life conservator of the state before the grant of Stage I approval to the instant proposal by GOI. The issue raised by GOI regarding the pending WLMP in respect of the 96.72 Ha of past proposal is uncompromising and the state forest department has taken steps to rectify the lapses happened in the past regarding the implantation of WLMP of 96.72 Ha proposal of the past</p>
vi	In compliance of FRA, 2006 three certificates in respect of forest area of 651.16 ha, 32.15 ha and 44.70 ha were submitted. The State Government may, therefore, clarify the corresponding certificate issued in respect of extant proposal and justification furnishing of three separate certificates. Further, detail of documents pertaining to meeting of Sub-Divisional Level Committee could not be found in the compliance. However, the same can be furnished after Stage-I approval and before Stage-II approval.	<p>The user agency has shown in the reply that FRA has been obtained on 10.7.2018, 20.01.2015 and 17.01.2022 for 115.51 Ha, 32.15 Ha and 44.70 Ha forest area respectively of the proposal and the user agency is also agreed to submit the details of documents pertaining to meeting of Sub-Divisional Level Committee after stage I approval and before stage II approval.</p> <p>The reply made by the user agency may be accepted.</p>
vii	Examination of Mining Plan revealed the following:	
viii	Magadh OCP is proposed for captive use of Tandawa TPP; however, in light of amendment in the MMDR Act, 1957, the State Government needs to confirm that whether use of coal from the mine is proposed for captive use only or otherwise.	The reply made by the user. agency clarifies that the Coal obtained from the mines of the proposed OCP shall not be used for captive uses.
ix	The Mining Plan envisages transportation of coal through rail while underlying section in the Mining Plan mentions strengthening of a Kutcha road	The user agency has replied in the following words "Mode of coal transportation will be mainly by Magadh Railway siding & Conveyor corridor (from Magadh OCP to NTPC Tandwa).

	from Tandwa to Magadh over a length of 17 km. Therefore, it needs to be clarified that whether the road Tandwa-Magadh is proposed only for approach to the project or for transportation as well. A clarification in this regard may be furnished by the State.	The road Tandwa-Magadh is proposed for approach to the project". The abovementioned reply of the user agency may be accepted.
x	The extant proposal does not involve rehabilitation; however, as per the Mining Plan rehabilitation of 998 families has been proposed in the project. A justification establishing the irrelevancy of the rehabilitation proposed in the Mining Plan and rehabilitation indicated as nil in Part-I of Form-A may be obtained from the user agency.	The From the reply made by the user agency it is clear that there is involvement of rehabilitation in the instant proposal, which was not correctly indicated in instant proposal at the time of its submission. The user agency has now admitted that 303 families are required to be rehabilitated in this Project- and 32 Project affected families of Masilong village have already been shifted under R&R Policy of CIL and the rest 271 PAF'S Shall also be shifted under R&R Policy of CIL. The user agency must do the rehabilitation works under the guidance of district and forest administration of Chatra district.
xi	The examination of land use proposed in the mining plan revealed the following:	
(a)	An area of 159.68 ha has been proposed for safety zone. Justification for proposing such a large area, along with underlying standard prescribed by the relevant Department/Organization, needs to be furnished by the State.	The reply made by the user agency may be accepted
(b)	An area of 14.8 ha has been proposed for diversion of river/nallah/canal (Pg 206/c). The status of feasibility reports for said diversion along with comments of Water Resource Department on the feasibility of said proposed diversion needs to be informed by the State.	In compliance to the query, the user agency has Submitted the duly approved feasibility report- for Nala diversion vide letter no. 38 dated 25-1.2023 of the Executive Engineer, Minor irrigation department Chatra of Government of Jharkhand and the same may be accepted.
(c)	As per the land use, approved in the Mining Plan, no Green Belt has been proposed in the project area. Reasons and underlying guidelines justifying the same may be furnished by the State.	In response to the query the user agency clarifies that out of 412.92 Ha Area of current application, 110.92 Ha has been proposed for Green belt in the inland proposal. The proposed Green Belt area must be adequately protected , conserved and developed by the user agency under guidance of Local forest administration by preparing a developmental and conservation plan for this area.

(d)	The area proposed for OB dump may be optimized to the extent possible and possibilities may be explored to use the already mined out areas for OB dumping.	The user agency has submitted the reply in the following words: "Proposed 23.81 Ha of Land is proposed for OB dump is optimal which include 22.81 Ha Non Forest land and 1.00 Ha in Forest Land. De-coaled area is not available in current mine for OB dumping. As soon as de-coaled area will be made available internal OB dumping be followed." The above said reply of the user agency may be accepted.
xii	Status of reclamation measures undertaken by the user agency in their lease area as per the provisions provided in the Progressive Mine Closure Plans and gaps if any, may be intimated by the State.	The reply made by the user agency may be accepted. However, the user agency has to come forward always' and every year for reclamation. of the mined out area through physical reclamation as well as the biological reclamation, as soon as the pits and voids become available to reclaim it.

अतः प्रयोक्ता अभिकरण द्वारा समर्पित अनुपालन प्रतिवेदन पर अधोहस्ताक्षरी द्वारा दी गई मंतव्य सहित आठ प्रतियाँ इस पत्र के साथ संलग्न कर भेजते हुए अनुरोध है कि अपने स्तर से अग्रेतर कार्रवाई करने की कृपा की जाय।

अनु०-यथोक्त।

आपका विश्वासी,

[Signature] 30.01.2023

वन प्रमण्डल पदाधिकारी,
चतरा दक्षिणी वन प्रमण्डल।

[Signature]
30/01/2023