

(C.F.)
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18/01/05
Nandira

F.No.8-74/2004 FC
Government of India
Ministry of Environment & Forests
(F.C. Division)

Stage I

Paryavaran Bhawan, C.G.O. Complex,
Lodi Road New Delhi-110003.
Date: 12th January 2005

To

The Principal Secretary (Forests),
Government of Orissa,
Bhubaneswar.

Sub: Diversion of 325.38 ha. of forest land for renewal of Nandira Underground Mining Lease for coal mining in Talcher area in favour of M/s Mahanadi Coalfields Limited in Angul district, Orissa.

Sir,

I am directed to refer to your letter No. 10F(Cons.)ED/2004/1164/F&E dated 4-8-2004 on the above mentioned subject seeking prior approval of the Central Govt under Section-2 of 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 consideration of the proposal of the State Government, and on the basis of recommendations of the above-mentioned Advisory Committee, the Central Government, hereby, agrees in-principle for diversion of 325.38 ha. of forest land for renewal of Nandira Underground Mining Lease for coal mining in Talcher area in favour of M/s Mahanadi Coalfields Limited in Angul district, Orissa, subject to fulfilment of following conditions:

1. The User Agency will transfer the cost of raising and maintaining the penal compensatory afforestation on degraded forest land double in extent in lieu of the forest land used in violation of Forest (Conservation) Act, 1980, to the State Forest Department.
2. User Agency shall deposit the Net Present Value (NPV) of the diverted forest land of 325.38 ha. with the State Forest Department as per the orders of the Hon'ble Supreme Court dated 30-10-2002 & 1-8-2003 in LA No.566 in WP (C) No.202/1995 and the guidelines issued by this Ministry vide letter No.5-1/98-FC(Pt-II) dated 18-9-2003 and 22-9-2003 in this regard.
3. The State Government shall deposit the above-mentioned funds in form of Fixed Deposits in the name of concerned DFO/ Nodal Officer of the State, till such time the Compensatory Afforestation Fund Management and Planning Authority (CAMPA) intimates the Head of Accounts for deposition of funds.
4. The User Agency will demarcate and protect the diverted forest land by erecting a stonewall / trench / barbed wire fencing with iron angle (in consultation with the State Forest Department) and will maintain the fencing during entire period

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of life of mine. Gap planting, wherever required, may be carried out in consultation with the State Forest Department at the project cost.

5. State Government shall fix responsibility for violation and take action against the guilty officials. State Government shall submit report in this regard to the Central Government, prior to Stage-II clearance.
6. Strict monitoring of subsidence shall be done by the State Mining Department and the State Forest Department at regular intervals and all measures recommended by CMRD shall be undertaken by the user agency to avoid subsidence.
7. Plugging of tension cracks shall be undertaken by the User Agency at the project cost, if appearing, to prevent occurrence of fire in the mine.
8. The State Forest Department shall implement conservation and development work in Hirapur RF, Kuchichhol RF and surrounding revenue forest at the project cost as per the scheme prepared by the State Forest Department.
9. Other standard conditions as applicable in case of underground mining projects, shall apply in the instant case also.

After receipt of compliance report on the fulfilment of the conditions no.1,2,3,4,5,7 and 8 from the State Government, formal approval will be issued in this regard under Section 2 of the Forest (Conservation) Act, 1980. Transfer of forest land to user agency shall not be effected by the State Government till the final orders for diversion of forest land are issued by the Central Government.

Yours faithfully,

Sd/---

(ANURAG BAJPAI)
Asstt. Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Orissa, Bhubaneswar.
2. The Nodal Office, Forest Department, Government of Orissa, Bhubaneswar.
3. The Chief Conservator of Forests (Central), Regional Office(EZ), Bhubaneswar.
4. User Agency.
5. Monitoring Cell of FC Division.
6. Guard file.

(ANURAG BAJPAI)
Asstt. Inspector General of Forests