

F. No. 8-104//1991- FC (Vol.-I)  
Government of India  
Ministry of Environment and Forests  
(F.C. Division)

Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi - 110 003.  
Dated: 17<sup>th</sup> February, 2012

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

Sub: Diversion of 19.70 ha of Revenue forest land (16.90 ha for mining of coal + 2.80 ha to be maintained as safety zone) for coal mining by M/s Mahanadi Coalfields Limited in Sambalpur North Forest Division in Jharsuguda of Orissa.

Sir,

I am directed to refer to Government of Orissa's letter No. 10 F (Cons.) 318/2011-8233/F&E dated 05.05.2011 on the above mentioned subject seeking prior approval of the Central Government under section-2 of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government of Orissa and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby accords stage-I approval for the diversion of 19.70 ha of Revenue forest land (16.90 ha for mining of coal + 2.80 ha to be maintained as safety zone) for coal mining by M/s Mahanadi Coalfields Limited in Sambalpur North Forest Division in Jharsuguda of Orissa, subject to the fulfillment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the degraded forest land double in extent to the forest land being diverted shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) The user agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department;
- (iv) Following activities shall be undertaken by the user agency at the project cost:
  - (a) A plan containing appropriate mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented;
  - (b) Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion;

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Memo no 504 dt. 10/3/2012  
Copy forwarded to CMD / DT (P&P) for kind Information.  
Copy forwarded to CGM Lakhanpur Area for Information.

Conservation of Forests  
Mahanadi Coalfields Ltd.

- (c) Construction of check dams, retention / toe walls to arrest sliding down of the excavated material along the contour;
  - (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.
- (v) The State Government shall charge the Net Present Value (NPV) of the forest area 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;
- (vi) At the time of payment of the Net Present Value (NPV) at the present 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;
- (vii) All the funds received from the user agency under the project shall be transferred to Ad-hoc CAMPA in the Saving Bank Account Number- 344902010105423 of Union Bank of India, Sunder Nagar, New Delhi-110003;
- (viii) The user agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (ix) The user agency either himself or through the State Forest Department shall undertake fencing, protection and afforestation of the safety zone area (7.5 meter strip all along the outer boundary of the area identified to undertake mining), at the project cost;
- (x) The user agency either himself or through the State Forest Department shall undertake afforestation on degraded forest land, one and half time in extent to the area used for safety zone;
- (xi) 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 to be granted under the Mines and Minerals (Development & Regulation) Act, 1957, or Rules framed there under, subject to a maximum period of 30 years;
- (xii) 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 m. from outer perimeter of the mining lease;
- (xiii) The user agency shall undertake de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required;

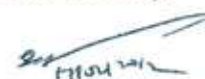
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- (xiv) The user agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan shall be executed by the user agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, Government of Orissa and the Chief Conservator of Forests (Central), Ministry of Environment & Forests, Regional Office (Eastern Zone), Bhubaneswar. 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 Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed;
- (xv) No labour camp shall be established on the forest land;
- (xvi) The user agency shall provide alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas;
- (xvii) The boundary of the mining lease and safety zone 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;
- (xviii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xix) The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in it's letter No. 11-9/1998-FC (pt.) dated 03.08.2009, in support thereof;
- (xx) Any other condition that the Eastern Regional Office of this Ministry, Bhubaneswar may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxi) The user agency and the State Government shall ensure compliance to provisions of all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the State Government of Orissa, final/ stage-II approval for diversion of the said forest under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of to the said forest land to the user agency shall not be affected by the State Government of Odisha till final/ stage-II approval for its diversion is issued by this Ministry.

Yours faithfully,



(H. C. Chaudhary)  
Assistant Inspector General of Forests

**F. No. 8-104/1991- FC (Vol.-I)**  
Government of India  
Ministry of Environment, Forests and Climate Change  
(Forest Conservation Division)

Indira Paryavaran Bhawan,  
Aliganj, Jorbagh Road  
New Delhi-110 003  
Dated: 15<sup>th</sup> September, 2014

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

**Sub:** Diversion of 19.70 ha of Revenue forest land (16.90 ha for mining of coal + 2.80 ha to be maintained as safety zone) for coal mining by M/s Mahanadi Coalfields Limited in Sambalpur North Forest Division in Jharsuguda of Odisha.

Sir,

I am directed to refer to Government of Orissa's letter No. 10 F (Cons.) 318/2011-8233/F&E dated 05.05.2011 on the above mentioned subject, wherein prior approval of the Central Government for the diversion 19.70 ha of Revenue forest land (16.90 ha for mining of coal + 2.80 ha to be maintained as safety zone) for coal mining by M/s Mahanadi Coalfields Limited in Sambalpur North Forest Division in Jharsuguda of Odisha, was sought, in accordance with Section 2 of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted by the Central Government under section 3 of the said Act, in-principle approval for the said diversion was granted vide this Ministry's letter of even number dated 17<sup>th</sup> February 2013, subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government of Orissa vide their letter No. (Cons)-438/2012-5022/F & E dated 12<sup>th</sup> March 2014 and No.10F (Cons)-438/2012-9300/ F & E dated 20<sup>th</sup> May 2014, approval of the Central Government is hereby granted under section 2 of the Forest (Conservation) Act, 1980 for diversion of 19.70 ha of Revenue forest land (16.90 ha for mining of coal + 2.80 ha to be maintained as safety zone) for coal mining by M/s Mahanadi Coalfields Limited in Sambalpur North Forest Division in Jharsuguda of Odisha, subject to fulfillment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) State Forest Department shall create and maintain from funds realized from the user agency compensatory afforestation over the degraded forest land double in extent to the forest land being diverted;





- (iii) The user agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department;
- (iv) Following activities shall be undertaken by the user agency at the project cost:
  - (a) Appropriate mitigative measures to minimize soil erosion and choking of streams as per the plan prepared by the user agency;
  - (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 to arrest sliding down of the excavated material along the contour;
  - (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.
- (v) The State Government shall realize from the user agency additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India and transfer the same to the Ad-hoc CAMPA under intimation to this Ministry;
- (vi) The user agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (vii) State Forest Department shall undertake fencing, protection and afforestation of the safety zone area (7.5 meter strip all along the outer boundary of the area identified to undertake mining) from funds realised from the user agency;
- (viii) State Forest Department shall undertake afforestation on degraded forest land, one and half time in extent to the area used for safety zone from funds realised from the user agency;
- (ix) 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 to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, or Rules framed there under, subject to a maximum period of 30 years;
- (x) 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), located in the area within 100 m. from outer perimeter of the mining lease from funds realised from the user agency;
- (xi) The user agency shall undertake de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required;
- (xii) 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 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, the Forest (Conservation) Act, 1980, Government of Odisha and the Addl. Principal Chief Conservator of Forests (Central), Ministry of Environment & Forests, Regional Office (Eastern Zone), Bhubaneswar. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not

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- (iii) The user agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department;
- (iv) Following activities shall be undertaken by the user agency at the project cost:
  - (a) Appropriate mitigative measures to minimize soil erosion and choking of streams as per the plan prepared by the user agency;
  - (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 to arrest sliding down of the excavated material along the contour;
  - (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.
- (v) The State Government shall realize from the user agency additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India and transfer the same to the Ad-hoc CAMPA under intimation to this Ministry;
- (vi) The user agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (vii) State Forest Department shall undertake fencing, protection and afforestation of the safety zone area (7.5 meter strip all along the outer boundary of the area identified to undertake mining) from funds realised from the user agency;
- (viii) State Forest Department shall undertake afforestation on degraded forest land, one and half time in extent to the area used for safety zone from funds realised from the user agency;
- (ix) 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 to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, or Rules framed there under, subject to a maximum period of 30 years;
- (x) 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), located in the area within 100 m. from outer perimeter of the mining lease from funds realised from the user agency;
- (xi) The user agency shall undertake de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required;
- (xii) 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 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, the Forest (Conservation) Act, 1980, Government of Odisha and the Addl. Principal Chief Conservator of Forests (Central), Ministry of Environment & Forests, Regional Office (Eastern Zone), Bhubaneswar. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not

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being executed by the user agency, the Nodal Officer or the Addl. Principal Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed;

- (xiii) No labour camp shall be established on the forest land;
- (xiv) The user agency shall provide alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas;
- (xv) The boundary of the mining lease and safety zone 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; \*
- (xvi) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xvii) Any other condition that the Regional Office (Eastern Zone) of this Ministry, Bhubaneswar may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- (xviii) User agency shall submit annual report on compliance to conditions stipulated in this approval to State Government and concerned Regional Office of this Ministry; and
- (xix) The user agency and the State Government shall ensure compliance to provisions of all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

Yours faithfully,

*S'*  
(H. C. Chaudhary)  
Director

**Copy to:**

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, the Forest (Conservation) Act, 1980, the Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
3. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (Eastern Zone), Bhubaneswar.
4. The User Agency.
5. The Monitoring Cell, Forest Conservation Division, MoEF, New Delhi.
6. Guard File.

*(H. C. Chaudhary)*  
(H. C. Chaudhary)  
Director