

22.081 Ha

Government of India/ भारत सरकार
Ministry of Environment, Forests & Climate Change/ पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
Eastern Regional Office/ पूर्वी क्षेत्रीय कार्यालय
A/A. Chandrasekharpu/ ए/ए, चंद्रसेखरपुर
Bhubaneswar-751 023/ भुवनेश्वर - 751 023

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9th September, 2014

State - 1 approval order
Div
16/9

The Principal Secretary,
Forest & Environment Deptt.,
Govt. of Odisha,
Bhubaneswar.

Sub:- Diversion of 22.081 ha of forest land pertaining to already created infrastructure of M/s Mahanadi Coalfields Limited inside Baishnabragudi Reserved Forest at Talcher in Angul Forest Division of Angul District of Odisha.

Sir,

I am directed to refer to State Govt. letter No.10F(Cons)91/2014-5329/F&E dated 18.03.2014, and No.7761/F&E dated 28.04.2014 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forests & Climate Change under section 2 of Forest(Conservation) Act, 1980.

After due consideration of the proposal of the State Government and on the basis of recommendation of State Advisory Group, the Ministry of Environment, Forests & Climate Change hereby conveys 'in-principle' approval for diversion of 22.081 ha of forest land pertaining to already created infrastructure of M/s Mahanadi Coalfields Limited inside Baishnabragudi Reserved Forest at Talcher in Angul Forest Division of Angul District of Odisha, subject to the fulfillment of the following conditions.

1. Legal status of forest land proposed for diversion shall remain unchanged.
2. The State Govt. shall charge the Net Present Value (NPV) of 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.
3. 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.
4. Compensatory afforestation over the degraded forest land twice 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.
5. The user agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department.

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6. State Govt. shall raise penal compensatory afforestation from funds to be realized from the user agency, over degraded forest land five times in extent to the forest land utilized for non-forest purpose without obtaining prior approval under the Forest (Conservation) Act.
7. State Govt. shall realize from the user agency Penal NPV @ 20% of the rate applicable on the date of grant of the Stage-I approval, of the forest land utilized for non-forest purpose without obtaining prior approval under the Forest (Conservation) Act, 1980 for each year or fraction thereof. (Explanation: In case a patch of forest land has been utilized for non-forest purpose without obtaining approval under the Forest (Conservation) Act for 3 years, penal NPV to be realized in respect of such forest land will be at the rate of 60% of the rates applicable on the date of grant of Stage-I approval).
8. The funds realized from the user agency shall be transferred to the ad-hoc CAMPA in the concerned saving bank account in Corporation Bank, CGO Complex, Lodi Road, New Delhi.
9. The user agency shall obtain Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required.
10. No labour camp shall be established on the forest land.
11. 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 nearby forest areas.
12. The boundary of diverted forest land 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.
13. The layout plan of the proposal shall not be changed without the prior approval of Ministry of Environment, Forests & Climate Change.
14. The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other user agency, department or person.
15. Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department.
16. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
17. The Regional Office of the MoEFCC having jurisdiction over the forest land proposed to be diverted is located, shall enquire into the matter of use of forest land for non-forest purpose without obtaining prior approval of Central Government under the Forest (Conservation) Act, 1980 and shall file complaint against persons prima-facie found guilty of violation of the Forest (Conservation) Act, 1980.

18. The State Government shall enquire into the matter and initiate proceedings in accordance with the provisions of the Orissa Forest Act, 1972 against persons prima-facie found guilty of violation of these Acts.
19. ~~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 its letter No.11-9/1998-FC (pt.) dated 03.08.2009, in support thereof.~~
20. Any other conditions that the Regional Office (Eastern Zone), Bhubaneswar may stipulate from time to time, in the interest of conservation, protection and development of forests and wildlife, which shall be complied by the user agency.
21. The user agency shall submit the annual report on compliance to the conditions stipulated in the approval to the State Govt. and the concerned Regional Office of this Ministry.
22. The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

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

Yours faithfully,



(S. Mohapatra)

Conservator of Forests (Central)

Copy to:-

1. The Inspector General of Forests(FC), Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi - 110 003.
2. The Principal Chief Conservator of Forests, Govt. of Odisha, Aranya Bhawan, C.S. Pur, Bhubaneswar.
3. The Addl. PCCF & Nodal Officer, Forest Deptt., Govt. of Odisha, Aranya Bhawan, C.S. Pur, Bhubaneswar.
4. The Divisional Forest Officer, Angul Forest Division, Angul, Odisha.
5. The General Manager, Jagannath Area, Mahanadi Coalfields Ltd., Talcher, Dist: Angul, Odisha.
6. Guard file

Conservator of Forests (Central)

Government of Odisha
Forest & Environment Department

No.10F (Com) 91/2014 17365 /F&E, Bhubaneswar, dated the 20. 8. 14

From
Dr. Debabrata Swain, IFS
Special Secretary to Government

To
The Principal Chief Conservator of Forests, Odisha

Sub: Proposal for diversion of 22.081 ha of forest land pertaining to already created infrastructure of M/s Mahanadi Coalfield Limited inside Baishnabragudi Reserve Forest at Talcher in Angul forest division of Angul District of Odisha

Sir,
I am directed to enclose herewith the Stage-I approval order of Government of India, MoEF&CC, Eastern Regional Office vide letter No. 5-ORC200/2014-BHU dt. 9.9.2014 for diversion of 22.081 ha of forest land pertaining to already created infrastructure of M/s Mahanadi Coalfield Limited inside Baishnabragudi Reserve Forest at Talcher in Angul forest division of Angul District of Odisha. In the above said Stage-I approval order, there is no order for transferring the forest land in favour of the user agency for which proposal was earlier recommended by the State Government to Government of India, MoEF, Eastern Regional office vide letter No. 5329/F&E dt. 18.3.2014. The Stage-I approval order referred to above indicates that Government of India, MoEF&CC, Eastern Regional Office, agrees for diversion of above extent of forest land subject to compliance of 22(Twenty two) no. of conditions by the user agency so as to consider the case for Stage-II(Final) forests clearance for this project.

Besides the conditions imposed by the Government of India, MoEF&CC, Eastern Regional Office, in their Stage-I order, the following additional conditions are also imposed by the State Government for compliance by the user agency.

- The User Agency shall pay the evaluated royalty of trees before commencement of work on final forest clearance.
- The forest area proposed for diversion being vulnerable to erosion, the user agency shall take appropriate measures at project cost for prevention of soil erosion in consultation with then Divisional Forest Officer and other professional experts.
- The project proponent would take appropriate measures for protection of wildlife available in the area in consultation with Divisional Forest Officer, Angul.
- DFO, Angul shall furnish the authenticated map of forest area proposed for diversion indicating location of boundary pillars and distance between adjacent pillars.
- English version of the Gram sabha Resolution dt. 1.11.2013 duly authenticated by Collector, Angul shall be furnished by the user agency.

It is requested to take necessary steps for compliance of the conditions imposed in the Stage-I approval order as well as the additional conditions imposed by the State Government. Appropriate instruction in this context may be imparted to the Divisional Forest Officer, Angul Forest Divisions

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well as to the user agency for compliance of the conditions. Detailed compliance of all the conditions may be sent to this department for scrutiny and onward transmission to MoEF&CC, Government of India, Eastern Regional Office for their consideration for according final forest clearance to this project.

Forest land proposed for diversion shall not be handed over to the user agency until final forest clearance is accorded to the project by MoEF&CC, Government of India, Eastern Regional Office. The Divisional Forest Officer, Angul Forest Division, may be specifically instructed to ensure that no further violation of FC Act or any other forest laws takes place on forest land without having final forest clearance of Government of India, MoEF&CC. Violation of Forest Conservation Act, 1980, if any, may be reported in detail expeditiously to the State Government as per para 1.9 of F.C. Act guidelines for bringing the same to the notice of Government of India, Ministry of Environment & Forests and Climate Change for further action at their end.

Yours faithfully

[Signature]
Special Secretary to Government

Memo No. 17366 /F&E, Dated: 20.8.14

Copy along with the copy of the enclosures forwarded to the Pr. CCF(WL)&CWLW, Odisha/Director, Environment, F&E department /Member Secretary, State Pollution Control Board, Odisha for information and necessary action.

[Signature]
Special Secretary to Government

Memo No. 17367 /F&E, Dated: 20.8.14

Copy along with the copy of the enclosures forwarded to the Regional Chief Conservator of Forests, Angul/DFO, Angul Division for information and necessary compliance.

[Signature]
Special Secretary to Government

Memo No. 17368 /Dated. 20.8.14

Copy along with the copy of the enclosures forwarded to the Collector, Angul for information and necessary action.

[Signature]
Special Secretary to Government

Memo No. 17369 /Dated. 20.8.14

Copy along with the copy of the enclosures forwarded to the General Manager, Jagannath Area, Mahanadi Coalfields Ltd., Talcher, Dist. Angul, Odisha for information and necessary action.

[Signature]
Special Secretary to Government