

F. No. 8-147/1989-FC (Vol.-III)
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodi Road,
New Delhi - 110003.
Dated: 21st February, 2014

To:

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

Sub: Diversion of additional 22.48 ha of forest land including 0.614 ha of forest land towards safety zone in addition to already diverted 313.052 ha. Of forest land for expansion of Samaleswari OCP, IB Valley Area, Brajrajnagar of Mahanadi Coalfields Ltd (MCL) in Jharsuguda District, Odisha.

Sir,

I am directed to refer to the State Government of Odisha's letter No 10F (Cons) 464/2012-23937/ F & E dated 21st November, 2013 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 Odisha and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to accord **stage-I approval** for the diversion of additional 22.48 ha of forest land including 0.614 ha of forest land towards safety zone in addition to already diverted 313.052 ha. Of forest land for expansion of Samaleswari OCP, IB Valley Area, Brajrajnagar of Mahanadi Coalfields Ltd (MCL) in Jharsuguda District, Odisha, 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 twice in extent to the 21,866 hectares of forest land proposed to be diverted for mining and allied activities ($2 \times 21,866 = 43,732$ hectares) of degraded forest land proposed to be diverted shall be raised and maintained by the State Forest Department from funds to be provided by the user agency;
- (iii) 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;

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- (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) 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 concerned Saving Bank account in Corporation Bank, Lodi Road, New Delhi-110003;
 - (viii) User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986;
 - (ix) User agency in consultation with the State Forest Department shall create and maintain alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
 - (x) 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;
 - (xi) 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;
 - (xii) 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 and Regulation) Act, 1957, and the Rules framed there-under, subject to a maximum period of 30 years;

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- (xiii) 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 meters from outer perimeter of the mining lease;
- (xiv) 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;
- (xv) User agency shall provide funds for preparation and implementation of a site specific Wild Life Conservation Plan duly approved by the Chief Wild Warden, Odisha;
- (xvi) User agency shall identify the mined out and biologically reclaimed forest land in the lease area acquired under Mineral Concession Rules and surrender the same to the State forest Department. Similarly they should also identify the mined out and biologically reclaimed forest land in the lease area acquired under Coal Bearing Area Act and submit a proposal to hand over these area to the State; and
- (xvii) User agency shall also submit the schedule of surrender for rest of the forest land within the lease which will be mined out and biologically reclaimed as per existing mining plan and submit the same to the MoEF before grant of Stage-II approval; along with an under taking that the reclaimed forest land will be surrendered as per this schedule.
- (xviii) User agency shall undertake mining in a phased manner and take due care for reclamation of the mined over area. The concurrent reclamation plan shall be executed by the User Agency as per the approved mining plan/scheme and an annual report on implementation thereof shall be submitted to the Nodal Officer, 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 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;
- (xix) No labour camp shall be established on the forest land;
- (xx) User agency shall provide firewood preferably 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;
- (xxi) 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

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inscribed with its serial number, forward and back bearing and distance from pillar to pillar;

- (xxii) Forest land shall not be used for any purpose other than that specified in the proposal;
- (xxiii) State Government shall complete settlement of rights, in terms 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 3rd August 2009, in support thereof;
- (xxiv) Any other condition that the Regional Office (Eastern Zone), Bhubaneswar of this Ministry, Bhubaneswar may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxv) 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.

3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the State Government of Odisha, 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 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,

(Signature)
21/02/2014

(H. C. Chaudhary)

Assistant Inspector General of Forests

Copy to:

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

(Signature)
21/02/2014

(H. C. Chaudhary)

Assistant Inspector General of Forests