



F. No. 8-87/2012-FC
Government of India
Ministry of Environment and Forests
(F.C. Division)

Div
8
12/1/14

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110003.
Dated: 7th February, 2014

To

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

State - IT order

Sub: Diversion of 134.41 hectares of forest land including 0.18 hectares to be maintained as safety zone in addition to the already diverted 71.64 hectares of forest land for Bharatpur open cast coal mining expansion project of M/s Mahanadi Coal Fields Limited in Angul district, Odisha- reg.

Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons) 440/2012-19009/F & E dated 8th October 2012 on the above-mentioned subject, wherein prior approval of the Central Government for diversion of 134.41 hectares of forest land including 0.18 hectares to be maintained as safety zone in addition to the already diverted 71.64 hectares of forest land for Bharatpur open cast coal mining expansion project of M/s Mahanadi Coal Fields Limited in Angul district, 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 15th March 2013 read with corrigendum of even number dated 7th February, 2014, 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 Odisha vide their letter No. 10F (Cons)-440/2012-22687/F & E dated 4th November 2013 and No. 10F (Cons)-440/2012-206/ F & E dated 3rd January 2014, approval of the Central Government is hereby granted under section 2 of the Forest (Conservation) Act, 1980 for diversion of 134.41 hectares of forest land including 0.18 hectares to be maintained as safety zone in addition to the already diverted 71.64 hectares of forest land for Bharatpur open cast coal mining expansion project of M/s Mahanadi Coal Fields Limited in Angul district, Odisha, subject to fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;

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- (ii) State Government shall raise and maintain compensatory afforestation over the degraded forest land double in extent to the forest land proposed to be diverted (i.e. 269 hectares) from funds already realised from the user agency;
- (iii) 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 scheme duly countersigned by the Divisional Forest Officer, Angul;
 - (b) Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion as per the scheme duly countersigned by the Divisional Forest Officer, Angul;;
 - (c) Construction of check dams, retention / toe walls to arrest sliding down of the excavated material along the contour as per the scheme duly countersigned by the Divisional Forest Officer, Angul;
 - (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° as per the scheme duly countersigned by the Divisional Forest Officer, Angul; and
 - (e) Strict adherence to the prescribed top soil management as per the scheme duly countersigned by the Divisional Forest Officer, Angul.
- (iv) The State Government shall charge the 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;
- (v) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (vi) The State Government shall raise penal compensatory afforestation from funds realized from the user agency, over degraded forest land double in extent to the forest land utilized for non-forest purpose without obtaining approval under the FC Act;
- (vii) Concerned Regional Office of the MoEF shall initiate appropriate proceedings under Section-3 A and Section-3 B of the FC Act against persons responsible for violation of the FC Act;
- (viii) User agency and the State Government shall implement site specific wildlife conservation plan duly approved by the Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha from provided/ to be provided by the user agency;
- (ix) User agency should take appropriate measures such as construction of ponds, water conservation/harvesting structure, to ensure conservation of water in and around the project site;

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- (x) User agency organize environmental awareness programme to generate awareness among the employees as well as local residents on issues pertaining to conservation and protection of environment as per scheme prepared by them;
- (xi) State Government shall implement recommendations of the biodiversity study undertaken by the Sambalpur University from funds to be provided by the user agency;
- (xii) 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) of the area proposed to be used for surface use, at the project cost;
- (xiii) State Forest Department shall undertake afforestation on degraded forest land, one and half time in extent to the area used for safety zone;
- (xiv) 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 & Regulating) Act, 1957, or Rules framed there under, subject to a maximum period of 30 years;
- (xv) User agency shall undertake gap planting and soil & moisture conservation activities, as per the scheme approved by the Divisional Forest Officer, Angul 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;
- (xvi) 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, as per the scheme approved by the Divisional Forest Officer, Angul;
- (xvii) 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 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;
- (xviii) No labour camp shall be established on the forest land;
- (xix) State Government and user agency shall monitor the mining induced subsidence and take appropriate mitigative measures to ensure that it remains within the permissible limit;

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- (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 inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xxii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxiii) Any other condition that the Regional Office (Eastern Zone), Bhubaneswar of this Ministry, Bhubaneswar and State Government of Odisha may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- (xxiv) The user agency shall submit the annual report on compliance to conditions stipulated in the approval to the to the State Government and the concerned Regional Office of this Ministry; 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.

Yours faithfully

H. C. Chaudhary
(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, Bhubaneswar.
4. User Agency
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.

H. C. Chaudhary
(H. C. Chaudhary)

Assistant Inspector General of Forests