

F. No. 8-11/2015-FC
Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: ^{6th March} February, 2018

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

Sub: **Diversion of 88.899 ha forest land including 1.665 ha for safety zone area within total mining lease area of 653.828 ha in Garjanbahal Open Cast Coal Mining Project in Sundargarh District of Odisha by M/s Mahanadi Coalfields Limited.**

Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons) 240/2014/5582/F&E dated 31.03.2015 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. After careful consideration of the proposal by the Forest Advisory Committee (FAC), *In-principle/Stage-I* approval was granted vide this Ministry's letter of even number dated 11.09.2017 subject to fulfilment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the Addl. PCCF. Forest Division & Nodal Officer (FCA), Government of Odisha, vide their letter no. 682/9F (MG)-148/2001 dated 10.01.2018, *Stage-II/Final approval* of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 88.899 ha forest land including 1.665 ha for safety zone area within total mining lease area of 653.828 ha in Garjanbahal Open Cast Coal Mining Project in Sundargarh District of Odisha by M/s Mahanadi Coalfields Limited, subject to 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 area of forest land diverted ($2 \times 88.899 = 177.798$ hectares of degraded forest land) shall be raised on the identified land within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in accordance with the approved Plan by the State Forest Department from the funds of Rs. 1,78,25,200/- deposited in Ad-hoc CAMPA account by the user agency;
- iii. The user agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- iv. The User Agency shall implement the approved R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF &CC along with indicators for monitoring and expected observable milestones. A copy of R&R plan duly approved by the competent authority in


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- the State Govt. may be furnished to this Ministry for record;
- v. a) The Forest Clearance is subject to complete compliance of Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 by the State Government.
 - b) The FRA compliance should be done as per the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and guidelines issued by the Ministry of Tribel Affairs from time to time.
 - vi. The State Govt. shall ensure that the user agency shall submit the approved land surrender schedule at the earliest, not later than 3 month from the date of issue of this stage-II clearance. The land surrender schedule may be implemented in accordance with the approved mine plan and progressive mine closure plan.
 - vii. Under section 21(5) of MMDR Act 1957, companies who had violated the stipulation of EC and FC are treated as illegal and as per decision of Hon'ble supreme court order penalty are imposed. State government should submit the report stating that if M/s Mahanadi Coalfields Limited is also covered under such order. Whether any financial obligation is pending against M/s Mahanadi Coalfields Limited and whether order of Hon'ble supreme court order has been complied.
 - viii. The State Govt. and the user agency shall ensure that no residential buildings shall be constructed;
 - ix. Following activities, as per approved plan / schemes, shall be implemented by the State Govt. and the User Agency:- State Govt. shall ensure that compliance report of all these activities are submitted to MoEF&CC regularly. User agency shall follow the direction of concerned DFO to implement all such activities as per plan.
 - (a) Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of Stage-II clearance in accordance with the approved Plan of Rs. 42,99,704/- by the user agency at their cost in consultation with State Forest Department;
 - (b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme of Rs. 85,72,966/- by the user agency at their cost in consultation with State Forest Department;
 - (c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme of Rs. 48,52,276/- by the user agency at their cost in consultation with State Forest Department;
 - (d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme of Rs. 2,05,45,486/- by the user agency at their cost in consultation with State Forest Department,
 - (e) No damage shall be caused to the top-soil and the user agency will follow the top soil management approved plan of Rs. 13,60,000/- by the user agency at their cost in consultation with State Forest Department.
 - x. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 - xi. The State Govt. shall ensure that State Forest Department shall implement the approved scheme, for creating and maintaining the 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

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- and human settlements, adjoining the forest area being diverted for the project, from the funds of Rs. 50,56,500/- deposited in Ad-hoc CAMPA account by the user agency;
- xii. The State Govt. shall ensure that the State Forest Department shall implement the plan /scheme for fencing, protection and regeneration of the safety zone area [7.5 meters strip shall be kept within the mining lease boundary and area of the safety zone shall be part of the total area of mining lease as per the Ministry's guidelines dated 27.05.2015] at the total approved cost of Rs. 2,58,85,810/-, out of which Rs. 1,60,400/- has already been deposited in Ad-hoc CAMPA account by the user agency and the remaining funds would be provided by the user agency to State Forest Department ;
- xiii. 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, as amended in 2015 and the Rules framed there-under;
- xiv. The State Govt. shall ensure that the State Forest Department will implement the approved scheme for gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40) located in the area within 100 m. from outer perimeter of the mining lease from the funds of Rs. 66,51,940/- deposited in Ad-hoc CAMPA account by the user agency;
- xv. The State Govt. shall ensure that the user agency will implement scheme for desilting 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 in accordance with approved scheme of Rs. 74,28,000/- at their cost in consultation with State Forest Department, preferably within five years;
- xvi. The State Govt. and the user agency shall ensure that the mining may be carried out in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining 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, in the concerned State Government and the concerned Regional Office of the Ministry. 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. Principle Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed.
- xvii. The State Govt. and the user agency shall ensure that no labour camp shall be established on the forest land;
- xviii. The State Govt. shall ensure that 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;
- xix. The State Govt. shall ensure that 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, distance from pillar to pillar and GPS co-ordinates;
- xx. The State Govt. and the user agency shall ensure that forest land shall not be used for any purpose other than that specified in the proposal;
- xxi. The State Govt. and the user agency shall ensure that the annual self compliance report in respect of the above conditions shall be submitted to the State Government, concerned Regional Office and this Ministry by the end of March every year regularly;


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- xxii. The State Govt. and the user agency shall ensure that any other condition that the concerned Regional Office of this Ministry, may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- xxiii. The State Government and user agency shall comply the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.

Yours faithfully



(Sandeep Sharma) 6.3.18

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, O/o the PCCF, Government of Government of Odisha, Bhubaneswar.
3. The Addl. PCCF (Central) (FCA), Regional Office, Bhubaneswar
4. Monitoring Cell, FC Division, MoEF&CC
5. User agency
6. Guard File



(Sandeep Sharma) 6.3.18

Assistant Inspector General of Forests (FC)