



F. No. 8-280/1989-FC (Vol.-I)
Government of India
Ministry of Environment and Forests
(F.C. Division)

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20.1.12

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110003.

Dated: 19th January, 2012

final approval order

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

Sub: Re-diversion (change of land use plan) of 84.399 ha. forest land from the area earmarked as safety zone and infrastructure development for coal mining by M/s Mahanadi Coal Fields Ltd. in 10 MTPA expansion project of Lakhanpur Open Cast Project (OCP) in Jharsuguda District, Orissa.

Sir,

I am directed to refer to the State Government of Orissa's letter No. 10F(Cons) 75/2009/7089/ F & E dated 17.04.2010 on the above-mentioned subject, wherein prior approval of the Central Government for the re-diversion (change of land use plan) of 84.399 ha. forest land from the area earmarked as safety zone and infrastructure development for coal mining by M/s Mahanadi Coal Fields Ltd. in 10 MTPA expansion project of Lakhanpur Open Cast Project (OCP) in Jharsuguda District, Orissa, 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 27.10.2010 read with corrigendum of even number dated 12.12.2011, 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 letter No.10F(Cons)62/2011/ 8088/ F & E dated 01.10.2011, approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for re-diversion (change of land use plan) of 84.339 ha. forest land from the area earmarked as safety zone and infrastructure development for coal mining by M/s Mahanadi Coal Fields Ltd. in 10 MTPA expansion project of Lakhanpur Open Cast Project (OCP) in Jharsuguda District, Orissa subject to fulfilment of the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Following activities shall be undertaken by the User Agency at the project cost:

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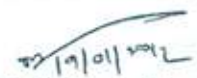
- (a) A plan containing appropriate mitigative measures to minimize soil erosion and choking of streams shall be implemented;
 - (b) Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion;
 - (c) Construction of check dams, retention / toe walls to arrest sliding down of the excavated material along the contour;
 - (d) Appropriate activities required to stabilize the overburden dumps by 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.
- (iii) State Government shall realise from the user agency 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 obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 - (v) 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;
 - (vi) 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 granted under the Mines and Minerals (Development & Regulating) Act, 1957, or Rules framed there under, subject to a maximum period of 20 years;
 - (vii) 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;
 - (viii) 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;
 - (ix) 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

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mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed;

- (x) No labour camp shall be established on the forest land;
- (xi) The 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;
- (xii) 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, GPS coordinates, forward and back bearing and distance from the adjoining pillars ;
- (xiii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xiv) The State Government of Orissa and the User Agency shall undertake Rehabilitation and Resettlement (R &R) of the project affected families, if any, strictly as per the approved R & R Package in a time bound and transparent manner;
- (xv) User agency shall submit annual self-monitoring report, indicating status of compliance to the conditions stipulated in the approval, to the State Government and the concerned Regional Office of this Ministry;
- (xvi) The State Government of Orissa and the User Agency shall comply with any other condition that the Eastern Regional Office of this Ministry, Bhubaneswar and State Government of Orissa may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xvii) 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.

Yours faithfully,


(H. C. Chaudhary)

Assistant Inspector General of Forests

Copy to:

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


(H. C. Chaudhary)

Assistant Inspector General of Forests