

F. No. 8-281/89-FC (Pt-I)
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhawan,
C.G.O. Complex, Lodhi Road,
New Delhi-110003

Dated : 1st June 2006

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

Sub: Diversion of 12.70 ha of forest land assigned for safety zone in earlier approval, for mining of coal in respect of Lilari Open Cast Project in favour of M/s Mahanadi Coalfields Limited in District Jharsuguda, Orissa.

Sir,

Kindly refer to your letter No. 10F(Cons)76/2003/14341/F&E dated 22.09.2004 whereunder the above proposal was forwarded to this office seeking prior approval of the Central Government in accordance with the Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal was examined by the Forest Advisory Committee constituted under Section-3 of the Act.

2. After careful consideration of the proposal of the State Government and on the basis of recommendations of the above mentioned Advisory Committee, the Central Government granted in-principle approval vide letter dated 14.03.2005 subject to certain conditions. The compliance of these conditions was submitted vide your letter No. 10F(Cons)76/03/6145/F&E dated 15.04.2006. After consideration of the proposal and compliance of various conditions by the State Government, the Central Government hereby conveys its approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 12.70 ha of forest land assigned for safety zone in earlier approval, for mining of coal in respect of Lilari Open Cast Project in favour of M/s Mahanadi Coalfields Limited in District Jharsuguda, Orissa, subject to the fulfilment of following conditions :-

- (i) Legal status of the forest shall remain unchanged.
- (ii) The Compensatory Afforestation as stipulated vide this Ministry's letter No. 8-281/89-FC dated 31.07.1990 shall be raised and maintained at the project cost.
- (iii) Penal Compensatory Afforestation shall be raised and maintained over degraded forest land 4 times the extent of forest area used in violation (i.e., 34.45 x 4).
- (iv) Remaining area of safety zone shall be fenced, protected and maintained at the project cost.
- (v) The mining lease period under the Forest (Conservation) Act, 1980 shall be co-terminus with the current lease granted under MMRD Act, 1957.
- (vi) An undertaking from the user agency may also be obtained stating that in case the rates of Net Present Value (NPV) are revised upwards, the additional/differential amount shall be paid by the user agency.
- (vii) The State Government shall deposit Net Present Value and all other funds with the Ad-hoc Body of Compensatory Afforestation Fund Management and Planning Authority (CAMPA), in Account No. CA 1585 of Corporation Bank (A Government of India Enterprises), Block-11, Ground Floor, C.G.O. Complex, Phase-1, Lodhi Road, New Delhi-

APD-133
5/6/03

CCMS Secretariat
Lakhnau Area.
No. 22/6
Date 03/6/06

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and discuss.
2/6/06

110003, as per the instructions communicated vide letter No. 5-2/2006-FC dated 20.05.2006.

- (viii) RCC pillars of 4 feet height shall be erected to demarcate the area by the user agency at the project cost and will be marked with forward and back bearings.
- (ix) The topsoil shall be protected at the project cost.
- (x) The concurrent reclamation plan shall be executed by the user agency from the very 1st year and an annual report shall be sent to the Nodal Officer and the RCCF, Bhubaneswar. If it is found from the annual report that the concurrent reclamation plan is not being adhered to by the user agency, the mining activities shall remain suspended till such time, the annual programme is completed for that year.
- (xi) The outcome of legal proceedings and disciplinary action against the guilty officials for violation of FC Act may be sent to the Ministry.
- (xii) All efforts should be made for mitigation of adverse impacts of mining and improvement of wildlife habitat in and around leasehold area in consultation with the Chief Wild Life Warden of the State Forest Department.
- (xiii) Trees shall be felled only when it becomes necessary and that too under strict supervision of State Forest Department, and at the cost of the project.
- (xiv) No labour camps shall be established on the forest land.
- (xv) All necessary measures should be taken by the user agency to protect the environment.
- (xvi) Sufficient firewood shall be provided by the user agency to the labourers at the project cost after purchase from the State Forest Department/Forest Development Corporation.
- (xvii) The user agency shall ensure that there should be no damage to the available wildlife.
- (xviii) The forest land shall not be used for any purpose other than that specified in the proposal.
- (xix) The forest land thus diverted shall be non-transferable. Whenever and whatever extent of forest land is not required by the user agency, it shall be surrendered to the State Forest Department under intimation to this Ministry.

The State Government shall ensure compliance of all the above conditions.

Yours faithfully,

(Pankaj Asthana)
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 Chief Conservator of Forests (Central), Regional Office, Bhubaneswar.
4. User Agency.
5. Guard File.
6. Monitoring Cell of FC Section.

P. Asthana
(Pankaj Asthana)
Assistant Inspector General of Forests

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