

F. No. 8-147/89-FC(Vol. II)
Government of India
Ministry of Environment and Forests
(F.C. Division)

Annexure-I ✓

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
Dated: 17th February, 2009.

To

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

Sub: Diversion of 145.82 ha of forest land for mining of coal by M/s Mahanadi Coalfields Limited (MCL) in Samaleswari Extension OCP, in Jharsuguda district of Orissa.

Sir,

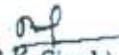
I am directed to refer to the Government of Orissa's letter no. 10(Cons.)63/2005/4007/F&E, Bhubaneswar dated 06.03.2006 on the subject mentioned above seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted under Section-3 of the said Act, in-principle approval for the said proposal was granted vide this Ministry's letter of even number dated 24th May, 2006 subject to fulfilment 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.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide its letter No. 10F(Cons)-63/2005-210/F&E dated 06.01.2008, approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 145.82 ha of forest land for mining of coal by M/s Mahanadi Coalfields Limited (MCL) in Samaleswari Extension OCP, in Jharsuguda district of Orissa, subject to fulfilment of the following conditions:-

1. Legal status of forest land shall remain unchanged.
2. Compensatory Afforestation shall be raised and maintained by the State Forest Department at the project cost.
3. The non-forest land identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-25 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance in this regard.
4. The forest land shall not be used for any purpose other than that specified in the proposal.

5. Wherever possible and technically feasible, the User Agency shall undertake Afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, in consultation with the State Forest Department at the project cost.
6. The period of diversion under this approval shall be twenty (20) years subject to possession of valid lease by the User Agency under the MMDR Act, 1957.
7. Following activities shall be undertaken by the State Forest Department at the project cost:
 - (a) Proper mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented.
 - (b) Planting of adequate drought hardy plant species and sowing of seeds to arrest soil erosion.
 - (c) Construction of check dams, retention/toe walls to arrest sliding down of the excavated material along the contour.
8. Any other condition that the State Govt. or the Chief Conservator of Forests (Central), Regional Office, Bangalore may impose from time to time in the interest of conservation, protection or development of forests.
9. Additional amount of the NPV of the diverted additional forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
10. Trees shall be felled only when it becomes necessary and that too under strict supervision of the State Forest Department, and at the cost of the project.
11. No labour camps shall be established on forest land.
12. The User Agency shall provide fuel-wood preferably alternate fuel to the labourers working at the site to avoid damage/felling of trees.
13. The User Agency shall provide free water from the Project for all forestry related activities.
14. Any other condition that the State Govt. or the Chief Conservator of Forests (Central), Regional Office, Bhubaneswar may impose from time to time in the interest of conservation, protection or development of forests.

Yours faithfully,


(B.K. Singh)

Sr. Assistant Inspector General of Forests

Copy to:

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


(B.K. Singh)

Sr. Assistant Inspector General of Forests