

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: 11th September, 2017

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

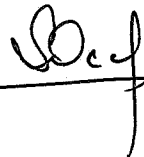
Sub: Proposal for diversion of 88.899 ha forest land including 1.665 ha for safety zone area within total mining lease area of 653.828 ha in Garjanbahal Open Cast Coal Mining Project in Sundargarh District of Odisha by M/s Mahanadi Coalfields Limited.

Sir,

I am directed to refer to the State Government's letter No. 10F (Cons) 240/2014/5582/F&E dated 31.03.2015 submitting the above subject proposal for 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.

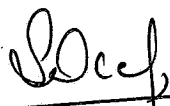
2. After careful consideration of the proposal of the State Government of Odisha and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby granted *In-principle/Stage-I clearance* under the Forest (Conservation) Act, 1980 for diversion of 88.899 ha forest 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 the 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 proposed to be diverted ($2 \times 88.899 = 177.798$ hectares of degraded forest land) shall be raised within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter as per approved plan by the State Forest Department at the cost of the user agency. About 1,06,679 no. of plants over 177.798 ha of degraded forest land shall be planted at the cost of Rs.1,78,25,200/- that also includes cost of maintenance for 10 years on identified CA land (102 ha in Singaribahal RF and 75.79 ha in Tildega RF of Ujjalpur Range of Sundergarh Forest Division).
- iii. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
- iv. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- v. The User Agency shall transfer the funds for the Net Present Value (NPV) of the forest land being

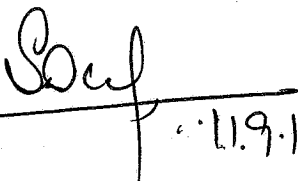

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diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 through online portal of Ad-hoc CAMPA account of the State Concerned;

- vi. At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- vii. Any fund received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA through online portal of Ad-hoc CAMPA account of the State Concerned;
- viii. The State Government shall submit land surrender Schedule for mined out and biologically reclaimed forest land as per existing progressive mine closure plan and submit an undertaking that mined out and biologically reclaimed forest land will be surrendered as per this schedule.
- ix. No residential buildings will be permitted.
- x. Following activities shall be undertaken by the user agency at the project cost and appropriate cost of the plan/scheme shall be deposited in Adhoc CAMPA Account:
 - a. A plan containing appropriate 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 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. 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°; and
 - e. Strict adherence to the prescribed top soil management.
- xi. User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986;
- xii. User agency in consultation with the State Forest Department shall create and maintain 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 and human settlements, adjoining the forest area being diverted for the project;
- xiii. 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] shall be done within three years at the project cost as per approved scheme. Besides this afforestation on degraded forest land to be selected elsewhere measuring one & a half times the area under safety zone shall also be done at the project cost;
- xiv. Period of diversion of the said forest land under this approval shall be for a period co-terminus


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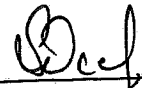
- with the period of the mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, and the Rules framed there-under as amended;
- xv. User agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any, located in the area within 100 meters from outer perimeter of the mining lease;
 - xvi. The User Agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five km. from the mine lease boundary. This list is to be duly verified by the concerned Divisional Forest Officer. The User Agency shall regularly undertake desilting of these village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies. A detailed plan for desilting of identified ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF & CC before Stage-II approval;
 - xvii. The User Agency shall implement the 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 and implementation. 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.
 - xviii. User agency shall undertake mining in a phased manner and take due care for reclamation of the mined over area. The concurrent reclamation plan shall be executed by the User Agency as per the approved mining plan/scheme 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;
 - xix. No labour camp shall be established on the forest land;
 - 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, distance from pillar to pillar and GPS co-ordinates;
 - xxii. Forest land shall not be used for any purpose other than that specified in the proposal;
 - xxiii. State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in it's letter No. 11-9/1998-FC (pt.) dated 3rd August 2009 read with 05.07.2013, in support thereof;


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- xxiv. The user agency shall submit the annual self compliance report in respect of the above conditions to the State Government, concerned Regional Office and this Ministry by the end of March every year regularly;
- xxv. Any other condition that the Regional Office (Western Zone), Bhopal of this Ministry, may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- xxvi. 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.

After receipt of the report on the compliance to the conditions stipulated in the paragraph-2 above from the State Government of Odisha, final/stage-II approval for diversion of the said forest under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of to the said forest land to the user agency shall not be affected by the State Government of Odisha till final/stage-II approval for its diversion is issued by this Ministry.

Yours faithfully

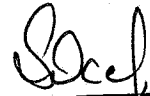


(Sandeep Sharma)

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)

Assistant Inspector General of Forests (FC)