

F. No. 8-28/ 2014-FC  
Government of India  
Ministry of Environment, Forests and Climate Change  
(Forest Conservation Division)

Indira Paryavaran Bhawan  
Aliganj, Jorbagh Road  
New Delhi -110003  
Dated: 29<sup>th</sup> August, 2014

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

**Sub:** Diversion of 159.18 hectares of forest land including 2.51 hectares coming within safety zone for expansion of Lajkura OCP (2.50 MTY, Peak Capacity 3.00 MTY) of Mahanadi Coalfields Ltd, IB Valley Area, Brajrajnagar in Jharsuguda District in the State of Odisha.

Sir,

I am directed to refer to the State Government of Odisha's letter No 10F (Cons) 77/ 2014- 3977/ F & E dated 28<sup>th</sup> February 2014 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.

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 agrees to accord **stage-I approval** for the diversion of 159.18 hectares of forest land including 2.51 hectares coming within safety zone for expansion of Lajkura OCP (2.50 MTY, Peak Capacity 3.00 MTY) of Mahanadi Coalfields Ltd, IB Valley Area, Brajrajnagar in Jharsuguda District in the State of Odisha, subject to the fulfilment of 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 forest land proposed to be diverted in favour of the user agency from funds to be realised from the user agency;
- (iii) Degraded forest land of village forest kisam proposed to be utilised for creation of compensatory afforestation shall be transferred and mutated in favour of the State Forest Department (SFD) and notified as Reserved Forest. Alternatively, the State Government may identify degraded forest land twice in extent to the forest land proposed to be diverted in favour of the user agency for mining and allied activities within the Reserved Forests already under control of the SFD;
- (iv) User agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department;

  
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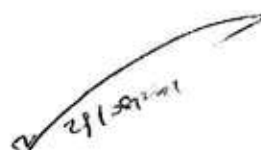
- (v) Following activities shall be undertaken by the User Agency at the project cost:
- (a) A plan containing appropriate mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented;
  - (b) Planting of adequate drought hardy plant species and sowing of seeds 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.
- (vi) The State Government shall charge the Net Present Value (NPV) of the forest area 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 in this regard;
- (vii) 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;
- (viii) All the funds received from the User Agency under the project shall be transferred to concerned Saving Bank Account of Ad-hoc CAMPA in the Corporation Bank, CGO Complex, Lodi Road, New Delhi-110003;
- (ix) User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (x) The User Agency shall pay to the State Government the evaluated royalty for the enumerated trees before commencement of work on Stage-II approval;
- (xi) User agency should prepare a plan and take up plantation in the non-mineralized zones located within the forest land proposed to be diverted and implement it from its own funds;
- (xii) User agency should also prepare a plan and take up plantation, at the project cost, in the northern, eastern and southern sides of the Lajkura OCP where there is no coal as per Dy. Director of Mines, Sambalpur's report dated 17<sup>th</sup> April 2010;
- (xiii) Schedule for surrender of the mined out and reclaimed forest land in accordance with existing mining plan along with an undertaking to surrender the mined out and reclaimed forest land as per such schedule shall be submitted to the MoEF before grant of stage-II approval under the FC Act for diversion of the said forest land;

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- (xiv) User Agency shall implement a Site specific Conservation Plan in their leasehold area as well as the its impact area as per the guidelines of Chief Wildlife Warden, Odisha at the project cost;
- (xv) User Agency shall contribute towards the proportionate cost of Regional Wildlife Management plan of the mining lease area as per revised rate fixed by the State Government;
- (xvi) Felling of trees both within the coal block and outside, shall be undertaken in phases taking into account the absolute necessity based on the requirement for scientific mining as per approved Mining Plan with due permission of the concerned Divisional Forest Officer;
- (xvii) User agency shall pay the evaluated royalty of enumerated trees to the State Forest Department before commencement of work on Stage-II approval;
- (xviii) The State Government should explore the feasibility of transplanting the trees up to 30 cm girth; and
- (xix) Under Corporate Social Responsibility activities emphasis should be on capacity building of the tribal, education, health care, protection and up gradation of traditional agriculture, promotion of traditional crafts and local knowledge, preservation of local identity, improvement of the soil and water conservation mechanisms and great thrust on creating alternative source of income.
- (xx)
  - (a) User agency shall ensure demarcation of boundary of safety zone (7.5 meter strip all along outer boundary of the mining lease) and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPS coordinates and deploying adequate number of watchers under the supervision of the State Forest Department;
  - (b) In case of the mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation/ road should be properly fenced by the user agency at the project cost to protect the vegetation/ regeneration activities in the safety zone;
  - (c) Safety zone shall be maintained as green belt around the mining lease to ensure dense canopy cover in the area, regeneration shall be taken in this area by the user agency at the project cost under the supervision of the State Forest Department;
- (xxi) Afforestation on degraded forest land to be selected elsewhere, measuring one and half times the area under safety zone shall be done by the user agency at the project cost under supervision of the State Forest Department;

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- (xxii) 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 & Regulating) Act, 1957, or Rules framed there under, subject to a maximum period of 30 years;
- (xxiii) 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;
- (xxiv) 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;
- (xxv) 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 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;
- (xxvi) No labour camp shall be established on the forest land;
- (xxvii) 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;
- (xxviii) 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 and distance from pillar to pillar;
- (xxix) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxx) 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 03.08.2009, in support thereof;



21/08/12

(xxxi) Any other condition that the Regional Office (Eastern Zone), Bhubaneswar of this Ministry, Bhubaneswar and State Government of Odisha may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and

(xxxii) 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.

3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the 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 the said forest land to the user agency shall not be affected by the Government of Odisha till final/ stage-II approval for its diversion is issued by this Ministry.

Yours faithfully,

(H. C. Chaudhary)  
Director

**Copy to:**

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, the Forest (Conservation) Act, 1980, Government of Odisha, Bhubaneswar.
3. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (Eastern Zone), Bhubaneswar.
4. User Agency.
5. Monitoring Cell, FC Division, MoEFCC, New Delhi.
6. Guard File.

(H. C. Chaudhary)  
Director