

F. No. 8-147/1989-FC (Vol.-III)  
Government of India  
Ministry of Environment, Forest and Climate Change  
(Forest Conservation Division)

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Indira Paryavaran Bhawan  
Aliganj, Jorbagh Road  
New Delhi -110003  
Dated: 08<sup>th</sup> April, 2015

To,

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

**Sub:** Diversion of additional 22.48 ha of forest land including 0.614 ha of forest land towards safety zone in addition to already diverted 313.052 ha. Of forest land for expansion of Samaleswari OCP, IB Valley Area, Brajrajnagar of Mahanadi Coalfields Ltd (MCL) in Jharsuguda District, Odisha.

Sir,

I am directed to refer to the State Government of Odisha's letter No 10F (Cons) 464/2012--23937/ F & E dated 21<sup>st</sup> November, 2013 on the above mentioned subject, wherein prior approval of the Central Government for the diversion of additional 22.48 ha of forest land including 0.614 ha of forest land towards safety zone in addition to already diverted 313.052 ha. Of forest land for expansion of Samaleswari OCP, IB Valley Area, Brajrajnagar of Mahanadi Coalfields Ltd (MCL) in Jharsuguda District, Odisha, 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 21<sup>st</sup> February, 2014, 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 Government of Odisha vide letters No. 10F (Cons)-464/22012-17370/ F & E dated 20<sup>th</sup> September 2014 and No. 10F (Cons)/ 464/2012-17370/ F & E dated 20<sup>th</sup> September 2014, No. 10 F (Cons.) 464/ 2012-40/ F & E dated 1<sup>st</sup> January 2015, and No. 10F (Cons) 464/2012-5050/ F & E dated 23<sup>rd</sup> March 2015, approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of additional 22.48 ha of forest land including 0.614 ha of forest land towards safety zone in

addition to already diverted 313.052 ha. Of forest land for expansion of Samaleswari OCP, IB Valley Area, Brajrannagar of Mahanadi Coalfields Ltd (MCL) in Jharsuguda District, Odisha, subject to fulfillment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) State Government shall create and maintain compensatory afforestation over the degraded forest land twice in extent to the 21.866 hectares of forest land proposed to be diverted for mining and allied activities ( $2 \times 21.866 = 43.732$  hectares) of degraded forest land being diverted from funds already realised from the user agency;
- (iii) Following activities shall be undertaken by the user agency in accordance with Project Report of Samaleswari OCP and Land Resource Management Plans at the project cost:-
  - (a) Mitigative measures to minimize soil erosion and choking of streams;
  - (b) Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease;
  - (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  $28^\circ$ ; and
  - (e) Strict adherence to the prescribed top soil management.
- (iv) 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 and transfer the same to Ad-hoc CAMPA under intimation to this Ministry;
- (v) User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986;
- (vi) User agency and the State Forest Department shall create and maintain from funds to be provided by the user agency alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project as per the plan duly approved by the Principal Chief Conservator of Forests (Wildlife) and the Chief Wildlife Warden Odisha. 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;



- (vii) 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), from funds realised from the user agency;
- (viii) State Forest Department shall undertake afforestation on degraded forest land, one and half time in extent to the area used for safety zone from funds realised from the user agency;
- (ix) 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 and Regulation) Act, 1957, and the Rules framed there-under, subject to a maximum period of 30 years;
- (x) 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 from funds provided by the user agency;
- (xi) 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;
- (xii) User agency shall identify the mined out and biologically reclaimed forest land in the lease area acquired under Mineral Concession Rules and surrender the same to the State forest Department. Similarly they should also identify the mined out and biologically reclaimed forest land in the lease area acquired under Coal Bearing Area Act and submit a proposal to hand over these area to the State;
- (xiii) User agency shall surrender 335.532 hectares of reclaimed forest land as per following surrender schedule submitted by them and agreed upon by the State Government:-

S. No.	Reclaimed forest land (in ha.)	Timeline for surrender/Year Wise
01	30.60	2021-22
02	29.83	2022-23
03	38.10	2023-24
04	31.73	2024-25
05	33.50	2025-26

06	38.494	2026-27
07	32.91	2027-28
08	30.52	2028-29
09	37.461	2029-30
10	32.387	2030-31
<b>Total</b>	<b>335.532 hectares</b>	

- (xiv) 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;
- (xv) No labour camp shall be established on the forest land;
- (xvi) 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;
- (xvii) 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;
- (xviii) Forest land shall not be used for any purpose other than that specified in the proposal;
- (xix) Any other condition that the Regional Office (Eastern Zone), Bhubaneswar of this Ministry, Bhubaneswar may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;

- (xx) User agency shall submit annual report on compliance to conditions stipulated in this approval to State Forest Department and the concerned Regional Office of this Ministry; and
- (xxi) 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,

*M. Rajkumar*

(M. Rajkumar)  
Assistant Inspector General of Forest

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, Forest Department, 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, MoEF, New Delhi.
6. Guard File.

*M. Rajkumar*  
25/4/11

(M. Rajkumar)  
Assistant Inspector General of Forest