

F. No. 8-82/2014-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi -110003.

Dated: 3.7.
~~June~~, 2018

To,

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

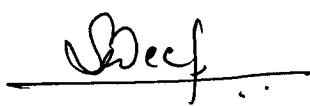
Sub: Diversion of 1,038.187 hectares of Revenue and DLC forest land including 4.051 hectares under safety zone within the lease hold area of 1,914.063 hectares allocated for opencast coal project (OCP) by M/s. MNH Shakti Ltd. (Talabira II and III OCP) in Jharsuguda and Sambalpur Forest Division within the jurisdiction of Jharsuguda district and Sambalpur district of Odisha- Subsequent re-allotment of Talabira II and III OCP coal blocks in favour of M/s. Neyveli Lignite Corporation (NLC) India Limited following cancellation of allotment the said coal blocks to the prior allottee i.e. M/s. MNH Shakti Ltd. as per Hon'ble Supreme Court's order .

Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons)/72/2013/14211/F&E dated 06.07.2017 and 10F(Cons)/246/17/9380/F&E dated 21.04.2018 on the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980. The said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

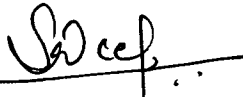
2. On the recommendations of Ministry of Coal vide their letter no. 13016/69/2004-CA-I dated 10.11.2005 and Forest Advisory Committee, *In-principle /Stage-I approval* is hereby granted for diversion of 1,038.187 hectares of Revenue and DLC forest land including 4.051 hectares under safety zone within the lease hold area of 1,914.063 hectares allocated for opencast coal project (OCP) under the Forest (Conservation) Act, 1980 in Jharsuguda and Sambalpur Forest Division within the jurisdiction of Jharsuguda district and Sambalpur district of Odisha- in favour of M/s. Neyveli Lignite Corporation (NLC) India Limited subject to fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) **The user agency is a Central PSU. Compensatory Afforestation can be raised over double degraded forest land. From analysis of the area it is learnt that user agency had provided only 1568.08 ha of degraded forest land for CA instead of stipulated requirement of 2076.34 ha of CA area. Status of land identified for CA, as per record submitted, is degraded forest and degraded revenue forest kisam land. State government shall clarify the status of degraded and revenue forest kisam land (i.e. 534.081 ha at Rangali tehsil and Maneswar Tehsil) and further submit detail CA scheme of CA for balance area after DSS analysis before stage II approval.**
- (iii) An approved revised CA scheme for 2076.34 ha shall be submitted by the State



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Government. The amount shall be deposited in Ad-hoc CAMPA account.

- (iv) **Felling of trees shall be kept minimum. Felling of trees, where ever necessary, shall be done in phased manner under the supervision of State Forest Department.**
- (v) **No excavation shall be allowed within 300 m from the river bank.**
- (vi) **In addition to requisite safety zone of 7.5-meter-wide along the boundary with in the lease area, User agency shall maintain and raise green belt within boundary of mining lease area especially along the river bank. The plantation in this area shall be done on project mode with the objective to arrest the soil erosion from the active mine and minimise siltation of the rivers.**
- (vii) **User agency in consultation with state government shall prepare Catchment Treatment Plan (CAT Plan). A plan with detail cost estimate, duly approved by competent authority shall be submitted prior to stage II approval. The approved amount shall be deposited in Ad-hoc CAMPA account**
- (viii) **State Government shall prepare a site Specific wildlife management plan duly approved by Chief Wildlife Warden of the state. The cost of preparation and implementation shall be borne by user agency and deposited in Ad-hoc CAMPA account.**
- (ix) **User agency shall contribute towards Regional Wildlife management plan as suggested by Chief Wildlife Warden of the state. The approved amount shall be deposited in Ad-hoc CAMPA account.**
- (x) **DFO shall submit a certificate that the area designated for CA is free from encroachment and suitable for plantation.**
- (xi) **The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;**
- (xii) **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.**
- (xiii) **The User Agency shall transfer the funds for the Net Present Value (NPV) of the forest land being 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;**
- (xiv) **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;**

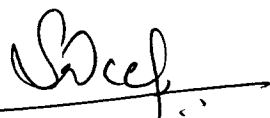

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- (xv) Lease transfer charges @ 10% of the NPV or Rs. 1,00,000/- (1 Lakh) whichever is less will be realized from the new user agency and will be deposited in the account of Ad-hoc CAMPA before execution of lease in favour of the new user agency;
- (xvi) Reimbursement of amount paid by the original user agency ,if any, shall be dealt with in the manner, as provided in the Coal Mines (Special Provisions) Second Ordinance, 2014 and Rules framed there under;
- (xvii) 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 28o; and
 - e) Strict adherence to the prescribed top soil management.
- (xviii) **The user agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage- I clearance;**
- (xix) User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986;
- (xx) 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;
- (xxi) 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;
- (xxii) The Forest clearance will be for a period co terminus with the lease period specified in the lease agreement. The State Government will submit the lease agreement document specified in the lease agreement;
- (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 meters from outer perimeter of the mining lease;
- (xxiv) 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


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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 State Forest Department and shall be submitted to MoEF & CC before Stage-II approval;

- (xxv) 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.
- (xxvi) 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;
- (xxvii) 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.
- (xxviii) No residential buildings will be permitted.
- (xxix) No labour camp shall be established on the forest land;
- (xxx) 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;
- (xxxi) 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;
- (xxxii) Forest land shall not be used for any purpose other than that specified in the proposal;
- (xxxiii) 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;
- (xxxiv) 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.


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- (xxxv) Any other condition that the Concern Regional Office of this Ministry, may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxxvi) 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.

3. After receipt of the report on 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) 3.7.16

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
3. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (Eastern Zone), Bhubaneswar.
4. User Agency.
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi.
6. Guard File.


(Sandeep Sharma) 3.7.16

Assistant Inspector General of Forests (FC)