

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.

1. The above subject **proposal was considered by the FAC in its meeting held on 16.11.17. The FAC in its meeting held on 16.11.17 observed the following:**
2. The diversion proposal for 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 in Talabira II and Talabira-III coal block was submitted by State Government of Odisha in favour of MNH Shakti Ltd. on 5th May 2014. MNH Shakti Ltd was a Joint Venture Company (JVC) formed among Mahanadi Coalfields Ltd., M/s Neyveli Lignite Corporation Ltd., and M/s Hindalco Industries Ltd. incorporated under Companies Act 1956 (No.1 of 1956) on 16.7.2008.
3. Before the forest clearance could be granted the Supreme Court in their order dated 25th August 2014 cancelled allocation of 214 Coal Blocks, including the Talabira –II and Talabira –III coal Blocks allotted to M/S MNS Shakti Ltd. Therefore, the Ministry vide its letter dated 18.11.2014 decided to close the said proposal in the Ministry and communicated to the State Government.
4. Government of Odisha vide their letter No.10F (Cons)/72/2013/14211/F&E dated 06.07.2017 sought clarification regarding **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 Supreme Court's order.
5. The Ministry vide its letter dated 06.09.2017 clarified that as per the guidelines dated 09.06.2015 pending proposal may be process if they have been submitted by the respective new allottees selected or to be elected by the Central Government in accordance with the provisions of the Coal Mines (Special Provisions) Act, 2015 and rules framed thereunder, once the following procedural formalities are completed
 - (i) Duly filled in part-I of the application in the format prescribed in Form-A appended to the Forest (Conservation) Rules, 2003 along with all necessary undertakings/certificates, including documentary proof in support of allocation of such block in favour of the new allottee and details of non-forest/revenue forest land identified for creation of compensatory afforestation, wherever required, is submitted by the new allottee to the Nodal Officer concerned;
 - (ii) Non-forest/revenue forest land identified by the new allottee for creation of compensatory afforestation, wherever required, is inspected and found to be suitable for creation of compensatory afforestation and from management point of view by the Divisional Forest Officer(s) having jurisdiction over such land; and
 - (iii) A copy of part-I of Form-A along with all necessary undertakings/certificates submitted by the new allottee along with a certificate from the Divisional Forest Officer(s) having jurisdiction over the non-forest/revenue land identified for creation of compensatory afforestation, wherever required, stating therein that such land is suitable for creation of compensatory afforestation and from management point of view, is provided by the Nodal Officer or the State Government concerned to the authority with whom the proposal submitted by the original allottee is presently pending. Such documents will substitute and replace the corresponding documents available in the proposal submitted by the original allottee.
6. The State Government of Odisha vide their letter no. 10F(Cons) 72/2013/20567/F&E dated 07.10.2017 informed that vide No.20959 dt.22/09/2017 the duly filled in part-I of Form-A provided

by the new allottee i.e M/s Neyveli Lignite Corporation (NLC) India Limited has been submitted along with necessary undertakings and other documents pertaining to forest area coming within jurisdiction of **Sambalpur Forest Division and Jharsuguda Forest Division** of this coal block duly countersigned by the respective DFOs in respect of above forest diversion proposal in a separate volume in compliance to the guidelines dt.09/06/2015 of MoEF&CC for further processing / considering the forest diversion proposal under Section 2 of FC Act,1980.

7. However as per the guideline dated 09.06.2015, the CA site selected by new allottee shall be inspected again and suitability of the site need to be verified by the field officers and endorsed by nodal officer. The shape files of CA land submitted by the old allottee was analyse on DSS and it was found that the CA site is not a degraded forest and area is having patches of medium dense forest (MDF) as well as very dense forests (VDF) due to passage of time since the CA site was proposed earlier along with diversion proposal.
8. The project involves 1894 no. of Project displaced families including 443 no. of SC families and 575 no. of ST families. The R&R Plan is required to be prepared and implemented with due approval of the RPDAC/State Government before commencement of project activities on final forest clearance.
9. **Recommendation of FAC on 16.11.2017:** FAC after thorough deliberation and discussion with user agency, Nodal Officer Odisha, APCCF, Regional Office, Bhubaneswar recommended that:
 - i) If the mining plan and the proposed land use has changed from that in the original proposal submitted by M/S MNH Shakti Ltd, then the revised proposal will be submitted along with mining plan. State Government in discussion with the user agency shall revise the land use plan so that forest land can be put to use only for those components which are site specific and are essentially required for mining on forest area only. Since the lease area consists of both forest and non-forest land, the possibility of shifting all activities except mining pits to non-forest land within the lease shall be explored.
 - ii) Nodal officer of State shall identify double the degraded forest land for Compensatory afforestation after analysing the same on the DSS prior to submission to MoEF&CC.
 - iii) **Regional office will examine the completeness of the proposal in all respect and carry out fresh Site inspection of the proposed site for diversion as well as the compensatory afforestation site offered by the user agency. The SIR shall have special mention about possibility of reducing felling of trees within the lease area.**
 - iv) R&R plan duly approved by competent authority shall be submitted.
 - v) Complete compliance of the FRA must be done and certificate should be submitted by the State Government.
10. Based on the above recommendation, the State Govt. of Odisha and Regional Office, Bhubaneswar vide this Ministry's letter dated 07.12.2017(**Pg.750-751/c**) requested for compliance.
11. In response to Ministry's letter dated 07.12.2017(**Pg.750-751/c**),the State Government of Odisha vide their letter No.10F(Cons)/246/17/9380/F&E dated 21.04.2018 (**Pg.753-950/c**) has furnished their reply with a request to consider the same and take further steps for according In -principal approval for diversion of 1038.187 HA of Revenue and DLC forest land including 4.051 HA under safety zone within the leasehold area of 1914.063 HA of allocated for Open Cast Coal Project (OCP) by the new allocation i.e. M/s Neyveli Lignite Corporation (NLC) India Ltd. (Talabira II & III OCP)in Jharsaguda and Sambalpur Forest Division within the jurisdiction of Jharsaguda District and Sambalpur District of Odisha subject to compliance of all such relevant condition as per MoEF's guidelines in force pertaining to projects involving Diversion of more than 500 HA of forest land.

The information sought by MoEF&CC and reply given by the State Govt. are as follows:

S. No.	Information sought by MoEF&CC	Response of State Govt.
(i)	<p>If the mining plan and the proposed land use has changed from that in the original proposal submitted by M/S MNH Shakti Ltd, then the revised proposal will be submitted along with mining plan. State government in discussion with the user agency shall revise the land use plan so that forest land can be put to use only for those components which are site specific and are essentially required for mining on forest area only. Since the lease area consists of both forest and non-forest land, the possibility of shifting all activities except mining pits to non-forest land within the lease shall be explored.</p>	<p>In compliance to this condition, the State Government has reported that the new allottee has modified the proposed land use pattern within the total coal block area bringing about certain changes in the area of different components like infrastructure, external dump, embankment, green belt area coming within both inside/outside the blasting danger zone which has been countersigned by Divisional Forest Officer, Sambalpur.</p> <p>However copy of revised Mining Plan duly approved by Competent Authority indicating the modification in land use suggested by new allottee now, has not been furnished (Pg.1070-1207/c).</p>
(ii)	<p>Nodal Officer of State shall identify double the degraded forest land for Compensatory afforestation after analysing the same on the DSS prior to submission to MoEF&CC.</p>	<p>In compliance to this condition, the State Government has reported that in lieu of 1038.187 ha of forest land proposed for diversion under this coal mining project, 10,38,187 no. of plants are required to be raised in non-forest land/degraded forest land/revenue kism land as per MOEF&CC guidelines bearing F. No.11-423/2011-FC dt. 08.11.2017. In compliance to the above observation of MOEF&CC and guidelines of the Ministry stated above, 1034 ha of degraded forest land under the control of Forest Department and 534.081 ha of degrade revenue forest kism of land has been identified within the jurisdiction of Bolangir, Subarnapur & Sambalpur Forest Division for the purpose of raising compensatory afforestation. As many as four no. of site specific compensatory afforestation schemes have been prepared by concerned Divisional Forest officers and approved by the Addl. PCCF (forest Division) & Nodal Officer, FC Act for their execution at Project Cost. The details of identified CA land and schemes so approved are indicated below.</p> <p>(a) The DFO, Bolangir has identified 564.00ha of degraded forest land for the purpose of compensatory afforestation against this project comprising of 343 ha in Suliamal PRF of saintala Range and 221 ha in Tikhri</p>

		<p>RF of Muribahal Range. Accordingly he has prepared a CA scheme over 564 ha as identified above for ANR mode of plantation @400 plants per hectare with 10 years maintenance along with barbed wire fencing etc. The CA scheme has been technically approved by Addl. PCCF (FD &No. FC Act) with a total Financial outlay of 4,83,57,000/- at current wage rate of 213.50 per manday including cost of maintenance of 10 years (Pg. 984/c). The Copy of approved CA Scheme along with approved financial forecast is enclosed at Pg-760-782/c.</p> <p>The DFO, Bolangir has furnished land suitability of the identified degraded forest land (Pg-778/c). The species selected for the scheme includes <i>Dalbergia sissoo</i>(Sissoo), <i>Gmelina arborea</i> (Gambhar), <i>Emblica officinalis</i> (Amla),<i>Dendrocalamus strictus</i> (Salia Bamboo), <i>Simaruba glauca</i>(simaruba),<i>Tectona grandis</i>(Teak), <i>Acacia catechu</i> (khair) etc. The maps of CA area in degraded forest land including GPS readings of pillar and sol topomaps showing the identified CA land are also attached to the CA scheme.</p> <p>(b) The DFO, Subarnapur Division has identified 360 ha of degraded forest land for the purpose of compensatory afforestation against this project comprising of 60 ha in kumbharmunda RF of Subarnapur Range, 40 ha in Gaurhagarh RF and 50 ha in Dudura RF (both in Birmaharajpur Range), 50 ha each in Baradungri RF and Binka RF in Binika Range and 50 ha Harinapali RF ,25 ha in Barali RF and 35 Ha in Gheekundi RF(All in Ullunda Range) of Subarnapur Division. Out of 360ha of degraded forest land identified, the DFO has proposed to take off artificial Re-generation (Bald Hill) over 220 ha @1600 plants per ha and assisted Natural Re-generation over 140 ha @ 800 plant per ha. The CA scheme over 360 ha as identified above for AR/ANR mode of plantation has been prepared by DFO, Subarnapur with 10 yrs maintenance along with barbed wire fencing etc. The scheme has been technically approved by Addl. PPCF (FD&No., FC Act) with a total financial outlay of Rs 11,32,95.600/- current wage rate of 213.50 per manday</p>
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		<p>including cost of maintenance of 10 years (Pg. 986/c). The copy of the approved CA scheme along with approved financial forecast is enclosed at (Pg-783-808/c).</p> <p>The DFO, Subarnapur has furnished land suitability of the identified degraded forest land (Pg-808/c). The Species selected for this scheme includes Terminalia arjuna (Arjuna), Albizzia lebbeck (kala Siris), Albizia procera(Dhala Siris), Dendrocalamus strictus (Salia Bamboo), Azadirachta indica (Neem), Tamarindus indica (Tentuli), Dalbergia sissoo(Sissoo), Techtona grandis(Teak),Acacia catechu(Khaira) etc. The maps of CA area in degraded forest land including GPS readings of pillar and sol topomaps showing the identified CA land are also attached to the CA scheme.</p> <p>(c) The DFO , Sambalpur , Division has identified 110 Ha of degraded forest land for the purpose for compensatory afforestation against this, project comprising of 55 Ha each in table – A RF and Brisingharh RF of Sadar Range of Sambalpur Division. The CA scheme over 110 Ha as identified above for ANR mode of Plantation @ 400 Plant per Ha has been prepared by DFO, Sambalpur with 10 years maintenance along with barbed wire fencing, SMC measure etc. The Scheme has been technically approved by Addl. PCCF (FD&NO, FC ACT) with the total financial outlay of Rs 1,72,00,000/- @ current wage rate of 213.50 per manday including cost of maintenance of 10 Years (Pg. 987/c). The copy of approved CA scheme along with approved financial forecast is enclosed at (Pg-885-906/c).</p> <p>The DFO, Sambalpur has furnished land suitability of the identified degraded suitable land (Pg. 901/c). The species selected for the scheme includes Mangifera indica (Mango), Syzygium cumini (Jamun), Albizia odoratissima (kalasiris) , Albizia procera (dhalasiris) , dendrocalamus strictus (salia bamboo), Azadirachta indica (neem), Dalbergia sissoo (sissoo), Acacia catechu (khair) etc. The map of CA Area in degraded forest land indicating GPS reading of pillars and Sol topomap showing the identified CA land are also attached to the CA scheme.</p>
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		<p>(d) Further the Sambalpur district administration has provided degraded revenue forest Kism land to the extent of 534.081 Ha comprising of 471.552 Ha in several villages of Rengali Tahasil and remaining area in Maneswar Thasil free from encroachment for the purpose of Compensatory afforestation against this project . The detailed land scheme of allotted Revenue forest land is also attached to the CA scheme. The CA scheme over 534.081 Ha comprising of ANR mode of the plantation @1000 plants per hectare over 234.23 Ha in village Bomaloi, Telimal, Bhursipali, and Jarli of Rengali Thasil, @800 plants per Ha over 180.829 Ha in village Runimahul, Katerduha of Rengali Tahsil @400 plants per HA over 119.022 HA in village Dharopani and Derba of Rengali Tahsil has been prepared by DFO/Sambalpur with 10 years maintenance along with barbed wire fencing, SMC measures etc. in the scheme has been technically approved by Additional PCCF (FD & NO,FC Act) with a total financial outlay of Rs. 9,38,06,200/- at current wage rate of Rs. 213.50 per manday including cost of maintenance 10 years (Pg. 985/c). The copy of approved CA scheme along with approved financial forecast is enclosed at (Pg. 826-858/c).</p> <p>The DFO, Sambalpur has furnished the land suitability of the identified degraded Revenue Forest land (Pg. 871/c). The species selected for this scheme include manginifara indica (Mango), Artocarpus integrifolia (Jack fruit), Syzygium cumini (Jamum), Albizia odoratissima (kalasiris) , Albizia procera (dhalasiris) , dendrocalamus strictus (salia bamboo), Azadirachta indica (neem), Dalbergia sissoo (sissoo), Acacia catechu (khair), Gmelina arborea (gambhar), emblica officinalis (Amla), etc. The map of CA Area in degraded revenue forest land indicating GPS reading of pillars are also attached to the CA scheme. <u>In case, the revenue forest are allotted for the purpose of compensatory afforestation is not a notified forest under Odisha forest Act 1972, The same extent of revenue forest land are to alienated/mutated in favor forest Department for its subsequent declaration under sec. 33 of</u></p>
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		<p><u>Odisha forest Act 1972 as per provision of point (VII) of explanation 2 under para 3.2 (I) of FC Act guidelines as communicated vide letter no. F.No. 11-423/2011-FC,dt:08.11.2017.</u></p> <p>The KML file of CA land in CD form pertaining to identify CA land is also attached for preference.</p> <p>Taking all the four approved CA scheme 11,60,102 no. of plants are to raised as against requirement of 10,38,187 no. of plants @ 1000 plants per each HA of forest land being diverted in this project as per prescription of MoEF&CC guidelines F.No. 11-423/2011-FC,dt:08.11.2017. Further it has also been reported that all the identified degraded revenue forest lands and degraded forest lands under F&E department have been primarily analyzed by the respective DFO's on DSS portal and according to the site suitability, the site specific compensatory afforestation scheme has been prepared.</p>
(iii)	Regional Office will examine the completeness of the proposal in all respect and carry out fresh Site inspection of the proposed site for diversion as well as the compensatory afforestation site offered by the user agency. The SIR shall have special mention about possibility of reducing felling of trees within the lease area.	In this regard, the State Government has reported that the Conservator of Forest (Central), Eastern Regional Office, Bhubaneswar had visited the proposed site for diversion for mining purpose as well as proposed sites for compensatory afforestation on 07.02.2018 to 09.02.2018. Regional Office has submitted their report and may kindly be seen at pg 951-983/c .
(iv)	R&R plan duly approved by competent authority shall be submitted.	In compliance to this condition, it is reported by the State Govt. that the user agency has reported that the R&R plan for the Talabira II & III Coal block of Neyveli Lignite Corporation (NLC) India Ltd. has been approved by the competent authority in RPDAC meeting carried on 07.04.2018. The copy of R&R plan is enclosed at (Pg. 923-946/c) and (Pg. 988-993/c) .
(v)	Complete compliance of the FRA must be done and certificate should be submitted by the State Government.	In compliance to this condition, it is stated by the State Government that while forwarding the earlier forest diversion proposal in respect of previous allottee pertaining to 1030.18 HA of forest land in this coal block, the certificate in prescribed format issued by Collector, Sambalpur for 192.626 HA of forest land and Collector, Jharsaguda for 845.56 HA of forest land along with Gram sabha resolution in

		<p>regional language and its English version etc. were furnish to Gol along with the DP. However, the copy of said certificate earlier issued by the respective Collectors are enclosed at (Pg. 994-1046/c) and (Pg. 1047-1069/c).</p> <p>Gram Sabha resolution is in regional language and its English version not given by the user agency.</p>
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12. **SITE INSPECTION REPORT OF THE REGIONAL OFFICE, BHUBANESWAR:** The SIR has been carried by Shri R. K. Samal, IFS, Conservator of Forest © for this proposal on 7-9th February, 2018 with the officials of State Forest Department and representatives of the User Agency. Regional Office, Bhubaneswar vide their letter no. 5-ORA205/2014-BHU dated 05.04.2018 has submitted Site Inspection Report (SIR). The SIR is reproduced below:

1. **Legal status of the forest land proposed for diversion**

The legal status of the forest land is as follows:

Name of the Division	Status of forest land	Area in ha.
Jharsuguda	Rev. forests	385.379
	DLC forests	460.182
Sambalpur	Rev. forests	192.626
Total		1038.187

2. **Item-wise break-up details of the land proposed for diversion:**

Initially proposed (break up details of land for diversion):

Sl. No.	Activities in the mining area	Forest Land (in ha)			Non-forest land (in ha.)		Grand Total (Area in Ha)
		Revenue Forest land	DLC Forest land	Total Forest land	Non-forest land	Total non-forest land	
1.	Mine Excavation	382.768	290.442	673.210	299.310	299.310	972.520
	SUB-TOTAL	382.768	290.442	673.210	299.310	299.310	972.520
2.	Inside Blasting Danger Zone	-	-	-	-	-	-
a.	Infrastructure (Road, mine office, conveyor etc.)	8.236	4.634	12.870	17.860	17.860	30.730
b.	External Dump	3.760	1.800	5.560	137.160	137.160	142.720
c.	Embankment	-	-	0.000	6.280	6.280	6.280
d.	Area to be developed as green belt.	144.864	64.119	208.983	107.008	107.008	315.991

	SUB TOTAL	156.86 0	70.553	227.413	268.308	268.30 8	495.721
3.	Outside Blasting Danger Zone	-	-	-	-	-	-
a.	Infrastructure (road, conveyor, railway & silo, washery, office, workshop & other utilities etc.)	13.392	1.218	14.610	226.620	226.62 0	241.230
b.	Embankment	1.02 0	-	1.020	27.89 0	27.8 90	28.910
c.	Other area to be developed as green belt.	22.1 14	95.769	117.883	37.958	37.958	155.841
	SUB TOTAL	36.526	96.987	133.513	292.468	292.46 8	425.981
d.	7.5m Safety zone inside lease boundary.	1.85 1	2.200	4.051	15.790	15.790	19.841
	SUB TOTAL	1.85 1	2.200	4.051	15.790	15.790	19.841
	Grand Total	578.005	460.182	1038.187	875.876	875.87 6	1914.06 3

However, as per the letter of Ministry vide No.8-82/2014-FC dated 7th Dec., 2017 the user agency i.e. M/s NLCIL has been proposing to change the land utilisation pattern with following changes to the above land use plan keeping the total requirement of land to be same with the increase in greenbelt area out of the proposed forest land for diversion and increase in the other activities (non mining activities) to the non forest land: They have been presented as Addition(+ve) and deletion (-ve).

Present break up of land proposed for diversion:

Sl. No.	Activities in the mining area	Forest Land (in ha)			Non-forest land (in ha)	Total (Area in Ha)
		Revenue Forest land	DLC Forest land	Total Forest land		
1.	Mine Excavation	382.768	290.442	673.210	299.310	972.520
2.	Inside Blasting Danger Zone	-	-	-	-	-
a.	Infrastructure (Road, mine office, conveyor etc.)	3.236 (-5 ha)	4.634	7.870 (-5 ha)	22.860 (+5 ha)	30.7 30
b.	External Dump	-	-	-	142.72 (+5.56 ha)	142.72
c.	Embankment	-	-	-	6.280	6.280
d.	Area to be developed as green belt.	153.624 (+8.76 ha)	65.919 (+1.8 ha)	219.543 (+10.56 ha)	96.448 (-10.56 ha)	315.991
	SUB TOTAL	156.860	70.553	227.413	268.308	495.72 1

3.	Outside Blasting Danger Zone	-	-	-	-	-
a.	Infrastructure (road, conveyor, railway & silo, washery, office, workshop & other utilities)	8.392 (-5.00 ha)	1.218	9.610 (-5.00 ha)	231.620 (+5.00 ha)	241.230
b.	Embankment	1.02	-	1.02	27.89	28.91
c.	Other area to be developed as green belt.	27.114 (+5.00 ha)	95.769	122.883 (+5.00 ha)	32.958 (-5.00 ha)	155.841
	SUB TOTAL	36.526	96.987	133.513	292.468	425.981
d.	7.5m Safety zone inside lease boundary.	1.851	2.200	4.051	15.790	19.841
	Grand Total	578.005	460.182	1038.187	875.876	1914.063

3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:

No residential building is being constructed. **However, 17.48 ha. of land is being used for infrastructure development i.e. road, conveyor, railways, site office, washery, workshop and other mining related utilities inside and outside blasting zone.**

4. Total cost of the project at present rates:

Rs.447.80 crores as per the project proposal submitted earlier.

5. Wildlife:

Whether forest area proposed for diversion is important from wildlife point of view or not:

The area does not form part of any National Park/Wildlife Sanctuary/Elephant Corridor. As reported by the State Government, the faunal species noticed in the area are Snakes, Squirrels, Jackals, Mongooses, and many avifauna. However, there are instances of elephants visiting the area during cropping season is observed due to availability of marshy land and water.

6. Vegetation:

The vegetation is mostly Sal crop with other associates like Mahul (*Madhuca indica*), Asan (*Termanalia tomentosa*), Dhaura (*Anogeisus latifolia*), Jamun (*Syzgium cumin*), Mango (*Mangifera indica*), Char (*Buchnanian lanzan*), having good regeneration. Density of vegetation is about 0.3.

(a) Total number of trees to be felled.

The total forest land involved in the project is 1038.187 ha. Sample enumeration carried out by the DFO and user agency over 43 sample plots of 2.0 ha each located in the applied forest land. As such in all, 11,199 No. of trees of girth 30 cm and above have been enumerated over 86 ha of forest land. By extrapolating the figures over the entire forest land of 845.561 ha, 1,10,110 number of trees have been estimated in the

forest proposed for diversion. Similarly, sample enumeration over 40 sample plots of 1.0 ha each located in the applied forest land has been carried out in forest area of the block in Sambalpur division. By extrapolating the figures over the entire forest land of 192.628 ha, 20,611 number of trees have been estimated in the forest land proposed for diversion.

The user agency has proposed the land use plan that only 673.00 ha. of forest land will be used for mine excavation and 342.426 ha. will be used for maintaining as greenbelt. This will save many trees out of the estimated enumeration of trees. Trees between mining pit boundary and lease boundary including safety zone shall also not to be felled. **However, it will not be possible to save trees for long in the mining pit zone i.e. in middle of the lease as it contains the coal seam.**

Effect of removal of trees on the general ecosystem in the area:

Felling of such large number of trees if taken at a single point of time will cause damage to the environment of the area. Therefore **trees should be cut as and when required only in phased manner.**

(b) Important species:

Plant species which are commonly noticed in the proposed area are Sal (*Shorea robusta*), Mahul (*Madhuca indica*), Asan (*Terminalia tomentosa*), Dhaura (*Anogeissus latifolia*), Jamun (*Syzygium cumini*), Mango (*Mangifera indica*), Char (*Buchanania lanzan*) etc.

Number of trees of girth below 60 cm.

As per sample plot survey and extrapolation:

Sambalpur division : 6,742

Jharsuguda division : 76, 248

Number of trees of girth above 60 cm.

As per sample plot survey and extrapolation:

Sambalpur division : 13,869

Jharsuguda division : 33,862

7. Background note on the proposal:

Government of India, Ministry of Coal, has allocated Talabira coal block No.II & I II over 1530.170 ha and 383.893 ha respectively in total 1,914.063 ha to NLC India Ltd. for mining of coal vide order No.103/01/2016/NA dated 02.05.2016.

The aforesaid land of the coal block has been acquired by MCL under Coal Bearing Area (Acquisition and Development) Act, 1957 vide Gazette Notification No. SO No.1108 dated 26.03.2005 over 1,530.170 ha. and SO No.2424 dated 28.08.2009 over 383.893 ha. totaling to 1914.063 ha of land in villages Rampur, Dumermunda, Malda and Patrapali villages of Jharsuguda Tahasil of Jharsuguda district (Jharsuguda Forest Division) and in villages Talabira and Khinda of Rengali Tahasil in Sambalpur district (Sambalpur Forest Division) vide order No.43022/6/2016-PRIW-I issued by Govt. of India, Ministry of Coal dated 28.09.2016/05.10.2016 transfers the right in or over the said land so vested in MCL to NLC India Ltd.

The lease area includes forest land (Revenue & DLC) over 1,038.187 ha. in villages Rampur, Dumermunda, Malda and Patrapali villages of Jharsuguda Tahasil of Jharsuguda district and in villages Talabira and Khinda of Rengali Tahasil of Sambalpur district. Government non-forest land over 424.047 ha and private land over 451.829 ha. The forest land includes Revenue Forest land over 578.005 ha and DLC forest land 460.182 ha. Out of the total forest land of 1,038.187 ha. in Jharsuguda Forest Division 845.561 ha and in Sambalpur Forest Division 192.626 ha. The detailed land use plan in original has already been submitted by prior allottee M/s MNH Shakti Ltd. Now after the observation of MoEF&CC the user agency have changed the land use pattern bringing some of the non-mining activities from forest land to non forest land.

Previously this proposal for diversion of 1,038.187 ha. including 4.051 ha of forest land involved in this lease was applied by M/s MNH Shakti Ltd. (a subsidiary of M/s MCL) to MoEF vide letter No.393/10 dated 26.05.2010. This proposal was recommended by all statutory authorities including the State Govt. of Odisha, Forest and Environment Department vide letter No.10F(cons)72/2013/8222 dated 05.05.2014. As per proceeding of the Forest Advisory Committee held on 22nd and 23rd September, 2014, Agenda No.4 mentioned that FAC after deliberations decided to await for final judgement of the Hon'ble Supreme Court of India in the said writ petitions making the recommendations of the proposal seeking prior approval of Central Government under the Act for diversion of the said forest land.

The Hon'ble Supreme Court has given the judgement of cancellation of Talabira II & III block earlier allocated to M/s MNH Shakti Ltd. and Ministry of Coal has re-allocated the said coal block to NLC India Ltd. vide allocation letter No. 103/1/2016-NA dated 02.05.2016. Since, the coal block has been allotted to NLC Ltd. it has resubmitted the application under Clause 4 (i) of circular issued by MoEF&CC, Govt. of India No.11-584/2014-FC (Part) dated 09.06.2015 to the State Govt., Forest & Environment Department, Govt. of Odisha for their prior approval under Section 2 of FC Act for diversion of the said forest land for non-forestry use i.e. mining of coal. As per the above circular clause-4 'the proposals seeking in-principle approval under the Forest Conservation Act, 1980 for diversion of forest land located in any of the 204 coal blocks whose allocation has been cancelled by the Supreme Court submitted by the original allottee which were at processing/examination stage in the State Government or the Central Government on the day of allocation of these blocks were cancelled by the Supreme Court shall be processed as if they have been submitted by the respective new allottees selected or elected by the Central Government in accordance with the provisions of the coal mines (Special provisions) Act, 2015 and rules framed there under, once the following procedural formalities are completed.

- (i) Duly filled in part-I of the application in the format prescribed in Form-A appended to the Forest (Conservation) Rules, 2003 along with all necessary undertakings/certificates, including documentary proof in support of allocation of such block in favour of the new allottees and details of non-forest/revenue forest land identified for creation of compensatory afforestation, wherever required is submitted by the new allottee to the Nodal Officer concerned.
- (ii) Non-forest/revenue forest land identified by the new allottee for creation of compensatory afforestation, wherever required, is inspected and found to be suitable for creation of compensatory afforestation and from management point of view by the Divisional Forest Officer(s) having jurisdiction over such land; and
- (iii) A copy of Part-I of Form-A along with all necessary undertakings/certificates submitted by the new allottee along with a certificate from the Divisional Forest Officer(s) having jurisdiction over the

non-forest/revenue land identified for creation of compensatory afforestation, wherever required, stating therein that such land is suitable for creation of compensatory afforestation and from management point of view, is provided by the Nodal Officer or the State government concerned to the authority with whom the proposal submitted by the original allottee is presently pending. Such documents will substitute and replace the corresponding documents available in the proposal submitted by the original allottee.

The new user agency i.e. NLC Ltd. has applied to MoEF through the State Government for diversion of the forest land under Section 2 of FC Act replacing the old user agency i.e. MNH Shakti Ltd. along with the necessary documents/certificates as required. The proposal was placed in the FAC meeting held on 16-11-2017 after due deliberation the committee inter-alia asked for certain clarification including fresh areas for CA and fresh site inspection report vide their letter No.8-82/2014-FC dated 7th December, 2017.

8. Compensatory afforestation:

State Government has earlier identified degraded forest land in extent i.e. 1692.00 ha in Bikramkhol PRF (1558.00 ha) and Amkhaman-Sagarpali RF (134.00 ha) under Lakhanpur Tahasil in Jharsuguda district in lieu of 845.561 ha. Forest land proposed for diversion in this project in Jharsuduga.

Similarly, degraded forest land twice in extent i.e. 400.00 ha had been identified in Jhargati Garpati RF under Sambalur district as against requirement of 386.00 ha, in lieu of 192.628 ha of forest land proposed for diversion in Samablpur district.

However, State Government vide letter dated 06.07.2017 has intimated that CA land of 2092.00 ha identified pertaining to the earlier forest diversion have now grown vegetation over it.

The new user agency has furnished the undertaking to bear the cost of compensatory afforestation.

The user agency in consultation with the State Government have identified non forest land and degraded forest land for compensatory afforestation as given below. The Mouza details of all the non forest land (Revenue land) along with encroachment status have been given by the user agency. The details of the degraded forest land and shape files including GPS readings have also been given by the user agency.

Land identified for compensatory afforestation:

Degraded protected/ Reserve Forest:

Sl No.	Location	Area in Ha.
1	Bolangir Forest division	564
2	Sonepur Forest Division	360
3	Sambalpur Forest Division	110
	Total (A)	1034/2=517 ha.

Non forest revenue land (Gramya jungle/Patra jungle):

Sl No.	Location	Khata No.	ot No.	Kisam	Area in as per ROR	Remark (encroachment area in Ha.)	Final area in Ha.
1	Lapanga Circle						
a)	Bomaloi Patch-2	273	1558/321 2,	Gramya jungle	97.29	97.27-80.00=17.29 House/cultivation/pond	80.00
b)	Bomaloi Patch-1	273	1558/321 1, 1558/321 3, 1931/321 0, 1931/320 9, 1939/320 8	Gramya jungle			
c)	Telimal patch-1	196, 197	1447, 1468	Gramya Jungle	81.58	0.00	81.58
d)	Telimal patch-2		1800, 1876, 1875	Patra jungle			
e)	Telimal patch-3		1715, 1842, 2013	Gramya Jungle			
f)	Telimal patch-4		1713, 1849	Patra jungle			
g)	Derba	336	1524	Patra Jungle	24.40	0.00	24.40
h)	Dharropani-1	185	1216, 1433/1589, 1433	Gramya jungle	34.59	0.00	34.59
i)	Dharropani-2	185	1507, 1576, 1495	Gramya jungle	49.032	0.00	49.032
j)	Dharropani-3	185	1531	Gramya jungle	15.78	0.00	11.00
2	Laida Circle						
a)	Katurduha	290	1231, 1235, 1234, 1240, 1239, 1238, 1236, 804, 803, 1237	Gramya jungle	116.74	116.74-97.30=19.44 House/cultivation	97.30
b)	Jarli (Laida) (Phase I)	406	809, 812	Gramya jungle	33.79	33.79-33.00=0.76 House/cultivation	33.00

c)	Jarli (Laida) (Phase II)	406	814, 816	Gramya jungle	26.16	26.16- 23.00= 3.16 cultivatio n	23.00
3	Rengali Circle						
a)	Bhursipali	74	01	Gramya jungle	16.65	0.00	16.65
4	Katarbaga circle						
a)	Runimahul	122	615, 692	Patra jungle	24.76	24.76- 21.00= 3.76 Pond/cul tivation	21.00
	Total				531.75	44.41	471.5 52
5	Maneswar Circle						
a)	Bikarpur patch-1	705	2148	Gramya jungle	47.56	47.56- 46.56= 1.00 ha As per report of RI 1.00 ha left for playgrou nd	46.56
b)	Bikarpur patch-2	705	2099	Gramya jungle	14.529	14.529- 13.529= 1.00 As per report of RI 1.00 ha left for playgrou nd	13.52 9
c)	Bikarpur patch-3	705	2180	Gramya jungle	2.44	0.00	2.44
	Total				64.529	2.00	62.52 9

Total (B) = 471.552+62.529=534.081

The GPS readings of the CA areas is enclosed as Annexure-1. The proposed revenue land for CA in Sambalpur District, Bikhampur (patch-1, 2 & 3- 62.529 ha), Teliamal (patch-1, 81.58 ha) and Bomaloi (Patch-2, 80.00 ha) were inspected during the site visit and the density of existing vegetation was found to be 10-30%. The proposed CA area in Sonapur Forest Division at Chandli RF (25.00 ha), Ghikundi RF (50.00 ha) under Ulunda Range and Durdura RF (50.00 ha) under Birmitrapur range were also visited and the density of existing vegetation was found to be 20-30%. The areas have good regeneration of Sal and its associates along with some blank patches at the fringes. The areas were found to be suitable for ANR plantation.

- (a) **Whether land for compensatory afforestation is suitable from plantation and management point of view or not:**

Yes suitable. However, the certificate has not yet been submitted from the local DFO(s).

- (b) **Whether land for compensatory afforestation is free from encroachment/other encumbrances:**

Yes free and the certificate is yet to be submitted by the DFO and Tahasildar for Forest and Non-forest land.

- (c) **Whether land for compensatory afforestation is important from Religious/Archaeological point of view:**

Not reported.

- (d) **Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not:**

The land identified for C.A. in different Divisions and in 31 patches and compact patches are not available and the area is quite large.

- (e) **Map with details:**

Yet to be submitted. Shape/KML files of the land identified for CA on revenue land and degraded forest land have been submitted by the user agency.

- (f) **Total financial outlay:**

Not yet submitted. Yet to be received from the State Govt. for the fresh area chosen for compensatory afforestation.

9. **Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:**

No violation of the Act has been reported.

10. **Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not :**

Project involves 1894 number of displaced families including 443 number of SC families and 575 number of ST families. The user agencies have been conducting meetings along with the villagers for acceptance of the compensation and parting their land to the user agency.

R&R plan has already been submitted by earlier prior allottee i.e. MNH Shakti Ltd. and the user agency have been working with the revenue authorities for land acquisition and implementation of R&R plan.

11. **Reclamation plan:**

Already submitted along with the detailed proposal.

Details and financial allocation:

Total mine closure cost is approximately Rs.33,377.72 lakh with compound interest annually @5%.

12. Details on catchment and command area under the project:

Not applicable. Catchment and command area is applicable only for Hydel and Irrigation projects, where impounding of water is done. **However, this area forms the catchment of two river systems i.e. Bhedan river and Ib river which are situated along the boundary of the mining lease. Besides this Hirakud dam situated at just 150 metre from the periphery of the mining lease in the South West, to which the Ib river drains water into. Prevention of siltation in to the two rivers and finally to the Hirakud reservoir has to be given top most priority.** The user agency has to put Strong toe walls and garland drains for the OB dump yards wherever required with stone pitching and embankments along with sufficient tree plantation. Sufficient siltation tanks have to be constructed to check flow of any silt laden water to river.

In the Bhedan river side since the lease boundary is touching the river bank, as per the recent guideline of MoEF No. 11-125/2014-FC dated 2nd February, 2018 a strip of at least 50 metre from the river bank should be left without any activity. The rocky outcrop of the river bed wherever ever existing should not be disturbed. The road if any, proposed for construction should be properly stone pitched with proper cemented drainage system and siltation tanks to check of silt laden water to the river system. Besides this tree cover has to be made where ever vacant soil available.

Catchment area treatment plan to prevent siltation of reservoir:

Not applicable.

13. Cost benefit ratio:

1:9

14. Recommendations of the Principal Chief Conservator of Forests/State Government:

Yes. Recommended.

15. Recommendations of Addl. Principal Chief Conservator of Forests (Central) along with detailed reasons:

The said mining proposal and the fresh (2nd) site inspection report of CF (Central) is for diversion of 1,038.187 ha. of revenue and DLC forest land including 4.051 ha. under safety zone within the leasehold area of 1,914.063 ha. which was allocated earlier to M/s MNH Shakti Ltd., (Talabira II and III OCP) in jurisdiction of Jharsuguda district and Sambalpur district of Odisha: subsequently re-allotted in favour of M/s Neyveli Lignite Corporation (NLC) India Ltd. following cancellation of allotment of the said coal blocks to the prior allottee i.e. M/s MNH Shakti Ltd., as per Hon'ble Supreme Court's order. Considering the reports, site inspection and other details, the major points of this proposal, that may need to be highlighted for the consideration of the FAC and the Ministry are the following:-

1. The proposed area is not of notable importance from the wildlife or biodiversity point of view. The vegetation density is also below 0.4. It is reported that elephants occasionally visit the area, mostly for water, most likely from the outside and to the other bank of the river, since the area is garlanded by rivers from all sides, virtually making it an island, not easily approachable by wildlife. Accordingly it appears conducive for the conservation of the limited fauna inside the lease and the wildlife of the outside i.e. the opposite side of the banks of the rivers, the action proposed are:-

a. For inland fauna:-

Instead conserving the usual 50 metre width vegetational greenbelt from the banks of streams, more wider greenbelt if possible, considering the width of rivers may be left to provide shelter, safety on the inner side of the river banks, from mining disturbance to the smaller animals/ fauna of the area.

b. For outside fauna:-

On the outer side of the Bhedan river bank enrichment plantations with riverine species may be taken up ensuring maintenance cover against possible dwindling due to mining and ancillary activities.

2. Within the northern and the north western boundary of the lease area 3 natural wetlands of considerable size (3 ha, 1.5 ha and 15 ha) formed by streamlets from the catchment, contributing water to river IB, and several wetlands are also seen just outside the boundary of the lease but inside flank of the IB river. Once the mining activities along with its ancillary activities starts these wetlands which may likely to become 'no mans property', are likely to be affected adversely. To preserve and augment these wetlands, it is proposed as per the feasibility, considering mining reserve — *"Wetlands within and outside the lease, to be conserved/enriched with (wetland) trees on banks with a selective fencing allowing free passage to amphibians, reptiles, fishes and invertebrates but restricting anthropogenic disturbances"* — by the project proponent under supervision of forest Department, to save natural wetlands from inadvertent damage due to default.
3. Necessary precautions may be taken to check pollution to stream, wetlands and reservoir beyond permissible limit and possibly by embankment, especially on the Bhedan river on the eastern boundary of the lease.
4. Highlighting another positive aspect of this proposal is the evacuation plan proposed for evacuation by closed conveyer belt across the river to the railway station/siding, which is only 3 km (approx.) from the mining site.

With the above observations this proposal recommended for consideration of Ministry for granting approval under Section 2 (ii) of Forest (Conservation) Act, 1980.

16. Conservator of Forests shall give detailed comments on whether there are any alternative routes/alignment for locating the project on the non-forest land:

It is site specific and it cannot be shifted to any other forest or non forest land.

17. Utility of the project:

As per the project proposal project will generate employment opportunity for 427 persons daily which include skilled, semi-skilled and non skilled persons and around 10,000 persons will be benefitted directly and indirectly in course of execution of the project.

Numbers of Scheduled Caste/Scheduled Tribes to be benefitted by the project:

The area has a lot of Scheduled Tribes population and is expected many of them to be benefitted directly and indirectly as per the R&R plan and CSR policies of the user agency.

18.

- (a) **Whether land being diverted has any socio-cultural/ religious value:** Not reported.
- (b) **Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion:** Not reported.
- (c) **Whether the land under diversion forms part of any unique eco-system:**

No rare or endangered flora or fauna is noticed in the area as per the inspection reports furnished by Divisional Forest officers. However, the PCCF, Odisha while recommending the proposal has stated that the area is highly prone to crop raiding and depredation by wild Elephants and other wild animals.

Accordingly, it is proposed that a site specific wildlife conservation may be prepared by the user agency in consultation with the local DFO which has to be approved by the Chief Wildlife Warden and to be implemented in and around the area after due vetting from Eastern Regional Office, Bhubaneswar.

Since the area is prone to elephant movement, the project area has to be properly fenced, so that elephants and other wild animals do not fall into the mine pits.

The safety zone has to be properly maintained

19. Situation with respect to any Protected Area:

The nearest protected area Debrigarh Wildlife Sanctuary is more than 40 km from the project site.

20. Any other information relating to the project:

1. The boundary of the mining lease in the north-west is touching the Ib river for a length of about 2 km and there are three wetlands(Approx Area-19.32 Ha,3.4 Ha and 2.88Ha), where water from the Ib river enters during high flood level. These wetlands need to be conserved without any disturbance for saving the habitat of flora and fauna of this natural ecosystem.
2. The user agency will be using the coal for their projects at Tuticorin (TN), Berhampur near Kanpur (UP), Sirkazhi, Nagapatnam (TN) and the upcoming power plant to be established on the other side of Bhedan river in Jharsuguda district at Hirma.
3. As stated once the mine is in full operation and the infrastructure is ready, they will be transporting the coal from the mine by closed conveyor system to the IB railway station and by rail to Paradip port and then by ship to Tuticorin (TN). As soon as

possible the conveyor system should be established to check further aggravation of pollution in the area as there are many industries existing in this district

4. The user agency has to keep the natural vegetation intact where area has been demarcated for creation of grassland dotted with trees.
5. The user agency has obtained the FRA certificates from District Collector Jharsuguda and Sambalpur with due process of conduct of Gram Sabhas

The facts related to the above proposal may be placed before FAC in its meeting scheduled to be held on 17.05.2018 for their examination and appropriate recommendation.
