

F. No. 8-42/2010-FC
Govt. of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation)

Indira Paryavarn Bhawan,
Aliganj, Jor Bagh, Road
New Delhi – 110003

Dated: 13th April, 2017

To

The Principal Secretary (Forest)
Government of Jharkhand,
Ranchi.

Sub: Transfer of lease in respect of diversion of 128.92 ha of forest land for Chattibariatu Coal Mining Project in Hazaribagh West Forest Division in Hazaribagh District of Jharkhand, from the original user agency i.e. M/s NTPC in whose favour forest land was diverted to M/s NTPC in whose favour the coal block was auctioned/re-allotted by the Ministry of Coal.

Sir,

I am directed to refer to the Ministry of Coal's letters no. 13016/38/2015-CA-III dated 18th September, 2015 and 103/26/2015/NA dated 22.12.2016 on the above subject requesting this Ministry to transfer its approval granted under the Forest (Conservation) Act, 1980 for diversion of 128.92 ha of forest land for Chattibariatu Coal Mining Project in Hazaribagh West Forest Division in Hazaribagh District of Jharkhand from the original user agency i.e. M/s NTPC in whose favour forest land was diverted to M/s NTPC in whose favour the coal block was auctioned/re-allotted by the Ministry of Coal.

After careful examination of the proposal in accordance with para 2.8 of the Guidelines read with the Guidelines dated 03.05.2010, 03.05.2013 and 31.03.2015 under the Forest (Conservation) Act, 1980 for transfer of approval granted by the Central Government and on the basis of recommendations of the Ministry of Coal, **the Central Government hereby conveys its approval for lease transfer subject to following condition:**

- (i) 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.
- (ii) Reimbursement of amount paid by the original user agency shall be dealt with in the manner, as provided in the Coal Mines (Special Provisions) Second Ordinance, 2014 and Rules framed there under.
- (iii) The new user agency shall pay the NPV as per the approval granted under FC Act if not paid earlier. The new user agency shall also furnish an undertaking to pay the additional NPV, if so determined by the Hon'ble Supreme Court of India.
- (iv) **The new user agency shall also abide the conditions :**
 1. Legal status of the diverted forest land shall remain unchanged;
 2. Compensatory afforestation over the degraded forest land, twice in extent to the area of forest land proposed to be diverted shall be raised **within two years from the issue of this letter, if already not done;** and maintained thereafter as per approved plan by the State Forest Department at the cost of the User Agency;



3. At the time of payment of the Net Present Value (NPV) at the then prevailing 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;
4. The State Govt. shall ensure the following activities by the User Agency under the supervision of the State Forest Department:
 - (a) Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department.
 - (b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;
 - (c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme. and ;
 - (d) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
5. Fencing, protection and regeneration of the safety zone area [7.5 meters strip all along the outer boundary of the mining lease area as recommended by the state govt.] shall be done within three year at the project cost from the issue of Stage-II Clearance. 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; The degraded forest land (DFL) so selected will be informed to the MoEF & CC with shape files and afforestation will be done within three years , **if not already done**, from the date of Stage-II clearance;
6. Wherever possible and technically feasible, the User Agency shall undertake by involving local community, the afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, in consultation with the State Forest Department at the project cost.
7. 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, as amended and the Rules framed there-under;
8. The User Agency will ensure the dumping of OB as per the approved phased Reclamation plan.
9. The State Govt. make efforts to explore the possibility of setting up of Vocational Training Institutes at the cost of the user agency in the area for training the local youths and employing them in their operations for some minimum time period as part of its CSR.
10. The Project Proponent shall also bear the cost of depredation of crops by wild elephants, if any, and if required, shall make arrangement for water and food for the migrating elephants at an alternate area.
11. The Project Proponent shall explore the possibility of sparing 100-150 m wide strip from diverted forest land on the northern side of its mines in the region for Rail line project, if geologically & geographically feasible and envisaged by the Railways
12. The user agency shall set up a full -fledged Social Welfare Division to track and monitor the future conditions of all the project displaced, affected persons including landless persons and report on the social & economic condition of these people & the impact of the project, as well as take all possible measures to compensate them for any loss in economic and social well-being and livelihood sustainability.
13. The user agency will provide permanent vehicular mobility to the Regional Office, Bhubaneswar for periodic monitoring of the projects already existing and those are coming up in the area.
14. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act, 1986 and any other Acts/Regulation/Rules.
15. The user agency will assist the State Government in conservation and preservation of flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State.
16. No labour camp shall be established on the forest land;
17. The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;

18. The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
19. The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining 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, in the concerned State Government and the concerned Regional Office of the Ministry. 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 Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
20. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government;
21. The forest land shall not be used for any purpose other than that specified in the proposal;
22. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
23. No damage to the flora and fauna of the adjoining area shall be caused;
24. Any tree felling shall be done only in a phased manner to coincide with the phasing of area to be put to mining with a view to minimizing clear felling. The felling will always be carried out under strict supervision of State Forest Department; when it is unavoidable and that too under strict supervision of the State Forest Department;
25. The Project Proponent shall earmark 1% of the market price of total coal produced deposit with the State Forest Department for the protection and development of forest and wildlife of the area as part of the CSR.
26. The User Agency shall submit the annual self compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;
27. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
28. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

Yours faithfully,

(Nishceeth Saxena)

Sr. Assistant inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests Government of Jharkhand, Ranchi.
2. The Nodal Officer (FCA), Office of the PCCF, Government of Jharkhand, Ranchi.
3. The Addl. Principle Chief Conservator of Forest (Central), Regional Office, Ranchi.
4. User Agency.
5. Monitoring Cell of the FC section MoEF&CC New Delhi
6. Guard file.

(Nishceeth Saxena)

Sr. Assistant inspector General of Forests (FC)