

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Jor Bag Road, Aliganj
New Delhi - 110003

Dated: 21st June, 2022

To
The Principal Secretary (Forests),
Government of Chhattisgarh,
Raipur.

Sub: Proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for non-forestry use of diversion of 112.385 ha of Revenue forest land for Gevra Opencast Coal Mining Project in Katghora Forest Range, District-Korba Chhattisgarh in favour of SECL, Chhattisgarh - reg.

Sir,

I am directed to refer to the State Government of Chhattisgarh's letter no. 5-12/2017/10-2 dated 01.05.2017 on the above subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980. After careful examination of the proposal by the Forest Advisory Committee, constituted under Section-3 of the said Act, 'in-principle' approval to the proposal under the Forest (Conservation) Act, 1980 was granted vide this Ministry's letter of even number dated 27.09.2017 subject to fulfillment of certain conditions prescribed therein. 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.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide letter No. 5-12/2017/10-2 dated 25.11.2020, letter no. F-12/2017/10-2 dated 16.08.2021, letter no. F-12/2017/10-2 dated 3.01.2022 and letter no. F-12/2017/10-2 dated 11.04.2022, **final approval** of Central Government under Section - 2 of the Forest (Conservation) Act, 1980 is hereby granted for non-forestry use of diversion of 112.385 ha of Revenue forest land for Gevra Opencast Coal Mining Project in Katghora Forest Range, District-Korba Chhattisgarh in favour of SECL, Chhattisgarh subject to fulfillment of the following conditions:

A. Conditions which need to be complied with before handing over of forest land to the user agency by the State Forest Department

- i. The KML files of diverted area, the CA areas, SMC works area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details prior to handing over forest land to user Agency.

B. Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department

- i. Legal status of the diverted forest land shall remain unchanged;

ii. **Compensatory Afforestation:** The State Government shall ensure that compensatory afforestation over degraded land twice in extent to the forest area being diverted shall be raised within three years from the date of issue of Stage –II Clearance and maintained thereafter as per approved plan by the State Forest Department at the cost of the User Agency. At least 1000 saplings per ha shall be planted over admissible CA land. If this is not possible to plant these many seedlings in the identified NFL, the balance seedlings will be planted in degraded forest land as per the prescription of the Working Plan at the cost of the User Agency. In such cases CA cost will be revised and duly approved by the competent authority and deposited online in the CAF managed by the CAMPA;

iii. **Net Present Value**

- a. The State Government has realized the NPV of the forest area diverted under this proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and guidelines issued by this Ministry in this regard. Additional NPV if becomes due as per final order of Hon'ble Supreme Court, shall be paid by the User Agency;
- b. The user agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- iv. Compensatory levies for this project, if any to be realized in future from the User Agency, shall be deposited to into the account of CAMPA of the State concerned through e-portal (<https://parivesh.nic.in>);
- v. The State Government and User agency shall ensure the construction of residential accommodation for workers will be undertaken separately on non-forest land to avoid pressure on forest land for temporary construction;
- vi. The State Government and user agency shall ensure the encroachment from the lease area of the User agency should be evicted and in case eligible claimants are found in the area propose for diversion, they should be rehabilitated as per R&R policy of the State Government of Chhattisgarh in consonance with the National R&R policy;
- vii. The user agency should undertake comprehensive greening in the villages located in the surrounding of their lease area as per plan submitted along with the compliance report;
- viii. Mined out forest area already reclaimed by the User Agency, should be handed over back in the State Forest Department with a view to bring it under the ambit of core forestry management;
- ix. Provisions, as approved, in Wildlife Management Plan, shall be implemented by the State Forest Department from the funds already provided by the user agency;
- x. Provisions, as approved, in Catchment Area Treatment Plan, shall be implemented by the State Forest Department from the funds already provided by the user agency;

- xi. No forest land should be used for undertaking the diversion of district road, bifurcating the Revenue forest land proposed to divert by the User Agency, While undertaking diversion of the said road, the User Agency should select such alignment ensuring that accessibility/ connectivity is maintained in the ease of the local residents;
- xii. **Safety Zone Management:** Following activities shall be undertaken by the user agency for the management of safety zone:
- a. User agency shall ensure demarcation of boundary of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its protection by erecting adequate number of 6 feet high RCC boundary pillars inscribed with DGPS coordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the. State Forest Department;
 - b. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
 - c. Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy in the area, regeneration shall be taken up in this area by the user agency at project cost under the supervision of the State Forest Department; and
 - d. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;
 - e. The State Govt. and the user agency shall ensure that no mining shall be carried out in the land required to be maintained as safety zone all around the mining area;
 - f. Afforestation on degraded forest land to be selected elsewhere, measuring one and a half times the area under safety zone, shall also be done at the project cost under the supervisions of the State Forest Department. Afforestation will be done within three years from the date of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department;
- xi. Following activities, as per approved plan / schemes, shall be undertaken by the User Agency at project cost 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;
 - d. Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at

- any given place is less than 280; and
- e. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- xii. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- xiii. Felling of large numbers of trees shall not be done at a single point of time. As far as possible the trees should be felled in phased manner only when it is unavoidable that too under the strict supervision of the Forest Department:
- xiv. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable in a phase wise manner and that too under the supervision of the State Forest Department;
- xv. User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986;
- xvi. The State Government shall ensure that User Agency in consultation with the State Forest Department shall create and maintain alternate habitat / home for the avifauna, which's 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;
- xvii. 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 granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- xviii. The State Govt. shall ensure that 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 0.40), if any, located in the area within 100 m. from outer perimeter of the mining lease as per scheme submitted along with the compliance report;
- xix. The User Agency shall regularly undertake desilting of village tanks and other water bodies, as per detailed de-silting plan approved by the Forest Department, so as to mitigate the impact of siltation of such tanks/water bodies;
- xx. The State Govt. shall ensure that the User Agency shall carry out 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 are satisfactorily executed.

- xxi. The mining lease holder shall, after ceasing mining operations, undertake re-grassing the mining area, and any other areas which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna, etc.
- xxii. The State Govt. shall ensure that the boundary of the diverted forest land, 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, distance from pillar to pillar and GPS co-ordinates;
- xxiii. The State Government shall ensure that the User Agency shall implement the afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, as per approved scheme, wherever possible and technically feasible, in consultation with the State Forest Department at the project cost by involving local community;
- xxiv. The State Govt. and the user agency shall ensure that no labour camp shall be established on the forest land;
- xxv. The State Govt. shall ensure that 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;
- xxvi. The user agency will abide by the applicable recommendations of the State Government;
- xxvii. The State Govt. and the user agency shall ensure that the layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xxviii. The State Govt. and the user agency shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal;
- xxix. The State Govt. and the user agency shall ensure that 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;
- xxx. The State Govt. and the user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
- xxxi. The State Government shall ensure that process for settlement of rights under the Forest Rights Act, 2006 has been completed as per the relevant guidelines issued by the Ministry in this regard;
- xxxii. The State Govt. shall ensure that 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 this Ministry by the end of March every year;
- xxxiii. Any other condition that the concerned Integrated Regional Office of this

Ministry may stipulate with the approval of competent authority, from time to time, in the interest of conservation, protection and development of forests & wildlife;

xxxiv.The State Govt. shall ensure that 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; and

xxxv.Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.

Yours faithfully,

(Charan Jeet Singh)
Scientist-D

Copy to:

1. The Principal Chief Conservator of Forests, Government of Chhattisgarh, Raipur.
2. The Regional Officer (Central), Integrated Regional Office, Raipur.
3. The Nodal officer, O/o the PCCF, Government of Chhattisgarh, Raipur.
4. User Agency
5. Monitoring Cell of FC Division
6. Guard File.