

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

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

**Dated: October, 2022**

To,

The Addl. Chief Secretary (Forests),  
Government of Odisha,  
Bhubaneswar.

**Sub: Proposal seeking prior approval of the Central Government under section 2 of the Forest (Conservation) Act, 1980 for non-forestry use of 169.1779 ha of forest land in favour of M/s NALCO for Utkal 'E' Opencast Coal Mines in Angul District (Odisha) - reg.**

Sir,

I am directed to refer to the Government of Odisha's letter No. 10F(Cons) 105/2020-9681/F&E dated 25.06.2020 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 12<sup>th</sup> March, 2021 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. 21113/9F (MG)-308/2020 dated 08.12.2021, letter no. 7030/9F (MG) -308/2020 dated 25.03.2022 and letter no. 18738/9F (MG) -308/2020 dated 22.09.2022, final approval of Central Government under section 2 of the Forest (Conservation) Act, 1980 is hereby granted for non-forestry use of 169.1779 ha of forest land in favour of M/s NALCO for Utkal 'E' Opencast Coal Mines in Angul District (Odisha) subject to fulfilment of the following conditions:

**A. Conditions which need to be complied prior to handing over of forest land by the State Forest Department**

1. The KML files of diverted area, the CA areas, the proposed SMC treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details before handing over the forest land to the 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**

1. Legal status of the diverted forest land shall remain unchanged

**2. Compensatory Afforestation:**

- i. The compensatory afforestation scheme, as approved, shall be implemented by the State Forest Department. The CA will be maintained for 10 years and the CA scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;
  - ii. Compensatory afforestation over degraded forest land, double in extent to the forest land being diverted, i.e., 340 ha, shall be raised by the State Forest Department at the project cost within three years from the date of grant of Stage - II approval;
3. The State Government has realized 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 CAMPA account of the State concerned. NPV, if any becomes due in future, shall be realized in accordance with the relevant guidelines issued by the Ministry;
4. The rehabilitated forest area after closure of mining operations shall be handed over to the State Forest Department for sustainable forest management in the future;
5. Compensatory levies, if any, realized in future under the extant project, shall be transferred/ deposited, through e-challan, in to the account of CAMPA pertaining to the State concerned through **e-portal** (<https://parivesh.nic.in/>);
6. The following activities, as per approved plan / schemes, shall be undertaken in the lease area by the User Agency under the supervision of the State Forest Department:
  - i. 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;
  - ii. 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;
  - iii. Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
  - iv. 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 28°; and
  - v. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
7. User agency either himself or through the State Forest Department shall undertake gap planting and soil and 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 meter from outer perimeter of the mining lease as per plan for plantation and SMC activities submitted along with compliance of Stage-I approval;

8. The User Agency shall regularly undertake desilting of village tanks and other water bodies, located within five km from the mine lease boundary, as per plan submitted along with the compliance of Stage-I approval, so as to mitigate the impact of project on such tanks/water bodies.
9. **Safety Zone Management:** Following activities, at project cost, shall be undertaken by the user agency for the management of safety zone as per relevant guidelines issued by the Ministry's guidelines:
  - i. User agency shall ensure demarcation of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its fencing, protection and regeneration 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;
  - ii. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
  - iii. 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;
  - iv. 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. The degraded forest land (DFL) so selected will be informed to the MoEF & CC and 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; and
  - v. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;
11. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
12. State Government shall ensure that process for settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has been completed in accordance with the relevant guidelines prescribed by this Ministry's letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013;
13. The State Govt. shall ensure that 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
14. 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;

15. Trees should be felled in phased manner as per the requirement in the approved Mining Plan with prior permission of concerned DFO;
16. 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 and that too under strict supervision of the State Forest Department;
17. 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 or otherwise that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the concerned Addl. Principle Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
18. The User Agency shall comply with the Hon'ble Supreme Court order on re-grassing, and re-grass the mining area and any other areas which may have been disturbed due to mining to restore them to a condition which is fit for growth of fodder, flora, fauna, etc. in a timely manner;
19. 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;
20. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
21. No labour camp shall be established on the forest land and 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;
22. 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 coordinates;
23. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government/MoEF&CC and the forest land shall not be used for any purpose other than that specified in the proposal;
24. 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/MoEF&CC;

- 11.No damage to the flora and fauna of the adjoining area shall be caused;
- 25.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 regularly;
- 26.Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;
- 27.The user agency shall comply all 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; and
- 28.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 Sing)**  
Scientist 'D'

**Copy to:**

1. The PCCF (HoFF), State Forest Department, Government of Odisha, Bhubaneswar
2. The PCCF & Nodal Officer (FCA), O/o PCCF, State Forest Department, Government of Odisha, Bhubaneswar
3. The Regional Officer (Central), Integrated Regional Office of MoEF&CC at Bhubaneswar
4. User Agency
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi
6. Guard File