

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

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

Dated: 3rd November, 2022

To

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

Sub: Proposal for non-forestry use of 349.709 ha forest land in favour of M/s Mahanadi Coalfields Limited for Siarmal Opencast Coal Mining Project in Sundergarh District (Odisha) – reg.

Sir,

I am directed to refer to the Government of Odisha's letter No. FE-DIV-FLD-0118-2021-16201/ FE&CC dated 13.09.2021 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 21.04.2022 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. 16860/9F(MG)-35/2021 dated 29.08.2022, letter no. 17583/9F (MG)- 35/2021 dated 08.09.2022 and letter no. 20190/9F(MG)-35/2021 dated 30.09.2022, final approval of Central Government under Section - 2 of the Forest (Conservation) Act, 1980 is hereby granted for non-forestry use of 349.709 ha forest land in favour of M/s Mahanadi Coalfields Limited for Siarmal Opencast Coal Mining Project in Sundergarh District (Odisha) subject to fulfillment of the following conditions:

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

1. The State Government shall ensure that KML files of diverted area, the CA areas, the proposed SMC treatment area and the WLMP area, including the safety zone 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 over degraded forest land, double in extent to the forest land being diverted shall be raised by the State Forest Department at the project cost within three years from the date of grant of Stage - II approval;
 - ii. 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;
3. 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/>);
4. 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 angle 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.
5. Recommendations made in the study titled "Basundhra River Management Plan; A Strategic Framework for Conservation of Basundhara River from Coal Mining" Hydrological regime viz. Basundhara river and its rivulets will be undertaken in consultation with the Water Resource Department, Government of Jharkhand at the project cost;
6. A Soil and Moisture Conservation (SMC) work plan to mitigate the impact of the proposed mining activity on the local rivulets (nallah), as approved, shall be implemented by the State Forest Department at the project cost;
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:** The 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. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
10. Provisions contained in the Site specific Wildlife Management Plan, as approved, shall be implemented by the State Forest Department from the funds already provided by the user agency;
 11. 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;
 12. The State Government shall ensure that area of 5.256 ha of forest land granted on patta, within the patch of 129 ha of degraded forest land proposed for CA, is properly demarcated and its digitized boundaries may be used for regular monitoring by the State Forest Department to ensure no encroachment beyond FRA patta land takes place in future;
 13. 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;
 14. Trees should be felled in phased manner as per the requirement of mining operations as envisaged in the approved Mining Plan with prior permission of concerned DFO;
 15. 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;
 16. 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 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;

- 17.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;
- 18.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;
- 19.The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- 20.No labour camp shall be established on the forest land and the User Agency shall provide fuels, preferably fuels other than firewood, to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- 21.The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and 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.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;
- 25.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;
- 26.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
- 27.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 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