

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

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

Dated: 12th March, 2021

To,  
The Addl. 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 Mining Project 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 and letter no. 18235/9F(MG)-308/2020 dated 16.10.2020 forwarding additional information as sought by the Ministry vide its letter of even number dated 12.07.2020 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords 'in-principle' approval under Section - 2 of the Forest (Conservation) Act, 1980 for **non-forestry use of 156.1779 ha of forest land out of originally proposed 169.1779 ha of forest land in favour of M/s NALCO for Utkal E Opencast Coal Mining Project 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 and compliance is to be submitted prior to Stage-II approval**
  1. **Compensatory Afforestation:**
    - i. *The proposal for CA on notified degraded forest under the management control of the Forest Department was accepted. Nodal Officer shall give a certificate that no afforestation/plantation has been taken up under any plan / programme /scheme on the proposed CA land in the last ten years. However, given the fact that Talcher coal mining area involves very large forest area and the same would need to be properly compensated, future forest diversion proposals in the area will be accepted with CA on degraded notified forest area on the following conditions:*
      - a. *State Government issues a certificate that degraded forest land outside notified forests is not available for CA purpose, and*

- b. *Nodal Officer certifies that no afforestation/ plantation has been taken up under any plan/programme /scheme in the degraded notified forest area proposed for CA in the last ten years.*
2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars, if required on the CA land, shall be deposited in advance with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
3. *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 prior to Stage II approval;*
4. Compensatory levies to be realized from the User Agency under the 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/>);
5. *The revised Mining plan having duly incorporated progressive mine closure Plan with backfilling details year wise and financial expenditure to be incurred annually, shall be submitted as part of the compliance report of the conditions of Stage-I approval. 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;*
6. *Noting that the proposed area is contiguous to Reserve Forests, and heavy mechanised coal mining and transport will have significant impact both on the wildlife of the area and the overall soil-moisture condition that in turn will affect the health of flora in both short and long-term, proper wildlife and soil-moisture conservation (SMC) measures in the adjoining areas along with their long-term monitoring, are necessary. The user agency shall contribute towards cost of the SMC Plan duly approved by State Forest Dept. The User Agency will also contribute towards duly approved Site-specific Wildlife Conservation Plan and Regional Wildlife Management Plan of the adjoining area at the revised rate. The Plan shall include specific conservation measures for RET flora and fauna species. All compensatory levies to be realized from the user agency in compliance of aforementioned approved plans shall be deposited into the account of CAMPA;*
7. *Approved R&R plan shall be submitted. Noting that collection of forest products from forests in the area is an important and significant component of livelihoods of the people in the area and that the same will be affected due to loss of forest on account of mining, the R&R Plan shall include components for compensating the loss of such forest-based income including augmenting it through village level forest-based enterprises;*
8. The User Agency shall transfer the funds towards the cost of 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;
9. *Thirteen (13) ha of forest land proposed to be used for Office, R.S. and other infrastructure, is not allowed as part of this proposal;*
12. 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 meter from outer perimeter of the mining lease. The plan for plantation and SMC activities will be prepared and submitted to MoEF &CC before Stage-II Clearance;
13. The User Agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five km from the mine lease boundary. This list is to be duly verified by the concerned Divisional Forest Officer. The User Agency shall regularly undertake desilting of these village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies. A detailed approved plan for desilting of identified ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF & CC before Stage-II approval;
  14. *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 with shape files before Stage-II approval 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;*
  15. **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; and
    - iv. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;
  16. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
  17. State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry's letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013, in support thereof; and
  18. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).
- B. Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval**

1. Legal status of the diverted forest land shall remain unchanged;
2. 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;
3. 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;
4. *Trees should be felled in phased manner as per the requirement in the approved Mining Plan with prior permission of DFO, Angul;*
5. 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.
6. 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 concern 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.
7. *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;*
8. *Talcher coalfield area is one of the largest in the country. Already a large number of operational leases/coal blocks, and many other allocations/approvals are underway in the area. Their cumulative effect on the overall forest and wildlife cover in the area could be significant. Further, overall increase in ambient air temperature and forest-fire susceptibility in coal mining areas has been generally observed around the world. Such cumulative impact could be better reduced /mitigated if synergistic action is taken by different coal block operators. Therefore, a multidisciplinary committee may be formed by the Ministry to make a visit to the Talcher coalfield area and suggest integrated action on infrastructure and mining development in forest and wildlife friendly manner. The committee may also suggest site specific mitigation measures. The visit of the committee shall be facilitated by the State Government. The committee shall submit its report in next two months. It is clarified that submission of the report by the committee shall not be a pre-condition for compliance of the in-principle approval of the instant proposal. However, the User Agency shall give an undertaking that any specific condition/measure suggested by the committee for the instant proposal, and approved by this Ministry, shall be complied by them during the course of the lease operation;*
9. 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;
10. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
  11. 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;
  12. Following activities, as per approved plan / schemes, shall be undertaken 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.
  13. 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;
  14. 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;
  15. 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;
  16. No damage to the flora and fauna of the adjoining area shall be caused;
  17. 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;
  18. 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; and
  19. 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.
  20. 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.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,  
Sd/-

(Sandeep Sharma)

Assistant Inspector General of Forests

**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

Signature Not Verified

Digitally signed by SANDEEP  
SHARMA  
Date: 2021.03.12 19:44:58 IST

