

F. No. 8-23/2019-FC
Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

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

Dated: ~~October~~, 2019

13th Nov.

To

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

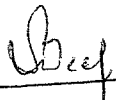
Sub: Diversion of 162.394 ha of forest land (54.365 ha Protected Forest Land and 108.029 ha Jungle-Jhadi land) in favour of Damodar Valley Corporation for Tubed Opencast Coal Mining Project in Latehar District in the State of Jharkhand - reg.

Sir,

I am directed to refer to the Government of Jharkhand's letter No. Van Bhumi-23/2019-2578/V.P. dated 11.07.2019 on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 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 diversion of 162.394 ha of forest land (54.365 ha Protected Forest Land and 108.029 ha Jungle-Jhadi land) in favour of Damodar Valley Corporation for Tubed Opencast Coal Mining Project in Latehar District in the State of Jharkhand subject to fulfilment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. **Compensatory Afforestation:**
 - (a) Compensatory Afforestation shall be raised over degraded forest land, double in extent to the forest area being diverted, by the State Forest Department at the cost of user Agency;
 - (b) The area proposed for diversion includes 12 ha of CA plantation done in Dihi Protected forest area. In addition to stipulated CA required for diversion, user agency shall pay additional cost for raising CA over degraded forest land. The additional 12 ha degraded land shall be identified and shape files shall be submitted.
- iii. 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 project authority. The CA will be maintained for 10 years.




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The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

iv. **Net Present Value (NPV):**

- (a) The State Government shall charge the Net Present Value(NPV) for the 162.394 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
- (b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- v. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- vi. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through **e-portal** (<https://parivesh.nic.in/>).
- vii. 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;
- viii. The 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 & Regulating) Act, 1957, as amended or Rules framed there under, subject to a maximum period of 30 years;
- ix. 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 are satisfactorily executed.
- x. 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 4 feet high RCC boundary pillars inscribed with DGPS coordinates and deploying adequate number of watchers under the supervision of the State Forest Department.



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- (b) In case of the mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation/roads should be properly fenced by the user agency at the project cost to protect the vegetation /regeneration activities in the safety zone.
- (c) Safety zone shall be maintained as green belt around the mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the user agency at the project cost under the supervision of the State Forest Department.
- (d) Afforestation on degraded forest land, to be selected elsewhere, measuring one and a half times the forest area under safety zone shall also be done by the user agency at the project cost under the supervision of the State Forest Department.
- xi. Following activities shall be undertaken by the User Agency at the project cost:
 - (a) Preparation and implementation of a plan containing appropriate mitigative measures to minimize soil erosion and choking of streams;
 - (b) Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion;
 - (c) Construction of check dams, retention /toe walls along the contour to arrest sliding down of the excavated material;
 - (d) Stabilize the overburden dumps by appropriate grading/benching so as to ensure that that angles of repose at any given place is less than 28° ; and
 - (e) Strict adherence to the prescribed top soil management.
- xii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xiii. 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;
- xiv. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xv. The forest land shall not be used for any purpose other than that specified in the proposal;
- xvi. 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;
- xvii. No damage to the flora and fauna of the adjoining area shall be caused;
- xviii. 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;
- xix. User agency shall submit CAT plan for the catchment of Sukri River. The plan shall be finalised and approved by competent authority prior to Final approval.
- xx. State government shall prepare a surveillance and monitoring plan to ensure that the

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large scale translocation of families from the area shall not get shifted to the adjoining forest land after their reallocation. Surveillance and Monitoring system for the forest hinterlands of the project area to be planned and executed at the project cost with provisions of patrolling manpower, building infrastructure (watch tower, check post etc), forest road access and vehicular resources as necessary.

- xxi. User agency shall explore the possibility of translocation of existing native trees from the project site work in consultation with State forest department.
- xxii. 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; and
- xxiii. 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.
- xxiv. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- xxv. 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;
- xxvi. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).
- xxvii. 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 the compliance report on the fulfilment of the above mentioned conditions from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

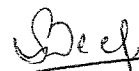
Yours faithfully,


(Sandeep Sharma) 13.11.19

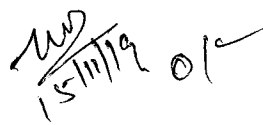
Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator Forests, Government of Jharkhand, Ranchi
2. The Nodal Officer, O/o the PCCF, Government of Jharkhand, Ranchi
3. The Deputy Director General (Central), Regional Office, Ranchi.
4. User Agency
5. Monitoring Cell of FC Division, MoEF&CC
6. Guard file


(Sandeep Sharma) 13.11.19

Assistant Inspector General of Forests


15/11/19