

I/6226/2021

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

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

Dated: 20th October, 2021

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 15.701 ha of revenue forest land in the villages of Dulanga, Ghumudasan and Manoharpur under Hemgiri Tahasil of Sundargarh district for Coal Mining in Manoharpur Coal Mine Project by M/s Odisha Coal and Power Ltd. (OCPL) under DFO, Sundargarh.

Sir,

I am directed to refer to the Government of Odisha's letter No.10F (Cons) 112/19-25139/F&E, Bhubaneswar, dated 21.12.19 on the above subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 and subsequent letter dated 14.12.2020 and 11.08.2021 forwarding additional information as sought by the Ministry's vide its letters of even numbers dated 31.01.2020 and 1.03.2021, respectively 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 15.701 ha of revenue forest land in the villages of Dulanga, Ghumudasan and Manoharpur under Hemgiri Tahasil of Sundargarh district for Coal Mining in Manoharpur Coal Mine Project by M/s Odisha Coal and Power Ltd. (OCPL) under DFO, Sundargarh subject to fulfilment of the following conditions:

A. Conditions that 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 (CA):

- i. 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 afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;

I/6226/2021

- ii. The non-forest land identified for CA shall be transferred and mutated in favour of the State Forest Department and subsequently notified by the State Government as RF under Section - 4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act before Stage-II approval. A copy of the final Notification shall be submitted along with the compliance of Stage-I approval; and
 - iii. 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.
2. State Government shall ensure that the CA area earmarked against earlier diversions of forest land under the provisions of FCA 1980 is mutated and notified as RF/PF as per the provisions of law. The compliance shall be submitted prior to Stage II approval;
 3. 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;
 4. Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, into the account of CAMPA pertaining to the State concerned through **e-portal** (<https://parivesh.nic.in/>);
 5. In consultation with the State Forest Department, following schemes/plans shall be prepared and implemented by the user agency in consultation with the State Forest Department and copies of the same will be submitted to the Ministry along with Stage-I compliance:
 - i. Mitigative measures to minimize soil erosion and choking of stream, to be implemented within a period of three year of issue of Stage-II approval.
 - ii. For planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion:
 - iii. For construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour
 - iv. To stabilize the overburden dumps by appropriate grading/ benching, which should also ensure angles of repose at any given place is less than 28°; and
 - v. Top soil management plan.
 6. 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;
 7. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
 8. State government shall submit a certificate that no plantation activities has been taken by the Forest department under any scheme/plan/programme in the land proposed for CA in last 10 years.

I/6226/2021

9. 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
 10. 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 and undertaking in this respect shall be submitted prior to Stage-II approval**
1. Legal status of the diverted forest land shall remain unchanged;
 2. The compensatory afforestation over non-forest land, equal in extent to the forest land being diverted shall be raised by the State Forest Department at the project cost. The State Government shall ensure that compensatory afforestation over the non-forest land equal in extent to the forest land 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;
 3. At the time of payment of the 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 concerned DFO;
 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 the 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 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 to 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 Regional Officer of MoEF&CC may direct for suspension of mining activities till such time such reclamation is satisfactorily executed.
 7. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms. The following activities shall be undertaken by the user agency for the management of safety zone:
 - i. 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;
 - 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

I/6226/2021

- Department; and
- iv. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;
 - v. 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;
 - vi. 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;
 8. 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;
 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. 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 DGPS coordinates;
 13. 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;
 14. 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;
 15. No damage to the flora and fauna of the adjoining area shall be caused;
 16. 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;
 17. 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
 18. 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.
 19. 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

I/6226/2021

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 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