

F. No. 8-45/2018-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi – 1100 03.

Dated: September, 2018
29th Oct.

To,
The Principal Secretary,
Government of West Bengal,
Kolkata-700 098

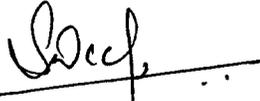
Sub: Diversion of 101.77 ha of forest land in favour of WB Power Development Corporation Ltd. for establishment of Gangaramchak-Bhadulia Block Open Cast Coal Mines under Birbhum forest Division, West Bengal.

Sir,

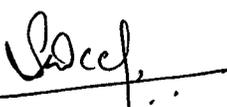
I am directed to refer to the State Government's letter No. 1114-For/O/L/10T-05/2018 dated 11.06.2018 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys the '*in-principle*' approval for diversion of 101.77 ha of forest land in favour of WB Power Development Corporation Ltd. for establishment of Gangaramchak-Bhadulia Block Open Cast Coal Mines under Birbhum forest Division, West Bengal subject to fulfilment of the following conditions: -

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation shall be raised over 106.795 ha identified non-forest land and at least 1000 plants per hectare shall be planted over identified land as per the working plan prescription with provision for ten years on subsequent maintenance. If it is not possible to plant that many saplings in the area identified for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan
- (iii) 25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
- (iv) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance and the said non-forest land as identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance in this regard;
- (v) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
- (vi) The User Agency shall transfer the cost of raising and maintaining the **compensatory afforestation** at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State **through online portal**. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.


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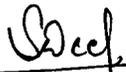
- (vii) The User Agency shall transfer the funds for **the Net Present Value (NPV)** of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 **through online portal** of Ad-hoc CAMPA account of the State Concerned;
- (viii) 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;
- (ix) **User Agency should ensure that the Compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.**
- (x) Following activities shall be undertaken by the user agency at the project cost:
- A plan containing appropriate mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented;
 - Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion;
 - Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour;
 - 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
 - Strict adherence to the prescribed top soil management.
- (xi) User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986 (if applicable);
- (xii) The user agency shall prepare a land surrender schedule for surrender of the mined out and biologically reclaimed forest land in accordance with the existing mine plan and progressive mine closure plan and submit an undertaking that mined out and biologically reclaimed forest land will be surrendered to the State Forest Department as per this schedule.
- (xiii) Fencing, protection and regeneration of the safety zone area [7.5 meters strip shall be kept within the mining lease boundary and area of the safety zone shall be part of the total area of mining lease as per the Ministry's guidelines dated 27.05.2015] shall be done at the project cost within three years and maintained thereafter as per approved working plan of the State Govt.;
- (xiv) User agency either himself or through the State Forest Department shall undertake afforestation on degraded forest land, at project cost, one and half time in extent to the area used for safety zone;
- (xv) The Forest clearance will be for a period co terminus with the lease period specified in the lease agreement. The State Government will submit the lease agreement document specified in the lease agreement;
- (xvi) 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 0.4), if any, located in the area within 100 meters from outer perimeter of the mining lease;
- (xvii) 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. 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 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;
- (xviii) The 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


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- expected observable milestones.
- (xix) User agency shall undertake mining in a phased manner only after stage-II clearance and take due care for reclamation of the mined over area. The concurrent reclamation plan shall be executed by the User Agency as per the approved mining plan/scheme and an annual report on implementation thereof shall be submitted to the concern Nodal Officer, Forest (Conservation) Act, 1980, and the Addl. Principal Chief Conservator of Forests (Central), Ministry of Environment & Forests, concern Regional Office. 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 Addl. Principal Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed;
- (xx) No labour camp shall be established on the forest land;
- (xxi) User agency shall provide firewood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas;
- (xxii) Boundary of the mining lease and safety zone shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing, distance from pillar to pillar and GPS co-ordinates;
- (xxiii) Forest land shall not be used for any purpose other than that specified in the proposal;
- (xxiv) 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 in it's letter No. 11-9/1998-FC (pt.) dated 3rd August 2009 read with 05.07.2013, in support thereof;
- (xxv) The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Government, concerned Regional Office and this Ministry by the end of March every year regularly.
- (xxvi) Any other condition that the concern Regional Office of this Ministry, may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxvii) The State Government and user agency shall comply the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of the compliance report on fulfilment of the above conditions from the State Government, formal approval will be considered 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.

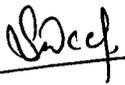
Yours faithfully,


(Sandeep Sharma) 30.10.18

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of West Bengal, Kolkata.
2. The Nodal Officer (FCA), O/o the PCCF, Government of West Bengal, Kolkata.
3. Addl. Principal Chief Conservator of Forests (C), Regional Office, Bhubaneswar.
4. User agency.
5. Monitoring Cell
6. Guard file.


(Sandeep Sharma) 30.10.18

Assistant Inspector General of Forests (FC)