

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

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Indira Paryavaran Bhawan  
Aliganj, Jor Bagh Road  
New Delhi-110003

**Dated: 6th  
January, 2021**

To

**The Addl. Chief Secretary (Forest),**  
Government of Odisha,  
Bhubaneswar.

**Sub: Proposal seeking prior approval under the Forest (Conservation) Act, 1980 for non-forestry use of 6.5 ha of forest land located in Safety Zone of Utkal 'D' Coal mining Project of M/s NALCO in village Raijharan, Nandichor, Similisahi, Kosala in Angul District (Odisha) – reg.**

Sir,

I am directed to refer to the Government of Odisha's letter No, 10F (Cons) 78/19-22822/F&E dated 26.11.2019 on the above subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980. After careful examination and following due procedure, the proposal was accorded 'in-principle' approval under the Forest (Conservation) Act, 1980 by the Central Government vide letter of even number dated 20<sup>th</sup> April 2020 subject to fulfilment 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. 21015/9F (MG)-46/2005 dated 02.12.2020, final approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, for non-forestry use of 6.5 ha of forest land located in Safety Zone of Utkal 'D' Coal mining Project of M/s NALCO in village

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Raijharan, Nandichor, Similisahi, Kosala in Angul District (Odisha) subject to the following conditions:

- i. Legal status of forest land proposed for diversion shall remain unchanged;
- ii. Total area diverted under this project shall become 143.52 ha, comprising of 6.5 ha of safety zone being diverted under this proposal and 137.02 ha granted final approval vide letter dated 02.09.2020;
- iii. **Safety Zone Management:** 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 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;
  - b. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
  - c. 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
  - d. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;
- iv. The cost of felling of trees, if any to be involved in future, shall be deposited by the User Agency with the State Forest Department;
- v. **Compensatory Afforestation:**
  - a. Afforestation shall be raised over degraded forest land, 1.5 times the area of safety zone being diverted, within three years of Final approval and maintained thereafter as per prescription of approved working plan with provision for ten years of subsequent maintenance from the funds already provided by the user agency, in addition to CA proposed in the earlier approval dated 02.09.2020, at the cost of User Agency. As far as possible a mixture of indigenous species will be planted and mono culture has to be avoided;

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- b. Afforestation, over degraded forest land shall be raised and maintained by the at the current wage rate by the State Forest department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- c. The State Government shall ensure that afforestation, in lieu of safety zone is raised over degraded forest land accepted for the instant proposal.
- d. The State Government shall ensure that no plantation/Afforestation activity was taken up under any scheme in the past, over the degraded forest area identified and accepted for raising CA;

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

- a. The State Government has realized the NPV of the forest area diverted under this proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and guidelines issued by this Ministry in this regard. Additional NPV if becomes due as per final order of Hon'ble Supreme Court, shall be paid by the User Agency;
  - b. 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.
- vii. The State Government shall upload the kml files of the area under diversion and the accepted degraded forest land for raising compensatory afforestation in the E-Green Watch portal of FSI, before handing over forest land to the user agency.
- viii. The State Government shall ensure that compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by the MoEF&CC in this regard, before handing over of forest land to the user agency;
- ix. Compensatory levies for this project, if any to be realized in future from the User Agency, shall be deposited to into the account of CAMPA of the State concerned through e-portal (<https://parivesh.nic.in>);
- x. 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 granted under the

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Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;

- xi. The mining lease holder shall, after ceasing mining operations, undertake re-grassing the mining area, and any other areas which may have been disturbed due their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna, etc
- xii. All applicable conditions, stipulated in the Final approval dated 02.09.2020 granted for diversion of 137.02 ha of forest land for Coal Mining, shall remain applicable in the instant case also;
- xiii. The State Government shall ensure that compliance report of this approval is uploaded on e-portal (<https://parivesh.nic.in>)
- xiv. The user agency shall submit the annual self - compliance report in respect of the above stated conditions to the State Government, concerned Integrated Regional Office and this Ministry by the end of March every year regularly; and
- xv. The user agency shall comply the provision 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.

Yours faithfully,

Sd/-

**(Sandeep Sharma)**

Assistant Inspector General of Forests

**Copy to:**

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer (FCA), Forest Department, Government of Odisha, Bhubaneswar.
3. The Regional Officer (Central), Integrated Regional Office (Eastern Zone),

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Bhubaneswar:

4. User Agency.
5. Monitoring Cell of FC Division, MoEF&CC
6. Guard File