

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

Indira Paryavaran Bhawan,
Jor bagh Aliganj Road,
New Delhi – 110003.
Dated: 20th April , 2020.

To,

The Principal Secretary (Forests),
Government of Odisha,
Bhubaneswar.

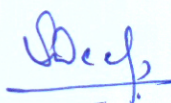
Subject: Proposal for additional diversion of 6.5 ha of forest land located in village Raijharan, Nandichor, Similisahi, Kosala of safety zone area of Utkal 'D' Coal Mine of NALCO in Angul District, Odisha.

Sir,

I am directed to refer to the State Government's letter No. 10F (Cons) 78/19-22822/F&E dated 26.11.2019 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.

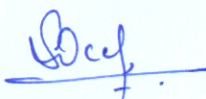
I am further directed to inform that the Competent Authority of in the Ministry has accepted the recommendations of the FAC. Accordingly, the Central Government hereby accords the 'in-principle' approval under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 6.5 ha of forest land located in village Raijharan, Nandichor, Similisahi, Kosala of safety zone area of Utkal 'D' Coal Mine of NALCO in Angul District, Odisha, subject to fulfilment of the following conditions: -

- i. Legal status of the diverted forest land 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 Stage-I approval on 20.10.2006;
- iii. Compensatory Afforestation(CA) shall be raised over degraded forest land, in lieu of 6.5 ha of forest land for safety zone, within three years of Stage –II Clearance and maintained thereafter as per prescriptions of approved working plan with provision for ten years on subsequent maintenance, in addition to CA proposed in the earlier approval dated 20.10.2006, at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and mono-culture of a species has to be avoided;
- iv. **Part of land offered for plantation is MDF. State Government shall identify eligible degraded forest land (i.e. having vegetation density less than 40 per cent), for carrying out above plantation, and communicate the same to Government of India, before issue of final approval by the State Government for the proposal.**
- v. The State Government shall issue a certificate that no plantation/afforestation activity was taken up under any scheme, over the the degraded forest area identified and accepted for raising CA.
- vi. The State Government and user agency shall ensure to maintain safety zone as per the



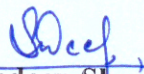
prescribed norms.

- vii. 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. 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 area under safety zone shall also be done by the user agency at the project cost under the supervision of the State Forest Department.
- vii. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- viii. 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 CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- ix. The User Agency shall transfer the funds for the Net Present Value (NPV) of the forest land diverted under this proposal, if not already paid, 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;
- x. 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;
- xi. The complete compliance of the FRA, 2006 shall be ensured, if not already done.
- xii. 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>).
- xiii. 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 Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- xiv. All other conditions, stipulated in the Stage-I approval dated 20.10.2006 granted for diversion of 137.02 ha. of forest land for Coal Mining, shall remain applicable in the extant case also.
- xv. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in>).
- xvi. 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
- xvii. The user agency shall comply 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.



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 State Government, subject to prior approval granted by Government of India.

Yours faithfully,


(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, O/o the PCCF, Government of Odisha, Bhubaneswar.
3. The Dy. Director General (Central), Regional Office, Bhubaneswar
4. Monitoring Cell of FC Divisions, MoEF&CC, New Delhi.
5. User agency
6. Guard File.