

F. No. 8-62/1986-FC (Pt.)
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Jorbagh Road, Aliganj
New Delhi – 110 003
Dated: 12th December, 2018

To,
The Principal Secretary (Forests),
Department of Forests & Environment,
Government of Madhya Pradesh,
Bhopal.

Sub: Renewal for diversion of 874.146 ha of Forest Land in favour of M/s. Northern Coalfields Limited (NCL) for Open Cast Mining of coal in Nigahi of District Singrauli in the State of Madhya Pradesh (Online proposal no. FP/MP/MIN/28571/2017)-regarding.

Sir,

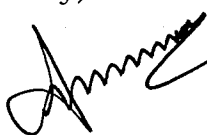
I am directed to refer to the letter No. F-1/FP/MP/MIN/28571/2017/10-11/2007 dated 07th July, 2018 as received from APCCF (LM) and Nodal Officer, FCA, 1980, Govt. of Madhya Pradesh on the above mentioned subject, seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government of Madhya Pradesh and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees **to accord stage-I / In-principle** approval under the Forest (Conservation) Act, 1980 for renewal of diversion of 874.146 ha of Forest Land in favour of M/s. Northern Coalfields Limited (NCL) for Open Cast Mining of coal in Nigahi of District Singrauli in the State of Madhya Pradesh, subject to the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) *The user agency shall deposit the NPV and penal NPV for the entire area as per Ministry's guideline dated 29.01.2018;*
- (iii) 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 into Ad-hoc CAMPA account of the State Concerned;
- (iv) 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;



- (v) The 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;
- (vi) The user agency shall implement the following activities under the supervision of the State Forest Department at the project cost in consultation with the State Forest Department;
 - a) Mitigative measures to minimize soil erosion and choking of stream shall be initiated to be implemented within a period of three years with effect from the date of issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department;
 - b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;
 - c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
 - d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28°; and
 - e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan;
- (vii) The State Government and user agency shall monitor the mining induced subsidence and take appropriate mitigative measures to ensure that it remains within the permissible limit;
- (viii) The user agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- (ix) The User Agency shall submit the approved Mining Plan as technically approved by the competent authority;
- (x) 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;
- (xi) 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, and the Rules framed there-under, subject to a maximum period of 25 years. The State Government will submit the lease agreement document specified in the lease agreement;
- (xii) User agency in consultation with the State Forest Department shall create and maintain alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining to the forest area being diverted for the project;
- (xiii) User agency either himself or through the State Forest Department shall undertake fencing, protection and afforestation of the safety zone area (as per the Ministry's guidelines dated 27.05.2015), at the project cost;
- (xiv) User agency either himself or through the State Forest Department shall undertake afforestation on degraded forest land, one and half time in extent to the area used for safety zone;
- (xv) Period of diversion of the said forest land under this approval shall be for a period of 20 years only;



- (xvi) User agency either itself 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. 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 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 expected observable milestones;
- (xix) User agency shall undertake mining in a phased manner 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 Nodal Officer, Forest (Conservation) Act, 1980, Government of Odisha and the Addl. Principal Chief Conservator of Forests (Central), Ministry of Environment & Forests, Regional Office, Bhopal. 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 to be suspended till such time, such reclamation activities are satisfactorily executed;
- (xx) The ground area over the mine shall not be allowed to be used for construction of residential buildings /labour camps or huts;
- (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) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxv) 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;
- (xxvi) 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;



- (xxvii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxviii) 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;
- (xxix) 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; and
- (xxx) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project;
- (xxxi) The period of lease and valid lease documents shall be submitted to MoEF & CC prior to Stage-II approval;

3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the State Government of Madhya Pradesh, final / stage-II approval for diversion of the said forest under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of the said forest land to the user agency shall not be effected by the State Government of Madhya Pradesh till final/stage-II approval for its diversion is issued by this Ministry.

Yours faithfully,


(Shrawan Kumar Verma)

Dy. Inspector General of Forests (FC)

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Madhya Pradesh, Bhopal.
2. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (Western Zone), Bhopal.
3. The Nodal Officer, under the forest (Conservation) Act, 1980, Forest Department, Government of Madhya Pradesh, Bhopal.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.
6. Guard File.


(Shrawan Kumar Verma)

Dy. Inspector General of Forests (FC)