

F. No. 8-57/2017-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110 003
Dated: 19th April, 2018

To,

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

Sub: Diversion of 467.809 hectares of forest land/revenue forest land (443.000 ha. forest land + 24.809 ha. Revenue forest land=467.809 ha. forest land) for Opencast Coal Mining in favour of M/s. Northern Coal Fields Limited, Rewa in Singrauli District State of Madhya Pradesh.-regarding.

Sir,

I am directed to refer to the Addl. Principal Chief conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, State Government of Madhya Pradesh's letter No. F-1/783/2017/10-11/3262 Bhopal dated 30.10.2017 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 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 the diversion of 467.809 hectares of forest land/revenue forest land (443.000 ha. forest land + 24.809 ha. Revenue forest land=467.809 ha. forest land) for Opencast Coal Mining in favour of M/s. Northern Coal Fields Limited, Rewa in Singrauli District State of Madhya Pradesh, subject to the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the degraded forest land of 467.809 ha. (twice in extent to the area of forest land proposed to be diverted ($2 \times 467.809 = 935.618$ ha.) of degraded forest land shall be raised within a period of three years with effect 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;
- (iii) Compensatory afforestation shall be raised over double the diverted forest land on orange forest and at least 1000 plants per hectare ($467.809 \text{ ha} \times 2 \times 1000 = 935780$ plants) shall be planted over identified degraded forest land under administrative management control of forest department as per the working plan prescription with provision for ten years on subsequent maintenance;
- (iv) 25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land;
- (v) Complete compliance of FRA will be done and certificate on prescribed form will be submitted along with the compliance report;
- (vi) The representatives of the UA have informed that not all the trees enumerated in the lease area will be felled. Trees falling in the safety zone area, around internal roads, magazine area, etc. will be maintained as intact as far as possible. Felling of trees will be undertaken under the supervision of the State Forest Department;
- (vii) Labour working in the mine should be provided with the LPG to avoid pressure on surrounding forests;



- (viii) Residential accommodation for the labourers working in the mine should be ensured to avoid pressure on forest land for temporary residential accommodation;
- (ix) A committee, including DFO as member, should be constituted for the monitoring of conditions to be stipulated by the Government of India and implementation of reclamation plan;
- (x) Safety zone should be protected by appropriate measures to ensure protection of the surrounding forest so as not cause hindrance to the movement of wild animals;
- (xi) The State Government / user agency shall arrange to furnish an Integrated Wildlife Plan for the region;
- (xii) Area to be diverted required to be demarcated on ground and measured, mapped the said information would be submitted to the Regional office who will forward its comments to this Ministry for further action;
- (xiii) The State Government will ensure the rehabilitation of the oustees in accordance with the National Rehabilitation Policy;
- (xiv) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
- (xv) 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;
- (xvi) 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;
- (xvii) 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;
- (xviii) Any fund received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA through online portal of Ad-hoc CAMPA account of the State Concerned;
- (xix) The user agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- (xx) Following activities shall be undertaken by the user agency under the supervision of the State Forest Department at the project cost and appropriate cost of the plan / scheme shall be **deposited in Ad-hoc CAMPA account through online E-portal;**
 - a. A plan containing appropriate mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented;
 - b. Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion;
 - c. Construction of check dams, retention / toe walls to arrest sliding down of the excavated material along the contour;
 - d. Stabilize the overburden dumps by appropriate grading/benching so as to ensure that angles of repose at any given place is less than 28°; and
 - e. Strict adherence to the prescribed top soil management;
- (xxi) All the funds received from the User Agency under the project shall be transferred to Ad-hoc CAMPA through online e-portal in the concerned Saving Bank Account in Corporation Bank, Lodi Road, New Delhi-110003;
- (xxii) 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;

- (xxiii) 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 the forest area being diverted for the project;
- (xxiv) 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.
- (xxv) 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;
- (xxvi) 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 as amended;
- (xxvii) 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;
- (xxviii) 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;
- (xxix) 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;
- (xxx) 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 Madhya Pradesh 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;
- (xxxi) No labour camp shall be established on the forest land;
- (xxxii) 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;
- (xxxiii) 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;
- (xxxiv) Forest land shall not be used for any purpose **other than that specified** in the proposal;
- (xxxv) 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;

- (xxxvi) 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.
- (xxxvii) Any other condition that the Regional Office (Western Zone), Bhopal of this Ministry, may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- (xxxviii) The State Government and user agency shall comply the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court & NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project;
- (xxxix) In compliance of the Rule 41 of the Mineral Conservation and Development Rules, 1988 the restoration of flora in the entire lease area will be done in such a manner so as:
- (a) To cause least damage to the flora of the area held under prospecting license / mining lease and the nearby areas.
 - (b) Take immediate measures for planting in the same area or any other area selected by the Controller General or the authorized officer not less than twice the number of trees destroyed by reason of any prospecting or mining operations.
 - (c) Look after them during the subsistence of the licence/lease after which these trees shall be handed over to the State Forest Department or any other authority as may be nominated by the Controller General or the authorized officer; and
 - (d) Restore, to the extent possible, other flora destroyed by prospecting or mining operations.
- (xl) The details of such number of trees to be felled on forest as well as non-forest area in the lease and plantation of double the number of trees in the lease area or outside will be provided to the concerned Divisional Forest Office, and the Concerned Regional Office of the Ministry who will monitor such plantation efforts by the company;
- (xli) **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; and**
- (xlii) **The period of lease and 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,

(Nisheeth Saxena)

Sr. Assistant 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.

(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)