

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

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 26th May, 2023

To,

The Principal Secretary (Forests),
Government of Jharkhand,
Ranchi.


Subject: Proposal for non-forestry use of 331.198 ha of forest land in favour of M/s NTPC Limited for Pakribarwadih (North West) Opencast Coal Mining Project in West Forest Division, District Hazaribagh, Jharkhand – regarding.

Madam/Sir,

I am directed to refer to the Government of Jharkhand's letter No. Van Bhumi-10/2021-1664/V.P. dated 14.06.2022 on the above 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 Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.


After careful examination of the proposal of the State Government and on the basis of the recommendations of the Advisory Committee, and its acceptance by the competent authority in this Ministry, ***In-principle/Stage-I approval*** of the Central Government is hereby accorded for non-forestry use of 331.198 ha of forest land under Section - 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s NTPC Limited for Pakribarwadih (North West) Opencast Coal Mining Project in West Forest Division, District Hazaribagh, Jharkhand) subject to fulfillment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. *A team of specialists from field of Soil Engg, Agriculture Engg, Hydrology, GIS & Geology shall be constituted under chairpersonship of DFO concerned. The team shall continuously study the area for assessing the impact of on-going mining on various environmental/ecological parameter and submit findings/ report to IRO annually.*
- iii. *UA shall generate drone survey data on spatial and seasonal status of Khorra Nalla & Pakwa Nalla watersheds for having first-hand information on the current status of the Khorra and Pakwa Nallas watershed parallel to the ongoing mining activities. For this purpose, a reputed institute, preferably located in the State, may be engaged for data collection, processing and*

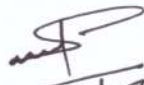

26/05/23

interpretation in effective and exclusive manner.

- iv. *Study of river-aquifer interaction using non-invasive geo-physical technique in 10 km radius of NTPC Pakribarwadih Coal mine site shall be conducted to facilitate the delineation of groundwater potential zones, ground water variation in these zones and help in water budgeting to the surroundings.*
- v. *Since the area is rich in species composition therefore Reclamation, Eco-restoration, and Conservation Plan shall be prepared by conducting proper study before initiating mining activities.*
- vi. *The Catchment Area Treatment Plan shall be prepared and implemented at the cost of the user agency for the treatment of all Nallahs/streams pertaining to instant mining lease/project area. The commensurate funds shall be deposited in National Authority prior to Stage-II approval.*
- vii. *An integrated soil and water conservation plan shall be prepared and implemented at the cost of the user agency for the entire landscape affected by the mining activities of the User agency in the region.*
- viii. *The mining in the area should be in consonance with the "Integrated Wildlife Management Plan" of North Karanpura. The cost estimate of Integrated Wildlife Management Plan (IWMP) submitted is based on the rate of 2010, while approval is being considered in 2023, hence rate revision has to be done based on the present rate.*
- ix. *As observed in the existing mine of NTPC Pakri Barwadih no amount of siltation dams could prevent the sediment deposition and choking of streams as overburden is dumped just adjacent to the nallahs/ streams. The Khorra nallah will largely be affected by the mining activities hence it should be protected by identifying and developing green belt of 100 metres on the side of Khorra nallah & Pakwa Nalas that is facing the mining area, to prevent further sedimentation and choking.*
- x. *A violation of the conditions of approval in case of diversion of 1026.438 ha forest land diverted earlier has been reported and is being processed separately. The State Govt shall ensure that the penal NPV and other penal levies as imposed are deposited before the Stage-II approval.*
- xi. **Compensatory Afforestation:**
 - a. *The Compensatory afforestation over degraded forest land, double in extent to the forest land being diverted, shall be raised by the State Forest Department at the project cost within three years from the date of grant of Stage - II approval;*
 - b. *The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars, if required on the CA land, shall be deposited in advance with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;*


26/05/23

- c. The KML files of diverted area and the CA areas shall be uploaded on the e-Green watch portal with all requisite details prior to Stage II approval.
- xii. The User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal from the User in accordance with the MoEF&CC's guidelines dated 6.01.2022 read with guidelines dated 22.03.2022.
- xiii. **Safety Zone Management:** Following activities, at project cost, shall be undertaken by the user agency for the management of safety zone as per relevant guidelines issued by the Ministry's guidelines:
- a. User agency shall ensure demarcation of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its fencing, protection and regeneration 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 regeneration shall be taken up in this area by the user agency at 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 at the project cost under the supervisions of the State Forest Department. The degraded forest land (DFL) so selected will be informed to the MoEF & CC with shape files before Stage-II approval and afforestation will be done within three years from the date of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department; and
 - e. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms.
- xiv. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- xv. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other modes will not be accepted as compliance of the Stage-I clearance;
- xvi. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- xvii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- xviii. 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


26/15/23

NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;

- xix. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xx. Trees should be felled in phased manner as per the requirement in the approved Mining Plan with prior permission of concerned DFO;
- xxi. The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. 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 concern Regional Officer, Integrated Regional Office may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
- xxii. The User Agency shall comply with the Hon'ble Supreme Court order on re-grassing, and re-grass the mining area and any other areas which may have been disturbed due to mining to restore them to a condition which is fit for growth of fodder, flora, fauna, etc. in a timely manner;
- xxiii. 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, as amended and the Rules framed there-under;
- 26/05/23 xxiv. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xxv. No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xxvi. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
- xxvii. 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;
- xxviii. No damage to the flora and fauna of the adjoining area shall be caused;
- xxix. 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;

1/44905/2023

- xxx. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;
- xxxi. 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; and
- xxxii. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.

After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,


(Suneet Bhardwaj) 26/05/23

Assistant Inspector General of Forests (FC)

Copy to:-

1. The Principal Chief Conservator of Forests and HoFF, Government of Jharkhand, Ranchi ;
2. The Regional Officer, Integrate Regional Office of the MoEF&CC, Ranchi;
3. The Nodal Officer (FCA), O/o PCCF, Government of Jharkhand, Ranchi;
4. User Agency ;and
5. Monitoring Cell, Forest Conservation Division, MoEF&CC, New Delhi