

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

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 110003,
Dated: 24-01-2025

To
The Addl. Chief Secretary (Forests),
Government of Odisha,
Bhubaneswar.

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s Mahanadi Coalfield Ltd. for non-forestry use of 125.24 ha of forest land for Subhadra OCP Coal mining under Angul Forest Division and District Angul of Odisha

Madam/Sir,

I am directed to refer to the Government of Odisha's letter NoFE-DIV-FLD-0012-2023-2073/FE&CC dated 04.02.2023 on the above-mentioned subject seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. After careful examination of the proposal by the Advisory Committee, constituted under Section-3 of the said Adhiniyam, '*in-principle*' approval to the proposal under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 was granted vide this Ministry's letter of even number dated 05.12.2023 subject to fulfillment 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 PCCF & HoFF, Government of Odisha vide their letter no. 22867/9F (MG) – 398/2022 dated 16.11.2024 and vide letter No. 818/9F (MG) -398/2022 dated 09.01.2025, '*final approval*' of the Central Government is hereby granted Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s Mahanadi Coalfield Ltd. for non-forestry use of 125.24 ha of forest land for Subhadra OCP Coal mining under Angul Forest Division and District Angul of Odisha, subject to following conditions:

1. Legal status of the diverted forest land shall remain unchanged;
2. **Compensatory Afforestation:**
 - a. The State Government shall ensure that compensatory afforestation over the 151.1647 ha (110.705 ha NFL and 40.249 ha of revenue forest land) of non-forest land which has already been notified as "Jamugadia PF- 39.9626 ha, Rodasinga PF - 43.5931 ha, Nukhuripada PF - 19.126

ha, Kanja PF - 13.228 ha and Baghuapat PF - 40.255 ha", vide Notification No. FE-DIV FLD -0012-2023 (10F - (Cons)-08/2023 - 22690/22697/22704/22711/22718 dated 22.11.2024, under Section 33 of Odisha Forest Act, 1972 shall be raised within two years from the date of issue of final approval.

- b. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided. The compensatory afforestation scheme, as approved, shall be implemented by the State Forest Department. The CA will be maintained for 10 years;

3. Net Present Value:

- 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.
3. 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>);
 4. *The State Government shall ensure that the Singada Jhor stream shall not be disturbed and will not be used for mining in future.*
 5. *The State Govt. shall ensure that the safety zone along the water streams falling within the lease area shall be protected by 50-meter buffer zone on both side. There shall be no discharge to any of the streams.*
 6. *The State Govt. shall ensure that the State Government shall ensure that a cluster safety zone shall be maintained between the adjoining mines.*
 7. *The State Government shall ensure that the boundary of high-school falling within the boundary shall not be disturbed due to mining activities. Appropriate safe guards such as raising the boundary wall of the school, greening the school premises, regular medical check-ups of the students and other mitigation measures of mining hazards that can affect the health of school children shall be taken by the User Agency.*
 8. The State Govt. shall ensure that user agency either himself 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 0.40), if any, located in the area within 100 m. from outer perimeter of the mining lease as per scheme submitted along with the compliance report;

9. The State Govt. shall ensure that 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;
10. The State Government shall ensure that process for settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has been completed in accordance with the relevant guidelines prescribed by this Ministry's letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013;
11. The State Govt. shall ensure that user agency either himself or through the State Forest Department shall undertake appropriate mitigative measures to minimize soil erosion and choking of drains as per scheme submitted along with the compliance report. Observations and recommendation contained in the inspection report of the Regional Office should be taken into consideration. Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease area to arrest soil erosion shall be enforced. Construction of check dam, retention wall/ toe walls to arrest sliding down of excavated materials along the contours shall be implemented;
12. State Government shall ensure that the project authority needs to take up works for construction and cleaning of garland drains, stabilizing retaining walls, proper terracing of OB dumps and checking gully formation resulting in erosion;
13. State Government shall ensure that plants which are having lowest translocation factor can be preferred under afforestation on the OB dumps and fruit trees to be avoided in planting during biological stabilization of OB dumps;
14. State Government shall ensure prevention of fall of wild animals into mining pit by fencing the open pit area;
15. State Government shall ensure that the angle of repose in OB dumps to be maintained to ensure stability and safety;
16. State Government shall ensure that vetiver grass can be planted at the lower reaches of the dump to bind the soil and prevent soil erosion giving better stability to the dump;
17. State Government and user agency shall ensure that trees should be felled in phased manner as per requirement in the approved Mining Plan with prior permission of concerned DFO;
18. The State Government shall ensure that 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;

19. The State Govt. shall ensure that the user agency shall carry out 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 Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
20. Following activities, as per approved plan / schemes, shall be undertaken by the User Agency at project cost under the supervision of the State Forest Department:
 - a. Mitigative measures to minimize soil erosion and choking of stream shall be implemented 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.
17. **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:
 - i. 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;
 - ii. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
 - iii. 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;

- iv. 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.
 - v. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms.
20. 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;
 21. The State Govt. shall ensure that the 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;
 22. The user agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 23. The State Govt. shall ensure that 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;
 24. The State Govt. shall ensure that the boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS coordinates;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;
 25. The State Govt. shall ensure that 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;No damage to the flora and fauna of the adjoining area shall be caused;
 26. The State Govt. shall ensure that the user agency and the State Forest Department shall create and maintain from funds to be provided by the user agency alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project as per the plan duly approved by the Principal Chief Conservator of Forests (Wildlife) and the Chief Wildlife Warden Odisha. 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;
 27. The State Government shall ensure that the Site Specific Wildlife Management Plan (SSWMP) for mitigation the impact of project on wildlife of the area will be implemented by the state Government in consultation with the PCCF & Chief Wildlife Warden of State at the project cost deposited by the user agency as per approved plan and revised rate;

28. The State Govt. shall ensure that 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 this Ministry by the end of March every year;
29. Any other condition that the concerned Integrated Regional Office of this Ministry may stipulate, with the approval of competent authority, from time to time, in the interest of conservation, protection and development of forests & wildlife;
30. The State Govt. shall ensure that the user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project; and
31. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the Consolidated Guidelines and Clarifications on Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry's letter dated 29.12.2023.
32. The State Government and user agency shall ensure compliance to all conditions stipulated in the '*in-principle*' approval letter dated 18.11.2016 for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, or the time being in force, including compliance of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006, before handing over the forest land to the user agency.
33. The monitoring report shall be uploaded on e-portal (<https://parivesh.nic.in/>) regularly.

Yours faithfully,

(Dr. Dheeraj Mittal)

Assistant. Inspector General of Forests

Copy to:

1. PCCF (HoFF), Government of Odisha, Bhubaneswar.
2. DDGF (Central), Regional Office of the MoEF&CC at Bhubaneswar.
3. PCCF cum Nodal Officer, Government of Odisha, Bhubaneswar.
4. User Agency.
5. Monitoring Cell of FC Divisions, MoEF&CC, New Delhi.
6. Guard file.