

File No. 8-63/2011-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj
New Delhi - 110003.
Dated: 06-08-2024

To

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

Sub: Proposal seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 15.701 ha of revenue forest land in the villages of Dulanga, Ghumudasan and Manoharpur under Hemgiri Tahasil of Sundargarh District for Coal Mining in Manoharpur Coal Mine Project by M/s Odisha Coal and Power Ltd (OCPL) under DFO, Sundargarh Forest Division, Odisha –reg.

Madam/Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons) 112/19-25139/F&E dated 21.12.2019 on the above subject seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. After careful examination of the proposal by the Forest Advisory Committee, constituted under Section-3 of the said Act, '*in-principle*' approval to the proposal under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 was granted vide this Ministry's letter of even number dated 20.10.2021 subject to fulfillment of certain conditions prescribed therein.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide letter No. no. 23526/9F (MG)-64/2019 dated 02.12.2023 and letter no. 11996/9F (MG)- 64/2019 dated 18.06.2024, 'final' approval of Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is hereby granted for diversion of 15.701 ha of revenue forest land in the villages of Dulanga, Ghumudasan and Manoharpur under Hemgiri Tahasil of Sundargarh District for Coal Mining in Manoharpur Coal Mine Project by M/s Odisha Coal and Power Ltd (OCPL) under DFO, Sundargarh Forest Division, Odisha subject to fulfilment of the following conditions:

1. Legal status of the diverted forest land shall remain unchanged;
2. The State Government shall ensure that the compensatory afforestation over already notified non-forest land as PF vide notification no. 10F(Cons)-55/2014 / 4216 / F&E dated 12.03.2015 equal in extent to the

forest land being diverted shall be raised as per the approved CA scheme. The work of compensatory afforestation shall start within two years of the issue of diversion order of the forest land;

3. The State Government shall ensure that the compensatory afforestation, including the soil and moisture conservation activities, shall be undertaken by the State Forest Department in accordance with the CA scheme approved by the competent authority of the State from the funds deposited by the user agency for the purpose. Afforestation of indigenous species should be undertaken and the afforestation will be maintained as per approved CA scheme;
4. The State Government has realized the NPV of the forest area diverted under this proposal from the User Agency, as per the orders dated 28.03.2008, 24.04.2008 and 09.05.2008 passed by the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 202/1995 and the guidelines given under para 3 of the Chapter -3 of the Consolidate Guidelines and Clarifications issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 published by the Ministry on 29.12.2023, 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;
5. The State Government shall ensure that the compensatory levies, if any, realized in future under the extant project, shall be transferred/ deposited, through e-payment module on PARIVESH portal (<https://parivesh.nic.in/>), into the account of CAMPA of the State concerned, managed by the National Authority (CAMPA);
6. The State Government shall ensure that the following activities, as per approved plan / schemes, shall be implemented in the lease area by the User Agency under the supervision of the State Forest Department:
 - i. Mitigation measures to minimize soil erosion and choking of stream, shall be implemented within a period of two years with effect from the date of issue of order of diversion of forest land, in accordance with the approved plan in consultation with the State Forest Department;
 - ii. 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;
 - iii. Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
 - iv. 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
 - v. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
7. The State Government shall ensure that the User Agency will regularly

undertake de-silting of village tanks and other water bodies, located within five km from the mine lease boundary, as per plan submitted along with the compliance of '*in-principle*' approval, so as to mitigate the impact of project on such tanks/water bodies;

8. The State Government shall ensure that the cost of felling of trees will be deposited by the User Agency with the State Forest Department;
9. The State Government shall ensure that trees should be felled in phased manner as per the requirement in the approved Mining Plan with prior permission of concerned DFO;
10. The State Government shall ensure that the user agency will 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;
11. The State Government shall ensure that the User Agency will 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 Addl. Principle Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
12. The State Government shall ensure that following activities, at project cost, will be implemented 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. Afforestation in the degraded forest land shall be done within two years from the date of 'final' diversion order and maintained

- thereafter in accordance with the approved Plan in consultation with the State Forest Department; and
- v. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms.
 - vi. The State Government shall ensure that the User Agency will 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;
13. The State Government 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;
 14. The State Government shall ensure that the User Agency will obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 15. The State Government shall ensure that no labour camp will 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;
 16. The State Government 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;
 17. The State Government shall ensure that the layout plan of the mining plan/proposal will 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;
 18. The State Government 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;
 19. The State Government shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
 20. 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;
 21. 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 29.12.2023;

22. **The State Government and User Agency shall ensure compliance to all conditions stipulated in the '*in-principle*' approval letter dated 06.03.2023 including the ones for which undertakings have been obtained from the user agency, without fail.**
23. **The State Government, before issuing the final diversion order, shall ensure that the user agency has complied with all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s), including compliance of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006;and**
24. The State Government shall ensure that the User Agency will 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.

Yours faithfully,

**Sd/-
(Suneet Bhardwaj)**

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Odisha, Bhubaneswar.
2. The DDGF (Central), Regional Office of MoEF&CC at Bhubaneswar.
3. The Nodal Officer (FCA), Department of Forest, Government of Odisha, Bhubaneswar.
4. User Agency
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi for uploading on PARIVESH portal.