



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS &
CLIMATE CHANGE

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F. No. FC-II/CH-46/2016-NGP/1507

Dated: 22nd March 2017

To

The Principal Secretary (Forests),
Government of Chhattisgarh, Forest Department,
Mantralaya, Mahanadi Bhavan,
New Raipur (CG).

Sub: Diversion of 31.55 ha of Protected Forest land in favour of M/s Aarti Sponge and Power Limited, Raipur for mining of iron ore in Alnar village of tehsil Kuakonda in Dantewada Forest Division of South Bastar, Dantewada District in the State of Chhattisgarh-regarding.

Sir,

I am directed to refer to the State Government of Chhattisgarh's letter no. F-5-24/2016/10-2 dated 11.08.2016 and letter no. F-5-24/2016/10-2 dated 27.10.2016 on the above subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980. After careful examination of the proposal of the State Government 'in-principle' approval was accorded vide this Ministry's letter of even number dated 20.12.2016. The Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh submitted the compliance report of conditions stipulated in the Stage-I approval and requested to consider the proposal for grant of final approval under the Forest (Conservation) Act, 1980.

In this connection, I am further directed to inform that based on the compliance report submitted by the Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh's vide his letter no. Bhu-Prabandh/Khanij/331-171/634 dated 06.03.2017, the Central Government hereby accords 'final approval' to the proposal under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 31.55 ha of Protected Forest land in favour of M/s Aarti Sponge and Power Limited, Raipur for mining of iron ore in Alnar village of tehsil Kuakonda in Dantewada Forest Division of South Bastar, Dantewada District in the State of Chhattisgarh subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the non-forest land equal in extent to the forest land being diverted shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) The non-forest land transferred and already mutated in favour of the State Forest Department (as reported by State Government) shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927 or under the relevant sections of the local Forest Act, as the case may be, within the stipulated period to the Central Government for information and record.
- (iv) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may

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- include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (v) The State Government shall charge 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 in this regard;
 - (vi) At the time of payment of the Net Present Value (NPV) at the then prevailing 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;
 - (vii) All the funds 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 e-challan, in the Saving Bank Account pertaining to the State concerned;
 - (viii) Wherever possible and technically feasible, the User Agency shall undertake by involving local community, the afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, in consultation with the State Forest Department at the project cost;
 - (ix) 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 & Regulating) Act, 1957, as amended or Rules framed there under, subject to a maximum period of 50 years.
 - (x) 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;
 - (xi) 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 Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.
 - (xii) The UA should prepare a land surrender schedule for surrender of the mined out and biologically reclaimed forest land in accordance with the existing mine plan irrespective of progressive mine closure plan and submit an surrender schedule and an undertaking that mined out and biologically reclaimed forest land will be surrendered to the State Forest Department as per this schedule. No further change in the schedule for surrendering of forest land should be allowed.
 - (xiii) Following activities shall be undertaken by the user agency for the management of safety zone:
 - (a) User agency shall ensure demarcation of boundary of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPS coordinates and deploying adequate number of watchers under the supervision of the State Forest Department.
 - (b) In case of the mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation/roads should be properly fenced by the user

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- agency at the project cost to protect the vegetation /regeneration activities in the safety zone.
- (c) Safety zone shall be maintained as green belt around the mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the user agency at the 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 by the user agency at the project cost under the supervision of the State Forest Department. Details of land identified and afforestation plan shall be submitted along with the compliance report.
- (xiv) Adequate care shall be taken to check any rolling of overburden/dumps beyond diverted area and also to check soil erosion caused due to mining activities;
 - (xv) The user agency shall undertake de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required;
 - (xvi) Following activities shall be undertaken by the User Agency at the project cost:
 - (a) Preparation and implementation of a plan containing appropriate mitigative measures to minimize soil erosion and choking of streams;
 - (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 along the contour to arrest sliding down of the excavated material;
 - (d) Stabilize the overburden dumps by appropriate grading/benching so as to ensure that that angles of repose at any given place is less than 28°; and
 - (e) Strict adherence to the prescribed top soil management.
 - (xvii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 - (xviii) No labour camp shall be established on the forest land;
 - (xix) 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;
 - (xx) The boundary of the diverted forest land, mining lease 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 and distance from pillar to pillar;
 - (xxi) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
 - (xxii) The forest land shall not be used for any purpose other than that specified in the proposal;
 - (xxiii) 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;
 - (xxiv) No damage to the flora and fauna of the adjoining area shall be caused;
 - (xxv) Wildlife Management Plan, prepared by the User Agency and as approved by the Chief Wildlife Warden, shall be implemented in consultation with the Chief Wildlife Warden. A copy of the approved management Plan shall be submitted to the Regional Office, Nagpur;
 - (xxvi) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
 - (xxvii) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests

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artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;

- (xxviii) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted;
- (xxix) The User Agency in consultation with the State Government should explore the possibility of the transportation of ore through the railway to avoid traffic load on the existing road.
- (xxx) The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State;
- (xxxi) The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year;
- (xxxii) 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
- (xxxiii) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project;

Yours faithfully,

A. Suresh Kumar
22/03/19
(Suresh Kumar Adapa)
Scientist 'D'

Copy to:

- i. The PCCF (HoFF), Government of Chhattisgarh, Raipur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Jail Road, Aranya Bhavan, Raipur.
- iii. The Director, ROHQ, MoEF&CC, Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi
- iv. User Agency.
- v. Guard file

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(Suresh Kumar Adapa)
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