

GOVERNMENT OF ODISHA, FOREST & ENVIRONMENT DEPARTMENT
No. PT1-FE-DIV-FLD-0078-2020-7534/F&E, Bhubaneswar, dated the 12.04.2021-10F (Cons) 171/18
ORDER

Sub: Proposal seeking prior approval under Section-2 of the Forest (Conservation) Act, 1980 for non-forestry use of additional forest area of 230.20 ha including 3.806 ha of forest land within safety zone in addition to already diverted 350.706 ha of forest land within total project area of 1384.767 ha in favour of M/s Mahanadi Coalfields Limited for Samaleswari Opencast Coal Mining Expansion (Phase-IV) Project in IB-Valley Area, Brajrajnagar, District-Jharsuguda (Odisha).

WHEREAS, the General Manager, IB Valley area, Mahanadi Coalfields Ltd., At/Po-Brajrajnagar, Dist-Jharsuguda, Odisha had applied for diversion of additional 230.20 ha of forest land including 3.806 ha of forest land within safety zone in addition to already diverted 350.706 ha of forest land within total project area of 1384.767 ha (as indicated in latest approved Mining Plan) for Samaleswari OCP Expansion (Phase-IV) rated capacity 15.0 MTY in IB-Valley Area, Brajrajnagar, Dist-Jharsuguda, Odisha.

And whereas, the Ministry of Environment, Forest and Climate Change (FC Division), Government of India, had accorded 'in-principle' approval/ Stage-I clearance under Section 2 of the Forest (Conservation) Act, 1980 for diversion of additional 230.20 ha of forest land including 3.806 ha of forest land within safety zone in addition to already diverted 350.706 ha of forest land within total project area of 1384.767 ha (as indicated in latest approved Mining Plan) for Samaleswari OCP Expansion (Phase-IV) rated capacity 15.0 MTY of Mahanadi Coalfields Ltd in IB-Valley Area, Brajrajnagar, Dist-Jharsuguda, Odisha subject to fulfilment of certain conditions vide its letter File No.8-147/1989-FC (Pt) dtd. 15.11.2019 (**Annexure-I**).

And whereas, the MoEF&CC, Government of India, New Delhi in consideration of the compliance of the conditions of the 'in-principle' approval, have accorded Stage-II/ final approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of additional 230.20 ha of forest land including 3.806 ha of forest land within safety zone in addition to already diverted 350.706 ha of forest land within total project area of 1384.767 ha (as indicated in latest approved Mining Plan) for Samaleswari OCP Expansion (Phase-IV) rated capacity 15.0 MTY of Mahanadi Coalfields Ltd in IB-Valley Area, Brajrajnagar, Dist-Jharsuguda, Odisha vide its Letter File No. 8-147/1989-FC (Pt) dtd. 01.03.2021 (**Annexure-II**) subject to conditions as stipulated therein.

Now therefore, the Government of Odisha, do hereby allow diversion of above mentioned 230.20 ha of forest land in favour of user agency as per approved land use pattern subject to fulfilment of the conditions of final forest clearance order as stipulated by the MoEF&CC, Government of India, New Delhi. The details land schedule of forest land as received from PCCF, Odisha along with diversion proposal vide his letter No.22521 dtd.06.11.2018 are appended herewith as **Annexure-III (Four Pages)**.

The Collector, Jharsuguda and Divisional Forest Officer, Jharsuguda Forest Division, as the case may be are hereby authorized to handover the forest land coming within their jurisdiction, after compliance of **condition-A i.e. Conditions which need to be complied prior to handing over of forest land by the State Forest Department**, as has been finally diverted following due procedure of law. Before handing over the forest land to the user agency, it shall be ensured that Net Present Value of forest land for this project as well as for any other projects, belonging to same user agency, is deposited, in full, at applicable rates. **Condition as laid down in condition-B i.e. Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department as stipulated in the final approval order dtd.01.03.2021 should also be complied.**

The Divisional Forest Officer of Jharsuguda Forest Division is also directed to monitor compliance to the conditions stipulated for such diversion in the respective forest/ wildlife clearance order and to report violations, if any, to the Nodal Officer, O/o Principal Chief Conservator of Forests, Odisha and to the Forest & Environment Department.

Execution of project activities will be subject to availability of all other statutory clearances required under relevant Acts/Rules for this coal mining project, deposit of requisite funds and compliance of Court's order, if any.

By order of Governor

Jitendra Kumar / 12.04.21
Special Secretary to Government

File No.8-147/1989-FC(Pt.)
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavarjan Bhawan,
Aliganj, Jor Bag Road,
New Delhi-110003.
Dated: 1st March, 2021

To

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

Sub: Proposal seeking prior approval under Section - 2 of the Forest (Conservation) Act, 1980 for non-forestry use of additional forest area of 230.20 ha including 3.806 ha of forest land within safety zone in addition to already diverted 350.706 ha of forest land within total project area of 1384.767 ha in favour of M/s Mahanadi Coalfields Limited for Samaleswari Opencast Coal Mining Expansion (Phase-IV) Project in IB-Valley Area, Brajrajnagar District (Odisha) - reg.

Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons)171/2018/25381/F&E dated 24.11.2018 and No. 10F (Cons) 171/18/16374/F&E dated 28.08.2019 on the above mentioned subject seeking prior approval of the 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. After careful consideration of the proposal by the Forest Advisory Committee (FAC) constituted under section-3 of the said Act, 'in-principle' approval was granted vide this Ministry's letter of even number dated 15.11.2019 subject to fulfilment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Odisha vide their letter No. 2041/9F (MG) dated 01.02.2021, **Stage-II/ Final approval** of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of additional 230.20 ha of forest land including 3.806 ha of forest land within safety zone in addition to already diverted 350.706 ha of forest land within total project area of 1384.767 ha (as indicated in latest approved Mining Plan) for Samaleswari OCP Expansion (Phase-IV) rated capacity 15.0 MTY of Mahanadi Coalfields Ltd. in IB-Valley Area, Brajrajnagar Dist. Jharsuguda, Odisha subject to following conditions:

A. Conditions which need to be complied prior to handing over of forest land by the State Forest Department

1. Non-forest land transferred and mutated in favour of the State Forest Department shall be notified as RF/PF under the IFA or local Forest Act (s) before handing over the forest land to the User Agency;
2. The KML files of forest land being diverted, area identified for raising compensatory afforestation and other works carried out with CAMPA funds shall be uploaded on e-Green Watch portal;
3. Compensatory levies deposited into the account of concerned DFO shall be transferred to the CAMPA account of the State along with interest; and
4. Compensatory levies, proposed to be retained by the User Agency on account of implementation of certain provision of approved site-specific Wildlife Management Plan in lease area by the User Agency, shall be transferred to the CAMPA account of the State.

B. Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department

1. Legal status of the diverted forest land shall remain unchanged;

2. Compensatory afforestation

- i. The State Govt. shall ensure that compensatory afforestation shall be raised over 96 ha of degraded forest land and 184.3276 ha of non-forest land within three years 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;
- ii. Approved site-specific CA schemes, in lieu of diversion of forest land of 230.20 ha of forest land shall be implemented by the State Forest Department from the funds already provided by the User Agency;

3. Net present Value

- i. The State Government has realized the Net Present Value 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 as per the guidelines issued by this Ministry vide letter No. 5-3/2007-FC dated 05.02.2009 in this regard, additional NPV if becomes due as per final order of Hon'ble Supreme Court, shall be paid by the User Agency;
- ii. The User Agency shall furnish an undertaking to pay the additional NPV, if so determined, as per the final decision of Hon'ble Supreme Court of India;

4. 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>);

5. Safety Zone

- i. The State Govt. shall ensure that the activities proposed in the approved scheme for fencing, protection and regeneration of the safety zone area (7.5 meters strip all along the outer boundary of the mining lease area as recommended by the State Govt.) shall be implemented within three years at the project cost from the issue of Stage-II Clearance;
- ii. 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;

iii. Safety Zone Management: 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 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 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; and
- (d) The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;

6. User agency shall implement the Catchment Area Treatment (CAT) plan in consultation with the State Forest Department;

7. The reclamation of back filled area is very slow and the area is poor in moisture retention. Therefore for purpose of better reclamation, the State Government shall ensure that the user agency creates smaller water bodies to improve the water regime in the reclaimed area as per plan submitted along with compliance report of Stage-I approval;

8. The State Government shall ensure that all conditions referred in EC approvals related to Ponder Nala shall be complied by the user agency;

9. The State Govt. shall ensure that the User Agency shall carry out muck/silt disposal at pre-designated sites in such a manner so as to avoid its rolling down and the dumping area for muck/silt disposal shall be stabilized and reclaimed by planting suitable species by the User Agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan;

10. 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 granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;

11. The mining lease holder shall, after ceasing mining operations, undertake re-grassing the mining area, and any other areas which may have been disturbed due their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna, etc.

12. The State Government shall ensure that compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by the MoEF&CC in this regard;
13. The State Govt, and user agency 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;
14. The State Govt, and user agency 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 co-ordinates;
15. The State Govt, and user agency 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;
16. The State Govt, and user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
17. The State Govt, 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;
18. 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;
19. 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 to this Ministry by the end of March every year regularly; and
20. 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) and NGT Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.

Yours Sincerely

Sandeep Sharma

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), State Forest Department, Government of Odisha, Bhubaneswar
2. PCCF & Nodal Officer (FCA) O/o the PCCF, Government of Odisha Bhubaneswar
3. The Regional Officer (Central), Integrated Regional Office, MoEF&CC, Bhubaneswar
4. User Agency
5. Monitoring Cell, FC Division, MoEF&CC
6. Guard File

F.No.8-147/1989-FC(Pt.)

Government of India

Ministry of Environment, Forests and Climate Change
(FC Division)

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

Dated: 15th November, 2019

To,

The Principal Secretary (Forests),
Government of Odisha, Bhubaneswar.

Sub: Diversion of additional 230.20 ha of forest land including 3.806 ha of forest land within safety-zone in addition to already diverted 350.706 ha of forest land within total project area of 1384.767 ha (as indicated in latest approved Mining Plan) for Samaleswari OCP Expansion (Phase-IV) rated capacity 15.0 MTY of Mahanadi Coalfields Ltd. in IB-Valley Area, Brajrajnagar Dist. Jharsuguda, Odisha.

Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons) 171/2018/25381/F&E dated 24.11.2018 and No. 10F (Cons) 171/18/16374/F&E dated 28.08.2019 on the above mentioned 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 Forest 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 Forest Advisory Committee, **In-principle approval/Stage-I Clearance** of the Central Government is hereby granted for diversion of additional 230.20 ha of forest land including 3.806 ha of forest land within safety zone in addition to already diverted 350.706 ha of forest land within total project area of 1384.767 ha (as indicated in latest approved Mining Plan) for Samaleswari OCP Expansion (Phase-IV) rated capacity 15.0 MTY of Mahanadi Coalfields Ltd. in IB-Valley Area, Brajrajnagar Dist. Jharsuguda, Odisha subject to fulfilment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Compensatory Afforestation shall be raised over identified double degraded forest land within three years from the date of issue of Stage-II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare shall be planted over identified non-forest land. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan with provision for ten years on subsequent maintenance;
- iii. NPV for the entire forest land within project/lease area shall be paid.
- iv. User agency shall maintain safety zone as per the concerned guidelines of MoEF&CC.
- v. User agency shall prepare Catchment Area Treatment (CAT) plan in consultation with the forest department and shall be submitted prior to Stage-II approval. The commensurate funds for (CAT) plan shall also be deposited in CAMPA account prior to Stage-II approval.
- vi. **The reclamation of back filled area is very slow and the area is poor in moisture retention. For the purpose of better reclamation, the user agency shall create smaller water bodies to improve the water regime in the reclaimed area. The number and dimensions of water bodies shall be decided in consultation with the forest department. All details, including estimation of additional costs shall be submitted prior to Stage-II approval.**
- vii. All conditions referred in EC approvals related to Ponder Nala shall be complied by the user agency.
- viii. 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 project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- ix. The User Agency shall transfer Net Present Value (NPV) of the forest land being diverted under this proposal, 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. The requisite funds shall be transferred through online portal into CAMPA account of the State Concerned;
- x. 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;
- xi. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
- xii. The User Agency shall carry out muck/silt disposal at pre

