

F. No. 8-82/2014-FC  
Government of India  
Ministry of Environment, Forests and Climate Change  
(Forest Conservation Division)

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Indira Paryavaran Bhawan  
Aliganj, Jorbagh Road  
New Delhi -110003.

Dated: 28<sup>th</sup> March, 2019

To,

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

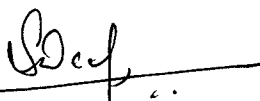
**Sub: Diversion of 1,038.187 hectares of Revenue and DLC forest land including 4.051 hectares under safety zone within the lease hold area of 1,914.063 hectares for Opencast Coal Mining Project in favour of M/s. Neyveli Lignite Corporation (NLC) India Limited (Earlier M/s. MNH Shakti Ltd.) in Jharsuguda and Sambalpur Forest Division within the jurisdiction of Jharsuguda district and Sambalpur district of Odisha.**

Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons)/72/2013/14211/F&E dated 06.07.2017 and 10F(Cons)/246/17/9380/F&E dated 21.04.2018 on the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980. The said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act. On the recommendations of Ministry of Coal vide their letter no. 13016/69/2004-CA-I dated 10.11.2005 and Forest Advisory Committee, ***In-principle /Stage-I approval*** for diversion of 1,038.187 hectares of Revenue and DLC forest land including 4.051 hectares under safety zone within the lease hold area of 1,914.063 hectares allocated for opencast coal project (OCP) under the Forest (Conservation) Act, 1980 in Jharsuguda and Sambalpur Forest Division within the jurisdiction of Jharsuguda district and Sambalpur district of Odisha was granted in favour of M/s. Neyveli Lignite Corporation (NLC) India Limited vide this Ministry's letter of even number dated 03.07.2018 subject to fulfilment certain conditions.

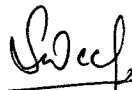
2. In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Odisha's vide their letters No. 1038/9F(MG)-48/2005 dated 17.01.2019 and letter No.5992/9F(MG)-48/2005 dated 25.03.2019, ***Stage-II/Final approval*** of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 1,038.187 hectares of Revenue and DLC forest land including 4.051 hectares under safety zone within the lease hold area of 1,914.063 hectares for Opencast Coal Mining Project in favour of M/s. Neyveli Lignite Corporation (NLC) India Limited (Earlier M/s. MNH Shakti Ltd.) in Jharsuguda and Sambalpur Forest Division within the jurisdiction of Jharsuguda district and Sambalpur district of Odisha subject to the following conditions:

- (i) **Legal status of the diverted forest land shall remain unchanged;**
- (ii) Compensatory afforestation shall be raised over identified 2089.081 ha land i.e. double the proposed diverted forest land and at least 1000 plants per hectare (1038.187 ha x 10000 = 1038187 plants) shall be planted over identified forest land. If it is not possible to plant that 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) The revenue land of 524.05 ha. so transferred and mutated in favour of the State Forest Department for raising Compensatory Afforestation shall be notified as reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act. The Nodal officer must report compliance within a period of 6 month from the date of grant of final approval and send a copy of the notification declaring the non-forest land under Section 4 or Section 29 of

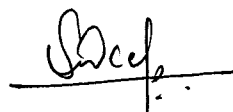
  
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the Indian Forest Act, 1927, or under the relevant section of the local Forest Act as the case may be, to this Ministry for information and record;

- (iv) The State Govt. 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 to be kept minimum. Felling of trees, where ever necessary, shall be done in phased manner under the supervision of State Forest Department;
- (v) The State Govt. ensure that no excavation shall be allowed within 300 m from the river bank;
- (vi) The State Govt. ensure that the fencing, protection and regeneration of the safety zone area [7.5 meters strip shall be kept within the mining lease boundary and area of the safety zone shall be part of the total area of mining lease as per the Ministry's guidelines dated 27.05.2015] shall be done at the project cost within three years and maintained thereafter as per approved working plan of the State Govt. Besides this afforestation on degraded forest land to be selected elsewhere measuring one & a half times the area under safety zone shall also be done at the project cost;
- (vii) The State Govt. ensure that the approved Catchment Treatment Plan (CAT Plan) shall be implemented by State Forest Department from the cost provided and deposited in CAMPA account;
- (viii) The State Govt. ensure that the approved site Specific Wildlife Management Plan shall be implemented by State Forest Department from the cost provided and deposited in CAMPA account;
- (ix) The State Govt. ensure that the approved Regional Wildlife Management Plan shall be implemented by State Forest Department from the cost provided and deposited in CAMPA account;
- (x) The State Govt. ensure that 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;
- (xi) The State Govt. ensure that reimbursement of amount paid by the original user agency ,if any, shall be dealt with in the manner, as provided in the Coal Mines (Special Provisions) Second Ordinance, 2014 and Rules framed there under;
- (xii) The State Govt. shall ensure that the following approved activities/Schemes shall be implemented at the cost of the user agency in supervision of State Forest Department:
  - (a) A plan containing appropriate mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented.
  - (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 to arrest sliding down of the excavated material along the contour
  - (d) Stabilize the overburden dumps by appropriate grading/benching so as to ensure that the angles of repose at any given place is less than 28°; and
  - (e) Strict adherence to the prescribed top soil management
- (xi) The State Govt. ensure that the User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986;
- (xiii) The State Govt. ensure that the user agency in consultation with the State Forest Department shall create and maintain alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project. 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;

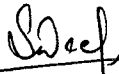
  
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- (xiv) The State Govt. ensure that the user agency in consultation with the State Forest Department shall carry out afforestation on degraded forest land towards approved scheme for one & half times area under safety zone ;
- (xv) The Forest clearance will be for a period co terminus with the lease period specified in the lease agreement;
- (xvi) The State Govt. ensure that the user agency in consultation with State Forest Department shall carry out gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any, located in the area within 100 meters from outer perimeter of the mining lease;
- (xvii) The State Govt. shall ensure that the user agency shall carry out 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 at their cost in consultation with State Forest Department;
- (xviii) The State Govt. ensure that the User Agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and the said R&R Plan will be monitored by the State Government/Regional Office of MoEF &CC along with indicators for monitoring and expected observable milestones;
- (xix) The State Govt. and the user agency shall ensure that the mining may be carried out 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 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 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 ;
- (xx) The State Government ensure that the user agency shall implement the approved land surrender Schedule for mined out and biologically reclaimed forest land as per existing progressive mine closure plan and submit an undertaking that mined out and biologically reclaimed forest land will be surrendered as per this schedule;
- (xxi) The State Government shall ensure that no residential buildings will be permitted;
- (xxii) The State Govt. ensure that no labour camp shall be established on the forest land and the user agency shall provide firewood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas;
- (xxiii) The State Govt. ensure that the boundary of the mining lease and safety zone 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, distance from pillar to pillar and GPS coordinates;
- (xxiv) The State Govt. ensure that the forest land shall not be used for any purpose other than that specified in the proposal;
- (xxv) The State Govt. ensure that the user agency shall establish & operate a Vocational Training Institute having capacity to impart training in at least 5 disciplines to be decided by the State Govt. for the benefit of the eligible unemployed youth in the Project affected village;
- (xxvi) The State Govt. ensure that the user agency shall set up an independent Social Welfare Department Division and follow the subsequent conditions of the Project affected persons in such a way so as to understand their socio-economic conditions before and after the project and take such corrective measures as are necessary to restore them to their original or better then original condition;
- (xxvii) The State Govt. 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;

  
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- (xxviii) The State Government shall ensure that the process of settlement of rights has been completed in accordance with provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;
- (xxix) The State Govt. ensure that the user agency shall submit the annual self- compliance report in respect of the above conditions and also to the conditions stipulated in Stage-I Clearance for which undertakings given, to the State Government, concerned Regional Office and this Ministry by the end of March every year regularly;
- (xxx) The State Government and user agency shall comply 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.


Yours faithfully,

  
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(Sandeep Sharma) 28.3.19

Assistant Inspector General of Forests (FC)

**Copy to:**

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
3. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (Eastern Zone), Bhubaneswar.
4. User Agency.
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi.
6. Guard File.

  
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(Sandeep Sharma) 28.3.19

Assistant Inspector General of Forests (FC)