F. No. Est-4/2009 - FC
Government of India
Ministry of Environment & Forests
(FC Division)

To,
The Principal Secretary (Forest),
Government of Chhattisgarh,
Raipur.

Sirs:

Diversion of 76.50 ha of forest land for iron ore mining in East Bhanupratappur Forest Division in Kanker district of Chhattisgarh in favour of Mitra Bajrang Metallics & Power Limited - reg.

I am directed to refer to the Govt. of Chhattisgarh letter no. F/5 - 9/2009/16 dated 27.05.2009 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 by the Forest Advisory Committee constituted under section-3 of the said Act, 'in principle' approval was granted vide this Ministry's letter of even number dated 26.05.2010 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.

The State Government, in the compliance report dated 19.05.2011 has proposed to make compensatory afforestation over 550.75 ha of Revenue Forest land ('Chilote back Jhad Ke Jangal', double in extent to the area proposed for diversion. The matter was examined in the Ministry in light of Guidelines given under para 3.2 (c) read with clarifications given therein.

As per the provisions of the said Guidelines, the revenue land ('Chilote back Jhad Ke Jangal') on which provisions of Forest (Conservation) Act, 1980 are applicable, may be considered for the purpose of compensatory afforestation at par with non-forest land provided such lands on which compensatory afforestation is proposed shall be notified as RF under the Indian Forest Act, 1927.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government, vide letter no. Pha/Prakhand/Rang/20/13/163 dated 22.06.2011, 25.06.2011 and letter dated 17.07.2011, final approval of the Central Government is hereby granted under section-2 of the Forest (Conservation) Act, 1980 for diversion of 76.50 ha of forest land for iron ore mining in East Bhanupratappur Forest Division in Kanker district of Chhattisgarh in favour of Mitra Bajrang Metallics & Power Limited subject to fulfillment of the following conditions:

1. Legal status of the diverted forest land shall remain unchanged.
2. Compensatory afforestation over the 'Chilote back Jhad Ke Jangal (Revenue Forest Land)', twice in extent to the forest land being diverted as proposed by the State Government shall be raised and maintained by the State Forest Department from the funds already provided by the User Agency.
3. The ebbate tareند एक चौथा transferred and vested in favour of the State Forest Department shall be notified by the State Government under Section 14 of the Indian Forest Act, 1927 or under the relevant Section(s) of the Indian Forest Act, 1927 latest within a period of six months from the date of issue of Notice in accordance with the 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 5 of the Indian Forest Act, 1927 in the event, if any, to the State Government for information and record.

4. Wherever possible and technically feasible, the User Agency shall undertake, by involving the local community, the afforestation measures in the block within the lease area, as well as along the roads outside the lease area, as indicated under this approval, in consultation with the State Forest Department at the project cost.

5. 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.

6. The period of duration of the said forest land under this approval shall be for a period commensurate with the period of the mining lease proposed to be granted under the Mines and Minerals (Development & Regulation) Act, 1952, or rules framed thereunder, subject to a maximum period of 30 years;

7. User agency either himself or through the State Forest Department shall undertake the planning and sale & moisture conservation activities to restock and reseed the degraded open forest (having crown density less than 0.40), if any, located in the area within 100 m from outer perimeter of the mining lease;

8. The user agency shall undertake mining in a phased manner after taking due care for reclamation of the mined 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 all such time, such reclamation activities are satisfactorily executed.

9. 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 along the outer boundary of the mining lease area), and its protection, by creating adequate number of a few high ACC boundary pillars in line with DSIR standards and deploying adequate number of watchmen 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 stretch shall be properly fenced by the user 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 after mechanical mainstreaming and a low-cost treatment for the area under safety zone shall be also done by the user agency at the project cost under the supervision of the State Forest Department.
11. The user agency shall undertake deepening of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of salination of such tank-visit water bodies, wherever required.

12. Following activities shall be undertaken by the User Agency at the project area as per the scheme submitted by user-agency and approved by the State Government:

i. Implementation of plan containing appropriate mitigative measures to minimize soil erosion and choking of streams;

ii. Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion;

iii. Construction of check dams, retention/drainage walls along the contour to arrest sliding down of the excavated material;

iv. Stabilize the overburden changes by appropriate grading/fencing so as to ensure that the angles of repose at any given place is less than 50°, and

v. Strict adherence to the prescribed top soil management.

13. No labor camps shall be established on the forest land.

14. The User Agency shall provide facilities for the local staff working at the site so as to avoid any damage to the local flora and fauna.

15. 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.

16. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.

17. All forest land proposed to be diverted shall be transferred to any other agency, department or person without prior approval of the Central Government.

18. No damage to the flora and fauna of the adjoining area shall be caused.

19. Any tree cutting shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.

20. Cost of benefits such as grazing, collection of fuelwood and other NTDP etc. presently accrued from the forest land proposed for diversion to the tribal and other residents of the adjoining habitats, as assessed by the State Government will be distributed among the project affected families.

21. Realistic baseline data prepared by the user agency shall be utilized for periodic monitoring and change detection of the ecological aspects including flora and fauna in and around the lease area.

22. Recommendations of the specific studies to be conducted by a group of experts appointed organization authorized by the State Government of Chattisgarh vide letter No.Bnnu/Pradhan/Chatt(1)(G)33-61.50-3 of 27.07.2014 and approved by the Ministry of Environment, Forest & Climate Change vide No.8-04/2009-FC dt 08.08.2014 so assess cumulative impact of the mining in the landscape will be binding on the user agency.

23. The State Government shall ensure that the mining shall be done progressively and area shall be reclaimed progressively and in a timely manner. Carefully selected vegetation and pioneer species only shall be used for reclamation.

24. Only primary mineral should be allowed at mine site to facilitate coal transportation. No other ore processing unit or beneficiation activity should be allowed in and around the mining site.

25. Transportation of ore to be done in covered vehicles specially designed modified.
26. Proper man-made control structure to be erected to prevent damage to neighboring agricultural field and drainage leading to rivers flowing on northern and southern border of project lease. Rain water harvesting to be done.
27. No mining or ancillary activities should be allowed between sunset and sunrise.
28. No housing facility to be created within lease area.
29. The area (tribal-dominated) falling under the jurisdiction of the Jhalawar-Bhanwara Forest Division should be referred/representative to the area as per the Plan prepared by the Forest Department in consultation with the WLD along with the NCTA Guidelines.
30. Fire development initiatives (at least 5 village/lakhs cluster in the notified buffer/periphery area of the Bandhavgarh Tiger reserve, and peripheral area of the Bhanwara Wildlife Sanctuary) as a part of an "off site offset" measure shall be undertaken by the project proponent as per the Plan prepared by the Forest Department in consultation with the local people.
31. The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly.
32. 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
33. The User Agency and the State Government shall ensure compliance to provisions of all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

Yours faithfully,
(M. Rajkumar)
Assistant Inspector General of Forests

Copy to
1. The Principal Chief Conservator of Forest, Government of Chhattisgarh, Raipur.
2. The Addl. Principal Chief Conservator of Forest (Central), Western Regional Office, Gokak.
3. The Novd Officer (PO), Office of the NCCF, Government of Chhattisgarh, Raipur.
5. Monitoring cell, FC Division.

(M. Rajkumar)
Assistant Inspector General of Forests