

F. No. 8-58/2017-FC  
Government of India  
Ministry of Environment, Forests and Climate Change  
(FC Division)

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

ॐ  
Dated: January, 2018

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

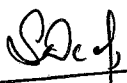
**Sub: Diversion of 44.038 ha of forest land including 9.286 ha forest land in Safety Zone within total ML area of 58.704 ha in Bainibasa Graphite Mining lease of M/s Pradhan Industries located in Bainibasa village under MunigudaTahasil of Rayagada district, Odisha for graphite mining.**

Sir,

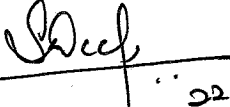
I am directed to refer to the State Government's letter No. 10F (Cons)289/2016/22319/F & E dated 31.10.2017 submitting the above subject proposal for seeking prior approval of the Central Government for diversion of 44.038 ha of forest land including 9.286 ha forest land in Safety Zone within total ML area of 58.704 ha in Bainibasa Graphite Mining lease of M/s Pradhan Industries located in Bainibasa village under MunigudaTahasil of Rayagada district, Odisha for graphite mining 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.

2. After careful consideration of the proposal of the State Government of Odisha and on the basis of the recommendations of the Forest Advisory Committee, *In-principle* approval is hereby granted for diversion of 44.038 ha of forest land including 9.286 ha forest land in Safety Zone within total ML area of 58.704 ha in Bainibasa Graphite Mining lease of M/s Pradhan Industries located in Bainibasa village under MunigudaTahasil of Rayagada district, Odisha for graphite mining under the Forest (Conservation) Act, 1980 subject to the following conditions:

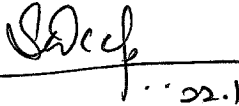
- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) **Safety belt of at least 7.5 m along the inner side of the total mining lease area over 2.253 ha (0.737 ha on forest land and 1.516 ha on non-forest land) will be raised and maintained and no tree will be felled or ground vegetation cleared in the identified safety belt. In addition to the safety belt around the entire mining lease area, 50 m wide strip along Nala course measuring 9.20 ha ( 8.549 ha in forest and 0.651 ha in non-forest) will be maintained as green zone. 54 Nos of trees above 30 cm girth which have been enumerated in 9.286 ha of forest land coming within safety zone area will be preserved.**
- (iii) **The Compensatory afforestation will be raised over the 43.30 ha (44.038-0.737) of non-forest land. Since the CA site identified is 34.753 ha only, the State Government shall submit details of additional 8.548 ha non forest land for Compensatory afforestation with shape files. The compensatory scheme shall be revised accordingly. The requisite details shall be submitted prior to stage II approval.**
- (iv) **As informed by the State Government out of 14.585 ha of non-forest land within mining lease, 2.167 ha will be maintained as safety zone and remaining 12.418 ha of private land shall not be utilized in any manner for the purpose of mining and related ancillary activities, except 0.081 ha for future Exploration & Utilization, and shall remain untouched. 86 no. of trees present on such land have been enumerated which are to be kept intact at project cost. Large number of local species will be planted over this non-forest land which is not under mining scheme. The details of such plantation will be provided to the DFO and the Regional Office of the Ministry who will monitor such plantations.**
- (v) **Compensatory afforestation shall be raised over 43.30 ha of non-forest land equal to the diverted forest land and under bald hill plantation scheme recommended by the State Government, at least 1600 tall plants per hectare (43.3 hectares x 1000 = 69280 plants)**

  
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- shall be planted over identified non- forest land (43.3 ha) in pits of size 0.6m x 0.6m x 0.6m with provision for ten years of subsequent maintenance. If it is not possible to plant the above stated numbers of plants in the identified non- forest land then the balance are to be raised over degraded forest land as per working plan prescriptions.
- (vi) 25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
- (vii) In compliance of the rule 41 of the Mineral Conservation and Development Rules, 1988 the restoration of flora in the entire lease area (58.704 ha) will be done in such a manner so as
- to cause least damage to the flora of the area held under prospecting licence/ mining lease and the nearby areas.
  - take immediate measures for planting in the same area or any other area selected by the Controller General or the authorised officer not less than twice the number of trees destroyed by reason of any prospecting or mining operations;
  - look after them during the subsistence of the licence/lease after which these trees shall be handed over to the State Forest Department or any other authority as may be nominated by the Controller General or the authorised officer; and
  - restore, to the extent possible, other flora destroyed by prospecting or mining operations.
- (viii) The details of such number of trees to be felled on forest as well as non-forest area in the lease and plantation of double the number of trees in the lease area or outside will be provided to the Divisional Forest Office, Rayagada and the Regional Office of the Ministry who will monitor such plantation efforts by the company.
- (ix) It is reported that the user agency had paid the NPV amount .The detail of deposit of NPV for the entire applied forest area amounting to Rs. 2,75,67,788 before execution of mining lease deed shall be submitted and verified from Ad hoc CAMPA before stage-II clearance.
- (x) For Wildlife Conservation in the area, a Site-specific Wildlife Conservation plan will be prepared as per guidelines of CWLW, Odisha ~~for~~ approved by PCCF (WL) & CWLW, Odisha, and will be implemented at project cost inside the ML area as well as in the project impact area. This will be regularly monitored by the CWLW Odisha and the Regional office of the Ministry. Besides, proportionate cost of Regional Wildlife Management Plan, as per revised rate prescribed by the State of Odisha on ML area basis, will also be deposited by the lessee for its implementation. The amount such deposited will be informed by the user agency to the Regional Office and CAMPA.
- (xi) The lessee has to carry out reclamation of the ML area as per the provision of the approved reclamation plan. Therefore, the lessee has to submit Phased reclamation Plan (as per provision of para 5.2(i)(a) of FC Act guidelines) for its implementation at project cost.
- (xii) Any change in the existing Mining Plan, as approved by the competent authority, will be compulsorily informed to the State Forest Department and the Regional Office before actual change on the ground. The State Government and the Regional office will examine and give concurrence/ comments within a 30 working days from the date of submission with recommendation, if any, which will be binding on the user agency.
- (xiii) The FC approval will be ~~in~~ coterminous with the lease period i.e up to 50 years from date of execution of ML on 10.01.2017 or the date of closure of the mine whichever is earlier.
- (xiv) Following activities shall be undertaken by the user agency at the project cost and appropriate cost of the plan/scheme shall be deposited in Ad-hoc CAMPA Account:
- Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department.
  - 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;

  
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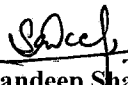
- (c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
  - (d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28°; and
  - (e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- (xiv) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
  - (xv) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance. The non-forest land identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months.
  - (xvi) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
  - (xvii) The User Agency shall transfer online, the 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 Ad-hoc CAMPA account of the State Concerned;
  - (xviii) **The user agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage- I clearance**
  - (xix) 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;
  - (xx) 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 within three year at the project cost from the issue of Stage-II Clearance. 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; The degraded forest land (DFL) so selected will be informed to the MoEF & CC with shape files 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;
  - (xxi) **Any fund received from the user agency** under the project and deposited in the State Forest Department account, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred **through online portal** into Ad-hoc CAMPA account of the State Concerned;
  - (xxii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
  - (xxiii) No labour camp shall be established on the forest land;
  - (xxiv) 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;
  - (xxv) 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;
  - (xxvi) The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government;
  - (xxvii) The forest land shall not be used for any purpose other than that specified in the proposal;
  - (xxviii) 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;
  - (xxix) No damage to the flora and fauna of the adjoining area shall be caused;

  
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- (xxx) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxxi) 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 and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;
- (xxxii) 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. The plan for plantation and SMC activities will be prepared and submitted to MoEF & CC before Stage-II Clearance;
- (xxxiii) 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 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.
- (xxxiv) The User Agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five km. from the mine lease boundary. This list is to be duly verified by the concerned Divisional Forest Officer. The User Agency shall regularly undertake desilting of these village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies. A detailed plan for desilting of identified ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF & CC before Stage-II approval;
- (xxxv) 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;
- (xxxvi) 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;
- (xxxvii) 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;

After receipt of the report on the compliance to the conditions stipulated in the para-2 above from the State Government of Odisha, final/stage-II approval for diversion of 44.038 ha of forest land including 9.286 ha forest land in Safety Zone within total ML area of 58.704 ha in Bainibasa Graphite Mining lease of M/s Pradhan Industries located in Bainibasa village under Muniguda Tahasil of Rayagada district, Odisha for graphite mining under Section-2 of the Forest (Conservation) Act, 1980 would be considered by this Ministry.

Yours faithfully,

  
(Sandeep Sharma) 22.8.18

Assistant Inspector General of Forests (FC)

**Copy to:**

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

  
(Sandeep Sharma) 22.1.18

Assistant Inspector General of Forests (FC)