

Agenda No. 4

F. No. 8-01/2018-FC

Sub: Diversion of 360.01 ha of forest land (160.838 ha Sabik Kisam forest land plus 199.1720 ha forest land (RF & KF) located within total mining lease hold area over 403.3238 ha of Katamati Iron Ore Mine of Tata Steel Limited under Section 2 (ii) of Forest (Conservation) Act 1980 in Keonjhar District of Odisha.

1. The State Government of Odisha vide their letter No. 10F(Cons)-18/2016.26364/F&E dated 19.12.2017 and 10F (Cons)-136/2014/102/F&E dated 01.01.2015 submitted above subject proposals for diversion of 160.838 ha of Sabik Kisam forest land and diversion of 199.1720 ha of forest land for mining and allied activities in Katamati Iron Ore Mines of M/s. Tata Steel Ltd. located in Keonjhar district, Odisha within total Mining Lease hold area over 403.3238 ha of Katamati iron Ore Mines of M/s Tata Steel Ltd. in Keonjhar district Odisha seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. Permission for 199.1720 ha of forest land under section 2 (iii) of FCA, 1980 has earlier been conveyed on 29.09.2016.
3. **The FAC in its meeting held on dated 19.06.2018**, after thorough deliberation and discussion with APCCF regional office Bhubaneswar and User agency, **FAC recommended the diversion of 160.838 ha. (Sabik Kisam forest land) and 199.1720 ha forest land** (Total Forest land 360.01 ha located within Total mining lease hold area over 403.3238 ha) under the provisions of section 2(ii) of Forest (Conservation) Act 1980 with Standard, General and following specific conditions
 - (i) From the documents it is learnt that the lease has been executed for entire forest area on 27.11.2016 having full knowledge that the mining lease has Sabik forest land for which Clearance under the provisions of Forest (Conservation) act 1980 was not obtained. State Government shall initiate action for violation as per the provisions of Government of India Guidelines 11-42/2017-FC dated 29.01.2018.
 - (ii) State Government shall submit cost benefit analysis as per MoEF&CC guideline prior to stage II approval
 - (iii) Complete compliance of FRA certificate for entire forest land within mining lease as per MoEF&CC guideline shall be submitted.
 - (iv) Felling of large number of trees shall not be done at a single point of time. As far as possible the trees should be felled in phased manner only when it is unavoidable.
 - (v) User agency shall not clear the natural vegetation of about 50 meter width in the periphery in the southern boundary of mining lease area. The area shall be demarcated with the help of forest department prior to stage II approval. It shall be maintained and supplemented as green cover. The cost of maintaining it as green area shall be borne by user agency.
 - (vi) User agency shall maintain Safety zone as per MoEF&CC guideline. The complete detail of safety zone around the mining lease shall be submitted prior to stage II approval.
4. Recommendation of FAC was accepted by the competent authority and Ministry vide its letter dated 21.08.2018 and Stage-I approval issued for **diversion of 360.01 ha forest land** subject to fulfilment of certain conditions including condition No.(ii) and (iv) as below:
 - (ii) Compensatory Afforestation shall be raised over equal identified non-forest land (NFL) land within three years from the date of Stage –II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency. At least 1000 saplings per hectares shall be planted over 360.01 ha (360010 plants). If this is not possible to plant these many seedlings in the identified NFL, the balance seedlings will be planted in degraded forest land as per the prescriptions of the Working

Plan at the cost of the User agency. In such case CA cost will be revised and duly approved by competent authority and deposited online in the CAF managed by CAMPA.

(iv) From the documents it is learnt that the lease has been executed for entire forest area on 27.11.2016 having full knowledge that the mining lease has Sabik forest land for which Clearance under the provisions of Forest (Conservation) act 1980 was not obtained. State Government shall initiate action for violation as per the provisions of Government of India Guidelines 11-42/2017-FC dated 29.01.2018.

5. Now user agency i.e. M/s Tata Steel Limited submitted a representation vide their letter dated 24.10.2018 requesting for modification of condition No. (ii) and condition no.(iv) of Stage –I approval related to change in requirement of CA land and related to violation due to execution of supplementary lease deed without obtaining forest clearance for Sabik land respectively.

6. The representation was processed and decided with the approval of IGF(FC) to obtain comments of the State Govt. for further consideration of the proposal in the Ministry. However, the matter was discussed in the office of DGF&SS in presence of IGF(FC) and project proponent, and it was decided to place the matter for discussion in next FAC where State Govt. representative will be there.

7. The justification given by the user agency for modification/deletion of the conditions are as follows:

S.N.	Condition stipulated	Justification of the project proponent for changing in conditions.
(ii)	<p>Compensatory Afforestation shall be raised over equal identified non-forest land (NFL) land within three years from the date of Stage –II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency. At least 1000 saplings per hectares shall be planted over 360.01 ha (360010 plants). If this is not possible to plant these many seedlings in the identified NFL, the balance seedlings will be planted in degraded forest land as per the prescriptions of the Working Plan at the cost of the User agency. In such case CA cost will be revised and duly approved by competent authority and deposited online in the CAF managed by CAMPA.</p>	<p>In this connection, the user agency referred to Point No. (3 & 7) of recommendation letter No. 10F (Cons)-136/2014/102/F&E dated 01.01.2015 of Government of Odisha which reads as follows:</p> <p>Point No. (3) 2nd Para:</p> <p><i>“It has also been reported that out of total forest land of 199.1720 ha., 31.1791 ha., (8.2834 ha RF & 22.8957 ha KF) has been broken-up prior to 25.10.1980. As such, the entire forest land of 199.1720 ha. in this mining lease applied for diversion during 3rd RML period includes 165.7928 ha. (48.3539 ha RF & 117.4389 ha KF) of virgin forest land and 31.1791 ha. of forest land broken prior to 1980. Further 199.1720 ha. of forest land proposed for diversion includes 196.9719 ha. forest land for mining and allied activities and 2.2001 ha. (0.9147 ha. RF + 1.2854 ha. KF) for safety zone.”</i></p> <p>Point No. (7):</p> <p><i>“199.1720 ha of forest land is proposed for diversion during 3rd RML period in this lease that includes 2.2 ha of forest land to be maintained as Safety zone and 31.1791 ha of forest land broken prior to 1980. Hence 165.7928 ha (199.1720 ha -2,2001 ha -31.1791 ha) of virgin forest land is proposed to be used for mining activities. In lieu of 165.7928 ha of virgin forest land to be used for mining and other</i></p>

		<p><i>allied activities, 165.7928 ha of non-forest Government land has been identified by the district Administration of Keonjhar for the purpose of raising Compensatory Afforestation in one Village of Kaliapal of Barbil Tahsil in Keonjhar district.”</i></p> <p>The details of non-forest land identified in Village Kaliapal is indicated as 409.683 Acres or 165.7928 ha., scheme for which has already been prepared and approved.</p> <p>Since 31.1791 ha. forest land is broken-up prior to 1980 and safety zone area is 2.2001 ha. hence CA land over 165.7928 ha. only (199.1720 ha. - 31.1791 ha. (broken-up) – 2.2001 ha. (safety Zone)) has been identified against the proposal.</p> <p>CA land for the sabik forest has been identified over 160.8380 ha. identified in Dhenkanal District against the entire forest land of the proposal.</p> <p>Total non-forest Govt. land required for raising CA against the proposal over 199.1720 ha. (Hal proposal) and 160.8380 ha. (Sabik proposal) was over 326.6308 ha. and accordingly the non-forest Govt. lands have been identified in Keonjhar and Dhenkanal District as well.</p> <p>In view of the above, it is requested for modification of Condition No. (ii) of Stage-I approval F. No. 8-01/2018-FC dated 21.08.2018 changing the requirement of area of CA land from 360.01 ha. to 326.6308 ha (165.7928 ha w.r.t. diversion proposal for 199.1720 ha and 160.8380 ha for diversion of Sabik Forest Land).</p>
(iv)	<p>From the documents it is learnt that the lease has been executed for entire forest area on 27.11.2016 having full knowledge that the mining lease has Sabik forest land for which Clearance under the provisions of Forest (Conservation) act 1980 was not obtained. State</p>	<p>In this connection, the user agency informed that the supplementary lease deed was executed by the State of Odisha in view of all the statutory clearances as per extant rules applicable at the point of time (Mine Plan, EC, FC etc.). In supporting of their claim, the user agency indicated the following facts for consideration:-</p> <ol style="list-style-type: none"> 1. Katamati is an operating lease since the original grant on 17.01.1933. 2. First Renewal was granted for a period of 20 years w.e.f 17.01.1963 to 16.01.1983 by Mining & Geology Deptt., Govt. of Orissa vide letter No. III(A)MG-87/73-11510 dated

<p>Government shall initiate action for violation as per the provisions of Government of India Guidelines 11-42/2017-FC dated 29.01.2018.</p>	<p>21.11.1973. The lease deed was executed between Tata Steel & the State Govt. on 10.01.1978.</p> <ol style="list-style-type: none"> 3. The Second Renewal was granted for a period of 20 years w.e.f 17.01.1983 to 16.01.2003 by the Mining & Geology Deptt., Govt. of Orissa vide letter No. III(A)MG-58/83-14879 MG dated 24.12.1983 and issued Execution Order vide letter No. III (A)-MG 27/84-9026 MG dt. 01.09.1984. 4. The Katamati lease over an area of 403.3238 ha. was executed between Tata Steel Ltd. and State Govt. on 17.10.1984 and registered vide lease deed No. 67 dated 27.11.1984. <u>It is pertinent to mention here that as per the executed lease deed the entire lease hold area of 403.3238 ha consists of 199.172 ha of Forest land (57.525 ha of Reserve forest and 141.62 ha of Khesra forest) and 204.1518 ha of non-forest land.</u> 5. Tata Steel Ltd. applied for Third Renewal of the lease for 20 years on 05.09.2001. Subsequently, Govt. of Odisha, Steel & Mines Deptt. vide letter no. III (A) SM-02/2004/3303/SM dated 18.04.2015 extended validity period of mining lease for Iron Ore over an area of 403.3238 ha. in village Deojhar & Thakurani R.F. (Katamati) of Keonjhar District under Section 8A of the MMDR Amendment Act'2015. 6. Director of Mines communicated the order of State Govt. dated 18.04.2015 to all concerned DDM's regarding extension of lease period and act accordingly. They accordingly communicated to Collector, Keonjhar about the State Govt. order with copies of all Statutory clearances vide our letter no.GM/PL/212/194/15 dated.20.04.2015. 7. Since they did not have forest clearance for Katamati iron mine either in full or in part Collector, Keonjhar raised objection for execution of SLD for want of forest clearance. They applied to Additional Chief Secretary Govt. of Odisha vide letter no. TSL/KIM/0577/2015 dated 21.09.2015 for recommending to MoEF&CC for according permission under Section 2 (iii) of FC Act,1980 over applied forest land of 199.1720 ha falling within Katamati lease. State Govt. (F&E) Deptt. Recommended their application to MoEF&CC for according permission under Section 2(iii) of the FC Act'1980 for applied forest land of 199.1720 ha in Katamati lease. Approval under Section 2(iii) was accorded by MoEF&CC, Govt. of India vide F. No. 8-5/2015-FC dated 29.09.2016 for assignment of lease over the entire area. 8. Director of Mines, Govt. of Odisha advised Collector, Keonjhar vide letter No. MVI-(a)-48/01-9285/DM dated. 14.10.2016 for execution of Supplementary lease deed giving reference of the approval U/S 2(iii) of FC Act,1980 over applied forest of 199.172 ha. 9. Collector, Keonjhar advised us vide letter No.1489/Mines dated.21.11.2016 to deposit an amount of Rs.433136996.00
---	--

		<p>(Rupees Forty-Three Crores Thirty One Lakhs Thirty Six Thousand Nine Hundred Ninety Six) only towards Stamp Duty and Rs.173254799.00 (Rupees Seventeen Crores Thirty Two Lakhs Fifty Four Thousand Seven Hundred & Ninety Nine) only towards Registration Fee along with the Users Fee of Rs.200.00 (Rupees Two Hundred) only. After depositing the above amount, Supplementary Lease Deed was executed on 27.11.2016 and registered vide e-registration No.11031600471 dated 28.11.2016.</p> <p>10. Sabik Kism of forest is a specific categorization in the State of Odisha. MoEF&CC, Govt. of India issued a guideline dated 10.03.2015 for the same.</p> <p>11. It was formally informed only in late 2016 about the same and immediately they submitted an application for diversion u/s 2(ii) for Sabik Forest Land over 160.838 ha as required. The said land was recorded as non-forest land in the previous Lease Deeds executed during the 2nd Renewal.</p> <p>In view of the facts mentioned above, the user agency stated that it is clear that there has not been any violation on their part. Being a very old operating lease and the lease deed had been signed twice earlier for the same area, they requested to kindly withdraw the condition.</p>
--	--	--

In view of above, the above facts may be placed before FAC in its next meeting scheduled to be held on 15.11.2018 for appropriate examination and recommendation.
