

Sub: Diversion of 160.838 ha of Sabik Kisam forest land as on 25th October 1980 (treated as non-forest land in hal record) including 2.7082 ha of land in safety zone in addition to 199.1720 ha of forest land earlier applied for diversion within total forest land of 360.01 ha (including Sabik Kisam forest land), located 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 during extended ML period as per MMDR Act, 2015.

The State Government of Odisha vide their letter No. 10F(Cons)-18/2016.26364/F&E dated 19.12.2017 was submitted the above mentioned proposal for seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

2. The facts related to the proposal as contained in the State Government's letter dated 19.12.2017 are given below in the form of fact sheet.

FACT SHEET

1.	Name of the Proposal	Diversion of 160.838 ha of Sabik Kisam forest land as on 25 th October 1980 (treated as non-forest land in hal record) including 2.7082 ha of land in safety zone in addition to 199.1720 ha of forest land earlier applied for diversion within total forest land of 360.01 ha (including Sabik Kisam forest land), located 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 during extended ML period as per MMDR Act, 2015..
2.	Location (i) State (ii) District	Odisha Keonjhar
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy. No. (iii) Map	Keonjhar Forest Division Forest area: 160.838 ha Non-Forest land recorded as Forest as on 25.10.1980 Pg.483-493/c.
4.	Topography of the area	
5.	(i) Geology (ii) Vulnerability to erosion	- Soil erosion is likely to increase following felling of trees in the undulating topography.
6.	Density of Vegetation	Eco class – I, Density – 0.5 The applied area for diversion is situated in contiguous with Thakurani Reserve Forest. Eco value Class has been treated as “Eco Value Class – I” based on proximate location – Thakurani Reserved Forest and the nopy density has been considered at per with the prevailing vegetation depicted as “ fairly dense forest mainly Sal ” on concerned Toposheet and at 0.5.

7.	Species-wise (scientific names) and diameter class-wise enumeration of trees (to be enclosed).	Species wise and diameter class wise abstract of trees enumerated in respect of applied forest land is given and may kindly be seen at pg. 459-461/c About 4500 trees are enumerated in the proposal.
8.	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. (if so, details of the area and comments of the Chief Wildlife Warden to be annexed).	The applied area does not form part of any National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. Occasional movement of wild elephants is used to be witnessed in the applied forest land and adjoining RF. The applied site falls under elephant habitat zone-2 as mentioned by ORSAC, Bhubaneswar.
9.	Whether any RET species of flora and fauna are found in the area. If so details thereof	No rare or endangered species is available in the applied area for diversion but occasional movement of wild elephants is used to be witnessed in the applied forest land and adjoining RF.
10.	Approximate distance of the proposed site for diversion from boundary of forest.	The proposed site for diversion is in contiguous with Thakurani RF.
11.	Whether any protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.	No
12.	Whether any work of in violation of the Forest (Conservation) Act, 1980 has been carried out (Yes/No). If yes details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.	Violation has been done (may pl. see para 4 of the factsheet).
13.	Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project, if no recommended area item-wise with details of alternatives examined.	The forest land, submitted for approval under FC Act, 1980, is in compliance with the guidelines issued vide F. No. 8-78/1996-FC (Pt.) dt. 10.03.2015 read with F. No. 8-78/1996-FC (pt) dt. 09.03.2016 of MoEF&CC, Govt. of India. Thus, the area applied for is a statutory requirement under FC Act, 1980.
14.	Whether clearance under the Environment (Protection) Act, 1986 is required?	Yes (Pg. 264-272/c)
15.	Compensatory Afforestation	
	(i) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.	The compensatory afforestation 160.838 ha. of non-forest land has been identified in the following compartment: Distance from adjoining forest - 0.00 Km Number of Patches – One Size - 160.838 ha
	(ii) Map showing non-forest/degraded forest area	The map is given.

	identified for CA and adjoining forest boundaries.	
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	The detailed compensatory afforestation scheme has been given and placed in file at Pg. 436-456/c . 160.838 ha. of non-forest land has been identified in village Kerajodi, Khata No.155, under K. Nagar East Forest Range of Kankadahad Tahasil of Dhenkanal Division.
	(iv) Total financial outlay for CA Scheme	Total financial outlay for the compensatory afforestation scheme is Rs. 6,23,08,500/-.
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	The Non-Forest Govt. land identified in village Kerajodi under K. Nagar East Forest Range of Kankadahad Tahasil of Dhenkanal Division is suitable, as certified by DFO seedling per ha. (Pg. 457/c).
16.	Catchment Area Treatment Plan	Not applicable
17. z	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not given.
18.	Total Cost of the Project	4500.00 Lakh
19.	Employment Potential	Permanent employment : 150 Temporary employment : 300
20.	Cost benefit Analysis	The cost benefit analysis as given may kindly be seen at pg. 323/c . The cost benefit ratio is- 1:58.36. The cost benefit has not been analyzed as per latest guidelines issued in this regard by this Ministry on 01.08.2017.
21.	Specific recommendation of the DCF for acceptance or other wise of the proposal with reasons.	Katamati iron ore Mines of M/s TATA Steel Ltd, granted over 403.3238 ha involves 57.552 ha Reserved Forest, 141.62 ha Revenue Forest, 160.838 ha Non- Forest Land recorded as Forest as on 25.10.1980 and 43.3138 ha Non-Non-forest land. NPV over entire forest land involved in the mining lease is deposited in Adhoc CAMPA as per prevailing rate. No Forest land has been diverted under Sec 2 (ii) of FC Act, 1980 and 199.172 ha forest land stands diverted under Sec 2(iii) of the said Act pursuant to the approval accorded under the said act dated 29.09.2016. The instant proposal is submitted for approval under Sec 2 (ii) for non-forest use, as per the requirement of the lessee, in compliance with the guideline issued vide F. No. 8-78/1996-FC (Pt) dt. 10.03.2015 read with F. No. 8-78/1996-FC (Pt.) dt. 09.03.2016 of MoEF & CC, Govt. of India in respect of non-forest land recorded as forest as on 25.10.1980. The said proposal is therefore, submitted for necessary approval under Sec 2(ii) of FC Act, 1980 taking the aforesaid fact into consideration. (Pg. 47/c)
22.	Recommendations: i. DFO ii. RCCF	Taking the aforesaid fact into consideration. (Pg. 43-47/c) On its own merit. (pg. 53/c) SIR (Pg. 54-59/c)

	iii. Nodal Officer/PCCF iv SG	Recommended (Pg. 61/c) Recommended (pg. 62/c)
23.	District Profile (i) Total Geographical area of the district (ii) Total Forest area/Divisional Forest area (iii) Total area diverted since 1980 (iv) Total CA stipulated since 1980 a. Forest land including penal CA b. Non Forest Land` (v) Progress of compensatory Afforestation. (a) Forest land including penal compensatory Afforestation (b) Non-forest land	830300.300 ha 33615.6293 ha 10275.2964 ha C.A: 1669.6180 ha P.C.A. : 4994.8675 ha C.A 7247.793 ha C.A : 1152.58 ha PCA. : 2996.34 ha C.A 5983.9016 ha

3. Site Inspection Report: The Site Inspection Report (SIR) for this proposal has been carried out by Shri R K Samal, CF, Regional Office, Bhubaneswar. The SIR is reproduced (**Pg.495-505/c**) below:

I. Legal status of the forest land proposed for diversion

Non forest land recorded as forest as on 25.10.1980.

II. Item-wise break-up details of the forest land proposed for diversion:

Sl. No.	Pattern of utilization	Broken up non-forest land recorded as forest as on 25.10.80 (in ha.)	Virgin non-forest land recorded as forest as on 25.10.80 (in ha.)	Total non-forest land recorded as forest as on 25.10.80 (in ha.)
1.	Mining	55.5880	65.6355	121.2235
2.	Storing of mineral/ore	0.9740	0.7760	1.7500
3.	Dumping of OB/sub-grade/slime disposal	19.2468	-	19.2468
4.	Storing tools and machinery	-	-	-
5.	Construction of building, power station, plant, workshop	5.7032	2.7564	8.4596
6.	Township/colony	-	-	-
7.	Construction of road	1.500	5.9499	7.4499
	Total	83.012	75.1178	158.1298
	Safety Zone	-	2.7082	2.7082
	Grand Total	83.012	77.826	160.838

III. Whether proposal involves any construction of building (including residential) or not. If yes, details thereof:

Yes. As reported above. No construction of residential buildings to be done on the forest land proposed for diversion.

IV. Total cost of the project at present rates:

The capital investment is proposed to be Rs.45 crores.

V. Wildlife:

Whether forest area proposed for diversion is important from wildlife point of view or not:

As reported, the Thakurani Reserved Forest and Revenue Forest along with the non-forest land recorded as forest, involved in the mining lease, is the dwelling habitat for Leopard, Bear, Barking Deer, Hyena, Porcupine, etc. Occasional movement of wild elephants is used to be witnessed in the applied forest land adjoining RF. The applied site falls under elephant Habitat Zone-2 as per the wildlife habitat mapping done by ORSAC, Bhubaneswar.

VI. Vegetation:

The forest land applied for diversion is situated in contiguous with Thakurni RF and has been depicted as "Fairly dense forest mainly Sal" on concerned Toposheet. Therefore, the condition of vegetation has been treated at par with adjoining Thakurani Reserved Forest. The adjoining reserved Forest come under the group 3C/C2e(iii) Moist Peninsular Valley Sal. The prevailing vegetation consists of Sal and its associates. The principal associates of Sal includes *Terminalia alata*, *Lagerstroemia perviflora*, *Anogeissus latifolia*, *Terminalia belerica*, *Syzygium cumini*, *Mangifera indica*, *Schleichera oleosa*, *Adnia cordifolia*, *Pterocarpus marsupium*, *Bombax ceiba*, *Bridelia retusa*, *Madhuca indica*. The middle story is represented by *Syzygium cumini*, *Ougeinia ougenensis*, *Careya arborea*, *Trema orientalis*, *Emblia officinalis*, *Cassia fistula*, etc. The shrubs and undergrowth are characterized by *Indigofera pulchella*, *Ardisia solanacea*, *Flemingia chhapar*, *Helicteres sora*, *Clerodendron viscosum*, etc. The prevailing climbers include *Bauhinia vahlii*, *Combretum decandrum*, *Beutia parviflora*. The grasses over the forest floor include *Chrysopogon aciculatus*, *Imperata cylindrical*, *Dicanthium caricinum*, *Cynodon dactylon*, etc.

Eco value class has been treated as Eco Value class-I based on proximate location-Thakurani Reserved forest. The lease area contains 95 ha of VDF and 123 ha of MDF and the area contains virgin natural Sal forest with other associates of Sal. A copy of the DSS report is enclosed herewith. The density of vegetation is 0.4 to 0.7.

(a) Total number of trees to be felled.

2,554 number of trees above 30 cm girth (102 trees/ha.) and 4,086 number of trees below 30 cm girth (163 trees/ha.) as per sample tree enumeration of 25 plots of 1.00 ha each. By extrapolating this figure the total number of trees that fall within the proposed area of diversion is 16,345 above 30 cm girth and 26,150 below 30 cm girth. Total number of tree both above 30 cm and below 30 cm girth is 265 trees per hectare.

Effect of removal of trees on the general ecosystem in the area:

Felling of such large number of trees if taken at a single point of time will cause severe damage to the environment of the area. Therefore, as far as possible the trees should be cut as and when required in phased manner.

(b) Important species:

The prevailing vegetation consists of Sal and its associates. The principal associates of Sal includes *Terminalia alata*, *Lagerstroemia perviflora*, *Anogeissus latifolia*, *Terminalia belerica*, *Syzygium cumini*, *Mangifera indica*, *Schleichera oleosa*, *Adnia cordifolia*, *Pterocarpus marsupium*, *Bombax ceiba*, *Bridelia retusa*, *Madhuca indica*. The middle story is represented by *Syzygium cumini*, *Ougeinia ougenensis*, *Careya arborea*, *Trema orientalis*, *Emblica officinalis*, *Cassia fistula*, etc. The shrubs and undergrowth are characterized by *Indigofera pulchella*, *Ardisia solanacea*, *Flemingia chhapar*, *Helicteres sora*, *Clerodendron viscosum*, etc. The prevailing climbers include *Bauhinia vahlii*, *Combretum decandrum*, *Beutia parviflora*. The grasses over the forest floor include *Chrysopogon aciculatus*, *Imperata cylindrical*, *Dicanthium carricosum*, *Cynodon dactylon*, etc.

Number of trees of girth below 60 cm.

From the sample plot survey (25 sample plots of 1.00 ha each) the number of trees below 60 cm is 35,136 (219 trees/ha.).

Number of trees of girth above 60 cm.

From the sample plot survey (25 sample plots of 1.00 ha each) the number of trees above 60 cm is 7,360 (46 trees/ha.)

VII. Background note on the proposal:

Originally Katamati lease was granted for a period of 30 years w.e.f. 17.01.1933 to 16.01.1963 over an area of 12.17 sq. miles by Ruling Chief of Keonjhar estate. The lease deed was executed on 20.11.1933. The lease was consisting of three blocks i.e. Block-A (Katamati), Block-B (Joda West) & Block-D (Khandbond).

First renewal as granted for a period of 20 years w.e.f 17.01.1963 to 16.01.1983 over the same area i.e. 12.17 sq. miles consisting of above three blocks by Mining and Geology Department, Govt. of Odisha vide letter No. III(A)MG-87/73-11510 dated 21.11.1973. The lease deed was executed between Tata Steel & the State Government on 10.01.1978.

The second renewal as granted for a period of 20 years w.e.f 17.01.1983 to 16.01.2003 by Mining & Geology Department, Govt. of Odisha vide letter No. III(A)MG-58/83-14879 MG dated 24.12.1983 over same 12.17 sq. miles. During second renewal the lease blocks were separated forming three separate leases. The details are as follows:

Katamati	-	403.3238 ha.
Joda West	-	1437.719 ha.
Khondbond	-	1293.433 ha.

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.

Tata Steel Ltd. applied for third renewal of lease for 20 years on 05.09.2001. at that time Katamati lease area consisted of 204.1518 ha of non-forest land and 199.1720 ha. of forest land as per revenue record. Tata steel has applied for diversion of 199.1720 ha. of forest land under FC Act during 2007. Seeing the delay in approval under section 2 (ii) for 199.1720 ha. the user agency applied for approval under section 2 (iii) of FC Act on 28.10.2015. the user agency has got clearance under section 2 (iii) of FC Act on 29-09-2016 for 199.1720 ha of forest land for execution of mining lease. However, in the meantime as per the MoEF&CC guidelines bearing No. 8-78/1996-FC (Pt.) dated 10.03.2015 out of the 204.1518 ha of non forest land as per Hal record 160.838 ha of non forest land found to be Sabik forest land (land treated as non-forest in Hal record but found to be forest as per the record as on 25.10.1980) and 43.3138 ha. of non forest land. The user

agency has now applied for diversion of this Sabik forest land for mining and other allied activities. Out of the 160.838 ha. of SabikKissam forest land, 83.0120 ha. of Sabik forest land has been broken up by the user agency and continuing mining as on date, as per the order of CEC and working permission issued by Dy. Director of Mines, Joda vide No. 37842 dated 18.08.2011 over 204.1518 ha. As per the guideline issued by MoEF&CC vide their No.8-78/1996-FC (pt) dated 10.03.2015, even No. 09.03.2016 and even No. 30.09.2016, the user agency was to stop the mining operation by 31st December, 2016 as they did not obtain forest clearance for the SabikKissam land. The user agency has filed a Writ Petition in Hon'ble High Court with No. 12830/2016 and Miscellaneous case No. 11964/2016 and WP (C) No. 15734/2016 before the Hon'ble High Court of Odisha to quash/set-aside the guideline dated 10.03.2015, read with guideline dated 09.03.2016 of MoEF&CC for issue of direction to Union and State Government to permit the company to operate in the broken up mining area till the forest clearance is obtained. The Hon'ble High Court in their order No. 2 dated 28.07.2016 in for the WP (C) 12830/2016 and Misc. case No 11964/2016 have directed to maintain the status quo of mining on broken up area till the next date of hearing. Similarly, in the case of WP No. 15734 of 2016 Hon'ble High Court vide their order No. 4 dated 16.01.2017 have also directed to maintain the status quo with regard to broken up SabikKissam forest land for mining. The final orders of court is awaited on these writ petitions.

In the meantime Addl. Secretary to Govt., Steel & Mines Department, Govt. of Odisha conveyed an order No.III(A)/S&M III(A)-02/2004/3303/SM Bhubaneswar dated 18.04.2015 to extend the validity of period of mining lease u/s 8A(5) of the MMDR Act, 1957 as amended by MMDR amendment Act, 2015 from 17.01.2003 to 31.03.2030 subject to necessary forest clearance. Accordingly, supplementary lease deed was executed on 27.11.2016 and registered vide e-registration No.11031600471 dated 28.11.2016. It is to mentioned here that the supplementary lease over the entire mining lease of 403.3238 ha has been signed without obtaining forest clearance over 160.838 ha under section 2 (iii) of FC Act, 1980. However, in the supplementary lease deed it has been made an additional condition to obtain the forest clearance.

State Govt. has recommended the proposal for diversion of 160.838 ha of Sabikkassim forest land (forest land treated as non forest in the Hal record).

VIII. Compensatory afforestation:

Non forest land of 160.841 ha. identified in village Kerajodi, Khata No.155, under K. Nagar East Forest Range of Kankadahad Tahasil of Dhenkanal Division. **However an analysis in Google Image shows the areas have good forest cover (DSS report of FSI shows MDF 56 ha, Open forest 91 Ha and non forest 12 Ha) with small vacant spaces for plantation. ANR with 200 plants and simple protection would be the suitable model. Further, the hills are with varying heights of 145 to 250 meter and taking of polybag seedlings to such heights will be difficult.** Complete clear felling of the natural vegetation for bald hill plantation will lead to soil erosion. It is suggested if the State Govt. identified other degraded forests to meet the 1000 trees/ha norm. The financial outlay may remain same.

(a) Whether land for compensatory afforestation is suitable from plantation and management point of view or not:

Yes, the DFO has given suitability Certificate. They have proposed for bald hill plantation in block model @ 1600 seedling/ ha over 103 ha and ANR without gap plantation over 57.841 ha at current wage rate. However, it is suggested that ANR with 200 plants/ ha with protection measures may be a better model.

(b) Whether land for compensatory afforestation is free from encroachment/other encumbrances:

Yes as reported by Revenue and forest Dept.

(c) Whether land for compensatory afforestation is important from Religious/Archaeological point of view:

Not reported.

(d) Land identified for raising compensatory afforestation is in how many patches whether patches are compact or not:

Three patches. Patches are not compact.

(e) Map with details:

Enclosed in the diversion proposal. The map of DSS is enclosed. It has 56 ha MDF, 91 ha open forest and 12 ha non-forest as per DSS report. However the Google image shows the areas have good vegetation cover. It is not clear as to why the patch in the middle was surveyed on middle of a water harvesting structure. Either the WHC would have been completely excluded or completely included.

(f) Total financial outlay:

Rs. 4,28,45,600/-

IX. Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:

Violation1:

As reported by DFO, Keonjhar the lessee has carried out mining activities in violation of Section-2 of FC Act, 1980 in revenue forest and Reserved Forest from 1983 to 2009 with production of iron ore for crushing and subsequent use in Nuamundi during 2nd and 3rd RML without requisite forest clearance. In addition, working in non-forest land, involved in the mining lease, in absence of approval under FC Act, 1980 in respect of the forest land also amounts of violation of Para-4.4 of the handbook of guidelines issued under the FC Act, 1980 and thus, amount to violation of FC Act, 1980 for the period under question.

Forest Offence case vide OR No. 4BL of 2017-18 has been registered for violation of FC Act, 1980 in respect of Reserved Forest and prosecution is to be sanctioned and submitted in the Court of JMFC, Barbil. The Collector, Keonjhar has been requested to take legal action as deemed proper under prevailing act and rules for the above stated violation in the revenue forest land vide office letter No. 2304 dated 07.04.2017.

The violations have been reported by the DFO at Page 16-18 of the diversion proposal in the form of a self-contained note. DFO, Keonjhar vide his letter No.6672 dated 09.12.2009 (copy enclosed) directed to stop the mining activities in virgin and broken up land as the forest and non-forest land have not been demarcated in field and the said deemed extension of lease was considered to be contrary to the existing rules without statutory forest clearance, since the land contain both forest and non-forest land. Subsequently, on representation of the user agency joint verification with the Revenue Department, Mines Department & Forest Department on 09.01.2010 confirmed that some violations have been reported to be committed by the user agency in the forest land. The joint inspection report dated No. 2814/Mines dated 29.01.2010 is enclosed. The letter of the DFO permitting the user agency for operation of Katamati iron ore mines based on the recommendation of Central Empowered Committee in the non-forest land vide No. 6042/Mining dated 21st July, 2011 is also referred and copy enclosed.

Finding:

As reported by DFO, Keonjhar the lessee has carried out mining activities in violation of Section-2 of FC Act, 1980 in revenue forest and Reserved Forest from 1983 to 2009 with production of iron ore for crushing and subsequent use in Nuamundi during 2nd and 3rd RML without requisite forest clearance. However, Tata Steel Ltd. has given evidence in writing to Dy. Director (Mines) on 19.01.1997 regarding their (Tata Steel) stoppage of all mining operations in forest areas since 19.01.1997 in reply to the letter No.674(40)/Mines dated 17.01.1997. it was also observed during site inspection on 09th and 10th April 2018, that the forest areas

that has been proposal for diversion (199ha.) has well grown forests without any signs of mining activities carried out in recent past.

The enclosure notice of DFO, Keonjhar for stoppage of all mining activities on the lease area both in virgin and broken up land vide No.6672/Mining dated 09-12-2009, appears to be due to the fact that forest land and non-forest were not demarcated in field as found out during the subsequent joint survey 31-12-2009 and report later on 09-01-2010. Subsequently, irregularity like non-demarcation of forest and non-forest land have been corrected and pillar postings have been done by the user agency and it has been confirmed that mining operation was confined to non-forest area except in one portion of Gramya Jungle plot No. 118 under Deojhar village where dumping stones and filling of earth has been done covering an area of about 250 m length and 15 m width (0.375ha.) for making a wide road.

Violation-2:

As per report of DFO, Keonjhar the present guideline vide F. No.11-599/2014-FC dated 10.11.2015 inter alia stipulates that in case of mining leases having forest land in part, the concerned user agency may execute a single mining lease having both forest and non forest parts, after final approval under Section 2 of the FC Act. However, the State Govt. if so desires may execute a part mining lease for the non forest area separately, once Stage-I approval under Section 2 of the FC Act, 1980 for the entire forest land falling within the mining lease is obtained. in this case neither State-I approval in respect of forest land granted/obtained under Section 2 (ii) of FC Act, 1980 nor a separate lease deed in respect of non forest land under the mining lease has been executed, rather the entire lease was signed by State Govt. in violation of para 4.4 of consolidated guidelines of FC Act.

Findings:

It is to mention here that the user agency has paid the NPV for the entire forest land of 199.172 ha in 2010 complying CEC directives and subsequently for the SabikKissam forest land of 160.838 ha.in 2016 and they have got working permission on the 204.1518 ha.ofnon forest land (both non-forest and Sabikkissam forest land which were non-forest as per Hal revenue records during 2011) from Dy. Director, Mines, Joda Circle vide letter dated 18-8-2011. They have only obtained approval under Section 2 (iii) of FC Act for 199.172 ha.of forest land. They are yet to get the Stage-I approval under Section 2 (ii) of the FC Act, for which they have submitted the proposal and Ministry has asked further information vide letter No.8-5/2015-FC dated 7th Sept, 2015. They have not yet obtained the forest clearance even under Section 2 (iii) over Sabikkissam forest land of 160.838ha.out of the total mining lease area of 403.3238 ha. the status of the so called non-forest land recorded as forest as on 25.10.1980 with respect to Katamati iron ore mine was obtained by the user agency from the record room of Assistant Settlement Officer, Keonjhar sometime after 22.07.2015 after the DFO, Keonjhar has written to all the user agencies to submit the status of non-forest land as on 25.10.1980.The execution of the supplementary mining lease over the entire area of 403.32 ha. without obtaining approval under FC Act for 160.838ha. either under Section 2 (ii) or (iii), despite the confirmation by DFO that no FC in respect of 360.01 ha. forest land has been obtained vide his letter No.7820 dated 25-10-2016 (copy enclosed) seems to be not as per the existing guidelines.

X. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or Not:

No.

XI. Reclamation Plan:

Enclosed in the proposal. In case land use plan proposed in the earlier/present forest diversion proposal differs from the land use plan reflected in the approved mining plan, MoEF&CC Guidelines bearing F. No. 11-150-2017-FC dated 16.10.2017 prescribing procedure for processing/disposing of proposals for change of land use plan within the diverted forest land of a mining lease vis-à-vis the latest land use plan approved by Indian Bureau of Mines in the mining plan/scheme shall be complied by the lessee.

Details and financial allocation:

XII. Details on catchment and command area under the project:

Not applicable

Catchment area treatment plan to prevent siltation of reservoir:

Not applicable.

XIII. Cost benefit ratio:

1:58:36

The cost benefit analysis is required to be reassessed as per Govt. of India, MoEF&CC guideline No. 7-69/2011-FC (pt) dated 01.08.2017

XIV. Recommendations of the Principal Chief Conservator of Forests/State Government:

Yes. Recommended

XV. Recommendations of Addl. Principal Chief Conservator of Forests (Central) along with detailed reasons:

Annexed Separately.

XVI. Conservator of Forests shall give detailed comments on whether there are any alternative routes/alignment for locating the project on the non-forest land:

It is site specific and it cannot be shifted to any other forest or non forest land.

XVII. Utility of the project:

The company is planning for a growth plan, which is expected to increase the Steel making capacities with corresponding increase of its raw material production. The steel company has invested sufficiently to develop the mine and other infrastructural facilities.

The project is essential to cater to the need of enhanced requirement of iron ore in company's steel plants and sister concerns.

Numbers of Scheduled Caste/Scheduled Tribes to be benefited by the project:

As projected by the user agency there will be employment generation for 175 persons (115 direct and 60 indirect). Out of this 83 will be from ST community and 19 will be from SC community.

XVIII. (a) Whether land being diverted has any socio-cultural / religious value:

Not reported.

(b) Whether any sacred grove or very old growth trees/forests exist in the areas Proposed for diversion:

Not reported.

(c) Whether the land under diversion forms part of any unique eco-system:

The applied area does not form part of any National Park, Wildlife Sanctuary, Biosphere, Tiger reserve, Elephant Corridor, etc. Occasional movement of wild elephants is used to be witnessed in the applied forest land and adjoining RF. The applied site falls under Elephant Habitat Zone-2 as per the zoning map prepared by ORSAC, Bhubaneswar. These forests form the continuity of forest cover between Jharkhand and Odisha.

XIX. Situation with respect to any Protected Area:

The nearest protected area is Similipal National Park which is about 70 Km away from the project site. KaroKarampada elephant corridor is about 17.03 Km in North-West. In North Palkat wildlife sanctuary in Jharkhand is about 104.97 Km. In North-East Dalma wildlife sanctuary, in Jharkhand is about 106.84 Km.

XX. Any other information relating to the project:

This is an old mine dates back to 1933. 1st renewals have been done from 1963 to 1983 and 2nd renewal from 1983 to 2003 and 3rd renewal from 2003 to 2030. As per the information, the second renewal was executed on 27.10.1984. The settlement of land record of Joda-Barbil circle was finalized during the period from 1983 to 1986 during the second renewal. They have applied for the 3rd renewal from 2003 only in the year 2001 now they have applied for the FC clearances for 160.838 ha. of SabikKissam forest land and 199.172 of forest land in total 360.01 ha. of forest land. These forest lands form the continuity of forests between Jharkhand and Odisha states. By allowing the diversion of total forest land in South and South-East (south side of Kuluma lease of AdhunikMetaliks), the corridor for movement of wild animals under vegetation forest cover will reduce from about 2.57 KM to 0.45 KM. The area to south is devoid of vegetation. So these areas need to be covered by plantation for serving as cover for wild animals including elephants. As a safety precaution, the user agency may not clear the natural vegetation of about 50 meter width in the periphery in south.

The user agency is working on the broken up non-forest land and broken up SabikKissam forest land on the strength of the CEC interim report dated 26.4.2010 submitted to the Hon'ble Supreme Court of India and on the strength of the working permission of DDM, Joda Circle, vide letter dated 18.08.2011 and order of Hon'ble Court of Odisha for maintaining status quo of working on broken up Sabik forest land.

Though the mining has naturally affected the environment and the ecology of the area, however, possible care is being taken by the user agency for conservation of flora and fauna of the area. The user agency has taken up plantations over safety zone, OB dumps and vacant spaces falling within the mining lease and township area. They have also created 3 check dams and quite a large number settling tanks to arrest the flow of soil along with run-off water.

4. Violation committed in respect of the mining Lease : the lessee has carried out mining activities in violation of section-2 of FC Act, 1980 in Revenue Forest and Reserved Forest from 1983 to 2009 with production of Iron Ore for crushing and subsequent use in nuamundi during 2nd and 3rd RML without requisite clearance for the Pre-1980 broken up forest land under FC Act, 1980. In addition, working in Non-forest land, involved in the mining lease, in absence of approval under FC Act, 1980 in respect of the forest land also amounts to violation of Para-4.4 of the aHand Book of guidelines issued under FC Act, 1980 and thus, amounts to violation of FC Act, 1980 for the period under question.

Action taken: Forest Offence case vide OR No. 4 BL of 2017-18 has been registered for violation of FC Act, 1980 in respect of Reserved Forest and prosecution is to be sanctioned and submitted in the Court of JMFC, Barbil. The Collector, Keonjhar has been requested to take legal action as deemed proper under prevailing act and rules for the fore-stated violation in the Revenue Forest Land vide this office letter NO. 2304 dated 07.04.2017. Action taken report is awaited.

Observation of Hon'ble Shah commission and Action taken thereof:

- i.** ML area – 403.3238 ha comprising RF-56.6373 ha, Rev forest- 142.5347 ha,. Non Forest (Govt.) - 204.0750 ha and Non forest (Pvt.) – 0.0768 ha.
- ii.** Forest Diversion proposal submitted on 28.04.2010. Approval from MoEF not yet obtained.
- iii.** EC granted on 06.05.2005 raising the production to 2 MPTA and then on 26.11.2010 raising the production from 2 MPTA to 8 MPTA.
- iv.** Working in the Rev forest area from 1983-2003 and from 2003 to 2007 is illegal. Working in the Forest area has been stopped from 2007 by the DFO. Now the work is confined to Non forest area alone. DFO is to find out the extent of working in the Rev forest and intimate Collector for appropriate action.
- v.** The lumps from the mines is transported to Jharkhand for crushing and subsequent use in Nuamundi .

Action taken – Action is being taken to ascertain the extent of forest land (Revenue and Reserved Forest) worked in violation of FC Act, 1980 during 2nd and 3rd RML and register appropriate legal action under appropriate act in respect of Revenue and Reserved Forest.

In view of the above facts related to the proposal may be submitted to the FAC in its next meeting scheduled to be held on 19.06.2018.
