

Agenda No. 2

File No. 8-15/2016-FC

Sub: Proposal for diversion of balance 330.972 ha of Sabik Kisam forest land as on 25.10.1980 in addition to already diverted forest land of 73.697 ha for Chromite mining in their Sukinda Chromite mine in Jajpur District under Cuttack Forest Division by M/s TATA STEEL LIMITED during extended period of mining lease up to 31.03.2020 as per MMDR amendment Act, 2015.

1. The State Government of Odisha, Department of Environment, Forests & Climate Change, vide his letter No. 10F (Cons) 73/2014-11975F/E, Bhubaneswar, dated 28.06.2016 submitted a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for a proposal of diversion of balance 330.972 ha of Sabik Kisam forest land as on 25.10.1980 in addition to already diverted forest land of 73.697 ha for Chromite mining in their Sukinda Chromite mine in Jajpur District under Cuttack Forest Division by M/s TATA STEEL LIMITED during extended period of mining lease up to 31.03.2020 as per MMDR amendment Act, 2015.
2. The facts contained in the proposal are as given below:

FACT SHEET

1.	Name of the Proposal	Diversion of balance balance 330.972 ha of Sabik Kisam forest land as on 25.10.1980 in addition to already diverted forest land of 73.697 ha for Chromite mining in their Sukinda Chromite mine in Jajpur District under Cuttack Forest Division by M/s TATA STEEL LIMITED during extended period of mining lease up to 31.03.2020 as per MMDR amendment Act, 2015
2.	Location:	
	State	Odisha
	District	Jajpur
3.	Particular of Forests	
i.	Name of Forest Division	Cuttack Forest Division.
ii.	Area of Forest land for Diversion	330.972 Ha.
iii.	Legal Status of Forest land	Revenue Forest
iv.	Density of Vegetation	Eco Class I, below 0.4
v.	Species-wise (scientific names and diameter class wise enumeration of trees (to be enclosed) in case of irrigation / hydel project enumeration at FRL, FRL – 2 meter and FRL – 4 also be enclosed.	The entire forest land has been broken up prior to 25.10.1980. the detailed enumeration list of trees available in the broken up area is enclosed with the Diversion proposal (pg. 386-501/c). A total no. of 6401 of misc. species in general and 1700 no. of poles under 30 cm. girth are proposed to be felled.
4.	Brief note on Vulnerability	The proposed area is not vulnerable to erosion and do not

	of the forest area to erosion	form a part of severely eroded area.
5.	Approximate distance of proposed site for diversion from boundary of forest	Adjacent to Mahagiri DPF area.
6.	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. (if so, the details of the area the comments of the Chief Wildlife Warden to be annexed)	Do not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. The project area proposed for diversion comes within a distance of 10 Km. From the proposed Tiger Corridor in Daitary D.P.F of Sukinda forest Range in Jajpur district.
7.	Whether any rare/ endangered/ unique species of flora and fauna found in the area if so, details thereof.	Elephant, Wild Boar, Ratel, Sloth Bear, Peacock, Porcupine, Pangolin, Python, King Cobra found in the area.
8.	Whether any protected archaeological/ heritage site/ defense establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.	-NIL-
9.	Whether the requirement of forest land as proposed by the User Agency in col.2 of Part-I is unavoidable and bare minimum for the project. If no, recommended area item-wise with details of alternatives examined.	Yes
10.	Whether any work in violation of the Act 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 under progress.	No
11.	Details of Compensatory Afforestation Scheme:	In this regard it is reported that the Compensatory Afforestation in non-forest land is not required since the applied forest land has been broken up prior to 1980

i.	Details of non-forest area/degraded forest area identified for compensatory Afforestation its distance from adjoining forest, number of patches, size of each patch.	Not applicable
ii.	Map showing non forest/degraded forest area identified for compensatory Afforestation and adjoining forest boundaries.	Not applicable
iii.	Detailed compensatory afforestation scheme including species to be planted implementing agency time schedule, cost structure etc.	Not applicable
iv.	Total financial outlay for compensatory Afforestation scheme.	Not applicable
v.	Cost Benefit Analysis	The cost benefit ratio of the mining project is 1:105 placed at pg 182/c.
vi.	Employment Potential	The existing work strength at Sukinda Chromit mine lease is 545 directly and 1190 indirectly. This is likely to further go up with the increase in production and introduction of Under Ground Mining.
vii.	Phased Reclamation Plan	It is reported in SIR by DFO that the reclamation of and back filling is in progress. The reclamation and afforestation scheme and biological reclamation for this Mining project has been provided by the user agency and is placed at (Pg. 212-240/c)
viii.	Position of Displacement of people and adequacy of Rehabilitation, if any	Nil
ix.	Certified from competent authority regarding suitability of area identified for compensatory Afforestation and from management point of view (to be signed by the concerned Deputy Conservator of Forest).	Not applicable

12.	Site Inspection report of The DCF (to be enclosed) especially highlighting facts asked in col.7 (xi), (xii) 8 and 9 above.	The Site inspection Report(SIR) of DFO is given and available in file at Pg. 78-79/c . It is reported that this is ongoing mining project of TATA Steel Ltd. and mining operation is continuing under the provision of MMDR amendment act, 2015. As per the guidelines dated 10.03.2015, the instant proposal is recommended for approval under section 2 of FCA,1980.
13.	Whether the project requires environment clearance,	Yes, the environment clearance has already been obtained by the user agency vide Ministry's letter No. J--11015/96/2011-IA.II (M) dated 06.09.2013 of MoEF, Govt. of India, copy of which is enclosed at page255-264/c .
14.	Documentary evidence in support of settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted enclosed.	Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been given separately as detail is not placed at file.
15.	Copy of Catchment Area Treatment (CAT) Plan for the project enclosed?	Not applicable.
16.	Division / District Profile:-	
i.	Geographical area of the district	2899.00 Sq.KM
ii.	Forest Area of the district	725.27 Sq.KM
iii.	Total forest area diverted since 1980 with number of cases.	3651.69 Ha. / 25 no.
iv.	Total Compensatory Afforestation stipulated in the district /division since 1980 on (a) Forest land including penal compensatory Afforestation (b) Non-forest land	31.12.2012 2452.441 Ha. 3094.832 Ha
v.	Progress of compensatory Afforestation as on 31.12.2014 (a) Forest land including penal	31.12.2015

	compensatory Afforestation (b) Non-forest land	2130.239 Ha 2457.862 Ha
17.	Details of Form A	Page No.
i.	Part-I	Pg. 27-38/c
ii.	Part – II of DFO, Site Inspection Report of DFO	Pg. 74-77/c, Pg. 78-79/c
iii.	Part –III Site Inspection Report of RCCF	Pg. 80/c Pg. 81-83/c
iv.	Part – IV	Pg. 84/c
v.	Part - V	Pg. 85/c
18.	Recommendation	
	DFO	Recommended (Pg. 74-77/c).
	RCCF	Recommended (Pg. 80/c)
	Nodal Officer & PCCF	Recommended. (Pg. 84/c).
	State Government	Recommended. (Pg. 85/c).

3. The State Government of Odisha vide their letter dated 28.06.2016 submitted the following additional information pertaining to the proposal:

- (i) M/s TISCO Ltd. (now renamed as Tata Steel limited) after prospecting the Chromite deposit in the Sukinda belt got mining lease over 1812.00 ha for a period of 20 years in 1952. After the abolition of Estate the Govt. of Odisha ratified the mining lease obtained from the King of Sukinda with effect from 12.01.1953. Subsequently the 1st renewal of mining lease was granted for a further period of 20 years with effect from 12.01.1973 over a further reduced area of 406 ha and the lease deed was executed on 18.05.1998 for a period of 20 years with effect from 12.01.1993. The copy of lease deed is placed at page 72 DP. The validity of the 2nd RML period was valid up to 11.01.2013 (i.e. from 12.01.1993 to 11.01.2013). The user agency had applied 3rd RML application in due time on i.e. one year before the schedule late of expiry for a further period 20 years on 4.1.2012. While the mining lease was under deemed extension provision of Rule 24 A (6) of Mineral Concession Rules, 1960, pursuant to order dated 26.9.2014 of Hon'ble High Court and as per recommendation of Committee headed by DC-cum-ACS, Odisha, the State Government decided to consider the 3rd RML application over ML area of 406 ha. under the provisions of Section 8(3) of MMDR Act, 1957 and Rule 24 A (3) of M.C. Rules, 1960 for granting of lease for another 20 years subject to acceptance of terms and conditions prescribed therein (**page 316-322/DP**). Subsequently, the State Government in Steel & Mines Department vide their order dated 30.7.2015 decided to extend the validity period of above mining lease over 406ha. under Section of 8 A (6) of

MMDR Amendment Act from 12.1.2013 to 31.3.2020(page 331-334/DP) subject to fulfillment of conditions prescribed therein. Accordingly, the supplementary lease deed for the extended mining lease period has also been executed on 24.8.2015. Copy of such lease deed is at **page 335-349/DP**. Memorandum of Association & Article of Association and certificate of Registration of the Company is at **Page-306-311/DP**.

- (ii) Government of India, MoEF had granted final approval over **73.697 ha.** of forest land in their **letter No.8-78/96-FC dated.27.01.1998** during 2" RML period (**Page-58-59/DP**). Present status of compliance of conditions imposed by Govt. of India, MoEF in their letter dated.27.01.1998 is at **Page-171-175/DP**. During 3rd period, a proposal for diversion of 73.697 ha. of forest land was filed by the lessee seeking approval of MoEF&CC. MoEF&CC had also considered this proposal and accorded Stage-I approval vide their **letter No. 8-78/1996-FC (pt. I) dt. 3.11.2014**. The present status of compliance of the conditions stipulated in the Stage-I approval order dated.03.11.2014as submitted by the User Agency is at **Page-325-329/DP**. While the compliance of stipulated conditions was under process in the field, the MoEF&CC, pursuant to amendment made to MMDR Act, had prescribed guidelines bearing F.No.11-51/2015-FC dt. 1.4.2015 making the period of approvals accorded under Section 2 of FC Act, 1980, co-terminus with the period of mining lease under MMDR Amendment Act, 2015. Thus forest clearance granted earlier on 27.1.1998 for 73.697 ha. of forest land in this ML area is now valid up to 31.3.2020.

- (iii) As reported earlier, the Sukinda Chromite Mining lease hold area of Tata Steel Ltd. is spread over villages like Kalarangiatta, Kaliapani, Mahulakhala & part of Forest Block No. 27 under Mahagiri DPF of Cuttack Forest Division within Jajpur district. The topographical location of the ML area is delineated within Survey of India's Toposheet No.F-45N/16 (earlier 73G/16) & F-45N/12 (earlier 73G/12) with the geo coordinates N 21' 00' 39.60" to N 21' 02' 5.81" & E 85 44' & 27.10" to E 85 46' 22. 37". It was earlier reported that the ML area of Sukinda Chromite Mines of M/s Tata Steel Ltd. of 406.000 ha. comprises of forest land 73.697 ha & non-forest land 332.303 ha. The details of forest/non-forest land as per Hal record of 1992 is as follows :

Forest Block No. 27	
(Mahagiri DPF)	= 73.612 ha
K.F	= 0.085 ha
Total Forest land	= 73.697 ha
Non-forest land	= 332.303 ha
Total ML Area	= 406.000 ha

However, pursuant to MoEF &CC guidelines bearing No. 8-78/1996-FC(pt.) dated 10.3.2015, the 332.303 ha. of non-forest land as per Hal record was found to be having 330.972 ha. of sabik kism Khesra Forest land as on 25.10.1980. This sabik kism forest land of 330.972 ha. was also broken up prior to 1980 in the ML area. Thus, after finding of sabik kism forest land, the composition of different types of land in this mining lease is as under.

Forest Block No. 27:	
(Mahagiri DPF)	= 73.612 ha
K.F	= 0.085 ha
Total Forest land	= 73.697 ha(as per hal record)
Sabik kism forest land	= 330.972 ha(as on 25.10.1980)
Total forest land	= 404.669ha. (as per hal/sabik record)
Non-forest land	= 1.331ha.
Total ML Area	= 406.000 ha

In view of the above, the lessee has filed forest diversion proposal for the balance forest land of 330.972ha.(as per sabik record as on 25.10.1980) for obtaining approval of MoEF&CC, GoI under

FC Act, 1980. The Land schedule of 406.00 ha. (Forest land-404.669 ha. + Non-Forest Land-1331 ha.) involved in the Mining lease of Chromite mining at Sukinda Chromite Mine in Jajpur district of M./s TATA Steel Ltd. duly authenticated by Tahsildar, Sukinda has been furnished at Page-237-240/DP. The abstract of the land schedule has also been furnished at Page-241/DP. Copy of Mining Plan approved by IBM in letter No.314(3)/2011-MCCM (CZ) / MP-37 dated.22.05.2012 along with Progressive Mines Closure Plan is enclosed in the DP as a Separate Volume. The proposed lease area does not fall within any National park/Wildlife sanctuary/Biosphere Reserve /Tiger Reserve. No archaeological monument or protected defence establishment is located inside the applied area. (page 50/DP). This project will generate direct employment opportunity for 545 persons directly nearly 1190 will have temporary employment opportunity. The total cost of the future project is Rs.910.0 Crores (Page-7/1) P). The project does not involve displacement of human habitation.

(iv) **Map:** The user agency has submitted the following maps:

SL No.	Particulars	Scale	Plate No.
1	Topo Sheet No.F45N/12, F45N/16, F4ST/9, F4ST/13 showing Sukinda Chromite mining lease of M/s Tata Steel Ltd. and adjoining leases.	1:50000	I
2	Map showing mining lease of Sukinda Chromite mines of M/s Tata Steel Ltd.	1:3960	II
3	DGPS map of forest land of Sukinda Chromite mining lease area duly verified by ORSAC and authenticated by DFO,	1: 4000	2A
4	Existing Land use plan for forest and non-forest area of the mining lease area.	16" = 1 Mile	III
5	Land use plan for forest and non-forest land of the mining lease area up to 31.3.2020	16" = 1 Mile	IIIB
6	Land use plan for forest and non-forest land of the mining lease area up to end of mine life	16" = 1 Mile	IIIC
7	Plan showing Safety Zone area.	16" = 1 Mile	IV
8	Surface Geological Plan	1:3960	V
9	Plan showing Phased Reclamation and Afforestation of Sukinda.chromite mining lease	16" = 1 Mile	VI
10	Sketch Map showing the method of reclamation, Top Soil and Waste Dump	1:4000	VIA

(v) **Forest Land:**

The Sukinda Chromite Mining lease of M/s Tata Steel Ltd. of 406.00 ha. is now comprised of 404.669 ha. of forest land (73.697 ha. of forest land as per Hal record already diverted and 330.972ha. of sabik kisam forest land as on 25.10.1980 now proposed for diversion and 1.331 ha. of non-forest land. Entire forest land is broken up prior to 1980. The forest land of 73.697 ha. as per hal record was approved by the Ministry of Environment & Forests, Govt. of India during 2nd RML period vide their letter No.8-78/96-FC dated 27.01.1998. Validity of forest clearance has been extended up to the end of lease period as granted/executed as per MMDR Amendment Act pursuant to MoEF&CC guidelines dated 1.4.2015.

SI.No	Forest land already Forest approved by MoEF, GoI as (Ha.) 25.10.1980			Total Forest land (Ha.)	Non-Forest land (Ha.)	Grand Total (Ha.)
	Forest Block No.27	KF	KF			
1.	73.612	0.085	330.972 (now proposed for diversion)	404.669	1.331	406.000

Purpose-wise break up of total land as per Sabik record up to 31.3.2020 (end of lease period) is as follows.

SI. No.	Pattern of Utilization	As per Hal RoR (Stage-I Approved) (Ha.)			As per Sabik RoR (Ha.)			Total Forest land (Ha.)	Grand total in ha.
		Forest Block No.27	KF	Total Forest	KF	Non-Forest land	Total		
1.	Mining	0	0	0	175.49	0	175.49	175.49	175.49
2.	Storing 0 Mineral/ Ore (Stock yard)	0.41	0	0.41	32.45	0	32.45	32.86	32.86
3.	Dumping of OB, Waste Disposal, Feed Dump & Tailing Pond	61.352	0	61.352	27.621	0.287	27.908	88.973	89.26
4.	Storing of Tools & Machineries (Store & Workshop)	0	0	0	4.29	0	4.29	4.29	4.29
5.	Construction of Building, Power Station (COB Plant & ETP)	0	0	0	18.7	0	18.7	18.7	18.7
6.	Township/ Housing Colony (Camp area)	0	0.085	0.085	35.233	0.862	36.095	35.318	36.18
7.	Construction of Road, Ropeway, Railway line et.	7.19	0	7.19	11.819	0.041	11.860	19.009	19.05
8.	Magazine	0.48	0	0.48	0	0	0	0.48	0.48
9.	Green Belt	4.18	0	4.18	25.369	0.141	25.51	29.549	29.69

	Total	73.612	0.085	73.697	330.972	1.331	332.303	404.669	406.000
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(vi) **Flora & Fauna:** As reported by the DFO, Cuttack Forest Division in his site inspection report (Page-48/DP), the forest type present in the area is Deciduous Forests with mixed vegetation. Similarly, wildlife species noticed in the area are Elephant, Sloth bear, Barking deer, Wild boar, Ratel, Jungle cat, Indian fox, Pangolin, Mongoose, Rehsus monkey, Squirrel, Porcupine, Bengal Monitor Lizard, Common cobra, Chameleon, Python, Common krait, Vipers, Jungle fowl, Peacock, Myna, Spotted dove, Parrot, Cuckoo, Hyena, Wolf etc. (Page-48/DP). **The RCCF, Angul in his site inspection report has also indicated about presence of schedule I species like Pangolin, Asian Elephant, Python, Ratel, Sloth bear in the area.**

As reported by DFO, Cuttack Forest Division in the Part-II (Page-50/DP), the proposed project area does not form part of National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor, **but it comes within a distance of 10 Kms. from the proposed Tiger Corridor in Daitary D.P.F. of Sukinda Forest Range in Jajpur District.**

(vii) **Tree Enumeration:** Tree enumeration has been carried out over 330.972 ha. sabik kismam forest land proposed for diversion under this proposal. In all 6401 numbers of trees above 30cm girth and 1700 numbers of poles under 30 cm. girth have been enumerated. Abstract of trees enumeration has been furnished. Detailed tree enumeration over the applied sabik kismam forest area is at page 356-422/DP. As reported by DFO, Cuttack Forest Division in Part-II, the density of the vegetation in the applied area is Eco-Class-I, below 0.4. Since entire area of mining lease has been broken, the DFO, Cuttack shall examine bare necessity of felling of enumerated trees before allow the same for felling.

(viii) **Wildlife Management Plan:** Though the area does not form part of any National Park/Wildlife Sanctuary/ Elephant Corridor, due care is to be taken for conservation of Wildlife available in the area. For this purpose, the User Agency is required to pay @ Rs.43,000/- per hectare of leasehold area as per revised norm towards their contribution for implementing Wildlife Management Plan in the applied area. It has been reported by PCCF, Odisha that the user agency has so far deposited an amount of Rs. 1,05,56,000/- in two phases i.e. Rs.81,20,000/- and Rs.24,36,000/- through DD No.111682 dated.21.07.2009 and through RTGS mode on 07.03.2014 respectively in Adhoc-CAMPA @ pre-revised rate of Rs.26,000/- per hectare of area basis. Therefore the lessee is required to deposit the differential cost on this count.

Further, a Site Specific Wildlife Conservation Plan for Chromite mining at Sukinda Chromite Mine in Jajpur of M./s TATA Steel Ltd. has been approved by the PCCF, Wildlife & CWLW, Odisha, for Rs.774.3624 lakhs (Page-431-432/DP). This financial outlay includes an amount of Rs.686.8624 lakhs for execution of approved components of work by DFOs of Cuttack & Dhenkanal Forest Division in the project impact area and an amount of Rs.87.50 lakhs to be spent by the user agency for executing activities of the approved Plan within the project area. Accordingly, the user agency has deposited Rs.686.8624 lakhs through RTGS mode on 03.12.2015 in the Adhoc-CAMPA Account towards cost of Site Specific Wildlife Conservation Plan (Page-434439/DP).

(ix) **Compensatory Afforestation:** Since the sabik kismam forest land proposed for diversion now has been broken up prior to 1980, compensatory afforestation is not required to be taken up in this project.

(x) **Cost benefit analysis:** The total benefit of this project is estimated at Rs.4461.441 crores (Page-182/DP). The loss on account of forests including environmental loss, N.P.V. cost and other mandatory payments comes to Rs.42.51 crores (Page-182/DP). Hence, the cost benefit ratio comes to 1:105 (Page-176182/DP).

(xi) **Safety Zone:** As per provisions of para 4.7(ii) of FC Act guidelines, safety zone is required to be maintained having a width of 7.5 mt all along the outer boundary of the mining lease area. The relevant map showing safety zone of 15 ha. has been produced by the lessee which is appended to the

DP at Annexure IV. As reported by user agency in part I of application form at page 5/DP, safety zone of 15 ha. has been kept within the adjoining forest land and outside their lease hold area of 406 ha. As such safety zone has not been indicated in the land use pattern. In the instant proposal the user agency is required to maintain safety zone of 7.5mt width all along the boundary inside the mining lease area. The user agency is also required to take afforestation activities over 1.5 times of forest land coming within safety zone area in degraded forest land elsewhere.

(xii) Environment clearance: The Ministry of Environment & Forests, Government of India vide their Letter No. 1- 11015/96/2011-1A.II (M) dated 6th September 2013 have already accorded Environmental clearance for this project for 3rd renewal of mining lease for enhancement of production of chrome ore from 0.95 to 2.4MTPA and Pyroxenite ore from 0.25 to 0.5MTPA (ROM) and enhancement of chrome beneficiation production from 0.1 to 0.65MTPA. The copy of environmental clearance order is enclosed at Page-227-236 /DP.

(xiii) The State Pollution Control Board, Odisha has granted consent to Operate vide letter No. 7552/IND- I- CON- 226 dated 03.05.2011 which is enclosed at Page 213-219/DP.

(xiv) Phased reclamation plan: The Reclamation and afforestation scheme and biological reclamation for this Mining project has been provided by the user agency and is placed at **page 184-212/DP**. As reported in the Plan, total area covered under afforestation is about 42.56 ha. and total no. of saplings planted is about 6.76 lakh. The lessee has furnished undertaking for execution of reclamation activities (page 183/DP).

(xv) Resettlement and Rehabilitation: The project does not involve displacement of human habitation. Hence R&R Plan is not necessary (page 49/DP).

(xvi) Mining Plan: The modifications of approved scheme of mining along with Progressive Mines Closures Plan up to 11.1.2013 and Mining Plan with PMCP from 12.1.2013 onwards for the mining lease area of 406 ha has been approved by I.B.M. vide their letter No. 314(3)/-2011- MCCM (CZ)/M.P -37 dt.22.05.2012 . The approval letter is at page 224-226/DP. Copy of the Modification of Mining Scheme and Mining Plan with Progressive Mines Closure Plan is enclosed to the DP in Separate volume

(xvii) Violation:No violation has been reported in the project area as per the Site Inspection Report of the DFO, Cuttack Forest Division (Page-49/DP). The safety zone to the extent of 7.5mt. width inside the ML boundary has not been maintained, which is a violation of the FC Act guidelines. MoEF&CC, Gol may kindly take cognizance of these violations and imposed appropriate penal measures on the lessee for compliance.

(xviii) Net Present Value is applicable to this project. the User Agency had earlier deposited NPV Rs. 5,37,98,810/- for 73.697 ha of forest land through RTGS on 9.1.2013 which was also earlier reported to MoEF&CC. **Further as per stipulation of MoEF&CC guidelines vide F. No.8-78/1996-FC (pt.) dated.10.03.2015, lessee has also deposited an amount of Rs.24,16,09,560/- towards NPV for 330.972 ha. of forest land (as per Sabik record) in Adhoc-CAMPA Account through RTGS on 20.07.2015 in Corporation Bank, Lodhi road, New Delhi.** The User Agency has also furnished an undertaking to pay the Net Present Value as would be assessed for the project (page 183/DP). The Basic Information in respect of Cuttack Forest Division, Jajpur district and State of Odisha duly authenticated by Addl. PCCF(Nodal) have been furnished at page 309-311/DP .

(xix) Certificate under FRA, 2006: PCCF, Odisha has reported that as per the guidelines of Gol, MoEF dated 03.08.2009, Gram Sabhas have been conducted under the Forest Rights Act, 2006 at village Kalarangiata on 11.4.2016 at Kaliapani village on 12.4.2016 and at village Mahulkhal on 4.5.2016. The resolutions in Odia language and English version thereof are appended to the DP in a separate volume. But the required certificate in prescribed format under FRA, 2006 has not been issued by the Collector, Jajpur for the sabik kisam forest land involved in the ML area proposed for diversion now. However, the User Agency has furnished an undertaking to submit the same after issue by the Collector, Jajpur (Page253-254/DP).

(xx) In view of the above, the State Govt. of Odisha is requested to examine this proposal for diversion of balance 330.972 ha. of sabik kisam forest land as on 25.10.1980 in addition to already diverted forest land of 73.697ha. for Chromite mining in their Sukinda Chromite Mine in Jajpur District under Cuttack Forest Division by M/s TATA STEEL LIMITED during extended period of

mining lease up to 31.3.2020 as per MMDR Amendment Act, 2015, under Section-2 of Forest (Conservation) Act,1980 in favour of the User Agency subject to the following stipulation.

A) The User Agency shall pay the differential cost towards proportionate cost of implementation of Regional Wildlife Management Plan at revised rate.

B) The user agency shall undertake demarcation of the lease area on the ground posting four feet high cement concrete pillars embedded two feet inside the soil with serial number, forward and backward bearings, and distance from pillar to pillar. The user agency shall also submit the map of lease area showing different kinds of forest land using DGPS survey data and latitude and longitude of each pillar to the Divisional Forest Officer, Cuttack for his reference before commencement of work on final forest clearance.

C) There is no mention of maintaining safety zone around the leasehold area during 3rd RML period as per provisions of para 4.7(ii) of FC Act guidelines. User agency shall provide the relevant safety zone map duly authenticated by competent Forest and Mining Officers concerned. Safety zone area shall therefore be assessed and demarcated on ground. User agency shall maintain safety zone and undertake afforestation activities over 1.5 times of the forest area in safety zone area in degraded forest land elsewhere.

D) The Collector, Jajpur shall furnish the certificate in prescribed format under FRA for 330.972ha. of sabik kisam forest land now proposed for diversion.

E) The lease profile of the lessee shall be furnished.

4. Site Inspection Report (SIR):-The SIR for the instant proposal has been carried out by the Conservator of Forests (Central), RO, Bhubaneswar. The details are as under:

1. Legal status of the forest land proposed for diversion: The Legal status of forest is "Revenue Forest".

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

Sl. No.	Pattern of utilization	As per Hal RoR (Stage-I Approved) (ha.)			As per Sabik RoR Ha.)			Total Forest Land (ha.)	Grand total in ha.
		Forest Block No. 27	KF	Total Forest	KF	Non-Forest Area	Total		
1.	Mining	0	0	0	175.49	0	175.49	175.49	175.49
2.	Storing of Mineral/ Ore (Stockyard)	0.41	0.	0.41	32.45	0	32.45	32.86	32.86
3.	Storing of Tools & Machineries (Store & Workshop)	.0				0	4.29	4.29	4.29
4.	Construction of Building, Power station (COB Plant & ETP)	0	0	0	18.7	0	18.7	18.7	18.7
5.	Township/ Housing Colony (Camp area)	0	0.085	0.085	35.233	0.862	36.095	35.318	36.18

6.	Construction of Road, Ropeway, Railway line etc.	7.19	0	7.19	11.819	0.041	11.860	19.009	19.05
7.	Magazine	0.48	0	0.48	0	0	0	0.48	0.48
8.	Green belt.	4.18	0	4.18	25.369	0.141	25.51	29.549	29.69
	Total	73.612	0.085	73.697	330.972	1.331	332.303	404.669	406.000

3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof: As reported at Point No.2 above.

4. Total cost of the project at present rates: The total cost of the future project is estimated to be Rs.910 Crores.

5. Wildlife:

Wildlife species noticed in the area are Elephant, Sloth bear, Barking deer, Wild boar, Ratel, Jungle cat, Indian fox, Pangolin, Mongoose, Rhesus monkey, Squirrel, Porcupine, Bengal Monitor Lizard, Common cobra, Chameleon, Python, Common krait, Vipers, Jungle fowl, Peacock, Myna; Spotted dove, Parrot, Cuckoo, Hyena, Wolf etc. The RCCF, Angul in his site inspection report has also indicated about presence of schedule I species like Pangolin, Asian elephant, Python, Ratel, Sloth bear in the area. However, it was not noticed during my site inspection.

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

Though the area does not form part of any National Park/Wildlife Sanctuary/Elephant Corridor, due care is to be taken for conservation of Wildlife available in the area. For this purpose, the User Agency is required to pay @ Rs.43,000/- per hectare of leasehold area as per revised norm towards their contribution for implementing Wildlife Management Plan in the applied area. It has been reported by PCCF, Odisha that the user agency has so far deposited an amount of Rs. 1,05,56,000/- in two phases i.e. Rs.81,20,000/- and Rs.24,36,000/- through DD No.111682 dated.21.07.2009 and through RTGS mode on 07.03.2014 - respectively- in- Adhoc-CAMPA Account @ pre-revised rate of Rs.26,000/- per hectare of ML area basis. Therefore the lessee is required to deposit the differential cost on this count.

Further, a Site Specific Wildlife Conservation Plan for Chromite mining at Sukinda Chromite Mine in Jajpur of M/s TATA Steel Ltd. has been approved by the PCCF, Wildlife & CWLW, Odisha, for Rs.774.3624 lakhs. This financial outlay includes an amount of Rs.686.8624 lakhs for execution of approved components of work by DFOs of Cuttack & Dhenkanal Forest Division in the project impact area and an amount of Rs.87.50 lakhs to be spent by the user agency for executing activities of the approved Plan within the project area. Accordingly, the user agency has deposited Rs.686.8624 lakhs through RTGS mode on 03.12.2015 in the AdhocCAMPA Account towards cost of Site Specific Wildlife Conservation Plan.

As reported by DFO, Cuttack Forest Division, the proposed area comes within a distance of 10 kms. from the proposed Tiger Corridor in Daitary D.P.F. of Sukinda Forest Range in Jajpur District.

6. Vegetation:

As reported by the DFO, Cuttack Forest Division in his site inspection report, the forest type present in the area is deciduous forests with mixed vegetation. The density of vegetation where they exist appears to be below 0.4 during my site inspection.

a) Total number of trees to be felled.

Tree enumeration has been carried out over 330.972 ha sabik kism forest land proposed for diversion under this proposal. In all 6401 numbers of trees above 30 cm girth and 1700 numbers of poles under 30 cm girth have been enumerated.

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

As there is large number of trees to be felled, it will naturally adversely affect the general ecosystem in the area.

b) Important species:

It has been reported that floral species like Shorea robusta, Pterocarpus marsupium, Terminalia tomentosa, Terminalia bellerica, Anogeissus latifolia, Mitragyna parviflora etc. are found in some places within the M.L Area.

Number of trees of girth below 60 cm.

The-number-of-trees-of-girth-below 60 cm-is-2387 (excluding poles).

Number of trees of girth above 60 cm

The number of trees of girth above 60 cm is 4014.

7. Background note on the proposal:

M/s. TISCO Ltd. (now renamed as Tata Steel Limited) after prospecting the Chromite deposit in the Sukinda belt got mining lease over 1812.00 ha for a period of 20 -years- in--1952. After the abolition of Estate .the Govt. of Odisha ratified the mining lease obtained from the King of Sukinda with effect from 12.01.1953. Subsequently the 1st renewal of mining lease was granted- for a further period of 20 _ years with effect from 12.01.1973 over a reduced area of 1261.476 ha. This lease expired on 11.01.1993. Thereafter, the 2nd RML was granted over a further reduced area of 406 ha and the lease deed was executed on 18.05.1998 for a period of 20 years with effect from 12.01.1993. The validity of the 2nd RML period was up to 11.01.2013 (i.e. from 12.01.1993 to 11.01.2013). The User Agency had applied for 3rd RML application in due time i.e. one year before the scheduled date of expiry for a further period of 20 years, on 4.1.2012. While the mining lease was under deemed extension provision of Rule 24A(6) of Mineral Concession Rules, 1960, pursuant to order dt. 26.9.2014 of Hon'ble High Court and as per recommendation of Committee headed by DC-cum-ACS, Odisha, the State Government decided to consider the 3rd RML application over ML area of 406 ha under the provisions of Section 8(3) of MMDR Act, 1957 and Rule 24A(3) of M.C. Rules, 1960 for granting of lease for another 20 years subject to acceptance of terms and conditions prescribed therein. Subsequently, the State Government' in Steel & Mines Department vide their order dt. 30.7.2015 decided to extend the validity period of above mining lease over 406 ha under section 8A(6) of MMDR Amendment Act from 12.1.2013 to 31.3.2020 subject to fulfilment of conditions prescribed therein. Accordingly the supplementary lease deed for the extended mining lease period has also been executed on 24.8.2015.

Government of India, MoEF had granted final approval over 73.697 ha of forest land in their letter No.8-78/96-FC dated 27.01.1998 during 2nd RML period. During 3rd RML period, a proposal for diversion of 73.697 ha of forest land was filed by the lessee seeking approval of MoEF&CC. MoEF86CC had also considered this proposal and accorded Stage-I approval vide their letter No. 8-78 /1996-FC(pt. I) dt. 3.11.2014. While the compliance of stipulated conditions was under process in the field, the MoEF86CC, pursuant to amendment made to MMDR Act, had prescribed guidelines bearing F.No.11-51/2015-FC dt. .1.4.2015 making the period of approvals accorded under Section 2 of FC Act, 1980, co-terminous with the period of mining lease under MMDR Amendment Act, 2015. Thus forest clearance granted earlier_ on 27.1.1998 for 73.697 ha of forest land in this ML area is now valid up to 31.3.2020.

As reported earlier, the Sukinda Chromite Mining lease hold area of Tata Steel Ltd. is spread over villages like Kalarangiatta, Kaliapani, Mahulakhala & part of Forest Block No. 27 under Mahagiri DPF of Cuttack Forest Division within Jajpur district. The topographical location of the ML area is delineated within Survey of India's Topo sheet No.F-45N/16 (earlier 73G/16) & F-45N/12 (earlier 73G/12) with the geo coordinates N 21°00'39.60" to N 21 02' 5.81" & E 85 44' 27.10" to E 85 46' 22.37". It has been reported that the ML area of Sukinda Chromite Mines of M/s Tata Steel Ltd. of 406.000 ha comprises of forest land 73.697 ha & non-forest land 332.303 ha. The details of forest/non-forest land as per Hal record of 1992 is as follows:

Forest Block No. 27	
(Mahagiri DPF)	= 73.612 ha
K.F	= <u>0.085 ha</u>
Total-Forest land	= 73.697 ha
Non-forest land	= <u>332.303 ha</u>
Total RML Area	= 406.000 ha

However, pursuant to MoEF&CC guidelines bearing No. 8-78/ 1996-FC(pt.) dt. 10.3.2015, the 332.303 ha of non-forest land as per Hal record was found to be having 330.972 ha of sabik kism Khesra Forest land as on 25.10.1980. This sabik kism forest land of 330.972 ha was also broken up prior to 1980 in the ML area. Thus, after finding of sabik kism forest land, the composition of different types of land in this mining lease is as under:

Forest Block No., 27 (Mahagiri DPF)	
K.F.	= 73.612 ha
Total Forest land Sabik kism forest land	= 0.085 ha
	= 73.697 ha (as per hal record)
	= 330.972 ha (as on 25.10.1980)
Total-Forest land	= 404.669 ha (as per hal/ sabik record)
Non-forest land	= 1.331 ha
Total ML Area	= 406.000 ha

In view of the above, the lessee has filed forest diversion proposal for the balance forest land of 330.972 ha (as per sabik record as on 25.10.1980) for obtaining approval of MoEF&CC, GoI under FC Act, 1980.

8. Compensatory afforestation:

As informed by the State Government, since the sabik kism forest land proposed for diversion now has been broken up prior to 1980, compensatory afforestation is not required to be taken up in this project. The State Government has not enclosed necessary documents in support of the above. However, the user agency has submitted 02 nos. of documents, one from Directorate of Mining and Geology, Govt. of Odisha and another from Department of Steel & Mines, Govt. of Odisha in this regard, which are enclosed as Annexure-I.

- a) Whether land for compensatory afforestation is suitable from plantation and management point of view or not: Not applicable.
- b) Whether land for compensatory afforestation is free from encroachment/other encumbrances: Not applicable..
- c) Whether land for compensatory afforestation is important from Religious/Archaeological point of view: --Not applicable
- d) Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not: Not applicable.

- e) Map with details: Not applicable.
- f) Total financial outlay: Not applicable.

9. 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:

No violation has been reported in the project area as per the Site Inspection Report of the DFO, Cuttack Forest Division. As observed during my site inspection, the safety zone to the extent of 7.5 mt. width inside the ML boundary has not been maintained continuously due to non-availability of suitable land. However, as reported by the user agency, an area of 9.26 ha has been maintained as safety zone within the mining lease. This includes about 1.24 ha in the south west corner of the mining lease where mining is not possible due to steep slope and 0.16 ha around magazine in the south east corner of the mining lease.

Besides this, an area of 15 ha has been demarcated (9 ha in the southeast and 6 ha in the south west of the lease boundary) as safety zone outside the lease area inside Mahagiri DPF. The user agency has reported that they had taken up this area as safety zone with the advice of State Forest Department as there was no area available inside the leasehold area of 406 ha (7.5m all along the lease boundary). However, no supporting document could be available during inspection.

10. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not : The project does not involve displacement of human habitation. Hence R&R Plan is not necessary.

11. Reclamation plan:

As reported by the State Government, the Reclamation and afforestation scheme and biological reclamation for this Mining project has been provided by the user agency. As reported in the Plan, total area covered under afforestation is about 42.56 ha and total no. of saplings planted is about 6.76 Lakh. Within the broken up area of 73.697 ha, about 4.05 ha of mined out area in the western part of a quarry has been backfilled. However, no reclamation has started in the sabik kisam forest land. This has been verified by me during site inspection. The lessee has furnished undertaking for execution of reclamation activities.

12. Details on catchment and command area under the project: Not applicable.

13. Catchment area treatment plan to prevent siltation of reservoir: Not. Applicable.

14. Cost benefit ratio:

The total benefit of this project is estimated at Rs.4461.441 crores. The loss on account of forests including environmental loss, N.P.V. cost and other mandatory payments comes to Rs.42.51 crores. Hence, the cost benefit ratio comes to 1:105.

15. Recommendations of the Principal Chief Conservator of Forests/State Government: Recommended by PCCF, Odisha / State Government.

16. Recommendations of Additional Principal Chief Conservator of Forests (Central) along with detailed reasons: Appended separately.

Conservator of Forests (Central) shall give detailed comments on whether there are any alternative routes/alignment for locating the project on the non-forest land: The mining project is site specific; hence alternative alignment is not possible.

17. Utility of the project: This project will reportedly generate direct employment opportunity for 545 persons directly and nearly 1190 will have temporary employment opportunity.

Numbers of Scheduled Caste/Scheduled Tribes to be benefited by the project:
Not reported.

18.

- 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: Not reported.

19. Situation with respect to any Protected Area: The nearest Protected Area is reported to be Kapilas WL sanctuary which is at a distance of about 40 km from the project site.

20. Any other information relating to the project:

- i.** DGPS and Topo sheet maps have been submitted by the User agency.
- ii.** The State Govt. has reported that the FRA certificate in prescribed format has not been issued by the Collector of Jajpur for the sabik kisam forest land involved in the ML area proposed for diversion now. However, the user agency has submitted a copy of the same to this office, issued by Collector 86 District Magistrate, Jajpur, which is enclosed as Annexure-III.
- iii.** The user agency has paid an amount of Rs. 5,37,98,810/- (for 73.697 ha) on 09.01.2013 and Rs. 24,16,09,560/- (for 330.972 ha) on 20.07.2015 towards NPV.
- iv.** The following additional points were noticed during my site inspection:
 - Toe wall and Garland drains have been constructed around OB dumps which have been terraced. A settling tank has been constructed below the dumps from where water is pumped out and sent to Effluent Treatment Plant. The primary purpose of ETP here is to convert the hazardous hexavalent chromium to trivalent chromium.
 - Towards northwest side of the lease, plantation has been raised on OB dump using 3 different types of species - vetiver grasses, coir mat plantation and miakawa species. However, details of plantation could not be available during inspection.

In view of the above facts related to the proposal may be placed before FAC in its forthcoming meeting scheduled to be held on 24.08.2016.
