

Sub.: Diversion of balance forest of 80.826 ha (16.566 ha of forest land and 64.260 ha of non-forest land recorded as forest as on 25.10.1980) including 3.916 ha of forest land in safety zone and 1.129 ha of forest land in green belt in addition to 52.348 ha of forest land already diverted (total forest land of 133.174 ha in ML) within the total mining lease area over 169.00 ha of Tiringpahar Iron & Manganese Mines of M/s. Tata Steel Ltd. in Keonjhar district, Odisha during extended ML period as per MMDR (Amendment) Act, 2015.

1. The State Government of Odisha vide their letter No. 10F (Cons)-140/2016/378/F&E dated 04.01.2019 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for which in-principle approval accorded on 02.08.2019 subject to certain conditions prescribed therein.
2. User Agency i.e. Tata Steel Limited vide their letter No.TSLDEL/128/2019 dated 07.08.2019 submitted a representation on the following two specific conditions as imposed by FAC and stipulated in Stage-I approval :
 - i. **State Government shall submit detail status of reclamation done by the user agency till date. State government may also see if the user agency had resorted to any violation in respect of any condition stipulated in reclamation plan approved by IBM.**
 - ii. **State Government shall ensure that 46 ha out of the 80.826 ha un-diverted forest land having vegetation density of more than 0.4, is maintained as green cover, till a comparable area is reclaimed and vegetated.**
3. The Ministry vide its letter dated 23.08.2019 forwarded the representation of user agency to State Govt. for furnishing para-wise comments .
4. Now the State Government of Odisha vide their letter no. No. 10F (Cons) 104/2016-12353 / F&E, dated 14.08.2020 forwarded a copy of letter dated 21.07.2020 of PCCF (FD&NO, FC Act), Odisha furnishing para-wise comments on the representation of user agency .

Point	Representation of Tata Steel	Comments of State Government
1.	It is humbly submitted that we are unable to locate the 46 ha of forest land where the vegetation density is more than 0.4 within the proposed forest area of 80.826 ha. Further, as per the site inspection report of DFO, Keonjhar (at paragraph-9) it has been reported that the proposed area for diversion has been treated as Eco-value Class –I based on the proximity to Baitarani RF and canopy density is kept at 3.0 and the prevailing vegetation depicted as open mixed jungle mainly Sal on concerned Topo-sheet (copy of site inspection report by DFO, Keonjhar is attached.	PCCF (FD&NO, FC Act), Odisha informed that the RCCF, Rourkela Circle has reported that the DFO, Keonjhar division vide his Memo No. 2151 dtd 09.04.2020 & Memo no. 2325 dated 23.04.2020 has intimated that as per the DSS report and drone survey report of the proposed forest land over 80.826 ha, no forest area of 46.00 ha has been found where the vegetation density is more than 0.4. In this connection, the raw data of the drone survey and DSS analysis report of the said patch is enclosed in a CD. A copy of Memo No. 2151 dtd. 09.04.2020 & Memo no. 2325 dated 23.04.2020 of DFO, Keonjhar division are enclosed as Annexure-I A&B . A copy of the site inspection report of DFO, Keonjhar wherein the canopy density has been mentioned as 0.3 is enclosed as Annexure-II .

2.	Similarly, while forwarding the proposal to Additional Chief Secretary to Government, Forest & Environment Department, Government of Odisha, Additional PCCF reiterated the fact as stated by DFO, Keonjhar that the said area can be treated as Eco-Value class-I and the crop density as 0.3 (Paragraph-3 Flora and Fauna composition)	PCCF (FD&NO, FC Act), Odisha informed that the RCCF, Rourkela Circle has reported that the DFO, Keonjhar division vide his memo no. 5296 dated 03.08.2018 (copy enclosed as Annexure-III) addressed to the RCCF, Rourkela Circle and also in his Site Inspection Report has mentioned that the proposed forest land over 80.826 ha is treated as Eco-value Class-I and the canopy density is kept at 0.3 depicted as “Open Mixed Jungle Mainly Sal” on the concerned Topo-Sheet. Accordingly, the same has been mentioned in the forwarding letter of PCCF (FD & NO FC Act) Vide letter No. 22710 dated 08.11.2018 and subsequently the State Govt. have also mentioned the same while forwarding the said proposal to the Government of India, MoEF & CC, New Delhi Vide letter No. 27/F&E dated 01.01.2019.
3.	Again, while recommending the proposal to MoEF & CC, Government of India, the State Government of Odisha ratified the fact that the proposed area is under Eco-value Class-I based on the proximity to Baitarani RF and canopy density is kept at 0.3 and the prevailing vegetation depicted as open mixed jungle mainly Sal on concerned Topo-Sheet (paragraph no.4: Flora and Fauna) (Copy attached for reference as Annexure-2) .	PCCF (FD&NO, FC Act), Odisha informed that the RCCF, Rourkela Circle has reported that the DFO, Keonjhar Division vide his memo no. 5296 dated 03.08.2018 addressed to the RCCF, Rourkela circle as well as in his Site Inspection Report has intimated that the proposed forest land over 80.826 ha is treated as Eco-value Class-I and the canopy density is kept at 0.3 depicted as “open Mixed Jungle Mainly Sal on the Concerned Topo- Sheet”. Accordingly, the same been mentioned in the forwarding letter of PCCF (FD & NO FC Act) vide letter no.22710 dated 08.11.2018 and subsequently the State Govt. have also mentioned the same while forwarding the said proposal to the Government of India, MoEF & CC, New Delhi vide letter no. 27/F&E dated 01.01.2019.
4.	We would also like to apprise your good self that the tree enumeration has been carried out over the proposed forest land of 80.826 ha and as per the enumeration list the total number of trees in the area to be diverted is 2898 Nos consisting of 1943 Nos above 30 cm girth, (sound and unsound) and 955 Nos of poles (below 30 cm girth), which forms part of the proposal (abstract of enumeration list is attached for references as Annexure-3). If we derived the tree density in the asking/applied area, it comes out to be around 36 trees / per ha, which does not qualify to be categorized as moderately dense forest (MDF). The same has been also reported in the site inspection report of regional office and there is no mention of 46 ha MDF.	PCCF (FD&NO, FC Act), Odisha informed that the RCCF, Rourkela Circle has reported that the detailed tree enumeration has been carried out in the forest land over 80.826 ha proposed for diversion and found that there exists 1943 no of trees and 955 no of poles below 30 cm girth. On an average, 36 nos. of trees exist per ha in the said applied forest land. The said tree enumeration list has been mentioned in the forwarding letter of diversion proposal of DFO, Keonjhar Division.

5.	Further, the ore in the existing quarries in the proposed area of 80.826 ha and in already diverted area of 52.348 ha of Tiringpahar Iron & Manganese Mine has not yet been fully exhausted, hence the said area cannot be reclaimed and vegetated prior to opening the said 46 ha area. The proposed area is essential for us to keep the mine operation in view of the nature of the deposit.	PCCF (FD&NO, FC Act), Odisha informed that the RCCF, Rourkela Circle has reported that the mining is continuing in the quarry within the Sabik forest land proposed for diversion i.e. 64.260 ha so also within the already diverted area and the said quarries can be reclaimed & vegetated only after mineral is exhausted within them.
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5. The CD forwarded by the State Govt. has been examine by DSS Cell of FC Division and their report may kindly be seen at (Pg.795-796/ToC) and their observation are:

- i. The KML boundary of 80.826 ha forest land which is now provided by the State Govt. of Odisha vide letter dated 19.08.2020 is again analyzed by the DSS Cell of FC Division of this Ministry and the following is observed:
- ii. In terms of forest classes as per the ISFR 2019 based on the interpretation of satellite data period 2017-2018, the forest density in the 80.826 ha area or 79.854 ha as per software calculated area is as follows:

S.No.	Legal Status of Forest land	Calculated Area in Ha.	Area (Ha) as per DSS	MDF	O F	Scrub	NF
1.	Khesra Forest	7.283	7	0	1	0	6
2.	DLC Forest	8.962	9	2	3	0	4
3.	Sabik Forest	63.609	64	2	21	3	38
Total		79.854	80	4	25	3	48

- iii. As per GIS-DSS analysis, out of 80.826 ha or 79.854 ha (software calculated) forest land, total 26.487 ha area of Sabik Forest land is found broken and where the mining activities have been carried out.
- iv. Out of 80.826 ha or 79.854 ha (software calculated) forest land, 53.367 ha forest land is found un-broken land and which includes 7.283 ha Khesra Forest, 8.962 ha DLC Forest and 37.122 ha Sabik Forest.
- v. **Forest cover in Un-broken forest land:-**Out of 53.367 ha or 54 ha (DSS calculated) un-broken forest area, 2 ha of land is characterized with Moderately Dense Forest, 22 ha. of land as Open forest, 3 ha. of land as Scrub and 27 ha. of land as Non Forest (land devoid of tree cover) in terms of forest classes (as per the ISFR 2019) based on the interpretation of satellite data period 2017-2018. Moreover, as per DSS, the moderately dense forest is located at the northern periphery of Mining lease.
- vi. The un-broken forest land KML boundary has also been examined through the time series data available on the Google earth and it is learnt that the Un-broken forest land comprising an area of 53.367 ha is not having moderately dense forest cover. However, some Non-forest area/ Revenue land is having dense tree cover and same is depicted through high resolution satellite imagery dated 14.02.2019.

In view of above, it is proposed that the above facts may be placed before next FAC scheduled to be held on 21.09.2020 for examination and appropriate recommendation
