

Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

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

Dated: 4th November, 2020

To,

The Addl. Chief Secretary (Forests),
Government of Odisha,
Bhubaneswar.

Subject: Diversion of 183.218 ha of forest land involved in the mining lease area over 380.40 ha of Banspani Iron Ore mines of M/s OMC Ltd in Keonjhar District, Odisha.

Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons) 140/18-19104/F&E dated 14.10.2019 on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *In-principle approval/Stage-I Clearance* of the Central Government is hereby granted for diversion of 183.218 ha of forest land involved in the mining lease area over 380.40 ha of Banspani Iron Ore mines of M/s OMC Ltd in Keonjhar District, Odisha subject to the following conditions:

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

- i. The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02. 2009. The requisite funds shall be transferred through online portal into CAMPA account of the State Concerned;
- ii. The identified non-forest land for raising compensatory afforestation shall be transferred and mutated in the name of forest department and notified as RF/PF prior to Stage II approval;
- iii. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
- iv. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme may

include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

- v. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- vi. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- vii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- viii. The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- ix. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;

B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

- i. Legal status of the diverted forest land shall remain unchanged;
- 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 and at least 1000 plants per hectare shall be planted over identified non- forest land within three years of grant of final approval. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan with provision for ten years on subsequent maintenance;
- iii. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- iv. Fencing, protection and regeneration of the safety zone area [7.5 meters strip shall be kept within the mining lease boundary and area of the safety zone shall be part of the total area of mining lease] shall be done at the project cost within three years and maintained thereafter as per approved working plan of the State Govt.;
- v. User agency either himself or through the State Forest Department shall undertake afforestation on degraded forest land, at project cost, one and half time in extent to the area used for safety zone;
- vi. Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- vii. The User Agency shall obtain the Environment Clearance as per the provisions

- of the Environmental (Protection) Act, 1986, if required;
- viii. No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- ix. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- x. No damage to the flora and fauna of the adjoining area shall be caused;
- xi. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government;
- xii. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.
- xiii. The user agency shall explore the possibility of successful translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xiv. The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the concern Dy. Director General (Central) may direct that the mining activities shall remain suspended till such time, reclamation activities are satisfactorily executed;
- xv. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year; and
- xvi. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,

Sd/

ii. (Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:

- i. Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
- ii. Nodal Officer(FCA), O/o the PCCF, Government of Odisha, Bhubaneswar.

iii. Dy. Director General (Central)/Heads, All Integrated Regional Offices of MoEF&CC- **with a request to ensure that while issuing prior approval (Stage-I) under Forest (Conservation) Act, 1980, the conditions may be categorized in two sections:**

i. Pre-diversion conditions containing those conditions which are to be complied before forest land is handed over to user agency by State Forest Department (SFD) and SFD must ensure compliance of these before handing over.

ii. Conditions that are to be strictly complied after handing over.

iv. User Agency

v. Monitoring Cell, FC Division, MoEF&CC, New Delhi

vi. Guard File