

No. 5-ORC392/2019-BHU

23rd December, 2019

To

The Principal Secretary,
Forest & Environment Deptt.,
Govt. of Odisha,
Bhubaneswar.

Sub:-

Diversion of 8.361 ha of forest land for expansion of Integrated Steel Plant for M/s Shyam Metalics & Energy Ltd. in village Nishanbhanga of Rengali Tahasil of Sambalpur District by IDCO.

Sir,

I am directed to refer to State Govt. letter No10F(Cons)82/19-16943/F&E dated 04.09.2019 and No.24807/F&E dated 18.12.2019 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee meeting held on 16.12.2019, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 8.361 ha of forest land for expansion of Integrated Steel Plant for M/s Shyam Metalics & Energy Ltd. in village Nishanbhanga of Rengali Tahasil of Sambalpur District by IDCO, subject to the fulfillment of the following conditions.

- i) Legal status of forest land proposed for diversion shall remain unchanged.
- ii) Compensatory afforestation shall be taken up by the Forest Department over 11.00 ha non-forest land indentified in Plot No.344, 348 & 349, Khata No.40 and Plot No.343, 345, 350 & 353, Khata No.42 of village Baunsen under Rengali Tahasil of Sambalpur District at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- iii) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of Stage-II approval.
- iv) The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and at the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- v) The State Govt. shall charge the Net Present Value (NPV) for the 8.361 ha forest area to be diverted under this proposal from the user agency as per the Orders of Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 and 09.05.2008 in IA No.566 in Writ Petition (Civil) No.202/1995 and as per the guidelines issued by Ministry vide letter No.5-1/1998-FC (Pt.II) dated 18.09.2003, as well as letter No.5-2/2006-FC dated 03.10.2006 and No.5-3/2007-FC dated 05.02.2009 in this regard.

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- vi) Additional amount of the NPV of the forest land to be diverted, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Govt. from the user agency. The user agency shall furnish an undertaking to this effect.
- vii) All the funds received from the user agency under the project shall be transferred/deposited to State CAMPA fund only through (<https://parivesh.nic.in/>).
- viii) As recommended by the State Govt. the Site Specific Wildlife Conservation Plan pertaining to the project duly approved by CWLW, Odisha shall be implemented at the project cost.
- ix) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector. The FRA certificate in Form-II along with Gram Sabha resolution shall be submitted before Stage-II approval.
- x) The user agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- xi) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- xii) No labour camp shall be allowed in the forest area.
- xiii) The user agency shall provide LPG, to labourers working at the site to avoid damage/tree felling and ensure no fuel wood use.
- xiv) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- xv) The boundary of the forest land to be diverted shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- xvi) The period of diversion under this approval shall be co-terminus with the period of lease granted in favour of user agency or the project life, whichever is less.
- xvii) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- xviii) The forest land shall not be used for any purpose other than that specified in the proposal.
- xix) The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.
- xx) Any other conditions that the Ministry of Environment, Forests & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.
- xxi) The State Govt. and user agency shall ensure compliance to provisions of the all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
- xxii) The compliance report of the Stage-I approval shall be uploaded on e-portal (<https://parivesh.nic.in/>).

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3. After receipt of the report on compliance to the conditions stipulated above, from the State Government of Odisha, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of forest land to user agency should not be effected by the State Government of Odisha till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change.

Yours faithfully,


(A.K. Jena) 23/12/19

Technical Officer (Forestry)

Copy to:-

1. The Principal Chief Conservator of Forests & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
2. The Divisional Forest Officer, Sambalpur Forest Division, Sambalpur, Odisha.
3. The Managing Director, IDCO, Janpath, Bhubaneswar, Odisha.
4. Guard file.


Technical Officer (Forestry)