

F. No. 8-18/2016-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi – 110 003

Dated: 20 February, 2018

To,

The Principal Secretary (Forests),
Government of Odisha,
Bhubaneswar.

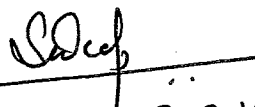
Sub: Diversion of 233.343 ha. of DLC forest land including safety zone of 10.283 ha in village Paik- kupakhal, Dhuturapas and Karanj-Kupakhal under kasipur Tehsil of Rayagada District within total mining lease area of 1388.74 ha for bauxite mining in their baphilimali bauxite Mines in Kalahandi and Rayagada districts of Odisha by M/s Utkal Alumina International Ltd.

Sir,

I am directed to refer to the Government of Odisha's letter No.10F (Cons)359/2015.112569/F&E dated 11-07-2016 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 said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act. After careful consideration of the proposal by the Forest Advisory Committee (FAC) constituted under section-3 of the said Act, *In-principle* approval was granted vide this Ministry's letter of even number dated 29.06.2017 subject to fulfilment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the Addl. Pr. Chief Conservation of Forests & Nodal Officer (FCA), State Government of Odisha vide their letters No.25168/9F(MG)-342/2016 dated 27.11.2017 and No.410/9F(MG)-342/2016 dated 05.01.2018, **Stage-II/Final** approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 233.343 ha. of DLC forest land including safety zone of 10.283 ha in village Paik- kupakhal, Dhuturapas and Karanj-Kupakhal under kasipur Tehsil of Rayagada District within total mining lease area of 1388.74 ha for bauxite mining in their baphilimali bauxite Mines in Kalahandi and Rayagada districts of Odisha by M/s Utkal Alumina International Ltd. subject to following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the non-forest land equal in extent to the area of 233.343 ha. of DLC forest land being diverted shall be raised on the identified land within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in accordance with the approved Plan by the State Forest Department from the **funds of Rs. 8,82,21,400/- deposited in Ad-hoc CAMPA account** by the user agency;
- (iii) The afforestation on 23.64 ha. of degraded forest land in lieu of 1.5 times the area under safety zone shall be raised on the identified land within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in accordance with the approved Plan by the State Forest Department from the **funds of Rs. 24,41,282/- deposited in Ad-hoc CAMPA account** by the user agency;

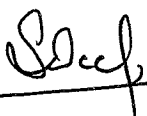

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- (iv) The non-forest land of 233.343 ha. transferred and mutated in favour of the State Forest Department for raising Compensatory Afforestation shall be notified as reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act.;
- (v) The user agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (vi) The State Govt. shall ensure that the 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 as per the Ministry's guidelines dated 27.05.2015] shall be done within three years as per approved scheme of **Rs. 21,97,300/-** by the user agency at their cost in consultation with State Forest Department;
- (vii) 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 proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended in 2015 and the Rules framed there-under;
- (viii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (ix) The State Govt. and the user agency shall ensure that the land surrender schedule may be implemented in accordance with the approved mine plan and progressive mine closure plan;
- (x) The State Govt. shall ensure that the State Forest Department shall implement the approved Regional Wildlife Management Plan and Site Specific Wildlife Management Plan from the funds of **Rs. 8,05,46,920 and 5,35,71,500 /- respectively deposited in Ad-hoc CAMPA account** by the user agency;
- (xi) The State Govt. and the user agency shall ensure that no labour camp shall be established on the forest land;
- (xii) 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;
- (xiii) The State Govt. and the user agency shall ensure that the boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost by the user agency, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- (xiv) The State Govt. and the user agency shall ensure that the mining may be carried out 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 Addl. Principle Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed. **The Phased Reclamation Plan has to be executed by the user agency at the approved cost of Rs. 5,50,00,070/- in consultation with State Forest Department.** State Govt. shall ensure that compliance report of all these activities are submitted to MoEF&CC regularly. User agency shall follow the direction of concerned DFO to implement all such activities as per plan;
- (xv) The State Govt. and the user agency shall ensure that the layout plan of the mining plan/proposal shall not be changed without the prior approval of the Central Government;
- (xvi) The State Govt. and the user agency shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal;

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- (xvii) The State Govt. and the user agency shall ensure that 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;
- (xviii) The State Govt. and the user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
- (xix) The State Govt. and the user agency 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;
- (xx) The State Govt. and the user agency shall implement the applicable recommendations of the State Government at the project cost;
- (xxi) **Following activities, as per approved plan / schemes, shall be implemented by the State Govt. and the User Agency:- State Govt. shall ensure that compliance report of all these activities are submitted to MoEF&CC regularly. User agency shall follow the direction of concerned DFO to implement all such activities as per plan.**
- (a) Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of Stage-II clearance in accordance with the approved Plan of **Rs. 16,91,313/- by the user agency at their cost** in consultation with State Forest Department;
- (b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme of **Rs. 13,44,960/- by the user agency at their cost** in consultation with State Forest Department;
- (c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme of **Rs. 28,94,700/- by the user agency at their cost** in consultation with State Forest Department;
- (d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28°; and
- (e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- (xxii) The State Govt. shall ensure that the State Forest Department will implement the approved scheme for gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40) located in the area within 100 m. from outer perimeter of the mining lease from the funds of **Rs. 21,87,272/- deposited in Ad-hoc CAMPA account** by the user agency;
- (xxiii) The State Govt. shall ensure that the user agency will implement scheme for de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies in accordance with **approved scheme of Rs. 52,67,007/- at their cost in consultation with State Forest Department**, whenever required preferably within five years,;
- (xxiv) The State Govt. shall ensure that the User Agency shall submit the annual self compliance report in respect of the above stated conditions and also to the conditions stipulated in Stage-I Clearance to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
- (xxv) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;


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- (xxvi) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order(s) & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project; and
- (xxvii) **The State Govt. shall ensure that all mitigative measures, as well as provisions of Wildlife Management plan which are stipulated to be done by user agency at their own cost are monitored regularly and its compliance are sent to MoEF&CC regularly. User agency to follow the direction of concern DFO to implement all such activities as per approved plan/scheme.**

Yours faithfully,


(Sandeep Sharma) 2.2.18

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
3. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (Eastern Zone), Bhubaneswar.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.


(Sandeep Sharma) 2.2.18

Assistant Inspector General of Forests (FC)