

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

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

Dated: February, 2024

To

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

Sub: Proposal for seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s JSW Steel Ltd for non-forestry use of 63.30 ha Sabik Kisam forest land in addition to 371.192 ha of forest land already diverted located within the Mining Lease hold area over 767.284 ha for Nuagaon Iron Ore Mines in Barbi Tahasil of District Keonjhar (Odisha) – reg.

Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons) 138/2015/14826/F&E dated 09.08.2016 on the above subject seeking prior approval of the Central Government under Section 2 (1) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. After careful examination of the proposal by the Forest Advisory Committee, constituted under Section-3 of the said Act, 'in-principle' approval to the proposal under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 was granted vide this Ministry's letter of even number dated 14.03.2022 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle 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 State Government vide letter No. 20702/9F (MG)-80/2016 dated 17.10.2023, received online in the MoEF&CC on 29.12.2023, 'final' approval of Central Government under Section 2 (1) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is hereby granted for non-forestry use of 63.30 ha Sabik Kisam forest land in addition to 371.192 ha of forest land already diverted located within the Mining Lease hold area over 767.284 ha for Nuagaon Iron Ore Mines in favour of M/s JSW Steel Ltd in Barbi Tahasil of District Keonjhar (Odisha) subject to fulfillment of the following conditions:

1. Legal status of the diverted forest land shall remain unchanged;
2. The State Government shall ensure that compensatory afforestation over the non-forest land equal in extent to the forest land being diverted shall be raised within two years from the date of issue of diversion order of the forest

land. At least 1000 plants per hectare shall be planted over identified non-forest land and 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;

3. The compensatory afforestation, including the soil and moisture conservation activities, shall be undertaken by the State Forest Department in accordance with the CA scheme approved by the competent authority of the State from the funds deposited by the user agency for the purpose. Afforestation of indigenous species should be undertaken and the afforestation will be maintained for 10 years;
4. The State Government has realized the NPV of the forest area diverted under this proposal from the User Agency, as per the orders dated 28.03.2008, 24.04.2008 and 09.05.2008 passed by the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 202/1995 and the guidelines given under para 3 of the Chapter -3 of the Consolidate Guidelines and Clarifications issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 published by the Ministry on 29.12.2023, 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;
5. Compensatory levies, if any, realized in future under the extant project, shall be transferred/ deposited, through e-payment module on PARIVESH portal (<https://parivesh.nic.in/>), into the account of CAMPA of the State concerned, managed by the National Authority (CAMPA);
6. Following activities, as per approved plan / schemes, shall be undertaken in the lease area by the User Agency under the supervision of the State Forest Department:
 - i. Mitigation measures to minimize soil erosion and choking of stream, shall be implemented within a period of two years with effect from the date of issue of order of diversion of forest land, in accordance with the approved Plan in consultation with the State Forest Department;
 - ii. 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;
 - iii. Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
 - iv. 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 28⁰; and
 - v. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
 - vi. *Legible, preferably coloured, copies of above mentioned plans/scheme shall be submitted to the MoEF&CC, New Delhi and its Regional Office for information and records.*
7. User agency either himself or through the State Forest Department shall undertake gap planting and soil and moisture conservation activities to

- restock and rejuvenate the degraded open forests (having crown density less than 0.40), if any, located in the area within 100 meter from outer perimeter of the mining lease as per approved plan for plantation and SMC activities submitted along with the compliance of 'in-principle' approval by the State Government;
8. The User Agency shall regularly undertake desilting of village tanks and other water bodies, located within five km from the mine lease boundary, as per plan submitted along with the compliance of 'in-principle' approval, so as to mitigate the impact of project on such tanks/water bodies.
 9. Safety Zone Management: Following activities, at project cost, shall be undertaken by the user agency for the management of safety zone as per relevant guidelines issued by the Ministry's guidelines:
 - i. User agency shall ensure demarcation of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its fencing, protection and regeneration by erecting adequate number of 6 feet high RCC boundary pillars inscribed with DGPS coordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the State Forest Department;
 - ii. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
 - iii. Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy in the area, regeneration shall be taken up in this area by the user agency at project cost under the supervision of the State Forest Department;
 - iv. Afforestation on degraded forest land to be selected elsewhere, measuring one and a half times the area under safety zone, shall also be done at the project cost under the supervisions of the State Forest Department. Afforestation in the degraded forest land shall be done within two years from the date of 'final' diversion order and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department; and
 - v. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms.
 10. The State Government and the user agency shall ensure compliance of observations, as suggested by the Regional Office in its monitoring report and a status report on the same shall be submitted to the Regional Office of the Ministry at the interval of every six months.
 11. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
 12. The provisions of the approved Site-Specific Wildlife Management Plan shall be implemented by the State Forest Department from the cost realized from the user agency on pro rata basis. Differential amount if any becomes due shall be paid by the user agency into the account of CAMPA managed by the National Authority. *A legible copy of the approved Site-Specific Wildlife Management Plan shall be submitted to the MoEF&CC, New Delhi and its Regional Office for information and records;*
 13. The user agency shall explore the possibility of 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;
14. Trees should be felled in phased manner as per the requirement of mining operations as envisaged in the approved Mining Plan with prior permission of concerned DFO;
 15. 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 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;
 16. The User Agency shall comply with the Hon'ble Supreme Court order on re-grassing, and re-grass the mining area and any other areas which may have been disturbed due to mining to restore them to a condition which is fit for growth of fodder, flora, fauna, etc. in a timely manner;
 17. 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 and the Rules framed there-under;
 18. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 19. 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;
 20. 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 coordinates;
 21. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
 22. 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;
 23. No damage to the flora and fauna of the adjoining area shall be caused;
 24. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;
 25. 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;

27. 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 regularly; and
28. The State Government and user agency shall ensure compliance to all conditions stipulated in the 'in-principle' approval letter dated 06.03.2023 for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, or the time being in force, including compliance of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006, before handing over the forest land to the user agency.

Yours faithfully,

(Amit Anand)

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Odisha, Bhubaneswar.
2. The DDGF (Central), Regional Office of MoEF&CC at Bhubaneswar.
3. The Nodal Officer (FCA), Department of Forest, Government of Odisha, Bhubaneswar.
4. User Agency
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi for uploading on PARIVESH portal.
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