

I/46799/2023

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

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Indira Paryavaran Bhawan,  
Jorbagh Road, Aliganj,  
New Delhi - 110003.

**Dated: 20th June, 2023**

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

**Sub: Proposal for seeking prior approval of the Central Government under section 2 (ii) of the Forest Conservation Act, 1980 in favour of M/s OMC Ltd. for non-forestry use of 7.518 ha of forest land for construction of a Road for transportation of Iron Ore from Gandhamardan Block-A & Block-B Iron Ore mining lease of M/s OMC Ltd. in Keonjhar District Odisha (Online Proposal No. FP/OR/ROAD/41034/2019)- reg.**

Sir,

I am directed to refer to the Government of Odisha's proposal FE-DIV No. 10F(Cons)07/2021-2471 dated 03.02.2021 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 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 Forest (Conservation) Act, 1980 was granted vide this Ministry's letter of even number dated 01.07.2021 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. 8520/9F (Road)-69/2019 dated 02.05.2023, '*final approval*' of Central Government under Section - 2 of the Forest (Conservation) Act, 1980 is hereby granted for non-forestry use of 7.518 ha of forest land for construction of a Road for transportation of Iron Ore from Gandhamardan Block-A & Block-B Iron Ore mining lease of M/s OMC Ltd. in Keonjhar District Odisha, subject to fulfillment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Compensatory Afforestation:
  - a. 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 three years from the date of issue of Stage -II Clearance and maintained thereafter as per approved plan by the State Forest Department at the cost of the User Agency. At least 1000, (7.518

ha x 1000 = 7,518 plants) saplings per hectare shall be planted over non-forest Government land identified in village Padepadar under Thuamul-Rampur Tahasil and already transferred/mutated in favour of the SFD and also has been notified by the Govt. of Odisha notification No. FE-DIV-FLD-0018-2021-(10F (Cons)-07/2021)- 18399 dated 14.10.2022. If this is not possible to plant these many seedlings in the identified NFL, the balance seedlings will be planted in degraded forest land as per the prescription of the Working Plan at the cost of the User Agency. In such cases CA cost will be revised and duly approved by the competent authority and deposited online in the CAF managed by the CAMPA;

- b. 25% of the CA cost additionally will be spent towards soil and moisture conservation activities in the proposed CA area as per site requirement already deposited in state CAMPA Account;

iii. Net Present Value:

- a. The State Government has realized the NPV of the forest area diverted under this proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and guidelines issued by this Ministry in this regard time to time. Additional NPV if becomes due as per final order of Hon'ble Supreme Court, shall be paid by the User Agency;
- b. 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;

iv. ***State Government shall ensure that the KML files of diverted area, CA areas, SMC works area and the WLMP area shall be uploaded on the Green watch portal with all requisite details prior to handingover the forest land to the user Agency;***

- v. The State Govt./UA shall ensure that the plan for appropriate soil conservation and stabilization measures as has already been formulated for construction of the road be implemented at the cost already deposited by the user agency;
- vi. The State Government shall ensure that the bamboo plantation along the road side shall be prepared and implemented at the cost of the user agency on Government land. On private lands along the road and at other nearby suitable sites, assistance under National Bamboo Mission may be taken for planting of bamboo;
- vii. Compensatory levies for this project, if any to be realized in future from the User Agency, shall be deposited to into the account of CAMPA of the State concerned through e-portal (<https://parivesh.nic.in>);
- viii. The User Agency shall pay towards cost of removal of trees enumerated before commencement of work on Stage-II approval and tree felling should be taken up in phases strictly as per requirement under the supervision of the Divisional Forest Officer, Keonjhar Forest Division;
- ix. State Government shall ensure that process for settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has been completed in accordance with the relevant guidelines prescribed by this Ministry's letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013;

- x. State Government and user agency shall ensure that trees should be felled in phased manner as per requirement in the approved Mining Plan with prior permission of concerned DFO;
- xi. The State Government shall ensure that 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;
- xii. 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;
- xiii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xiv. 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;
- xv. The boundary of the diverted forest land 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;
- xvi. The reclamation of quarry, if any, should be done under the supervision of the
- xvii. State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed;
- xviii. Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes;
- xix. The layout plan of the 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;
- xx. The State Government shall ensure that the user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable;
- xxi. The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;
- xxii. 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;
- xxiii. No damage to the flora and fauna of the adjoining area shall be caused;
- xxiv. State Government shall ensure that user agency and the State Forest Department shall create and maintain from funds to be provided by the user agency alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project as per the plan duly approved by the Principal Chief Conservator of Forests (Wildlife) and the Chief Wildlife Warden Odisha. Bird

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nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;

- xxv. The User Agency shall upload six monthly self-compliance reports as on 1<sup>st</sup> of January and 1<sup>st</sup> of July of every year on PARIVESH portal;
- xxvi. The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31<sup>st</sup> December of every year;
- xxvii. Any other condition that the concerned Integrated Regional Office of this Ministry may stipulate, with the approval of competent authority, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- xxviii. 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.
- xxix. The State Govt. shall ensure that the user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

Yours faithfully,

Sd/-

(Dr. Surabhi Rai)

Dy. Inspector General of Forests

Copy to:

1. PCCF (HoFF), Government of Odisha, Bhubaneswar.
2. DDGF (Central), Integrated Regional Office of the MoEF&CC at Bhubaneswar.
3. PCCF cum Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
4. User Agency.
5. Monitoring Cell of FC Divisions, MoEF&CC, New Delhi.
6. Guard file.