

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

Indira ParyavaranBhawan,  
Aliganj, Jor Bag Road,  
New Delhi - 110003.

Dated: 4th February 2021

To

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

**Sub: Proposal seeking prior approval under the Forest (Conservation) Act, 1980 for non-forestry use of 86.479 ha of forest land, comprising of 85.175 ha of fresh forest land and 1.304 ha re-diversion of Forest land (which is a part of 11.912 ha forest land, granted Stage-II approval by ERO, MoEF&CC on 29.05.2020) in favour of M/s Odisha Mining Corporation Limited for construction of overhead piped conveyor belt from Kurmitar ML Boundary to proposed Railway Siding in Tahsil Lahunipara, District Sudergarh (Odisha) – reg.**

Sir,

I am directed to refer to the Government of Odisha's letter No. FE-DIV-FLD-0049-2020-17053/F & E dated 02.11.2020 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.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords 'in-principle' approval under Section - 2 of the Forest (Conservation) Act, 1980 for non-forestry use of 86.479 ha of forest land, comprising of 85.175 ha of fresh forest land and 1.304 ha re-diverted forest land (part of 11.912 ha forest land, granted Stage-II approval by ERO, MoEF&CC on 29.05.2020) in favour of M/s Odisha Mining Corporation Limited for construction of overhead piped conveyor belt from Kurmitar ML Boundary to proposed Railway Siding in Tahsil Lahunipara, District Sudergarh (Odisha) subject to fulfilment of the following conditions:

- A. Conditions which need to be complied prior to handing over of forest land by the State Forest Department and compliance is to be submitted prior to Stage-II approval**
- 1. Compensatory Afforestation**
    - i. Compensatory Afforestation, in lieu of forest land being diverted, shall be raised over 85.175 ha of non-forest land by the State Forest Department at the cost of User Agency; and
    - ii. The cost of compensatory afforestation at the prevailing wage rates as per

compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the 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.

2. The State Government shall charge the Net Present Value(NPV) for the 162.394 ha forest area to be diverted under this proposal from the User Agency as per the orders of the 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 WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters 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 5-3/2007-FC dated 05/02/2009 in this regard;
3. Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, in to the account of CAMPA pertaining to the State concerned through **e-portal** (<https://parivesh.nic.in/>);
4. On analysis on DSS it was observed that a seasonal water stream/nalah exists on South-west boundary of the proposed dispatch area-2 is adjoining a seasonal water stream/nalah. The area between the banks of this seasonal stream/ nalah and the proposed dispatch area-2 shall be mapped and a green belt with native species shall be raised and maintained at the cost of user agency to protect the seasonal stream/nalah. Soil and moisture conservation measures in the dispatch area shall be planned and implemented at the cost of the user agency and effective measures shall be used by the user agency to prevent Iron ore leaching from the dispatch areas.
5. It shall be ensured that the trestles (pillars) of proposed conveyer belt are sufficiently high so that the movement of wildlife particularly elephant in the area is not hampered. A Site-Specific Wildlife Conservation Plan shall be prepared and approved by the competent authority and the cost of its preparation and implementation shall be borne by the user agency. The user agency shall also make proportionate contribution towards the cost of the Regional Wildlife Management Plan prepared and approved by the competent authority.
6. The state Forest Department shall also prepare a scheme of Assisted Natural Regeneration of the forest in 500 meter perimeter of the dispatch areas with a view to create dense green cover so as to minimise dust and other pollution on rest of the forest, and implement it at the cost of the user agency.
7. The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department in the forest area being diverted. A scheme of the same shall be submitted along with compliance of Stage-I approval;
8. The User agency in consultation with the State Forest Department shall prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) for its implementation in right of way under the conveyer belt at the project cost;
9. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department; and
10. The State Government shall ensure that User Agency obtains clearance under the provisions of Scheduled tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the relevant

guidelines issued by the MoEF&CC in this regard and a report on the same is submitted to the Ministry along with compliance of Stage-I approval.

11. The KML files of diverted area and CA areas shall be uploaded on E green watch portal with all requisite details prior to Stage II approval

**B. Conditions which need to be 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**

1. Legal status of the diverted forest land shall remain unchanged;
2. Additional amount of the NPV of the diverted forest land, 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 Government from the User Agency;
3. After construction of the proposed overhead conveyer belt, State government will ensure that transportation of ore from the mines through existing road gets discontinued in a phased and time bound manner. To maximize utilization of the conveyor belt facility user agency shall not transport any ore material through road beyond a permissible quantity as specified by the State Government from time to time;
4. It was noticed during DSS analysis that 0.983 ha forest area is proposed to be used for infrastructure purpose adjoining the dispatch area-1. Since this is an isolated area, use of forest land for non-forestry purpose was not allowed considering larger impact it will have on remaining forest. Moreover, the user agency has sufficient area available, for this purpose in the land which had already been diverted in its favour;
5. Earlier approval was accorded for the parent proposal, i.e. use of forest area for mining in Kurmitar Iron and Manganese Mines vide this Ministry letter no 8-113/2000-FC (Vol.II) dated 29<sup>th</sup> November 2018. Compliance of the conditions specified in the approval shall be submitted by the State Government;
6. Besides, it is also to be ensured that title of the proposal should get changed as it also includes 1.304 ha of forest area is for re-diversion. The title of the proposal stands modified as under to avoid any confusion for future reference:

Proposal for diversion of 85.175 ha of fresh forest land and 1.304 ha re-diversion of Forest land (which is a part of 11.912 ha forest land, for which Stage-II approval has already been accorded by ERO, MoEF&CC on 29.05.2020) for construction of overhead piped conveyor belt from Kurmitar ML Boundary of OMC Ltd to new proposed Railway siding at Barsuan for transportation of mineral with provision for one dispatch area in between the route and the other at terminal point at Barsuan.

7. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
8. Overburden, if any to be generated from the project, shall not be dumped outside the width of the proposed conveyor corridor. 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;
9. 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;

- 10.The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- 11.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;
- 12.The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- 13.The forest land shall not be used for any purpose other than that specified in the proposal;
- 14.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;
- 15.No damage to the flora and fauna of the adjoining area shall be caused;
- 16.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;
- 17.The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- 18.The mining lease holder shall, after ceasing mining operations, undertake re-grassing of the mining area and any other areas which may have been disturbed due their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna, etc.
- 19.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;
- 20.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;
- 21.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;
- 22.The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>); and
- 23.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.

After receipt of the compliance report on the fulfillment of the above mentioned conditions from the State Government, formal approval will be considered in this regard under Section - 2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully,

Sd/-

**(Sandeep Sharma)**

Assistant Inspector General of Forests

**Copy to:**

1. The Principal Chief Conservator Forests, Government of Odisha,  
Bhubaneswar
2. Regional Officer, Integrated Regional Office of the MoEF&CC at Bhubaneswar
3. The Nodal Officer (FCA), O/o the PCCF, Government of Odisha,  
Bhubaneswar
4. User Agency
5. Monitoring Cell of FC Division, MoEF&CC
6. Guard file

