

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

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 110003,

Dated: 30th September, 2021

To,

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

Sub: Proposal for non-forestry use of 68.00 ha forest land in favour of M/s OMC Ltd. for mining of Iron ore in Unchabali (Mahaparbat) Mine located at village Unchabali and Balda under Barbil Tehsil in District Keonjhar (Odisha).

Sir,

I am directed to refer to the Government of Odisha's letter No . FC (Cons) 110/2016/6193/F&E dated 16.03.2018 on the above-mentioned 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 16th November, 2020 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 their letter No. 8926/9F (MG)-11/2017 dated 21.03.2020, letter no. 16500/9F(MG)-11/2017 dated 18.09.2020 and letter no. 14377/9F(MG)-11/2017 dated 24.08.2021, final approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for non-forestry use of 68.00 ha forest land in favour of M/s OMC Ltd. for mining of Iron ore in Unchabali (Mahaparbat) Mine located at village Unchabali and Balda under Barbil Tehsil in District Keonjhar (Odisha), subject to following conditions:

- A. Conditions which need to be complied with before handing over of forest land to the user agency by the State Forest Department**
 - i. The KML files of diverted area, the CA areas, SMC works area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details.
 - ii. Complete compliance of provisions under FRA, 2006 as applicable, shall be ensured.

B. Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. **Compensatory Afforestation (CA)**
 - a. The State Government shall ensure that CA and corresponding SMC works, as stipulated in the Stage-I approval, shall be raised within three years from the date of issue of Stage –II
- iii. **Net Present Value**
 - a. As reported by the State Government, NPV has been realised as per court orders and relevant guidelines issued by this Ministry. Additional NPV if becomes due as per final order of Hon'ble Supreme Court, shall be paid by the User Agency; and
 - 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. 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>);
- v. 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.
- vi. The proportionate cost for implementation of Regional Wildlife Management Plan (RWMP) as per revised cost norm realized from the user agency shall be used in the implementation of the provisions of the RWMP, besides, the implementation of the Site Specific Wildlife Conservation Plan approved by CWLW, Odisha at project cost.
- vii. The State Government and the user agency shall ensure that the 11.2 ha of forest land is to be maintained as safety zone and in no circumstances, it shall be used for mining and other allied activities.
- viii. The State Govt. shall ensure that the boundary of the diverted forest land, mining lease and safety zone 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; The user agency shall also submit the map of lease area showing different kinds of forest land using DGPS survey data and latitude and longitude of each pillar to the Divisional Forest Officer, Keonjhar for his reference before commencement of work on final forest clearance.
- ix. Since environmental clearance has been obtained by the user agency for 0.7MTPA and Mining scheme is for production of 1 MTPA, revised environmental clearance if required, shall be obtained by the user agency.
- x. Since the DFO has reported that soil erosion is likely to increase, following the felling of trees in undulating topography, the user agency shall take appropriate steps to control erosion in the applied area. Approved Soil moisture conservation plan shall be implemented by the user agency;
- xi. The State Govt. shall ensure that the land use plan in the mining area shall be in consonance with the approved mining plan;
- xii. Following activities, as per approved plan / schemes, shall be undertaken by the User Agency at project cost under the supervision of the State Forest Department:
 - 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 in consultation with the 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;
- 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;
- 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 degree; and
- e. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.

xiv. The State Govt. shall ensure that the user agency shall prepare a land surrender schedule for surrender of the mined out and biologically reclaimed forest land in accordance with the existing mine plan and progressive mine closure plan and such mined out and biologically reclaimed forest lands will be surrendered to the State Forest Department as per this schedule.

xv. The State Govt. shall ensure that the User agency in consultation with the State Forest Department shall create and maintain alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project. Bird 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;

xvi. The State Govt. shall ensure that the activities proposed in the approved scheme for 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 implemented within three year at the project cost from the issue of Stage-II Clearance;

xvii. User agency either himself or through the State Forest Department shall undertake afforestation on degraded forest land, at project cost, one and half time in extent to the area used for safety zone;

xviii. Period of diversion of the said forest land under this approval shall be for a period of 11 years from the date of issue of Stage-II Clearance;

xix. The State Govt. shall ensure that user agency either himself or through the State Forest Department shall undertake gap planting and soil & 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 m. from outer perimeter of the mining lease as per scheme submitted along with the compliance report;

xx. The State Govt. shall ensure de-silting of village tanks and other water bodies located within 5 km of distance from the mining lease boundary is undertaken by the user agency so as to mitigate the impact of siltation of such tanks/waterbodies as per plan submitted and verified by the DFO concerned;

xxi. State Govt. shall ensure that User Agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R&R Plan will be monitored by the State

Government/Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;

xxii. The State Govt. shall ensure that the User Agency shall carry out 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 Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;

xxiii. The State Govt. and the user agency shall ensure that no labour camp shall be established on the forest land;

xxiv. The State Govt. shall ensure that 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;

xxv. The State Govt. and the user agency shall ensure that the layout plan of the proposal shall not be changed without the prior approval of the Central Government.

xxvi. 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;

xxvii. The State Govt. and the user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;

xxviii. 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;

xxix. The State Government shall ensure that process for settlement of rights under the Forest Rights Act, 2006 has been completed as per the relevant guidelines issued by the Ministry in this regard;

xxx. The State Govt. shall ensure that 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 this Ministry by the end of March every year;

xxxi. The mining lease holder shall, after ceasing mining operations, undertake re-grassing in 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.

xxxii. Any other condition that the concerned Integrated Regional Office of this Ministry may stipulate with prior approval of approval, from time to time, in the interest of conservation, protection and development of forests & wildlife;

xxxiii. 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; and

xxxiv. 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.

Yours faithfully,

Sd/-

(Sandeep Sharma)
Assistant Inspector General of Forests (FC)

Copy to:

- i. PCCF (HoFF), State Forest Department, Government of Odisha, Bhubaneswar
- ii. Regional Officer (Central), Integrated Regional Office of the MoEF&CC at Bhubaneswar
- iii. Nodal Officer (FCA), O/o the PCCF, Government of Odisha, Bhubaneshwar.
- iv. Monitoring Cell of FC Divisions, MoEF&CC, New Delhi.
- v. Guard file.