

**OFFICE OF THE DIVISIONAL FOREST OFFICER, KEONJHAR DIVISION**

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Memo No. 2882/Mining  
Dated, Keonjhar the 03.05, 2017

To

The Regional Chief Conservator of Forests,  
Rourkela Circle, Rourkela

**Sub: Proposal for diversion of 160.838 ha Non-Forest land recorded as Forest as on 25.10.1980 involved in the mining lease area over 403.3238 ha of Katamati Iron Ore Mines of M/s Tata Steel Ltd in Keonjhar district, Odisha.**

Ref: Proposal No. FP/OR/MIN/20081/2016, State Sl. No. OR-054/2016.

Proposal for diversion of 160.8380 ha Non-forest land recorded as Forest as on 25.10.1980, involved in the mining lease area over 403.3238 ha of Katamati Iron Ore Mines of M/s Tata Steel Ltd in Keonjhar district, Odisha, has been received online from the Addl. Principal Chief Conservator of Forests, Forest Diversion and Nodal Officer, FC Act. O/o the Principal Chief Conservator of Forests, Odisha, Bhubaneswar vide no. FP/OR/MIN/20081/2016, State Sl. No. OR-054/2016 on dated 25.06.2016. The submitted proposal, over 160.838 ha non-forest land recorded as forest as on 25.10.1980 including 2.7082 ha non-forest land recorded as forest located in the safety zone of the mining lease, in 5 sets is sent herewith for approval under section-2(ii) of Forest Conservation Act, 1980 (Amended) after due scrutinization in compliance with the guideline F No. 8-78/1996-FC(pt.) dt.10.03.2015 read with F No. 8-78/1996-FC(pt.) dt.09.03.2016 of MoEF&CC, Govt. of India.

**A. Brief description of the Project Proposal**

**A1 - Brief description of the Project**

Katamati Iron Ore Mines of M/s Tata Steel Ltd was originally owned by the then Maharaja, Keonjhar Estate over an area of 12.17 Sq. Miles and was granted in favour of M/s Tata Iron & Steel Company Ltd. for a period of 30 years with validity from 17.01.1933 to 16.01.1963. The granted lease, consisting of three Blocks i.e. Block - A (Katamati), Block - B (Joda West) and Block - D (Khandbandh), was executed on dated 20.11.1933.

The First Renewal of Mining Lease has been granted for 20 years with validity from 17.01.1963 to 16.01.1983 over 12.17 Sq. Miles vide letter No. III(A) MG-87/73-11510 dt. 21.11.1973 of Mining & Geology Department, Govt. of Odisha and executed on dated 10.01.1978. The Second Renewal of Mining Lease has been granted for 20 years with validity from 17.01.1983 to 16.01.2003 vide letter no. III(A) MG-58/83-14879 MG dt. 24.12.1983 of Mining & Geology Department, Govt. of Odisha and executed vide letter no. III(A) MG-27/84-9026 MG dt. 01.09.1984. It is mentioned that the three different blocks forming the original lease, as aforementioned, have been separated during the Second Renewal of Mining Lease and renamed in the name and style as depicted hereunder-

I.	Katamati Iron Ore Mines	:	403.3238 ha.
II.	Joda West Iron & Mn Mines	:	1437.7190 ha.
III.	Khandbandh Iron & Mn Mines	:	1293.433 ha.

The Katamati Iron Ore Mines of M/s Tata Steel Ltd granted over 403.3238 ha. during the 2<sup>nd</sup> RML has been executed on dated 17.10.1984 and registered vide lease deed no. 67 dt. 27.11.1984.

The 3<sup>rd</sup> RML application dated 05.09.2001, in respect of Katamati Iron Ore Mines of M/s Tata Steel Ltd, has been executed through supplementary lease deed vide e-registration no. 11031600471 dt. 28.11.2016 under Section 8A of the MMDR Amendment Act, 2015 and the validity of the mining lease stands extended till 31.03.2030 in concurrence with F. No. 11-51/2015-FC dated 01.04.2015 of MoEF&CC, Govt. of India.

Katamati Iron Ore Mines of M/s Tata Steel Ltd is located within latitude N-22° - 05' and N-22° - 10' and longitude E- 85° - 25' and E- 85° - 30' of Survey of India Toposheet No. 73 F/8 & 73 G/12. The mining lease granted during 3<sup>rd</sup> RML over 403.3238 ha involves 57.552 ha Reserved Forest, 141.62 ha Revenue Forest and 204.1518 ha Non-Forest Land. In addition, an area over 160.838 ha Non-Forest land, out of total non-forest land of 204.1518 ha involved in the mining lease, has been certified by the Tahasildar, Barbil to be forest land as on 25.10.1980 as per Govt. record pursuant to the guideline F No. 8-78/1996-FC(pt.) dt.10.03.2015 read with F No. 8-78/1996-FC(pt.) dt.09.03.2016 of MoEF & CC, Govt. of India. The certificate furnished by the Tahasildar, Barbil in this regard is enclosed as **Annexure - XX**. The granted lease over 403.3238 ha during 3<sup>rd</sup> RML, thus in effect, involves 57.552 ha Reserved Forest, 141.62 ha Revenue Forest, 160.838 ha Non-Forest Land recorded as Forest as on 25.10.1980 and 43.3138 ha non-forest land.

Approval under Section 2(iii) of Forest (Conservation) Act, 1980 has been accorded over 199.172 ha forest land during 3<sup>rd</sup> RML vide F.No. 8-5/2015-FC dated 29.09.2016 of MoEF&CC, Govt. of India for the purpose of execution of mining lease and the balance forest land over 160.838 ha, involved in the mining lease, has not been accorded approval under section- 2(iii) of FC Act, 1980. In this backdrop, it is mentioned that the said mining lease has been executed, as aforementioned, over 403.3238 ha including the entire forest land of 360.01 ha despite non-approval of forest land over 160.838 ha under section 2(iii) of FC Act, 1980 as aforequoted. The stated scenario does raise question as regards the very existence of the forest land over 160.838 ha in the executed lease and also questions the necessity for diversion under section- 2(ii) of FC Act, 1980. However, nonetheless, the said fact as regards necessity for processing of the submitted diversion proposal over 160.838 ha has been clarified by the State Govt., F&E, Department vide letter No. 10F(Cons)-18/2016-4241/F&E dated 01.03.2017 with instruction for processing of the submitted proposal in absence of approval under section- 2(iii) of FC Act, 1980 along with specific mention of the said violation in respect of the executed mining lease in the light of para- 1.9 of FC Act guideline. The self-contained note under para- 1.9 of FC Act guideline is being submitted in separate report. Nevertheless, it is also mentioned that no approval under section 2(ii) of FC Act, 1980 has been accorded in respect of the forest land involved in the mining lease as on date.

The instant diversion proposal has been submitted over 160.838 ha Non-Forest Land recorded as Forest, as on 25.10.1980, for approval under Section 2(ii) of Forest (Conservation) Act, 1980. The Non-Forest Land recorded as Forest as on 25.10.1980 over 160.838 ha included in the instant diversion proposal includes 83.012 ha broken up land and 77.826 ha virgin/unbroken land. The broken up Non-Forest land recorded as Forest as on 25.10.1980 over 83.012 ha is reportedly used for mining activities including Mining with storing of mineral/ ore, Dumping of OB dump/ sub-grade/ slime disposal, Construction of building/ power station/ plant/ workshop and Construction of road/ ropeway/ railway line/ conveyor/ pipeline/ power line.

The Mining Lease contains total mineable reserve of 40.25 million tonnes of Iron Ore. The annual production capacity is 8 million tons iron ore. The entire mining operation is mechanized with heavy earth moving equipment, Ore processing and beneficiation plant and other machineries and infrastructural facilities. This project has generated direct and indirect employment for more than 150 and 300 local tribal people respectively.

## **A.2. Physiography and Geological formation**

Katamati Iron ore Mines of M/s Tata Steel Ltd, located within latitude N- 22° - 05' and N-22° - 10' and longitude E- 85° - 25' and E- 85° - 30' in Survey of India Topo Sheet No. 73 F/8 & 73 G/12, consists of Reserved Forest, Revenue Forest and Non-Forest land recorded as forest as on 25.10.1980. This site falls under the physiographic- Joda Barbil plateau extending from Chamakpur to the boarder of Singhbhum of Jharkhand in north and boarder of Bonai in the west. This region is an extension southwards of Singhbhum rocks. This group of rocks comprising trap, tuffites, shale, quartzite, phyllite, banded haematite jasper and banded haematite quartzite form high hill ranges with narrow deep valley. This region is characterised by massive deposit of iron and manganese are associated with B.H.J. and shales. The iron ores precipitates are in the form of oxide, carbonates, silicates and sulphides. The most characteristics feature of the iron ore i.e haematite is it's availability in the form of massive beds, pockets and large lensoid soil bodies. Hard massive, Laminated, Lateritoid & Blue dust are the major form of ore located in this physiographic zone.

Most characteristic feature of associated manganese ore is its occurrence in form of pocket, lenses in the shales of the iron ore group. It is also seen extensively as residual deposit. Manganese ore deposits are mostly confined to the Singhbhum-Bonai belt of Keonjhar district associated with BIF of Iron ore group. The ore minerals are chiefly pyrolusite and psilomelane. The important manganese deposits of the district are located at Roida, Sidhamatha, Bhadrasahi, Guruda, Joda, Harmath-Guali and Bamebari. The mineable reserve of Iron ore established so far is 239 Million Ton of + 55 % Fe grade.

## **A.3. Floristic- Faunal Composition**

The geological formation of this area is quite suitable for growth of sal. Sal constitutes around 70 to 75% of the top canopy. The middle storey is un-conspicuous. The quality of Sal varies from all India Quality II to IV. Quality II sal is mainly confined to the valleys while Q III occurs on the hill slopes of moderate gradient. Q IV sal mainly confined in the ridges. Q I sal is completely absent.

The principal associates of sal includes *Terminalia alata*, *Lagerstroemia perviflora*, *Anogeissus latifolia*, *Terminalia belerica*, *Syzygium cumini*, *Mangifera indica*, *Schleichera oleosa*, *Adina cordifolia*, *Pterocarpus marsupium*, *Bombax ceiba*, *Bridelia retusa*, *Madhuca indica*. The middle story is represented by *Syzygium cumini*, *Ougeinia ougenensis*, *Careya arborea*, *Treema orientalis*, *Embllica officinalis*, *Cassia fistula* etc. The shrubs and undergrowth are characterized by *Indigofera pulchella*, *Ardisia solenacea*, *Flemingia chhapar*, *Helicteres ixora* and *Clerodendron viscosum* etc. The prevailing climbers include *Bauhinia vahlii*, *Combretum decandrum* and *Beutia parviflora*. The grasses over the forest floor include *Chrysopogon aciculatus*, *Imperata cylindrica*, *Dicanthium carricosum*, *Cynodon dactylon* etc.

The canopy density of the prevailing forest growth in the adjoining Thakurani Reserved Forest varies from 0.2 to 0.8. The prevalence of pole crop to middle aged sal crop

in this area indicates the shifting cultivation in the past and the crop can therefore be considered to be secondary origin. But the secondary moist deciduous forest replacing primary forest of the same type is not differentiated as almost all the primary forests have been practically influenced by human interference. The prevailing forest growth & structure of the forest crop in the proposed non-forest land recorded as forest is categorised as “fairly dense forest mainly Sal” with canopy density 0.5.

The Thakurani Reserved Forest and Revenue Forest along with the non-forest land recorded as forest, involved in the mining lease, is the dwelling habitat for leopard, bear, barking deer, hyena, porcupine and etc. Occasional movement of wild elephants is used to be witnessed in the applied forest land and adjoining RF. The applied site falls under elephant habitat zone- 2 as mentioned by ORSAC, Bhubaneswar.

## **B. Documents and Undertakings as regards Forest Diversion Proposal**

### **B.1. Maps**

The user agency has furnished the required maps as depicted hereunder in the table produced below-

<b>Sl. No</b>	<b>Map Particulars</b>	<b>Scale</b>	<b>Reference</b>
1	Topo map of the Mining Lease	1:50000	Plate-I
2	Plan showing the ML area.	16"=1 mile	Plate-II
3	Plan showing the already diverted forest land and proposed for diversion.	16"=1 mile	Plate-III
4	Plan showing existing pattern of utilisation both forest & Non-forest.	16"=1 mile	Plate-IV
5	Plan showing future requirement of forest land & Non-Forest land	16"=1 mile	Plate-V
6	Plan showing for diversion in the instant proposal.	16"=1 mile	Plate-VI
7	Safety Zone Plan	16"=1 mile	Plate-VII
8	Geological plan approved by IBM	16"=1 mile	Plate-VIII
9	Plan showing the 2 <sup>nd</sup> RML	1:3960	Plate-IX
10	Plan showing the ML area in 3 <sup>rd</sup> RML	16"=1 mile	Plate-X
11	DGPS map of applied sabik kisam of forest	1:4000	Plate-XI
12	Non Forest land for Compensatory Afforestation.	1:4000	Plate-XII

### **B2. Forest Land**

The granted lease over 403.3238 ha involves 57.552 ha Reserved Forest, 141.62 ha Revenue Forest and 160.838 ha Non-Forest Land recorded as Forest as on 25.10.1980. The purpose wise break-up of 160.838 ha Non-Forest Land recorded as Forest as on 25.10.1980, submitted for diversion, is produced hereunder-

**Purpose wise breakup of the 160.838 ha Non-Forest Land recorded as Forest as on 25.10.1980**

**Table - 1**  
**Existing land use in respect of 160.838 ha Non-Forest Land recorded as Forest as on 25.10.1980**  
**along with Non-Forest land involved in the project**

Sl. No.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.1980 (in ha)	Broken up non-forest land recorded as forest as on 25.10.1980 located in S.Z (in ha)	Total Broken up non-forest land recorded as forest as on 25.10.1980 (in ha)	Total Broken non-forest land recorded as non-forest as on 25.10.1980 (in ha)
1	Mining	55.5880	0	55.5880	5.0420
2	Storing of Mineral/ Ore	0.9740	0	0.9740	-
3	Dumping of OB/ Sub-grade/ Slime Disposal	19.2468	0	19.2468	22.1225
4	Storing tools and Machinery	-	-	-	-
5	Construction of building, power station, plant, workshop	5.7032	0	5.7032	2.8299
6	Township/ Colony	-	-	-	-
7	Construction of road	1.5000	0	1.5000	0.7500
	<b>Total</b>	<b>83.0120</b>	<b>0</b>	<b>83.0120</b>	<b>30.7444</b>

**Table -2**  
**Proposed Land use of virgin non-forest land recorded as forest as on 25.10.1980 along with**  
**Non-Forest land involved in the project**

Sl. No.	Pattern of Utilization	Virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Virgin non-forest land recorded as forest as on 25.10.1980 located in the Safety Zone (in ha)	Total virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Non-forest land recorded as non-forest as on 25.10.1980 (in ha)
1	Mining	65.6355	0	65.6355	-
2	Storing of Mineral/ Ore	0.7760	0	0.7760	0.2500
3	Dumping of OB/ Sub-grade/ Slime Disposal	-	0	-	6.1448
4	Storing tools and Machinery	-	0	-	-
5	Construction of building, power station, plant, workshop	2.7564	0	2.7564	5.748
6	Township/ Colony	-	0	-	-
7	Construction of road	5.9499	0	5.9499	-
	<b>Sub-total</b>	<b>75.1178</b>	<b>0</b>	<b>75.1178</b>	<b>12.1428</b>
	Safety Zone	0	2.7082	2.7082	0.4266
	<b>Grand total</b>	<b>75.1178</b>	<b>2.7082</b>	<b>77.8260</b>	<b>12.5694</b>

**Table- 3**

**Abstract of Existing and Proposed Land use of non-forest land recorded as forest as on/ after 25.10.1980 along with Non-Forest land involved in the project**

Sl. No.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.1980 (in ha)	Virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Total non-forest land recorded as forest as on 25.10.1980 (in ha.)	Broken Non-forest land recorded as non-forest as on 25.10.1980 (in ha)	Virgin Non-forest land recorded as non-forest as on 25.10.1980 (in ha)	Total Non-forest land recorded as non-forest as on 25.10.1980 (in ha)	Grand Total (in ha)
1	2	3	4	5	7	8	9 (7+8)	10 (5+9)
1	Mining	55.5880	65.6355	121.2235	5.0420	-	5.0420	126.2655
2	Storing of Mineral/ Ore	0.9740	0.7760	1.7500	-	0.2500	0.2500	2.0000
3	Dumping of OB/ Sub-grade/ Slime Disposal	19.2468	-	19.2468	22.1225	6.1448	28.2673	47.5141
4	Storing tools and Machinery	-	-	-	-	-	-	-
5	Construction of building, power station, plant, workshop	5.7032	2.7564	8.4596	2.8299	5.7480	8.5779	17.0375
6	Township/ Colony	-	-	-	-	-	-	-
7	Construction of road	1.5000	5.9499	7.4499	0.7500	-	0.7500	8.1999
	<b>Total</b>	<b>83.0120</b>	<b>75.1178</b>	<b>158.1298</b>	<b>30.7444</b>	<b>12.1428</b>	<b>42.8872</b>	<b>201.0170</b>
	<b>Safety Zone</b>	<b>-</b>	<b>2.7082</b>	<b>2.7082</b>	<b>-</b>	<b>0.4266</b>	<b>0.4266</b>	<b>3.1348</b>
	<b>G.Total</b>	<b>83.0120</b>	<b>77.8260</b>	<b>160.8380</b>	<b>30.7444</b>	<b>12.5694</b>	<b>43.3138</b>	<b>204.1518</b>

**B.3 Tree Enumeration.**

There are 1688 Nos. of sound trees, 866 Nos. of unsound trees and 4086 nos. of poles below 30 cm girth enumerated inside the proposed diversion area of 160.838 ha. The species wise and diameter class wise abstract of enumerated trees is enclosed as **Annexure – XXXIV.**

**B.4 Cost benefit analysis.**

The Cost Benefit analysis has been worked out as per the guide lines of Forest (Conservation) Act, 1980 and enclosed in the proposal as **Annexure- XVB.** The Cost Benefit ratio is 1 : 58.36.

**B.5 Re-settlement and Rehabilitation.**

The project does not involve displacement of any human habitation. Therefore, Re-settlement and Rehabilitation plan is not insisted upon.

### **B.6. Safety Zone**

The mining lease granted over 403.3238 ha involves 360.01 ha forest land which includes 57.552 ha Reserved Forest, 141.62 ha Revenue Forest and 160.838 ha Non-Forest land recorded as forest as on 25.10.1980. The total Non-Forest land involved in the mining lease is 43.3138 ha. The total forest land located in the safety zone is 2.2001 ha and that of the Non-Forest land located in the safety zone is 2.7082 ha. The details of forest and Non-Forest land located in the safety zone of the mining lease is furnished hereunder-

#### **DETAILS OF SAFETY ZONE AREA**

Sl. No.	Item	Non-Forest land recorded as Forest as on 25.10.1980 (in ha)	Non-Forest Land (in ha)	Grand Total (in ha)
1	7.5 mtrs width all along the Mining lease Boundary	2.7082	0.4266	3.1348

### **B.7. Concurrent Reclamation Plan.**

No forest land, involved in the mining lease, is yet diverted under section- 2 of FC Act, 1980 for non-forest use. Mining operation is confined to non-forest land. The status of non-forest land, under mining operation over 83.012 ha, as on 25.10.1980 is Forest. Reclamation plan, in respect of the said broken up Non-Forest land recorded as Forest along with virgin Non-Forest land recorded as Forest is submitted in the instant diversion proposal in concurrence with the approved Mining Scheme.

### **B.8. Lease Profile**

The lease profile, furnished by the User Agency, is enclosed as **Annexure-~~XXIV~~** in the Diversion Proposal.

### **B.9. District Profile**

The district profile in the prescribed proforma vide Annexure- VII of FC Act guideline is annexed herewith as **Annexure - ~~XXXV~~**.

### **B.10. Compliance of the conditions stipulated in the Earlier Approvals (Stage-I and Stage-II) under FC Act,1980**

Approval under section 2(ii) of FC Act, 1980 has not been accorded in respect of Forest land involved in the mining lease.

### **B.11. Compliance to Statute(s),circular & directives issued by Govt. of India, MoEF as applicable to the project which came in to force after grant of earlier approval.**

The desired compliance is enclosed as **Annexure - ~~XXXVI~~**.

## **B.12. Certificate under FRA, 2006**

The User Agency has applied for issue of Certificate under Forest Right Act, 2006 over 360.01ha forest land (57.552 ha Reserved Forest, 141.62 ha Revenue Forest and 160.838 ha Non-Forest Land recorded as Forest as on 25.10.1980) to the Collector, Keonjhar vide their letter No. CN/167/102/2016 dated 22.06.2016. The copy of the said letter is enclosed as **Annexure - ~~XXVI~~**. Nonetheless, it is mentioned that certificate under FRA, 2006 for 160.838 ha Non-Forest land recorded as Forest as on 25.10.1980 will be submitted by the Collector, Keonjhar along with his findings on settlement of rights under FRA and consent of the Gramsabha, in respect of the aforesaid non-forest land recorded as forest as on 25.10.1980, to the Regional Chief Conservator of Forests as enshrined in the FC Amendment Rule, 2014.

## **B.13. Site Inspection Report of DCF**

Site Inspection report of the Deputy Conservator of Forests, Keonjhar Division is furnished as **Annexure- ~~XXXVII~~**

## **B.14. DGPS maps**

The DGPS map signed by all concerned officials of Revenue, Mining and Forest Dept., validated by ORSAC and duly countersigned by the undersigned is enclosed as **Plate- XI**. The area as per land schedule and that of DGPS map involved in the submitted diversion proposal is produced below-

Sl No.	Category of Forest Land	Area applied for (in ha)	Area as per DGPS Map (in ha)	Difference	Remarks
1	Non-Forest Land recorded as Forest as on 25.10.1980	160.838	158.639	2.199	1.367%↓

N.B:- An area of 0.4 Acre (0.016 ha) in plot No. 213/1402 has been excluded from the DGPS surveyed area but included in the certified land schedule.

## **C. Compensatory Levies**

### **C.1. Compensatory Afforestation**

I.	Total Mining Lease area	-	403.3238 ha
II.	Forest area involved in the ML	-	360.01 ha
III.	Forest area already diverted	-	-
IV.	Forest area covered under safety zone	-	4.9083 ha
V.	Forest land to be kept un-diverted	-	110.436 ha
VI.	Forest area applied for diversion	-	160.838 ha
VII.	<b>Land Required for Compensatory Afforestation</b>		<b>-160.838 ha</b>

Non-forest land, equal in extent the forest land submitted for diversion over 160.838 ha under Sec 2(ii) under FC Act, 1980, will be met from the identified and allotted non-forest Govt. land over 160.838 ha in village Kerajodi under Kankadahad Tahasil of Dhenkanal Division in Dhenkanal District in favour of Katamati Iron ore Mines of M/s Tata Steel Ltd. vide letter No.1185/Rev dt. 20.07.2016 of Collector, Dhenkanal for raising Compensatory Afforestation. The copy of the allotment letter is enclosed as **Annexure - ~~XXXVIII~~**. Compensatory Afforestation scheme, prepared by the DFO, Dhenkanal Division, in respect of the aforementioned Non-forest land is enclosed herewith as **Annexure- ~~XXXIII~~**.

## **C2. Net Present Value (NPV)**

The mining lease granted over 403.3238 ha involves 360.01 ha Forest land & 43.3138 ha Non-Forest Land. NPV has been deposited in respect of entire forest land included in the mining lease as depicted hereunder

Sl No.	Forest Area in ha	Eco Value Class	Canopy Density	The then applicable Rate in Rs.	NPV Deposited in Rs.
1	199.172 ha	I	0.5	939000/-	187022508
2	160.838 ha Non-forest land recorded as Forest as on 25.10.1980	I	0.5	939000/-	151026882
	<b>Total- 360.01 ha</b>				<b>338049390</b>

## **C3. Wild Life Management- Site Specific Wildlife Conservation Plan and Regional Wildlife Management Plan.**

Site Specific Wildlife Conservation Plan has been approved by the PCCF, (Wildlife) & CWLW, Odisha vide memo No. 5842, dtd. 29.08.2011 with a financial outlay of Rs. 205.00 Lakh (Rs. 83.00 Lakh for the project area to be implemented by User Agency and Rs. 122.00 Lakhs for the project impact area to be implemented by DFO, Keonjhar). The User Agency has deposited Rs. 122.00 lakh in Adhoc CAMPA through RTGS on dated 16.08.2013.

The User Agency has deposited a sum of Rs. 17342923/- towards implementation of Comprehensive Wildlife Management Plan at the rate of Rs. 43,000/- per ha for entire lease hold area through RTGS in Adhoc CAMPA.

### **D. Statutory Clearances**

#### **D.1. Forest Clearance**

No Forest land is accorded approval under Section 2(ii) of Forest (Conservation) Act, 1980 for use of forest land for non-forest purpose.

#### **D.2. Mining Plan/ Mining Scheme**

The Mining Scheme along with Progressive Mine Closure Plan has been approved by IBM vide No. 314(3)2012-MCCM(CZ)/MS-31, dt. 15.04.2013 with validity up to 31.03.2018. The copy of the approved scheme is enclosed as **Annexure- XVII**

#### **D.3. Environmental Clearance**

The User Agency has obtained Environmental Clearance for 8.0 Million ton of Iron ore production from Govt. of India, MoEF vide their letter No. J-11015/63/2008-IA.II (M) dt. 26.11.2010. The copy of the approved Environmental Clearance is enclosed as **Annexure- XIX**

#### **D.4. Consent to Operate from SPCB, Odisha**

The State Pollution Control Board, Odisha has issued Consent to operate vide letter No. 4811/IND/I-CON-185 Dt.18.03.2016 with validity up to 31.03.2021. The Copy of the Consent to Operate Order is enclosed as **Annexure – XXVI**.

#### **E. Miscellaneous Information**

##### **E.1. Violation and Action Taken thereof.**

The lessee has carried out mining activities in violation of section-2 of FC Act, 1980 in Revenue Forest and Reserved Forest from 1983 to 2009 with production of Iron Ore for crushing and subsequent use in Nuamundi during 2<sup>nd</sup> and 3<sup>rd</sup> RML without requisite clearance for the Pre-1980 broken up forest land under FC Act, 1980. In addition, working in non-forest land, involved in the mining lease, in absence of approval under FC Act, 1980 in respect of the forest land also amounts to violation of Para- 4.4 of the Hand Book of guidelines issued under FC Act, 1980 and thus, amounts to violation of FC Act, 1980 for the period under question.

##### **Action Taken**

Forest Offence case vide OR No. 4BL of 2017-18 has been registered for violation of FC Act, 1980 in respect of Reserved Forest and prosecution is to be sanctioned and submitted in the Court of JMFC, Barbil. The Collector, Keonjhar has been requested to take legal action as deem proper under prevailing act and rules for the fore-stated violation in the Revenue Forest Land vide this office Letter No. 2304 dated. 07.04.2017. Action taken report is awaited.

##### **Observation of Hon'ble Shah Commission and Action taken thereof**

###### ***Observation –***

- ML area-403.3238 ha comprising RF-56.6373 ha, Rev Forest-142.5347 ha, Non forest(Govt.)-204.0750 ha and Non forest (Pvt)-0.0768 ha.
- Forest Diversion proposal submitted on 28.04.2010. Approval from MOEF not yet obtained.
- EC granted on 06.05.2005 raising the production to 2 MTPA and then on 26.11.2010 raising the production from 2 MPTA to 8 MPTA.
- Working in the Rev forest area from 1983-2003 and from 2003 to 2007 is illegal. Working in the Forest area has been stopped from 2007 by the DFO. Now the work is confined to Non forest area alone. DFO is to find out the extent of working in the Rev forest and intimate Collector for appropriate action.
- The lumps from the mines is transported to Jharkhand for crushing and subsequent use in Nuamundi.

***Action taken – Action is being taken to ascertain the extent of forest land (Revenue and Reserved Forest) worked in violation of FC Act, 1980 during 2<sup>nd</sup> and 3<sup>rd</sup> RML and register appropriate legal action under appropriate act in respect of Revenue and Reserved Forest.***

##### **E.2. Working of Katamati Iron Ore Mines and the guideline F. No. 11-599/2014-FC dated 19.10.2015 and F. No. 11-599/2014-FC dated 10.11.2015 of MoEF&CC, Govt. of India.**

Katamati Iron Ore Mines of M/s Tata Steel Ltd, in 3<sup>rd</sup> Renewal of Mining Lease, involves 360.01 ha Forest land and 43.3138 ha Non-forest land. No forest land, involved in the mining lease, is yet accorded final approval under section- 2(ii) of FC Act, 1980. It is mentioned that diversion proposal over 199.172 ha including safety zone has been

submitted for approval under section- 2(ii) and proposal over 160.838 ha non-forest land recorded as forest as on 25.10.1980 is being processed for approval of Central Govt. under section- 2(ii) of FC Act, 1980.

Part of the non-forest land, out of 43.3138 ha non-forest land involved in the lease at present, is broken and mining activity is continuing on the strength of the working permission of the DDM, Joda Circle vide letter No. 37842 dated 18.08.2011. In this backdrop, it is worth mentioning that para- 4.4 of the consolidated guidelines issued under FC Act, 1980 applies to the said mines but however, work in non-forest land even if prohibited by virtue of extant provision of para 4.4 but continuing pursuant to the working permission of the DDM, Joda Circle.

The prevailing guideline, at present, issued vide F. No. 11-599/2014-FC dated. 10.11.2015 *inter alia* stipulates that in case of mining leases having forest land in part or in full, the concerned user agency may execute a single mining lease in accordance with the provisions of MMDR Act, 1957 and the Rules framed thereunder, for the entire area falling in the mining lease after final approval under section- 2 of FC Act, 1980 for the entire forest land falling in such mining lease is obtained. However, the State Govt., if so desires, may execute a separate mining lease for a whole or part of non-forest land falling in such mining lease, once stage- I approval under section- 2 of FC Act, 1980 for the entire forest land falling in such mining lease is obtained. In the stated scenario, it is apt mentioned that neither Stage-I approval, in respect of the forest land submitted for approval under section- 2(ii) of FC Act, 1980, has been obtained nor has separate lease deed, in respect of the non-forest land, at present under mining operation, been executed as required under the said guideline dated 10.11.2015. The said fact has been intimated vide this office memo No. 6669 dated 01.09.2016 to the RCCF, Rourkela Circle for necessary clarification as regards legitimacy of working in non-forest land in contradiction of the guideline dated 10.11.2015.

### **E.3. Pending Court Matters.**

The Lessee has furnished an undertaking as regards pending court matter in respect of the Katamati Iron ore Mines of M/s Tata Steel Ltd and the said undertaking is enclosed herewith as **Annexure - XVA** for kind perusal.

### **E.4. Brief details as regards approval/ leases owned by the same project proponent.**

The brief details as regards the approvals/ leases owned by the project proponent along with the current status of the projects/ leases is enclosed as **Annexure- XXXVH**

### **E.5. Compliance of the order dated 01.09.2014 of the Hon'ble Supreme Court in I.A No. 204 and 219, 223 in I.A. No. 204 and I.A No. 224 in I.A. No. 215 in W.P.(C) 562/2009 read with I.A No. 212 in W. P (C) 562/2009.**

Proposal for diversion of 160.8380 ha Non-forest land recorded as Forest as on 25.10.1980, involved in the mining lease area over 403.3238 ha of Katamati Iron Ore Mines of M/s Tata Steel Ltd in Keonjhar district, Odisha, has been received online from the Addl. Principal Chief Conservator of Forests, Forest Diversion and Nodal Officer, FC Act. O/o the Principal Chief Conservator of Forests, Odisha, Bhubaneswar vide no. FP/OR/MIN/20081/2016, State Sl. No. OR-054/2016 on dated 25.06.2016. Essential Details in connection with the said proposal was sought for from the User Agency on dated 29.06.2016. In compliance with the Essential Details Sought for, the compliance submitted by the User Agency has been received on dated 24.01.2017. The compliance submitted by the

User Agency dated 24.01.2017 was incomplete and therefore, the User Agency was once again requested dated 30.01.2017 to provide complete compliance of EDS dated 29.06.2016. Once again incomplete compliance of EDS dated 29.06.2016 was submitted by the User Agency dated 07.03.2017 and the User Agency has been asked vide EDS dated 17.03.2017 to provide complete compliance. Complete compliance of EDS dated 29.06.2016, submitted by the User Agency, has been received by this office dated 02.05.2017. The aforesaid proposal is forwarded to the RCCF, Rourkela Circle through Online portal dated 03.05.2017 within the time period fixed at the level of the Divisional Forest Officer at the expense of 21 days spent towards examination of factual details and feasibility of the proposal, map certification, site inspection and tree enumeration.

The submitted diversion proposal over 160.838 ha of Non-Forest land recorded as Forest as on 25.10.1980, in the 3<sup>rd</sup> renewal of the mining lease, is forwarded herewith for approval as per provision under section -2(ii) of Forest (Conservation) Act, 1980 (Amended) in compliance with the guideline issued vide F No. 8-78/1996-FC(pt.) dt.10.03.2015 read with F No. 8-78/1996-FC(pt.) dt.09.03.2016 of MoEF&CC, Govt. of India.

**Enclosure- Diversion proposal along with requisite documents.**

**Divisional Forest Officer,**  
*[Signature]*  
**Keonjhar Division.**

**Memo No. 2883 /Dated 03.05.2017**

Copy forwarded to the Additional Principal Chief Conservator of Forests, Forest Diversion and Nodal Officer, FC Act O/o the Principal Chief Conservator of Forests, Odisha, Bhubaneswar for favour of kind information.

**Divisional Forest Officer,**  
*[Signature]*  
**Keonjhar Division.**