

F.No.8-98/2004-FC
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhawan, C.G.O. Complex,
Lodi Road, New Delhi-110003.

Dated: 13th July 2005

To

The Principal Secretary (Forests),
Government of Orissa,
Bhubaneswar.

GM(OMD)

Chenabhy

Sub: Diversion of 653.150 ha. (approved area 453.150 ha.) of forest land for 3rd renewal of Khandbandh Iron and Manganese Ore Mines Keonjhar Forest Division in favour of M/s TISCO Ltd., in Keonjhar district of Orissa.

Sir,

I am directed to refer to your letter No. 10F(Cons.)129/2004/17040/F&E dated: 18-11-2004 on the above mentioned subject seeking prior approval of the Central Govt. under Section-2 of 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 consideration of the proposal of the State Government, and on the basis of recommendations of the above-mentioned Advisory Committee, the Central Government, hereby, agrees in-principle for diversion of 453.150 ha. (including 136.150 ha. of broken up area) of forest land for 3rd renewal of Khandbandh Iron and Manganese Ore Mines in Keonjhar Forest Division in favour of M/s TISCO Ltd., in Keonjhar district of Orissa, subject to fulfilment of following conditions:

1. User agency shall carry out immediate transfer and mutation of 317 ha. of non-forest land in lieu of diverted virgin area, in favour of State Forest Department.
2. The User Agency shall deposit the cost of raising and maintaining compensatory afforestation over 317 ha. non-forest land with the State Forest Department.
3. The non-forest land for compensatory afforestation shall be notified by the State Government as RF under section - 4 or PF under section - 29 of the Indian Forest Act, 1927 or the State Forest Act within a period of 6 months, and Nodal Officer (Forest Conservation) shall report the compliance.
4. User Agency shall deposit the Net Present Value (NPV) of the diverted forest land of 453.150 ha., with the State Forest Department as per the orders of the Hon'ble Supreme Court dated 30-10-2002 & 1-8-2003 in LA No.566 in WP (C) No.202/1995 and the guidelines issued by this Ministry vide letter No.5-1/98-FC(Pt-II) dated 18-9-2003 and 22-9-2003 in this regard.
5. The user agency shall raise and maintain a Safety Zone and will also raise and maintain the plantation over an area one and half times of the extent of the safety zone, over degraded forest land elsewhere at the project cost.
6. Penal compensatory afforestation shall be raised and maintained over degraded forest land, double in extent of the area involved in violation, by the State Forest Department at the project cost, as stipulated at the time of grant of temporary working permission in 2003.
7. The State Government shall deposit all the above-mentioned fund in form of Fixed Deposits in the name of concerned DFO/ Nodal Officer of the State, till such time the CAMPA intimates the Head of Accounts for deposition of fund.
8. The User Agency shall demarcate the area by erecting 4 feet high RCC pillars at the project cost indicating forward and back bearings and distance between adjacent pillars on them.

FOR AND ON BEHALF OF
TATA STEEL LIMITED
BY THEIR CONSTITUTED ATTORNEY

McThomas

9. Trees will be felled in a phased manner over a period of 20 years in accordance with a plan prepared in consultation with the State Forest Department.
10. Trees on broken up area, shall not be felled unless absolutely necessary, and that too with prior permission of the State forest Department.
11. User agency shall contribute to the State Government for the implementation of Regional Wildlife Management Plan prepared for Bonai and Keonjhar Divisions.
12. State Government shall submit the progress of implementation of Wildlife Management Plan prepared for Bonai and Keonjhar Divisions prior to Stage-II clearance.
13. The user agency shall protect the top soil at the project cost.
14. Concurrent Reclamation plan shall be executed by the user agency from the very first year, and an annual report shall be sent to the Nodal Officer and the Regional CCF, Bhubaneswar. If it is found from the Annual Report that the annual programme mentioned in Concurrent Reclamation Plan is not being adhered to by the user agency, the mining activities shall remain suspended till such time the annual programme is completed for that year.
15. The mining lease shall be coterminus with the current lease granted under MMRD Act, 1957.
16. The balance forest area 377.645 ha. of the RML, not recommended for diversion, should be protected and managed by the State Forest Department at the project cost.
17. A need based scheme for conservation and enrichment cover on 315.433 ha. non-mineralized zone shall be prepared at the project cost and be implemented by the State Forest Department.
18. Blasting, if required, shall be done in a manner causing least disturbance to animals particularly elephants. Timing of blasting should be fixed in consultation with local forest and wildlife officials.
19. Other standard conditions as applicable in respect of mining projects shall apply in the instant case also.

After receipt of compliance report on the fulfilment of the conditions no.1,2,4,5,6,7,8,9,11,12,16 and 17 from the State Government, formal approval will be issued in this regard under Section 2 of the Forest (Conservation) Act, 1980. Transfer of forest land to user agency shall not be effected by the State Government till the final orders for diversion of forest land are issued by the Central Government. Further, in accordance with para 4.18 of the guidelines issued under Forest (Conservation) Act, 1980, temporary working permission shall be allowed over already broken up area of 136.150 ha. for a period of 6 (six) months to comply with the conditions.

Yours faithfully,

Sd/-

(ANURAG BAJPAI)
Asstt. Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Orissa, Bhubaneswar.
2. The Nodal Officer, Forest Department, Government of Orissa, Bhubaneswar.
3. The Chief Conservator of Forests (Central), Regional Office(EZ), Bhubaneswar.
- ✓ 4. M/s TISCO Ltd., New Delhi.
5. Monitoring Cell of FC Division.
6. Guard file.

[Signature]
13/7/05

(ANURAG BAJPAI)
Asstt. Inspector General of Forests