

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

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

Dated: 6th December, 2021

To,

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

Sub: 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 11912 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 3 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 - re.

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. After careful examination of the proposal, and acceptance of the recommendation of the Forest Advisory Committee by the competent authority in the Ministry, 'in-principle' approval to the proposal under the Forest (Conservation) Act, 1980 was granted vide this Ministry's letter of even number dated 04.02.2021 read with 08.02.2021 subject to fulfilment of 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. 15517/9F(Misc)-51/2020 dated 07.09.2021 and letter no. 18889/9F(Misc)-51/2020 dated 09.11.2021, final approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 85.175 ha of fresh forest land and 1.304 ha re- diversion of Forest land (which is a part of 11912 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 3 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, subject to following conditions:

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

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 saplings per ha shall be planted over admissible CA land. If it 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 and funds deposited in CAF.

ii. 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. 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.
- iii. 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>);
- iv. The State Government and the user agency shall ensure that area between the banks of 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.
- v. The State Government and the user agency shall ensure 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.
- vi. The State Government and the user agency shall ensure implementation of approved scheme of Assisted Natural Regeneration of the forest in 500 meter perimeter of the dispatch areas to create dense green cover and o as to minimise dust and other pollution on rest of the forest implemented at the cost of the user agency.
- vii. The State Government and the user agency shall ensure that comprehensive soil conservation measures shall be implemented as per approved scheme at the project cost in consultation with the State Forest Department in the forest area being diverted.
- viii. The State Government and the user agency shall ensure that as per approved scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) shall be implemented in right of way under the conveyor belt at the project cost.
- ix. 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.

- x. The 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;
- xi. The User Agency shall pay the proportionate cost for implementation of Regional Wildlife Management Plan as per revised cost norm. Besides, the Site Specific Wildlife Conservation Plan for the project as well as its impact area shall be prepared by the user agency and approved by CWLW, Odisha for its execution at project cost.
- xii. The State Government shall ensure that correct KML files of diverted area, the CA areas, SMC works area and the WLMP area have been uploaded on the e-Green watch portal with all requisite details prior to handing over forest land to user Agency;
- xiii. The State Government shall ensure that after construction of the proposed overhead conveyer belt, 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;
- xiv. DSS analysis that 0.983 ha of 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;
- xv. The State Government and the user agency shall ensure that no additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xvi. The State Government and the user agency shall ensure that 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;
- xvii. 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;
- xviii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xix. The State Govt. and the user agency shall ensure that 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;
- xx. 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;

- xxi. 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;
- xxii. 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;
- xxiii. The State Govt. and the user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
- xxiv. 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;
- xxv. 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;
- xxvi. 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 to their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna, etc.;
- xxvii. 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;
- xxviii. Any other condition that the concerned Integrated Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- 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; and
- xxx. 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.

Sd/-
(Charan Jeet Singh)
Scientist 'D'

Copy to:

- i. Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
- ii. Regional Officer (Central), Integrated Regional Office of the MoEF&CC at Bhubaneswar.
- iii. Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
- iv. Monitoring Cell of FC Divisions, MoEF&CC, New Delhi.
- v. Guard file.