

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

\*\*\*\*\*

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

**Dated: 16th December, 2021**

To,

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

**Sub: Proposal seeking prior approval under the Forest (Conservation) Act, 1980 for non-forestry use of 345.189 ha forest land including 6.919 ha in safety zone within the total mining lease area over 366.311 ha of Khandbandh Iron Ore Mines of M/s OMC Ltd in Keonjhar district, Odisha.**

Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons) 108/2018/12189/F&E dated 26.05.2018 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 31<sup>st</sup> January, 2019 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 letter no. 15727/9F(MG)-22/2018 dated 13.09.2021, and letter no. 20842/9F(MG)-22/2018 dated 04.12.2021, **final approval of the Central Government is hereby granted** under Section-2 of the Forest (Conservation) Act, 1980 for non-forestry use of 345.189 ha forest land including 6.919 ha in safety zone within the total mining lease area over 366.311 ha of Khandbandh Iron Ore Mines of M/s OMC Ltd in Keonjhar district, Odisha, 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 Forest Department**

- 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 this 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. Degraded forest land, identified for raising additional CA by the State Government as per the Working Plan prescription, may be inspected by the Integrated Regional Office prior to the plantation in the said degraded forest land. In case the same is found not suitable for afforestation by the IRO, the suitable degraded forest land shall be identified by the State for raising afforestation;
- c. 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 deposited in CAF.

**iii. 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.
- iv. Compensatory levies for this project, if any to be realized in future from the User Agency, shall be deposited into the account of CAMPA of the State concerned through e-portal (<https://parivesh.nic.in>);
- v. 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°; and
  - e. No damage shall be caused to the top-soil and the user agency will follow the

top soil management plan.

- vi. The State Government and the user agency shall ensure that the 6.919 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. Following activities shall be undertaken by the user agency for the management of safety zone:
  - a. User agency shall ensure demarcation of boundary of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its protection by erecting adequate number of 6 feet high RCC boundary pillars inscribed with DGPS coordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the State Forest Department;
  - b. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
  - c. Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy in the area, regeneration shall be taken up in this area by the user agency at project cost under the supervision of the State Forest Department; and
  - d. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;
  - e. The State Govt. and the user agency shall ensure that no mining shall be carried out in the land required to be maintained as safety zone all around the mining area;
  - f. Afforestation on degraded forest land to be selected elsewhere, measuring one and a half times the area under safety zone, shall also be done at the project cost under the supervisions of the State Forest Department. Afforestation will be done within three years from the date of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department;
- vii. Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- viii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- ix. 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;
- x. 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;
- xi. The State Govt. and the user agency shall ensure that the layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
- xii. 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;
- xiii. The State Govt. and the user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
- xiv. The State Government shall ensure that 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.
- xv. The User Agency shall re-grass the mining area and any other areas which may have been disturbed due to mining to restore them to a condition which is fit for growth of fodder, flora, fauna, etc. in a timely manner;
- xvi. 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;
- xvii. 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 concerned Regional Officer may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
- xviii. The State Govt. shall ensure that User Agency shall regularly undertake desilting of these village tanks and other water bodies, as per the Plan submitted along with the compliance report, so as to mitigate the impact of siltation of such tanks/water bodies;
- xix. 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;
- xx. Any other condition that the concerned Integrated Regional Office of this Ministry may stipulate, with the approval of competent authority, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- xxi. 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
- xxii. 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:**

1. Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. Regional Officer (Central), Integrated Regional Office of the MoEF&CC at Bhubaneswar.( Request to ensure the compliance of condition A(ii)(b))
3. Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
4. User Agency
5. Monitoring Cell of FC Divisions, MoEF&CC, New Delhi.
6. Guard file.