

F. No. 8-22/2016-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj Jorbagh Road,
New Delhi-110003
Dated: 14th September, 2017

To
The Principal Secretary (Forests),
Government of Odisha,
Bhubaneswar.

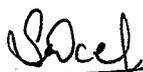
Sub: Diversion of balance forest land 162.42 ha including 24.150 ha of forest land to be maintained safety zone (as per Sabik settlement record as on 25.10.1980 and after 25.10.1980) excluding the 104.79 ha forest land already diverted pertaining to total ML area of 382.709 ha of Sukurangi Chromite Mines of M/s Odisha Mining Corporation Ltd spread over villages like kamarda, ostapal, Saruabil, Sukurangi, Tailangi and Forest block No. 27 of Mahagiri DPF in Sukinda Tehsil of jajpur Tailangi and Forest Block No. 27 of Mahagiri DPF in Sukinda Tehsil of jajpur district (under Cuttack Forest Division), Odisha during extended period of mining lease up to 31.3.2020 as per MMDR Amendment Act, 2015.

Sir,

I am directed to refer to the State Government of Odisha's letter No. 10F (Cons) 195/2016/13965/F&E dated 29.07.2016 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the 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.

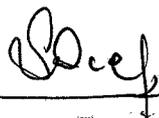
After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, **Stage-I Clearance/ In-principle** approval of the Central Government is hereby granted for diversion of balance forest land 162.42 ha including 24.150 ha of forest land to be maintained safety zone (as per Sabik settlement record as on 25.10.1980 and after 25.10.1980) excluding the 104.79 ha forest land already diverted pertaining to total ML area of 382.709 ha of Sukurangi Chromite Mines of M/s Odisha Mining Corporation Ltd spread over villages like kamarda, ostapal, Saruabil, Sukurangi, Tailangi and Forest block No. 27 of Mahagiri DPF in Sukinda Tehsil of jajpur Tailangi and Forest Block No. 27 of Mahagiri DPF in Sukinda Tehsil of jajpur district (under Cuttack Forest Division), Odisha during extended period of mining lease up to 31.3.2020 as per MMDR Amendment Act, 2015 subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation (CA) over the equivalent land of 156.711 ha shall be raised on the identified forest land within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department at the cost of the user agency;
- (iii) **Regional Wildlife Management Plan and Site Specific Wildlife Plan duly approved by competent authority shall be submitted.**
- (iv) **CA shall be raised over the 156.771 hectare on non-forest land**
- (v) **Details of complete compensatory afforestation over non-forest land of 156.771 hectare along with the estimation of CA cost shall be submitted. The CA area requirement shall be calculated as per FCA guidelines 4.7(ii) and 4.7(iii). The revised shape file of CA land shall be submitted.**
- (vi) The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;



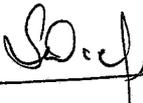
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- (vii) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance;
- (viii) The non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation, shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act. The Nodal Officer, Forest (conservation) Act, 1980, Government of Odisha must report compliance within a period of 6 months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the local Forest Act local forest as the case may be, to this Ministry for information and record;
- (ix) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (x) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
- (xi) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (xii) Following activities shall be undertaken by the user agency at the project cost and **appropriate cost of the plan/scheme shall be deposited in Adhoc CAMPA Account:**
- (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.
- (xiii) 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 done within three year at the project cost from the issue of Stage-II Clearance. Besides this afforestation on degraded forest land to be selected elsewhere measuring one & a half times the area under safety zone shall also be done at the project cost; The degraded forest land (DFL) so selected will be informed to the MoEF & CC with shape files and 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;
- (xiv) 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



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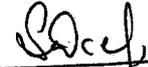
- and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- (xv) Any fund received from the user agency under the project and deposited in the State Forest Department account, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
 - (xvi) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 - (xvii) No labour camp shall be established on the forest land;
 - (xviii) 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;
 - (xix) 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;
 - (xx) The User Agency shall undertake 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 Addl. Pr. Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed.
 - (xxi) The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government;
 - (xxii) The forest land shall not be used for any purpose other than that specified in the proposal;
 - (xxiii) 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;
 - (xxiv) No damage to the flora and fauna of the adjoining area shall be caused;
 - (xxv) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
 - (xxvi) The user agency will abide by the applicable recommendations of the State Government;
 - (xxvii) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;
 - (xxviii) 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. The plan for plantation and SMC activities will be prepared and submitted to MoEF &CC before Stage-II Clearance;
 - (xxix) The User Agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five km. from the mine lease boundary. This list is to be duly verified by the concerned Divisional Forest Officer. The User Agency shall regularly undertake desilting of these village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies. A detailed plan for desilting of identified ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF & CC before Stage-II approval;


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- (xxx) Plantation upto 100 meters from the bank of river on either side, to be done and maintained as green belt.
- (xxxii) On analysis through DSS, it is found that moderately dense forest is present of southern boundary of the mining lease. State Government may demarked that area and it shall be kept intact as and additional safety zone;
- (xxxiii) 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 to this Ministry by the end of March every year;
- (xxxiiii) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxxv) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of compliance report on fulfilment on the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,



(Sandeep Sharma) 14.9.17

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer (FCA), Office of the PCCF, Government of Odisha, Bhubaneswar.
3. The Addl. PCCF (Central), Regional Office, Bhubaneswar.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC.
6. Guard File.



(Sandeep Sharma) 14.9.17

Assistant Inspector General of Forests (FC)