

F. No. 8-19/2019-FC
Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.
Dated: 15th October, 2019

To,

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

Sub: Diversion of 168.948 ha of forest land adjacent to South Kaliapani Mines of OMC for dumping of overburden of South Kaliapani and Sukurangi Chromite Mines by M/s OMC Ltd.

Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons.)89/16-8726/F&E dated 7th May 2019 on the above mentioned subject 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, ***In-principle approval/Stage-I Clearance*** of the Central Government is hereby granted for diversion of 168.948 ha of forest land adjacent to South Kaliapani Mines of OMC for dumping of overburden of South Kaliapani and Sukurangi Chromite Mines by M/s OMC Ltd.in Odisha subject to fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory Afforestation shall be raised over equal identified non-forest land (NFL) land within three years from the date of issue of Stage –II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare shall be planted over identified non- forest land. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan with provision for ten years on subsequent maintenance;
- (iii) **It is seen that 11.242 ha of forest area is proposed for construction of Haul road. State Government may explore the possibility of construction of conveyer belt. This possibility may be explored prior to stage II approval;**
- (iv) **It is reported that the mining plans for both the mines i.e, South Kaliapani ML(552.457ha) and Sukurangi ML(382.704ha) has been revised. The approved mining plans shall be submitted;**
- (v) **It is reported the area is required for 17 years. State Government may prepare and submit a plan for stabilization and reclamation of OB dump area;**


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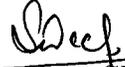
- (vi) The User Agency shall transfer **Net Present Value (NPV)** of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through **online portal** into CAMPA account of the State Concerned;
- (vii) 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;
- (viii) The identified non-forest land for raising compensatory afforestation shall be transferred and mutated in the name of forest department and notified as RF/PF prior to Stage II approval;
- (ix) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
- (x) 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 CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (xi) The User Agency shall 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° ;
- (xii) The User Agency shall carry out muck/silt disposal at pre-designated sites in such a manner so as to avoid its rolling down;
- (xiii) The dumping area for muck/silt disposal shall be stabilized and reclaimed by planting suitable species by the User Agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan;
- (xiv) All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;
- (xv) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- (xvi) 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 granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- (xvii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xviii) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- (xix) 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 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;


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- (xxi) 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;
- (xxii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxiii) 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;
- (xxiv) 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.
- (xxv) 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 regularly; and
- (xxvi) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT 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 of 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)

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, O/o the PCCF, Government of Odisha, Bhubaneswar.
3. The Deputy Director General (Central), Regional Office, Bhubaneswar.
4. User Agency
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi
6. Guard File