

F. No. 8-21/2018-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi -110003.

Dated: October, 2018
16 Nov'

To,

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

Sub: Diversion of 68.00 ha of forest land (49.34 ha of non-forest land recorded as 'Forest' as on 25th October 1980 and 18.660 ha of non-forest land having enough forest growth to be considered as 'forest' in line with the orders dated 12.12.1996 of Hon'ble Supreme Court of WP(C) No. 202/1995) in respect of Unchabali (Mahaparbat) Iron Ore Mines of M/s OMC Ltd including 11.240 ha of forest land located in the safety zone in village Unchabali and Balda under Barbil Tahasil within the jurisdiction of Keonjhar Forest division in Keonjhar district, Odisha.

Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons) 110/2016-6193 /F&E, Bhubaneshwar, dated 16.03.2018 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 said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government of Odisha and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to accord ***Stage-I approval*** under the Forest (Conservation) Act, 1980 for the diversion of 68.00 ha of forest land (49.34 ha of non-forest land recorded as 'Forest' as on 25th October 1980 and 18.660 ha of non-forest land having enough forest growth to be considered as 'forest' in line with the orders dated 12.12.1996 of Hon'ble Supreme Court of WP(C) No. 202/1995) in respect of Unchabali (Mahaparbat) Iron Ore Mines of M/s OMC Ltd including 11.240 ha of forest land located in the safety zone in village Unchabali and Balda under Barbil Tahasil within the jurisdiction of Keonjhar Forest division in Keonjhar district, Odisha subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation shall be raised over non forest land equal to extent of the forest area being diverted and at least 1000 plants per hectare (68.00 ha x 1000 = 68000 plants) shall be planted over



identified non-forest land and if it is not possible to plant that 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) **State Government shall initiate action as per the provisions of MoEF&CC letter No. 11-42/2017-FC dated 29.01.2018. The action taken report shall be submitted to MoEF&CC prior to Stage-II approval.**

(iv) **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.**

(v) **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.**

(vi) **11.24 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.**

(vii) **The user agency shall undertake demarcation of the lease area on the ground posting four feet high cement concrete pillars embedded two feet inside the soil with serial number, forward and backward bearings, and distance from pillar to pillar. The user agency shall also submit the map of lease area showing different kinds of forest land using DGPS survey data and latitude and longitude of each pillar to the Divisional Forest Officer, Keonjhar for his reference before commencement of work on final forest clearance.**

(viii) **Since environmental clearance has been obtained by the user agency for 0.7MTPA and Mining scheme is for production of 1 MTPA, revised environmental clearance if required, shall be obtained by the user agency.**

(ix) **Since the DFO has reported that soil erosion is likely to increase, following felling of trees in undulating topography, the user agency shall take appropriate steps to control erosion in the applied area. An approved Soil moisture conservation plan shall be submitted prior to stage II approval**

(x) **The land use plan in the mining area shall be in consonance with the approved mining plan**

(xi) **25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.**

(xii) **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.**

(xiii) **The User Agency shall transfer the funds for the Net Present Value**

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(NPV) of the forest land being diverted under this proposal from the User Agency 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 **through online portal** of CAMPA account of the State Concerned;

(xiv) At the time of payment of the Net Present Value (NPV) at the present 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;

(xv) User Agency should ensure that the Compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.

(xvi) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;

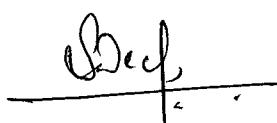
(xvii) Following activities shall be undertaken by the user agency at the project cost and **appropriate cost of the plan/scheme shall be deposited in CAMPA Account:**

- a) A plan containing appropriate mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented;
- b) Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion;
- c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour;
- d) Stabilize the overburden dumps by appropriate grading/benching so as to ensure that that angles of repose at any given place is less than 28°; and
- e) Strict adherence to the prescribed top soil management.

(xviii) The user agency shall prepare a land surrender schedule for surrender of the mined out and biologically reclaimed forest land in accordance with the existing mine plan and progressive mine closure plan and submit an undertaking that mined out and biologically reclaimed forest land will be surrendered to the State Forest Department as per this schedule.

(xix) User agency in consultation with the State Forest Department shall create and maintain alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;

(xx) 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 at the project cost within three years and maintained thereafter as per approved working plan of the State Govt.;



- (xxi) User agency either himself or through the State Forest Department shall undertake afforestation on degraded forest land, at project cost, one and half time in extent to the area used for safety zone;
- (xxii) **Period of diversion of the said forest land under this approval shall be for a period of 11 years from the date of issue of Stage-II Clearance;**
- (xxiii) 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 0.4), if any, located in the area within 100 meters from outer perimeter of the mining lease;
- (xxiv) 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;
- (xxv) The 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;
- (xxvi) User agency shall undertake mining in a phased manner only after stage-II clearance and take due care for reclamation of the mined over area. The concurrent reclamation plan shall be executed by the User Agency as per the approved mining plan/scheme and an annual report on implementation thereof shall be submitted to the concern Nodal Officer, Forest (Conservation) Act, 1980, and the Addl. Principal Chief Conservator of Forests (Central), Ministry of Environment & Forests, concern Regional Office. 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. Principal Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed;
- (xxvii) No labour camp shall be established on the forest land;
- (xxviii) User agency shall provide firewood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas;
- (xxix) Forest land shall not be used for any purpose other than that specified in the proposal;
- (xxx) State Government shall complete settlement of rights, in term of the Scheduled Tribes and 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 it's letter No. 11-9/1998-FC (pt.) dated 3rd August 2009 read with 05.07.2013, in support thereof;

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(xxxi) The user agency shall submit the annual self compliance report in respect of the above conditions to the State Government, concerned Regional Office and this Ministry by the end of March every year regularly;

(xxxii) Any other condition that the concern Regional Office of this Ministry, may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and

(xxxiii) The State Government and user agency shall comply 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 ;

After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above from the State Government of Odisha, final/ stage-II approval for diversion of the said forest under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of to the said forest land to the user agency shall not be affected by the State Government of Odisha till final/stage-II approval for its diversion is issued by this Ministry.

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 (FCA), Government of Odisha, Bhubaneswar.
3. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (Eastern Zone), Bhubaneswar.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.


(Sandeep Sharma)

Assistant Inspector General of Forests (FC)