

**F. No. 8-113/2000- FC (Vol.II)**  
Government of India  
Ministry of Environment, Forests and Climate Change  
(Forest Conservation Division)  
\*\*\*\*

Indira Paryavaran Bhawan,  
Aliganj, Jorbagh Road,  
New Delhi - 110510

**Date: 25<sup>th</sup> February, 2016**

To,

The Principal Secretary (Forests),  
State Governments of Odisha,  
Bhubaneswar.

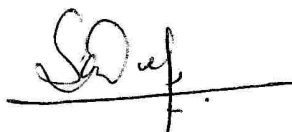
**Sub: Diversion of balance forest land of 517.888 ha including 9.392 ha for safety zone in addition to 133.112 ha of forest land already diverted in favour of M/s Odisha Mining Corporation Limited (OMC) within the total mining lease area of 651.00 ha for Iron and Manganese Ore mining in Kurmitar Iron and Manganese Mines in Bonai Forest Division in Sundergarh District in the State of Odisha.**

Sir,

I am directed to refer to the State Government of Odisha's letter no. 10F (Cons) 179/2014/1689 Forest & Environment, Bhubaneswar dated 28.01.2015 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 proposal was considered by the Forest Advisory Committee constituted by the Central Government under section-3 of the aforesaid Act in its meeting held on 03.06.2015 and the Committee, after detailed examination recommended the proposal for diversion of forest land.

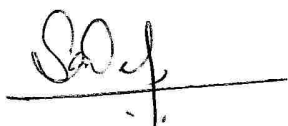
2. After careful consideration of the proposal of the State Government of Odisha and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to accord **stage-I approval** under the Forest (Conservation) Act, 1980 for the balance forest land of 517.888 ha including 9.392 ha for safety zone in addition to 133.112 ha of forest land already diverted in favour of M/s Odisha Mining Corporation Limited (OMC) within the total mining lease area of 651.00 ha for Iron and Manganese Ore mining in Kurmitar Iron and Manganese Mines in Bonai Forest Division in Sundergarh District in the State of Odisha, subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the non-forest land equal in extent to the forest land being diverted shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) 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;
- (iv) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
- (v) The non-forest land transferred so mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest



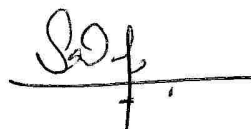
Act, 1927 latest within a period of six months from the date of issue of Stage--II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, as the case may be, within the stipulated period to the Central Government for information and record;

- (vi) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate as directed and advised by State Forest Department in the Ad-hoc Campa account of the State concern through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (vii) 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.
- (viii) 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;
- (ix) 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 into Ad-hoc CAMPA account of the State Concerned.
- (x) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xi) No labour camp shall be established on the forest land;
- (xii) 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;
- (xiii) 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, forward and back bearing, distance from pillar to pillar and GPS coordinates;
- (xiv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xvi) 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;
- (xvii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xviii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xix) *The user agency shall deposit the proportionate contribution of Regional Wildlife Management Plan @ revised rate of Rs.43,000/- per ha over the total mining lease area of 651 ha, which comes to Rs. 2,79,93,000/-, as worked out by the state government.*
- (xx) *The state Government in coordination with the user agency shall implement Site Specific Wildlife Conservation Plan as approved by PCCF(WL) & CWLW.*
- (xxi) *In addition to mitigative measures required to be taken by the user agency within the lease area as per standard conditions stipulated in the approval for mining leases the state Government, in consultation, of the user agency for the area surrounding the lease and implement it at the project cost.*
- (xxii) *The State Government shall raise penal Compensatory Afforestation over degraded forest land equal in extent to 11.05 ha of forest land utilized for non-forest purpose (dumping, Mining, and Road beyond the diverted area) without obtaining approval under the FC Act at the project cost.*



- (xxiii) The State Government shall also realize from the user agency penal NPV @ 20% of the rates applicable on the date of grant of the stage-I approval, of 11.05 ha of forest land utilized for non-forest purpose (dumping, Mining, and Road beyond the diverted area) without obtaining approval under the FC Act, for each year or fraction thereof. In case a patch of forest land has been utilized for non-forest purpose without obtaining approval under the FC Act for 3 years, penal NPV to be realized in respect of such forest land will be at the rate of 60 % of the rates applicable on the date of grant of stage-I approval.
- (xxiv) *The State Government shall raise penal Compensatory Afforestation over degraded forest land 20% in extent to 133.112 ha of forest land as penalty for delaying the compliance to the conditions stipulated in stage II approval granted on 10/04/2008 at the project cost. Further, as recommended by the Regional office, compliance of the conditions shall be submitted within one year.*
- (xxv) The user agency will abide by the applicable recommendations of the State Government.
- (xxvi) Following activities shall be undertaken by the User Agency at the project cost:
- (a) Preparation and implementation of a plan containing appropriate mitigative measures to minimize soil erosion and choking of streams.
  - (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 along the contour to arrest sliding down of the excavated material.
  - (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°.
- (xxvii) Strict adherence to the prescribed top soil management.
- (xxviii) 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 and 05.07.2013, in support thereof;
- (xxix) The 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 & Regulating) Act, 1957, or Rules framed there under, subject to a maximum period of 30 years;
- (xxx) 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;
- (xxxi) 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 Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed.
- (xxxii) The User Agency either himself or through the State Forest Department shall undertake fencing, protection and afforestation of the safety zone area (7.5 meter strip all along the outer boundary of the mining lease or mining cluster, as applicable, and such other areas as specified in the approved mining plan) at the project cost.
- (xxxiii) The User Agency either himself or through the State Forest Department shall undertake afforestation on degraded forest land, one and half time in extent to the area used for safety zone.

/



- (xxxiv) In case of underground mines, areas on surface shall be fenced and afforested from the funds to be provided by the User Agency.
- (xxxv) The User Agency shall implement the R&F 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 along with indicators for monitoring and expected observable milestones.
- (xxxvi) The User Agency shall undertake de-silting of the village tanks and other water bodies located within five km. from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required.
- (xxxvii) The User Agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly;
- (xxxviii) 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
- (xxxix) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

3. 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) 25/1/16

Assistant Inspector General of Forests

**Copy to:**

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, the Forest (Conservation) Act, 1980 Forest Department, 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) 25/1/16

Assistant Inspector General of Forests

