



No. 5-ORC322/2017-BHU

29th November, 2018

To

The Addl. Chief Secretary,
Forest & Environment Deptt.,
Govt. of Odisha,
Bhubaneswar.

Sub:-

Diversion of 11.912 ha of forest land located within surrendered mining lease area of Siligora mining lease for use of Infrastructure (Labour hutment, Creche, Anganwadi, Staff quarters, Hospital, Guest House, School, Temple, Market Complex, Stores, Garage, Workshop, Club, Canteen and Generator House) developed by OMC Ltd. prior to 1980 for facilitating mining operation in their Kurmitar and Rantha Iron Ore Mining Leases by Odisha Mining Corporation Ltd. in Sundargarh district, Odisha.

Sir,

I am directed to refer to State Govt. letter No10F(Cons)115/2016-15433/F&E dated 21.07.2018 and No.10F(Cons)96/2018-20112/F&E dated 17.09.2018 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee meeting held on 27.11.2018, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 11.912 ha of forest land located within surrendered mining lease area of Siligora mining lease for use of Infrastructure (Labour hutment, Creche, Anganwadi, Staff quarters, Hospital, Guest House, School, Temple, Market Complex, Stores, Garage, Workshop, Club, Canteen and Generator House) developed by OMC Ltd. prior to 1980 for facilitating mining operation in their Kurmitar and Rantha Iron Ore Mining Leases by Odisha Mining Corporation Ltd. in Sundargarh district, Odisha, subject to the fulfillment of the following conditions.

- (i) Legal status of forest land proposed for diversion shall remain unchanged.
- (ii) The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be diverted under this proposal from the user agency as per the Orders of 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 in this regard. While conveying the compliance of this condition, mention be made of the Eco-class and density of forest for which NPV has been charged.
- (iii) 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.
- (iv) Compensatory afforestation shall be raised over 11.912 ha of non-forest land identified in Plot No.712, Khata No.115-AAA, Kisam Dangar of village Barakaudi under Thuamul-Rampur Tahasil of Kalahandi District against the area of forest land proposed to be diverted at the cost of the user agency.

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- (v) The non forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of Stage-II approval.
- (vi) The non-forest land over which compensatory afforestation will be taken up shall be notified as PF/RF and shall remain under the administrative control of the State Forest Department.
- (vii) State Govt. will implement compensatory afforestation scheme with focused soil & moisture conservation, along with regeneration cleaning, silvicultural activities and shall ensure maintenance of these plantation for a period of seven to ten years as per requirement.
- (viii) The State Govt. shall realize the penalty for violation equal to NPV of forest land per hectare for **each year** of violation from the date of actual diversion as reported by the inspecting officer with maximum up to **five (5) times the NPV** plus 12 percent simple interest till the deposit is made as per Ministry's guideline letter No.11-42/2017-FC dated 29.01.2018.
- (ix) State Govt. will initiate disciplinary action against the officials concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.
- (x) User agency responsible for violation shall be prosecuted under local Act of the State for unauthorized use of forest land without the permission of State authority.
- (xi) 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 State CAF, Odisha through **online** portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- (xii) The user agency shall abide by the applicable recommendations of the State Government.
- (xiii) The boundary of the forest land proposed to be diverted shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, distance from adjoining pillars etc. The cost of expenditure like RCC/ stone pillars, demarcation charges, charges for felling of trees and their transportation to depots shall be deposited with DFOs concerned and the work should be undertaken departmentally as per directions of Ministry's letter No.13-20/2015-CAMPA dated 09.06.2016.
- (xiv) The State Forest Department/UA shall submit the surveyed sketch of non-forest land identified for CA, giving the forward and backward bearing of each demarcation pillar and distance between them. The State Forest Department/User Agency shall submit the DGPS reading of each demarcated pillar giving the latitude and the longitude.
- (xv) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- (xvi) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- (xvii) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.

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- (xviii) The 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 its letter No.11-9/1998-FC (pt.) dated 03.08.2009 read with letter No.11-9/1998-FC (pt.) dated 05.02.2013 and 05.07.2013, in support thereof.
- (xix) Any other conditions that the Ministry of Environment, Forests & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, which shall be complied by the user agency.
- (xx) The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order (s) & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

3. After receipt of the report on compliance to the conditions stipulated above, from the State Government of Odisha, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of forest land to user agency should not be effected by the State Government of Odisha till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change.

Yours faithfully,



(S. Mohapatra)
Conservator of Forests (Central)

Copy to:-

1. The Director, ROHQ, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. The Principal Chief Conservator of Forests, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
3. The Addl. Principal Chief Conservator of Forests & Nodal Officer, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
4. The Managing Director, Odisha Mining Corporation Ltd., OMC House, Bhubaneswar, Odisha
5. Guard file.


Conservator of Forests (Central)