

Sub: Proposal for diversion of balance forest land of 84.707 ha including 4.488 ha. coming within the safety zone within the applied RML area 101.171 ha located entirely within the Baitrani RF II of Keonjhar district (excluding 16.464 ha of forest land inclusive of 0.812 ha. of safety zone broken up prior to 1980 already diverted under FC Act, 1980 earlier during Original Mining lease period) for mining of Iron and manganese ore in Dalpahar Iron & Manganese Ore mines by M/s D. C. Jain during Mining lease Period to be granted / executed under MMDR Amendment Act, 2015.

1. The Government of Odisha, Forest & Environment Department vide their letter no. 10F(Cons.) 179/2015/16479/F & E dated 15.09.2015 submitted the above mentioned proposal to obtain prior approval of Central Government in accordance with section-2 of the Forest (Conservation) Act, 1980.
2. Details indicated in the proposal submitted by the Government of Odisha are as below:
 3. The Government of Odisha in their said letter dated 20th March 2015 submitted following additional information pertaining to the proposal:-
- 4.

FACT SHEET

1.	Name of the Proposal	Proposal for diversion of balance forest land of 84.707 ha including 4.488 ha. coming within the safety zone within the applied RML area 101.171 ha located entirely within the Baitrani RF II of Keonjhar district (excluding 16.464 ha of forest land inclusive of 0.812 ha. of safety zone broken up prior to 1980 already diverted under FC Act, 1980 earlier during Original Mining lease period) for mining of Iron and manganese ore in Dalpahar Iron & Manganese Ore mines by M/s D. C. Jain during Mining lease Period to be granted / executed under MMDR Amendment Act, 2015.
2.	Location:	
	State	Odisha
	District	Keonjhar
3.	Details of the user agency	
	Name of the user agency	M/s D. C. Jain
	Nature of the user agency	Private sector undertaking
4.	Particular of Forests	
	i. Name of Forest Division	Keonjhar Forest Division
	ii. Area of Forest land	Part-II of the proposal indicates the area

	proposed for Diversion	proposed for diversion as 101.171 ha. However, the State Government in their covering letter dated 15.09.2015 has mentioned that although proposal has been filed/processed for diversion of entire 101.171 ha of forest land during 1 st RML period, yet keeping in view of the provisions of guidelines of MoEF&CC, GoI bearing F.No. 11-51/2015-FC dated 1.5.2015, the proposal is now being processed/recommended only for reduced area of forest land of 84.707 ha. (excluding 16.464ha. of forest land for which Stage II (Final) approval had already been accorded by MoEF, Govt. of India during validity of original mining lease period vide their letter F.No. 8-103/2000-FC dt. 14.11.2005, whose validity gets automatically extended till the end of Mining lease period as per Amended provision of MMDR Act subject to decision of State Government and execution of additional lease deed accordingly).
	iii. Legal Status of Forest land	Reserve Forest =101.171 Ha.
	iv. Density of Vegetation	Density Broken up forest land over 16.464 ha =0.2 Virgin Forest land over 84.707 ha = 0.5
5.	Species-wise (Scientific names) and diameter class wise enumeration of trees in unbroken area.	Species wise and diameter Class wise abstract of trees is enclosed at page no. Broken up forest land (16.464 ha) i. 1414 trees below 60 cm girth ii. 1121 trees above 60 cm girth Virgin Forest (84.707 ha) i. 2,621 trees below 60 cm girth ii. 2,012 trees above 60 cm girth
6.	Brief note on vulnerability of the forest area to erosion.	Not reported by the DFO.
7.	Approximate distance of proposed site for diversion from boundary of forest	Not reported by the DFO.
8.	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. (if so,	No, the applied area does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. However, movement of wild elephant is often noticed.

	the details of the area the comments of the Chief Wildlife Warden to be annexed).	
9.	Whether any rare/ endangered/ unique species of flora and fauna found in the area if so, details thereof.	Not reported by the DFO.
10.	Whether any protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.	Not reported by the DFO.
11.	Whether the requirement of forest land as proposed by the User Agency in col.2 of Part-I is unavoidable and bare minimum for the project. If no, recommended area item-wise with details of alternatives examined.	Not reported by the DFO.
12.	Whether any work in violation of the Act has been carried out (Yes/ No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still under progress.	<p><u>Violation.</u> Illegal Production of Fe Ore during the following Period – 1993 - 94 ----- 708 MT 1994 – 95 ----- 453 MT 1995 – 96 ----- 327 MT</p> <p><u>Action taken.</u> For the illegal production of mineral OR case No. 80CH of 2014-15 dated 01.08.2014 has been booked. Prosecution has been sanctioned against the Mines Manager and submitted in the Court of JMFC, Barbil vide PR No. 11 of 2014-15 dated 15.11.2014. The above reported violations pertains to Environment (Protection) Act, 1980.</p>
13.	Site Inspection Report of the DCF (to be enclosed) in respect to status of compliance of conditions stipulated during earlier approval.	<p>Details of Site Inspection Report may kindly see at page no. 38-40/c. A status report on the compliance of conditions stipulated in the earlier approval dated 14.11.2005 accorded by the Central Government for diversion of 16.464 ha has also been submitted and the same is available at page 42-44/c.</p>

14.	Details of Compensatory Afforestation Scheme:	DFO in Part-II did not report anything about the land identified for raising CA. However, the State Government in its covering letter has reported following details about the compensatory afforestation:
	Details of non-forest area/ degraded forest area identified for compensatory Afforestation, its distance from adjoining forest, number of patches, size of each patch.	<p>Compensatory afforestation has been proposed over equivalent non-forest land.</p> <p>Compensatory Afforestation is required to be taken up over 79.407 ha (101.171 ha – 16.464 ha. of diverted forest land – 5.300 ha. of forest land in safety zone) of non- forest land against the forest land proposed for diversion in the instant proposal. During previous diversion of 16.464 ha, non-forest Govt. land over 16.464 ha was identified in village Baitarani –Bhuyan over Khata No. 67/1, Plot No. 365/476 under Telkoi Tahasil for compensatory afforestation. The above schedule of land has also been transferred and mutated in favour of Forest Department which was also communicated to MoEF vide F&E Department letter No. 18564/F&E dt. 27.10.2005.</p> <p>As against the instant proposal for diversion , non-forest Govt. land to the extent of 79.407 ha has been identified in two patches i.e 69.64 ha in village Damdargouni under Telkoi Tahasil of Keonjhar district and 9.800 ha in village Champajhar under Bansapal Tahasil of Keonjhar district for Compensatory Afforestation. The copies of the land allotment letter are enclosed as (Pg 364/c-367). It has been certified by the concerned Tahasildars that identified non-forest land are free from encroachment and encumbrances. The allotted non-forest land has not been previously allotted and these said lands are not part of DLC report of district. The DFO, Keonjhar has furnished land suitability certificate for the identified land for compensatory afforestation in ANR mode.</p>

	<p>Map showing non-forest/ degraded forest area identified for compensatory Afforestation and adjoining forest boundaries.</p>	<p>Submitted at page 633/c. However, Differential GPS map of the area identified for raising Ca has not been submitted by the State Government.</p>
	<p>Detailed compensatory Afforestation scheme including species to be planted, implementing Agency, time schedule, cost structure etc.</p>	<p>Two separate schemes for compensatory afforestation have been prepared by the DFO, Keonjhar for the two patches of non-forest land identified for the purpose, which are detailed below.</p> <p>(i) The Compensatory Afforestation Scheme has been prepared by DFO, Keonjhar over 69.64 ha. for ANR Plantation of 200 plants per ha. with a total financial forecast of Rs.94,20,500/- @ current wage rate of Rs. 200/- per manday with maintenance cost of 10 years. The Scheme has also provision for Special Soil and Moisture Conservation measures, barbed wire fencing over the entire area. The species selected to be planted under the scheme are Jamun(<i>Syzgium cuminii</i>), Kurum(<i>Adina cardofolia</i>), Dhaura(<i>Anogeissus latifolia</i>), Khair(<i>Accacia catechu</i>), Sisoo(<i>Dalbergia sissoo</i>), Neem (<i>Azaadirachta indica</i>), Gambhar(<i>Gmelina arborea</i>), Bahada(<i>Terminalia belerica</i>), Harida (<i>Terminalia Chebula</i>), Karanja (<i>Pongamia pinnata</i>), Amla(<i>Emblia officinalis</i>) etc. The Addl. Pr. CCF(Forest Diversion)& Nodal Officer, FC Act has accorded technical approval to the CA scheme. A copy of duly approved CA scheme is appended to the DP at page 333-350/DP. The user agency has furnished an undertaking to pay cost of compensatory afforestation and differential cost on this count if any (Page-372-390/c).</p> <p>(ii) The Compensatory Afforestation Scheme has been prepared by DFO, Keonjhar over 9.80 ha for ANR Plantation of 200 plants per ha with a total financial forecast of Rs.23,33,200/- @ current wage rate of Rs.</p>

		<p>200/- per manday with maintenance cost of 10 years. The Scheme has also provision for Special Soil and Moisture Conservation measures, barbed wire fencing over the entire area. The species selected to be planted under the scheme are Jamun(<i>Syzgium cuminii</i>), Kurum(<i>Adina cardofolia</i>), Dhaura(<i>Anogeissus latifolia</i>), Khair (<i>Accacia catechu</i>), Sisoo(<i>Dalbergia sissoo</i>), Neem (<i>Azaadirachta indica</i>), Gambhar (<i>Gmelina arborea</i>), Bahada (<i>Terminalia belerica</i>), Harida (<i>Terminalia Chebula</i>), Karanja(<i>Pongamia pinnata</i>), Amla(<i>Emblica officinalis</i>) etc. The Addl. Pr. CCF(Forest Diversion)& Nodal Officer, FC Act has accorded technical approval to the CA scheme. A copy of duly approved CA scheme is appended to the DP at page 351-367/DP. The user agency has furnished an undertaking to pay cost of compensatory afforestation and differential cost on this count if any (Page-391-408/c).</p>
	Total financial outlay for compensatory Afforestation scheme.	Rs. 1,17,53,700/-
	Certificate from competent authority regarding suitability of area identified for compensatory Afforestation and from management point of view. To be signed by the concerned Deputy Conservatory of Forests.	Not reported by the DFO.
15.	Cost benefit analysis	The total benefit of this proposal is assessed at Rs.85.50 Crore. The loss on forests including environmental loss, N.P.V cost and other mandatory payments comes to Rs.3.0246839 crore. Hence, the cost benefit ratio comes to 1: 28.27. Details in this regard are enclosed at page

		318-320/c.
16.	Total cost of the project	Rs. 37.709 Crores
17.	Catchment Area treatment Plan	NA
18.	Resettlement and Rehabilitation	Nil
	a) No of families involved b) Category of families c) Details of rehabilitation plan	
19.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	<p>It is reported that mining lease is located within the jurisdiction of Joda Municipality. The certificate to this effect furnished by the Executive Officer, Joda Municipality is annexed herewith as Annexure-XXI, Page-325/DP. Collector, Keonjhar is required to furnish relevant certificate to this effect.</p> <p>Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rihgts) Act, 2006, 2006 has not been submitted in accordance with the MoEF&Cc's Guidelines.</p>
20.	Details of mining lease	
	Date of grant of mining lease	05.06.1984
	Total area of the mining lease (granted originally)	101.570 ha
	Date of execution of mining lease	<p>9.06.1986 to 8.06.2006 for 20 years.</p> <p>The granted mining lease area was reduced to 101.171 ha in five blocks following survey and demarcation which was communicated in letter No.III(A)MG. 19/86/MG dated.10.04.1986 of Govt. of Odisha, Mining & Geology Department (Annexure – V(B), Page-29/DP). Thereafter, the mining leases were executed on 09.06.1986.</p> <p>It is also reported that Govt. of Odisha, Department of Steel & Mines vide Proceeding at</p>

		<p>page 227/DP had also ordered that manganese ore be included in the existing mining lease of iron ore already executed in favour of lessee for a period co-terminus by execution of a supplementary lease deed. (Page- 227/DP) . Accordingly, supplementary lease deeds for iron and manganese were also executed for all the five blocks separately on 25.05.2000 totalling over 101.171 ha (Annexure–VIII, Page- 228-257/DP) without obtaining prior approval of MoEF, Government of India.</p>																							
Date of earlier approval obtained under the Forest (Conservation) Act, 1980	<p>Proposal for 97.084 ha. of forest land in this lease was filed/processed to MOEF for consideration excluding 4.087ha. of forest land earmarked to be maintained as safety Zone as per practice prevailing then vide F&E Department letter No. 14739 dt. 14.9.2000. However, MOEF, GoI had considered the project for diversion of 16.464ha. of pre-1980 broken up forest land of the mining lease only vide their letter No.8-103/2000-FC dt. 14.11.2005(page 17-18/DP). The status of compliance of the conditions imposed in such final forest clearance order for this diversion is furnished at page 19-21/DP.</p> <p>Five separate RML applications have been filed by the user agency in respect of the five blocks on 01.06.2005 which is one year prior to expiry of mining lease period on 8.6.2005 (Page-274-282/DP). Thus the leases are under deemed extension provision of Rule 24A(6) of MC Rules, 1960.</p>																								
Purpose wise breakup of the forest area proposed for diversion	<table border="1"> <thead> <tr> <th>SI. No.</th> <th>Pattern of Utilization</th> <th>RF</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Ia.</td> <td>Mining including mines road</td> <td>82.684</td> <td>82.684</td> </tr> <tr> <td>b.</td> <td>Waste Dump yard with environmental protective measures</td> <td>5.540</td> <td>5.540</td> </tr> <tr> <td>c.</td> <td>Sub-grade ore stacking with environmental protective measures</td> <td>2.348</td> <td>2.348</td> </tr> <tr> <td>d.</td> <td>Transporting Road</td> <td>1.539</td> <td>1.539</td> </tr> <tr> <td>e.</td> <td>Camp, Office</td> <td>0.369</td> <td>0.369</td> </tr> </tbody> </table>	SI. No.	Pattern of Utilization	RF	Total	Ia.	Mining including mines road	82.684	82.684	b.	Waste Dump yard with environmental protective measures	5.540	5.540	c.	Sub-grade ore stacking with environmental protective measures	2.348	2.348	d.	Transporting Road	1.539	1.539	e.	Camp, Office	0.369	0.369
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		Administrative building Security camp etc.		
		f. Magazine and plantation area	0.000	0.000
		g. Work shop, crushing and screening, Beneficiation plant etc.	3.391	3.391
		Sub Total (I)	95.871	95.871
		II Safety Zone area 7.5 Mtr wide along mining lease boundary	5.300	5.300
		Grand Total = (I +II)	101.171	101.171
21.	Divisional / District profile.			
22.	Geographical area of the district / division	830300.000 Ha.		
23.	Forest area of the District	336615.6293 Ha.		
24.	Total forest area diverted in the Division/ District since 1980 with number of cases.	10139.7475 Ha. (71 Nos.)		
25.	Total compensatory Afforestation stipulated in the District / Division since 1980 on			
26.	(a) Forest land including penal compensatory Afforestation (b) Non-forest land	C. A. 1669.6180 ha P. C. A. <u>4187.0658 ha</u> C. A. 7230.8663 ha.		
27.	Progress of compensatory Afforestation as on date (a) Forest land (b) Non-forest land	C. A. 1152.58 ha. P. C. A. <u>2996.34 ha.</u> C. A. 5983.9016 ha.		
28.	Recommendation			
29.	Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.	The applied diversion proposal 101.171 ha within Baitarani Reserve Forest is under 1 st RML with effect from 09.06.2006 for a period of 20 years with validity up to 08.06.2026. The proposed area is unavoidable and the barest minimum for the purpose of mining. There is no sign of		

	prevalence of endangered, treated and vulnerable wild fauna in the said area except movement of wild elephant. It is suggested to include sufficient safeguard measures for wild elephant vis-à-vis ecological stability. The proposed diversion of forest land will not attract displacement of people. The said proposal is therefore submitted for necessary approval u/s – (ii) of FC Act, 1980.
CCF	Recommended. (at page no. 35/c)
PCCF	Recommended. (at page no. 36/c)
State Govt.	Recommended. (at page no. 37/c)

3. The Government of Odisha in their said letter dated 20th March 2015 submitted following additional information pertaining to the proposal:-

Mining Lease

- i. It is worth mentioning that the total lease area of 101.171ha has been declared **lapsed** by the State Government in Steel & Mines Department as per relevant provisions of MMDR Act and Mineral Concession Rules, 1960 which are comprised of **1.902 ha** of Block-C, **0.607 ha** of Block-B1, **1.012 ha** of Block-B3 & **7.689 ha** of Block-B2 and **89.9612 ha** of Block-A. The copy of the lapsing orders are enclosed as **Annexure- XXXII, Page-387-408/DP**). The lessee appealed before the Revisional Authority against the order of LAPSING of State Government. As informed by the Dy. Director of Mines, Joda vide his letter at page 379/DP, the Revisionary Authority, Ministry of Mines, Govt. of India vide his interim order dt. 27.9.2013, has directed the State Govt. not to take any coercive measures against the revisionist/lessee. The Deputy Director Mines, Joda Circle has also clarified that the RMLs, as applied for stand valid till final disposal of the Revision Application by the Revision Authority. In the meantime, the order of Govt. of India, Ministry of Mines dated. 16.12.2014 (**Page- 413/DP**) addressed to the Secretary, Steel & Mines Deptt. Govt. of Odisha with copy to Divisional Forest Officer, Keonjhar vide letter dated. 06.01.2015 were also received and copies thereof placed at (**Page- 412-415/DP**) which also states that the Revisionists is at liberty to pursue its proposal of forest diversion before the concerned Authority of the State Govt. and MoEF. The Steel & Mines Dept, Govt. of Odisha vide letter No. 1197 dated. 31.01.2015 had also communicated the above order of Revisional Authority (**Page-411/DP**) to F&E department for information and necessary action.
- ii. Further, the lessee challenged the Lapsing orders of State Govt. in Steel & Mines Department by filing a Writ Petition No. 993/2015 before the Hon'ble High Court, Orissa. Hon'ble High Court vide their order dt. 21.1.2015 in M.C No. 1081/2015 arising out of above Writ Petition have directed as interim measure that no final order shall be passed by the State on the RML application of the petitioner seeking renewal and further directed that auction policy decision dt. 5.1.2015 published in extra ordinary Gazette dt. 12.1.2015 shall be kept in abeyance till next date. Further, the Hon'ble High Court vide their interim order dt. 11.5.2015 in M.C No.8894 of 2015 arising out writ petition

mentioned above, have directed that no coercive action shall be taken in the matter till next date. (Annexure XXXI) (**Page-381-386/DP**).

- iii. In view of the above order of Revisional Authority as well as of the Hon'ble High Court, Orissa, the instant proposal for diversion has been processed for necessary approval under section 2 of F.C Act, 1980. Forest land over 16.464 ha has been diverted by MoEF vide their final forest clearance order dt. 14.11.2005 under Section 2 of FC Act earlier during original lease period, whose validity would get extended after the State Government takes a decision on this lease as per amended provision of MMDR Act subject to final decision of Revisional Authority and Hon'ble High Court, Orissa. The forest land over 84.707 ha is covered under general approval under section 2(iii) of FC Act, 1980 for execution of additional lease as per amended provision of MMDR Act in pursuance to MoEF&CC guidelines F.No. 11-599/2014-FC dated 01.04.2015 and subject to compliance of conditions prescribed therein. However the balance forest land of 84.707 ha is required to be diverted under section 2(ii) of FC Act, 1980 for which the present proposal has been processed.
- iv. As indicated by the lessee, the scheme of mining and progressive mines closure plan for the period of 2011-12 to 2015-16 for production 0.31 MTPA Iron & 0.094 MTPA Manganese ore has been approved by Regional Controller of Mines, IBM, Bhubaneswar Region vide letter No. MS/OTF-MECH/84-ORI/BHU/2010-11 dt. 24.5.2011. The mineable reserve of iron ore 1449375 metric tonne and 2005625 metric tonne of manganese ore. Considering the quantum of production of minerals, as mentioned above, the life span of the mines is computed at about 22 years which may increase with further exploration. The project will generate employment for more than 250 people directly and 500 no. of people indirectly (**Page-7/DP**).
- v. This applied area does not form part of any National Park/ Wildlife Sanctuary/Biosphere Reserve (**Page- 15/DP**) As reported by RCCF, Rourkela at page 16d/DP, no rare and endanger species are reported from the area. He has also reported that the area is not important from archaeological point of view. The total cost of this project is about Rs.37.709 Crores (**Page-6/DP**). The project does not involve displacement of human habitation.

Forest Land

The applied 1st RML area of 101.171 ha is entirely forest land located in Baitarani Reserved Forest of Keonjhar Forest Division. Out of the total forest land 101.171ha, 16.464 ha forest land including safety zone of 0.887 ha is reported to be broken prior to 1980 (**Plate-III**) and was earlier approved by Government of India, Ministry of Environment & Forests for diversion vide Letter No.8-103/2000-FC dated.14.11.2005 under Section 2 of Forest (Conservation) Act,1980 (**Annexure –I**). The existing land use pattern for which final approval of MoEF was accorded during validity of original lease period, is indicated below in Table-1.

(Existing land use pattern) (in ha)

SL No.	Pattern of Utilization	Broken prior to 1980	safety zone broken prior to 1980	Total	Remarks
1	Mining including	8.407	0.291	8.698	

	mines road				
2	Waste dump yard with environmental protective measures	5.337	0.283	5.62	
3	Transporting Road	1.464	0.075	1.539	An area over 0.075 ha of broken up safety zone will be utilized for road being the entry& exit point to the lease.
4	Camp, Office, Administrative building, Security camp, etc.	0.369	0.238	0.607	
	Grand Total	15.577	0.887	16.464	

Proposed Land use pattern (in ha)

S. No.	Pattern of Utilization		Broken	Virgin	Total
1	Mining including mines road (1A-1B+2B) - (Proposed)		10.889	71.795	82.684
1(A)	Mining	Mining (as per broken up plan)	8.698	0.000	
1(B)		Safety zone (proposed out of broken up mining pit)	0.291	0.000	
2	Waste dump yard with environmental protective measures (2A-2B-2C) - (Proposed)		2.855	2.685	5.540
2(A)	Dumping	Dumping of waste (as per broken up plan)	5.620	0.000	
2(B)		Mining (proposed out of broken up dump)	2.482	0.000	
2(C)		Safety zone (proposed out of broken up dump)	0.283	0.000	
3	Sub Grade ore Stacking with environmental protective Measure		0.000	2.348	2.348
4	Transporting Road (4A+4B) – (Proposed)		1.539	0.000	1.539
4(A)	Road	Transporting Road (as per broken up plan)	1.464	0.000	
4(B)		safety zone (used previously as road as per broken up plan.)	0.075	0.000	
5	Camp, Office, Administrative building, Security camp, etc. (5A-5B) – (Proposed)		0.369	0.000	0.369
5(A)	Camp	Camp, Office, Administrative building, Security camp, etc. (as per broken up plan)	0.607	0.000	

5(B)		Safety Zone (proposed out of broken up camp area)	0.238	0.000	
6	Magazine and Plantation area		0.000	0.000	0.000
7	Work shop, Crushing & Screening , Beneficiation Plant etc.		0.000	3.391	3.391
Sub Total (1+2+3+4+5+6+7)			15.652	80.219	95.871
8	Safety Zone area 7.5 mtrs from ML Boundary line (8A-8B)		0.000	5.300	5.300
8(A)	Safety Zone	Safety Zone area 7.5 mtrs from ML Boundary line	0.000	5.375	
8(B)		Area diverted and used as road previously and proposed for use	0.000	0.075	
Grand Total (Sub Total+8)			15.652	85.519	101.171

Abstract of Proposed Land use (in ha)

SL No.	Pattern of Utilization	Broken	Virgin	Total
1	Mining including mines road	10.889	71.795	82.684
2	Waste dump yard with environmental protective measures	2.855	2.685	5.540
3	Sub Grade ore Stacking with environmental protective Measure	0.000	2.348	2.348
4	Transporting Road	1.539	0.000	1.539
5	Camp, Office, Administrative building, Security camp, etc.	0.369	0.000	0.369
6	Magazine and Plantation area	0.000	0.000	0.000
7	Work shop, Crushing & Screening , Beneficiation Plant etc.	0.000	3.391	3.391
Sub Total		15.652	80.219	95.871
8	Safety Zone	0.812	4.488	5.300
Grand Total (Sub Total+8)		16.464	84.707	101.171

4- Flora & Fauna

The Mining lease area is entirely within Baitarani Reserved Forests which comes under 3C/C_{2c}(iii) moist peninsular valley Sal forest type with moderate to dense forest type. As reported by RCCF, Rourkela, the floral species noticed in the applied area are Sal (*Shorea robusta*) and its associates like Piasal(*Pterocarpus marsupium*), Gambhar(*Gmelina arborea*), Jamun(*Syzygium cumini*), Kendu(*Diospyros melanoxylon*), Asan(*Terminalia tomentosa*), Dhaura(*Annogeissus latifolia*), Kurum(*Adina cordifolia*), Bandhan(*Ougeinia oojeinensis*), Kasi(*Bridelia retusa*), Sisoo(*Dalbergia latifolia*) etc. Sal is the pre-dominant species. No rare or

endangered flora or fauna is noticed in this area as per site inspection report of DFO, Keonjhar Division at **Page 376-377/DP** and RCCF, Rourkela at page 16b-d/DP. The area is coming under Elephant Habitat Zone- 2 as per ORSAC report. Movement of wild elephant is often noticed in the area.

5. Wildlife Management

As reported by RCCF, Rourkela, the area does not form part of any National Park, Wild Life Sanctuary, Biosphere Reserve. It also does not come under any wild life corridor. But the area is coming under Elephant habitat zone-2 as per report of ORSAC. Movement of wild elephants often noticed in the area nearby (**Page-16(c)/DP**). In order to conserve and protect the wildlife and their habitat, a comprehensive Site Specific Wildlife Conservation Plan prepared by the user agency pertaining to this project, has been approved by PCCF(WL)&CWLW, Odisha with an estimated cost Rs. 2,50,25,400/- (**Page-409/DP**). The approved project includes Rs. 64.734 lakhs for execution of activities to be implemented by the user agency within the leasehold area and Rs. 185.520 lakhs for execution of approved components of works by the Divisional Forest Officer, Keonjhar in the project impact area. The lessee is required to deposit Rs. 185.520 lakhs in Adhoc-CAMPA Account along with undertaking for executing the approved components of Plan in the leasehold area. The user agency has furnished an undertaking to bear the cost of Site specific wildlife Conservation Plan (**Page-298/DP**).

Besides the above site specific wildlife conservation Plan, the lessee is also required to deposit the proportionate contribution towards implementation of the comprehensive Regional Wildlife Management Plan covering the entire forest area of Bonai & Keonjhar region as per revised rate of Rs. 43,000/- per ha. on ML area basis. As reported, an amount of Rs. 20,23,420/- has earlier been deposited on dated 23.09.2011 for this purpose by the lessee at the pre-revised rate of Rs. 20,000/- per ha. The user agency has furnished an undertaking to bear the cost of Regional Wildlife Management Plan(**Page-298/DP**).

Tree Enumeration

As the area proposed for diversion exceeds 10 ha, in accordance with provision in Para 2.2 (ii) of the guidelines under Forest (Conservation) Act,1980, sample enumeration has been carried out over 20 representative sample plots of 1.0 ha each located in the virgin forest area of 79.407 ha excluding the total safety zone area over 5.300 ha. In all 2134 nos of sound and 2499 nos of unsound trees above 30 Cm girth and 8441 nos of poles below 30 cm girth have been enumerated in the sample plots over the virgin area.. Thus, by extrapolating the figure over the entire virgin forest land of 79.407ha, the total number of trees above 30Cm girth comes to **18,395** nos ($2134 + 2499 = 4633/20 \times 79.407$) and poles below 30 cm girth over the said virgin forest land comes approximately to **33,514** nos ($8441/20 \times 79.407$).

Further, total enumeration has been carried out over the broken up forest area of 16.464 ha in which 1257 nos of sound and 1278 Nos. of unsound trees above 30 Cm girth and 3114 nos of poles below 30 cm girth have been enumerated.

Thus, in all, **20,930** nos of trees ($18395 + 1257+1278$) above 30 cm girth and **36,628** nos of poles ($33514 + 3114$) below 30 Cm girth may be required to be felled during mining operation over the entire forest land of the mining lease area. The density of the vegetation is reported to be 0.5 in virgin forest land and 0.2 in broken up forest land as per Site Inspection Report of the DFO, Keonjhar(page 376-377/DP) and Part-II of the application (**Page-14-16/DP**).The abstract of tree enumeration has been furnished at **Page-329-332/DP**.

9. Safety Zone

As per MoEF guidelines, width of 7.5 meters all along the mining lease boundary within the Mining lease area shall be maintained as safety zone for this mine which comes to 5.375 ha. As reported by RCCF, Rourkela Circle an extent of 0.887 ha of safety zone area is broken prior to 25.10.1980 which is also part of already diverted area of 16.464 ha. In the instant diversion proposal, out of the above mentioned broken area of 0.887ha, an extent of 0.075 ha has been proposed to be utilised for road and remaining 5.300 ha(4.488ha to be diverted under this proposal + 0.812ha. already diverted along with 16.464ha. earlier) has been earmarked to be maintained as safety zone. The details of safety zone area is as under.

Safety Zone Area					
7.5 mtrs from ML Boundary Line					***Out of 5.375 ha forest land located in the safety zone,0.075 ha comes under diverted land used for Road. Therefore, the final safety zone area has been kept over 5.300 ha.
i)	Block A - 4184.294 x 7.5/10000 = 3.138 ha.				
ii)	Block B1 - 316.992 x 7.5/10000 = 0.238 ha.				
iii)	Block B2 - 1422.197 x 7.5/10000 = 1.067 ha.	5.375	(-0.075)***	5.300	
iv)	Block B3 - 453.238 x 7.5/10000 = 0.339 ha.,				
v)	Block B3 - 789.432 x 7.5/10000 = 0.593 ha.				

N:B: The management of safety zone will be as per the guidelines of MoEF vide No.11-125/2014-FC dated 04.07.2014. The safety zone has been demarcated by erecting adequate number of 4 feet high RCC boundary pillars. **In addition, an equivalent forest land over 0.075 ha is suggested to be kept undisturbed and maintained as green belt in the ML area in lieu of the forest land over 0.075 ha. being part of safety zone proposed to be used for road at the project cost.**

The safety zone area will be maintained as a green belt. The user agency has furnished an undertaking to bear the cost of maintenance of safety zone and cost of Afforestation over 1.5 times the safety zone area in degraded forest land elsewhere (**Page-297/DP**).

Environmental Clearance

The user agency has applied for obtaining Environmental Clearance from MoEF, Government of India and obtained ToR vide No. J-11015/844/2007-IA.II(M)dt.23.09.2008 for production of 0.31 MTPA for Iron & 0.094 MTPA for Manganese Ore (**Annexure- XIV, Page-285-289/DP**). Public hearing for the project was conducted on 28.06.2011 and the proposal has been presented before the Expert Appraisal Committee of MoEF. The EAC in its meeting held on June 20-22, 2012 has considered this project and recommended for grant of Environmental Clearance subject to fulfilment of certain conditions. Copy of the Minutes of Meeting of EAC is enclosed as **Annexure -XV, Page-290-291/DP**. Environmental clearance for the project is yet to be

accorded by MoEF, GoI. Further, the State Pollution Control Board has also been moved by the lessee for grant of Consent to Establish for enhancement of production of iron ore from 708TPA to 0.31MTPA and manganese ore up to 0.094MTPA. The Consent Committee of SPCB, Odisha has also considered this project. However issue of CTE order has been deferred till environmental clearance is issued by MoEF, GoI. Hence, mining operation will also be subject availability of valid environmental clearance of MoEF and Consent to Establish/Operate of SPCB, Odisha.

Phased Reclamation Plan.

As reported, the earlier mined out area has not yet been reclaimed. Reclamation will be carried out, after exhaustion of the mined out area as per mining plan. The phased Reclamation Plan for this project is attached at page 315-324/DP. The user agency has furnished an undertaking to implement the phased reclamation plan **at Page-297/DP.**

Mining Plan

The scheme of mining and progressive mines closure plan for the period of 2011-12 to 2015-16 for production 0.31 MTPA Iron & 0.094 MTPA Manganese ore has been approved by Regional Controller of Mines, IBM, Bhubaneswar Region vide letter No. MS/OTF-MECH/84-ORI/BHU/2010-11 dt. 24.5.2011 which is valid up to 31.03.2016. The mineable reserve of iron ore 1449375metric tonne and 2005625 metric tonne of manganese ore. Considering the quantum of production of minerals, as mentioned above, the life span of the mines is computed at about 22 years which may increase with further exploration (**Annexure- XIII**). Copy of the approved Mining Scheme with PMCP is enclosed in a separate volume to DP.

The Principal Chief Conservator of Forests, Odisha has recommended the proposal.

In view of the above position, the Government of India, MoEF&CC may kindly examine the proposal for diversion of balance forest land of 84.707 ha including 4.488ha. coming within the safety zone within the applied RML area 101.171 ha located entirely within the Baitarani RF II of Keonjhar district(excluding 16.464ha. of forest land inclusive of 0.812ha. of safety zone broken up prior to 1980 already diverted under FC Act, 1980 earlier during Original Mining lease period) for mining of Iron and manganese ore in Dalpahar Iron & Manganese Ore mines by M/s D.C. Jain during Mining lease Period to be granted/executed under MMDR Amendment Act, 2015 and convey their approval in favour of the project to this department under Section 2 of the Forest Conservation Act, 1980 subject to the following conditions:

- i. The User Agency shall pay the evaluated royalty 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.
- ii. Forest area earmarked as safety zone around the ML area shall be demarcated by posting of pillars of appropriate length, protected, fenced, afforested at project cost. In no circumstances, the area earmarked as safety zone, shall be utilized for any other purpose.
- iii. The user agency shall undertake demarcation of the lease area on the ground posting six feet high cement concrete pillars embedded two feet inside the soil and 4 feet above the ground 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.

- iv. The user agency shall pay the proportionate cost of implementation of Regional wildlife Management Plan at revised rate of Rs. 43,000/- deducting the amount already deposited by him. They shall also pay towards cost of implementation of Site Specific Conservation Plan duly approved by the CWLW, Odisha as well as undertaking for implementing the approved components within the leasehold area.
- v. Project proponent needs to have environmental clearance of MoEF&CC and Consent to Establish/Operate from State Pollution Control Board, Odisha for operationalising the project with all other statutory clearances.
- vi. User Agency has to execute Phased Reclamation Plan at their cost..
- vii. Penal measures as would be imposed by MoEF&CC, shall be complied with.
- viii. Boundary description of 84.707ha. of Reserved forest land proposed for diversion duly authenticated by the DFO, Keonjhar shall be furnished.
- ix. The clear and authenticated copy of Proceedings of Steel & Mines Department for allowing the lessee to include Manganese as 2nd Mineral may be furnished.

5. Carrying Capacity Study vis-a vis instant mining lease.

It is also important to mention here that pursuant to the observation of Hon'ble Shah Commission regarding excess production than what was permissible under various statutory approvals accorded in the region, the MoEF&CC, has assigned a carrying capacity Study to the NEERI to suggest the optimum production level in the area. NEERI has submitted its interim Report and taking cognizance of this fact, the FC Division had requested the IA Division to furnish their comments in the other similar case pertaining to the iron ore mining in Keonjhar District (F. No. 8-67/2014-Fc) in the light of interim report submitted by the NEERI. The IA Division furnished their comments which are reproduced as under:

The period, during which the baseline studies were carried out by NEERI, 56 mines were in operation with EC Capacity of 129 MTPA which includes captive and non-captive mines. The subject mine, Uchabali Iron and Manganese Mine is one among the 56 mines which has been operational during the study period with the production capacity of 4.00 MTPA for which the EC was obtained in the year 2009 itself and there is no change.

As per recommendation of NEERI through its Interim Report that the base line environmental Quality does not show any impact and also the supportive capacity component envisage sufficient potential on the environmental Quality. Also NEERI has recommended that all the 56 mines working during their field study (may-June 2014) may continue to work with the necessary statutory permissions.

6. From the above comments of the IA Division, it can be ascertained that as per the recommendations made by the NEERI, the instant mine has not yet been granted environment clearance by the MoEF&CC. However, the mine is working on the over the

already broken up area of 16.464 ha for which MoEF&Cc has already accorded final approval under the FC Act, 1980.

7. In view of the above, it is proposed that proposal may be submitted to the FAC for its consideration in its forthcoming meeting scheduled to be held on 24.11.2015.
