

Sub: Proposal for according permission for use of 5.782 ha. of forest land within total PL area of 153.571 ha. in PL Block No. II(Chromite) Ore located in village Kaliapani and Forest Block No. 27 under Sukinda Tahasil of Jajpur District (Within jurisdiction of Cuttack Forest Division), Odisha for undertaking exploratory drilling of 95 nos. of boreholes (95 boreholes @ 0.02 ha each totalling 1.90 ha and 3.882 ha. for construction of road) by M/s Odisha Mining Corporation Ltd. (OSFMCP – Proposal No: FP/OR/MRL/3/2017).

1. The State Government of Odisha vide their letter no. 10F(Cons)-131/2018-13603/F&E dated 20.06.2018 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. The proposal was considered in FAC meeting on **26.07.2018** and FAC after thorough deliberation and discussion recommended the proposal with standard general and following specific conditions:
 - i. The user agency shall complete the exploration work within 2 years.
 - ii. State government shall calculate compensatory levies and NPV for the prospecting proposal as per MoEF&CC guidelines no 5-3/2007-FC dated 09/05/2018. The amount shall be deposited in Adhoc CAMPA account prior to Stage II approval.
 - iii. Permission granted for prospecting under the provisions of FCA 1980, shall not confer any right of user agency to get permission for extraction of mineral and diversion of Forest land under section 2(ii) of FCA 1980.
 - iv. Existing path and roads only will be used by the user agency for the purpose of prospecting activities. In addition to existing paths and forest road, user agency is allowed to use 3.88 ha. of forest land for construction of temporary path. The temporary path construction shall not involve any tree cutting and same shall be restored to original land use after the work of exploration is accomplished
 - v. User agency shall provide 3.88 ha of Non- Forest land for CA. The same shall be mutated and transferred in favour of forest department prior to stage II approval. State forest department shall certify that the land is suitable for plantation and free from encroachment.CA scheme shall be prepared and submitted accordingly along with the shape files.
 - vi. The amount of CA scheme shall be deposited online in the Adhoc CAMPA account.
 - vii. User agency shall seek permission of DFO, Cuttack Forest Division before entering into the forest area.
 - viii. Each bore-hole shall be dug with prior permission of the DFO, Cuttack Forest Division.
 - ix. Proper plugging of boreholes shall be made after exploration activities are complete.
 - x. No tree felling shall be undertaken for exploration activities. Project activities shall be restricted to clearing of bushes and lopping of tree branches if any for the purpose of site preparation.
 - xi. **Existing path and roads only will be used by the user agency for the purpose of prospecting activities in addition to 3.882 ha. of forest land to be used for this purpose in the ML area.**
 - xii. Drilling of boreholes will be limited to 95 no. with diameter of 4” within forest land.
 - xiii. No labour camp shall be established on the forest land.
 - xiv. No work shall be allowed after sunset.
 - xv. No other construction activities shall be done by the user agency on forest land.
 - xvi. User agency shall report the progress of drilling work to the DFO, Cuttack and also furnish detailed report thereof on completion of the project.
 - xvii. Adequate measures shall be taken by the user agency to ensure that prospecting activities do not harm the wildlife in the area. Any damage done in this context, shall be compensated by the user agency as per assessment by the DFO, Cuttack.
 - xviii. The user agency shall be responsible for any loss to the flora and fauna in the surrounding. Any damage done in this regard shall be compensated by the user agency from the project cost as per assessment of the DFO, Cuttack.

- xix.** Instant permission of Govt. of India for prospecting in forest area, if accorded, would not confer any rights on the user agency to obtain diversion of forest land for mining of chromite from this area in future.
 - xx.** In case, rights over forest land proposed to be used for prospecting purpose, has already been settled in favour of eligible claimants as per provisions of the Forest Rights Act, 2006, the claimants shall either be compensated appropriately or location of boreholes be suitably re-located.
 - xxi.** DFO, Cuttack Forest Division may impose any other condition for protection and conservation of the flora and fauna in the forest area.
 - xxii.** Prospecting activities within the PL area shall be subject to having valid lease.
 - xxiii.** Compliance of stipulations indicated at point (vi),(viii), (ix) of GoI, MoEF&CC guidelines on prospecting dt 9.5.2018 shall be furnished.
- 3.** After it acceptance of the recommendation of FAC by the Hon'ble MEF, Ministry vide its letter dated **14.12.2018** accorded in-principle approval subject to fulfillment of certain conditions.
- 4.** Now, Government of Odisha vide their letter no. 10F(Cons)-131/18-166/F&E dated 03.01.2020 forwarded a copy of letter no. 21956 dated 12.12.2019 of PCCF (FD&NO), FC Act O/o the PCCF, Odisha along with copy of representation of OMC Ltd dated 08.11.2019 mentioned that in condition no. (ii) of Stage-I approval it is stipulated that *"State government shall calculate compensatory levies and NPV for the prospecting proposal as per MoEF&CC guidelines no 5-3/2007-FC dated 09/05/2018. The amount shall be deposited in Adhoc CAMPA account prior to Stage II approval"*. But the meantime the Govt. of India, MoEF&CC has communicated a new guideline vide letter no. F. No.5-2/2017-FC dated 28.03.2019 in which at para 6.8 (v) (c) it is mentioned that *"In case of proposal in forest area with vegetation density between 0.12 to 0.4, NPV @ 2% will be charged for the total lease area proposed for prospecting"*.
- 5.** Further, State Government requested to clarify whether the NPV will be calculated as per new guidelines for the total lease area or to be calculated as per new guideline only for forest areas proposed for prospecting.

In view of the above facts related to the proposal may be placed before FAC in its next meeting scheduled to be held on 23.01.2020 for examination and appropriate recommendation.
