

Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 22nd July, 2020

To,

The Addl. Chief 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 State Government's letter No. 8926/9F (MG)- 11/2017 dated 21.03.2020 forwarding compliance report on the conditions stipulated in Stage-I approval dated 16.11.2018. After examination of the compliance report in the Ministry, following is observed:

- i. It is informed that FAC in its meeting held on 26.04.2018 recommended that "*State Government shall clarify the reason for execution of lease over forest land in 2008 without prior approval of MoEF&CC, Government of India. 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 consideration of the proposal*". The response of State Govt. as received in this regard was placed in FAC in its meeting held on 20.09.2018 and the FAC observed that ***the reply of the State Government is not satisfactory. In its reply State Government had not clarified the circumstances under which lease over 18.660 ha of deemed forest land was executed without approval under the provisions of FCA 1980 in 2008.***

Further, FAC on 20.09.2018 recommended the proposal with specific conditions which includes condition no.(iii) as stated below:

"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".

Now the State Govt in compliance to this condition informed that no violation has been committed by the user agency under FC Act so far and no action is required to be initiated against any official/ User Agency. **Hence, the above compliance towards condition no. (iii) of Stage-I approval in keeping view the recommendation of FAC on 20.09.2018 is not acceptable .State is requested to clarify how the above act on part of user agency and officials is not in contravention of provisions of FCA 1980**

- ii. In compliance to condition No.(v) regarding Regional Wildlife Management Plan and Site Specific Wildlife Conservation Plan, **Rs 55,76,000/-**(Part of 6,94,28,000/-) @82,000/-per ha. over 68.00 ha has been deposited towards proportionate cost for implementation of **Regional Wildlife Management Plan**. With regard to Site -Specific Wildlife Conservation Plan (SSWCL), PCCF(WL) & CWLW, Odisha has approved a plan/scheme for a total financial outlay of **Rs. 3,20,42,400/-** on 04.09.2019 and out of which, the user agency has deposited part amount of **Rs.2,57,45,280/- (Part deposit of Rs. Rs 3,03,22,480/-)** for SSWLCP. Thus, the

remaining part of Rs.62,97,120 (Rs.32042400-25745280) for approved SSWCL has not been deposited in CAMPA account. The same needs to be deposited in CAMPA account.

iii. With regard to condition no.(xi) of stage-I approval for depositing of 25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land, the activities of Rs. **67,60,525/- as given in compliance has been proposed to be implemented.** Keeping in view of activities proposed in SMC activities, the State Govt. has not proposed any plan/scheme for mitigative measures to minimize soil erosion and choking of stream[para(a) of condition no.(xvii) of Stage-I approval] and also for planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease [para(b) of condition no.(xvii) of Stage-I approval], which needs suitable justification.

iv. In response to condition no.(viii) of Stage-I approval, it is observed that the revised environmental clearance for production of 1 MTPA has not yet been obtained. The present status and reasons of pendency may be provided.

In view of above, the State Government is requested to furnish information/documents/clarification on the points as indicated above for further consideration of the proposal in Ministry.

Yours faithfully

Sd/-

(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), O/o the PCCF, Government of Government of Odisha, Bhubaneswar.
3. The Dy. Director General (Central), Regional Office, Bhubaneswar
4. User Agency
5. Monitoring Cell of FC Division, MoEF&CC
6. Guard File