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सं: 5-ORA342/2018-BHU

दिनांक: 10.12.2024

सेवा में,

अपर वन महानिदेशक (वन संरक्षण)

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय,  
 भारत सरकार,  
 ईंदिरा पर्यावरण भवन, जोर बाग रोड,  
 अली गंज, नई दिल्ली - 110 003.

बिषय: M/s Indian Rare Earth Ltd. के पक्ष में 157.702 हे. वन भूमि अपयोजन के स्वीकृति के साथ दिये गये शर्तों का अनुपालन की अनुश्रवण के संबंद में।

संदर्भ: मंत्रालय अनुमोदन पत्र सं.8-15/2018-FC दिनांक 15.12.2022।

महाशय,

उपर्युक्त बिषय के संबंद में सूचित करना है कि अधोहस्ताक्षरी द्वारा दिनांक 02.12.2024 को M/s Indian Rare Earth Ltd. के पक्ष में 157.702 हे. वन भूमि अपयोजन स्वीकृति के साथ दिये गये शर्तों का अनुपालन कि स्थिति स्थल श्रमण कर अनुश्रवण किया गया।

अनुश्रवण प्रतिबेदन इस पत्र के साथ सूचनार्थ संलग्नित किया जा रहा है।

विस्वास भाजन,

संलग्न: उपरोक्तानुसार

*22/12/2024*  
 10(FC)-01T

र.टी.मिश्रा  
 (ए. टी. मिश्रा)  
 वन उपमहानिदेशक (के)

*ACF (R010)*  
 23/12/2024

*24/12/2024*

*Min*  
 24/12/2024

*To (RF) - PC - DM*

*Qd. upload on Raam*

*R. Kumar*  
 6.2.25 Month. cell



**MONITORING REPORT IN RESPECT OF STIPULATED CONDITIONS FOR DIVERSION OF 157.702 HA OF DLC FOREST LAND INCLUDING 5.660 HA OF DLC FOREST LAND IN SAFETY ZONE IN FAVOUIOR OF M/S INDIAN RARE EARTHS LTD. ORISSA SAND COMPLEX FOR MINING AND SEPARATION OF HEAVY MINERALS LIKE ILMENITE, RUTILE, ZIRCON, SILLIMANITE, GARNET AND MONAZITE FROM BEACH SAND WITHIN TOTAL ML AREA OF 2464.054 HA LOCATED IN MOUZA HUMURI BANA, AGASTI NUAGAON AND ARJIPALLI UNDER CHHATRAPUR TAHSIL OF GANJAM DISTRICT UNDER SECTION 2 (II) OF FC ACT, 1980.**

The status of compliance of stipulated conditions was monitored by the undersigned on 02.12.2024 along with the DFO, Berhampur Forest Division and his staff.

**PART-I**  
**(GENERAL PARTICULARS)**

1. Name/purpose of the proposal : Proposal for non-forestry use of 157.702 Ha of DLC forest land including 5.660 Ha of DLC forest land in Safety Zone in favour of M/s Indian Rare Earths Ltd., Orissa Sand Complex for mining and separation of heavy minerals like Ilmenite, Rutile, Zircon, Sillimanite, Garnet and Monazite from beach sand within total ML area of 2464.054 Ha located in Mouzaz Humuri Bana, Agasti Nuagaon and Arjipalli under Chhatrapur Tahasil of Ganjam District, Odisha.
2. No. and date of Govt. of India's letter according permission : 8-15/2018-FC dated 15.12.2022.
3. Area permitted to be diverted (In ha) : 157.702 Ha
4. District and Forest Division : Berhampur Forest Division, Ganjam
5. Area actually diverted(in ha) : 157.702 Ha

**PART-II**  
**(DETAILS OF COMPENSATORY AFFORESTATION)**

CA Scheme over 320 Ha of degraded forest land identified in Dumangiri DPF of Berhampur Division has been approved with financial outlay of Rs.4,45,85,400/- . The user agency has deposited cost CA in Orissa CAMPA account. Further, the Additional CA Scheme over 120 Ha degraded identified in Ranibar DPF of Berhampur Forest Division has been approved with a financial outlay of Rs.2,89,24,300/- . The user agency has deposited the cost of Additional CA Scheme in Orissa CAMPA account. The user agency has agreed to give necessary support to State Govt. so that the eco-system of the proposed CA land will be maintained without any alteration, prioritizing soil and moisture conservation with possible creation of water bodies and planting thorny shrubs and indigenous fruit bearing species only. The DFO during inspection said that preparatory work for the CA plantation has been initiated.

**PART III**  
**(PLANTING OF DWARF TREES IN CASE OF TRANSMISSION LINE)**

Not applicable.

**PART-IV**  
**(RECLAMATION OF THE AREA WORKED UNDER MINING/QUARRYING)**

The user agency has submitted an undertaking that all mining operations and the concurrent reclamation will be done as per the approved mining plan.

**PART-V**  
**(CONDITIONS STIPULATED BY THE GOVT. OF INDIA OTHER THAN MENTIONED ABOVE)**

**A. Conditions which need to be complied prior to handing over of the forest land by the State Forest Department.**

1. *The KML files of diverted area, the CA areas, the proposed SMC treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details before handing over of the forest land to the user agency.*

Complied.

**B. Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department.**

1. *Legal status of the diverted forest land shall remain unchanged.*

Agreed upon the condition.

2. *The approval for diversion of forest land shall be subject to CRZ clearance, if applicable.*

As reported by DFO, Berhampur the user agency has obtained CRZ Clearance from OSCZMA, Odisha vide letter No.13716/F&E dated 24.07.2012.

**3. *Compensatory Afforestation:***

- i. *The Compensatory afforestation over degraded forest land, double in extent to the forest land being diverted i.e. 320 ha shall be raised by the State Forest Department at the project cost.*
- ii. *The compensatory afforestation scheme, as approved, shall be implemented by the State Forest Department. The CA will be maintained for 10 years and the CA Scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years.*
- iii. *Compensatory afforestation over degraded forest land, shall be raised by the State Forest Department at the project cost within three years from the date of grant of Stage - II approval.*
- iv. *The proposed compensatory land is found to be a natural habitat of Peafowl and other shrub dwelling species; accordingly, the existing thorny/ shrubby vegetation ecosystem should be maintained, without any attempt to alter by undue over planting. However, soil moisture conservation should be given prime focus with possible creation of small water bodies and planting shall also be limited and confined to local thorny, fruit bearing species only.*

As reported in Part-II above.

4. **NPV:**

- i. *The State Government has realized the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency 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 through online portal of CAMPA account of the State. NPV, if any, becomes due in future shall be realized in accordance with the relevant guidelines issued by the Ministry;*

The user agency has deposited Rs.11,51,22,460/- towards NPV over 157.702 ha of diverted forest land in Orissa CAMPA account.

- ii. *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.*

The user agency has agreed upon the condition.

5. *Compensatory levies, if any, realized in future under the extant project, shall be transferred/deposited, through e-challan, in to the account of CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);*

The compensatory levies of the project has been transferred on line to the Adhoc CAMPA using e-payment module.

6. *The user agency's work involves seashore sand mining, which is also the site for nesting of endangered Olive Ridley turtle. While the 52 km length of sea shore is the location of nesting, out of this 5 km length of sea shore with large sand beds on both sides of Rushikulva River is the mass nesting site, other areas are sporadic nesting sites. So, the area involving 5 km distance (2.5 km on both sides of Rushikul a river mouth) to be rigorously conserved without any disturbance as per the Plan approved by the Chief Wildlife Warden, Odisha.*

As reported, 5 KM zone has been clearly demarcated as No Go Zone/No Development Zone. The user agency has furnished an undertaking in this regard.

7. *The State Govt. shall ensure that User Agency shall implement the R&R 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&CC along with indicators for monitoring and expected observable milestones;*

Rehabilitation & Resettlement Plan has been approved by Collector, Ganjam. The user agency said that the recommendation of Rehabilitation & Periphery Development Committee (RPDAC) will be implementation in co-ordination with District Administration & village Panchayat in due course of time.

8. *The State Government shall ensure that the activities proposed in the approved scheme for fencing, protection and regeneration of the safety zone area 7.5 meters strip shall be kept within the mining lease boundary and area of the safety zone shall be part of the total area of mining lease as per the Ministry's guidelines dated 27.05.2015 shall be implemented within three year at the project cost from the issue of Stage-II Clearance;*

An undertaking has been submitted by the user agency in this regard.

9. **Safety Zone Management:** *The following activities, at project cost, shall be undertaken by the user agency for the management of safety zone as per relevant guidelines issued by the Ministry's guidelines:*

- User agency shall ensure demarcation of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its fencing, protection and regeneration by erecting adequate number of 6 feet high RCC boundary pillars inscribed with DGPS coordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the State Forest Department;*

As reported, the demarcation of Safety Zone boundary has been completed.
- Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;*

The user agency has agreed upon the condition.
- Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy in the area, regeneration shall be taken up in this area by the user agency at project cost under the supervision of the State Forest Department;*

The user agency initiated plantation work in part of Safety Zone and has assured to complete the safety zone plantation work by coming monsoon.
- Afforestation on degraded forest land to be selected elsewhere, measuring one and a half times the area under safety zone, shall also be done at the project cost under the supervisions of the State Forest Department. The degraded forest land (DFL) so selected will be informed to the MoEF & CC and afforestation will be done within three years from the date of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department; and*

The DFO, Berhampur has reported that Scheme for undertaking plantation over 1.5 times of Safety Zone i.e. 55 Ha of degraded forest land identified in Anantraipur DPF has been approved with a financial outlay of Rs.81,52,309/- The user agency has deposited the cost of plantation over 1.5 times of Safety Zone over degraded forest land in Orissa CAMPA account.
- The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms.*

The user agency has agreed upon the condition.

10. *Period of diversion of the said forest land under this approval shall be for a period co-terminus with the validity of lease granted under the MMDR Act, 1957;*

As reported, the forest clearance granted by MoEF&CC is valid till existence of the Mining Lease i.e. upto 31.03.2047.

11. *The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;*

The user agency has obtained Environment Clearance from MoEF&CC vide letter No.J-111015/528/2007-IA.II (M) dated 11.01.2019.

12. *No labour camp shall be established on the forest land and 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;*

The user agency has agreed upon the condition.

13. *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, distance from pillar to pillar and GPS coordinates;*

Complied.

14. *The User Agency shall undertake mining as per approved mining plan and the concurrent reclamation plan as per the approved mining plan shall be executed & 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 Addl. Principal Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.*

As reported by DFO, Berhampur the user agency is undertaking mining activities and concurrent reclamation in adherence to the approved mining plan. As a part of reclamation casuarina species plantation was observed.

15. *The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;*

The user agency has agreed upon the condition.

16. *The State Govt. and the user agency shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal;*

The user agency has agreed upon the condition.

17. *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;*

The user agency has agreed upon the condition.

18. *No damage to the flora and fauna of the adjoining area shall be caused;*

The user agency has agreed upon the condition.

19. *State Government shall ensure that process for settlement of rights, in terms of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has been completed in accordance with the relevant guidelines prescribed by this Ministry's letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013;*

Complied.

20. *The User Agency shall regularly undertake desilting of village tanks and other water bodies, located within five km from the mine lease boundary, as per plan submitted along with the compliance of Stage-I approval, so as to mitigate the impact of project on such tanks/water bodies;*

Being complied.

21. *The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;*

Being complied.

22. *Trees should be felled in phased manner as per the requirement in the approved Mining Plan with prior permission of concerned DFO;*

Being complied.

23. *The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;*

The user agency has agreed upon the condition.

24. *The User Agency shall comply with the Hon'ble Supreme Court order on regrassing, and regrass the mining area and any other areas which may be disturbed due to mining to restore them to a condition which is fit for growth of fodder, flora, fauna, etc. in a timely manner;*

The user agency has agreed upon the condition.

25. *The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;*

The user agency has agreed upon the condition.

26. *Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;*

No other condition has been imposed.

27. *The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project; and*

Assured to comply.

28. *Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.*

The user agency has agreed upon the condition.

#### **PART - VI**

#### **CONDITIONS IMPOSED BY THE STATE GOVT. IN ADDITION TO THE GOVT. OF INDIA'S CONDITIONS AND OTHER STEPS TAKEN TO PRESERVE FOREST, WILDLIFE AND PREVENT SOIL EROSION ETC.)**

No other condition has been imposed by the State Govt.

**PART-VII**  
**(MONITORING)**

1. Whether any committee has been : No.  
formed for monitoring of the action on  
conditions stipulated.
2. If no, give reasons. If yes, give details :  
of the committee.
3. Reports of the Monitoring Committee, :  
if any.

**PART-VIII**

1. Abstract reports of inspection of Forest : The CA plantation work should be done in the  
Officers, if any.  
coming monsoon as reported by the DFO during  
inspection.
2. Remarks of DDGF (Central) in regard :  
to progress of the action on stipulated  
conditions. Effect of the project on  
forest and wildlife.



(A. T. Mishra)  
Dy. Director General of Forests (Central)

