

**No.5-ORRB331/2017-BHU**

Government of India  
Eastern Regional Office,  
Ministry of Environment, Forest & Climate Change,  
Bhubaneswar  
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Sub:- Permission for according permission for use of 1.502 ha of forest land within total PL area of 38.7568 ha in PL Block No.III (Chromite) ore located in village Kaliapani and Kalarangiatta under Sukinda Tahasil of Jaipur district (within jurisdiction of Cuttack Forest Division), Oisha for undertaking exploratory drilling of 26 no. of boreholes (26 boreholes @ 0.02 ha each totaling 0.52 ha and 0.982 ha for construction of road) by M/s Odisha Mining Corporation Ltd.

**Sl. No.1(R)**

1. Page 1/c to 7/c may please be seen, State Government of Odisha has submitted the above said proposal to Ministry seeking prior permission under Section-2 of Forest (Conservation) Act, 1980 and endorsed a copy of the same to this office.
2. The Steel & Mines Department, Govt. of Odisha has granted PL over an area of 39.093 ha (Block-III) in village Kaliapani and Kalarangiatta under Sukinda Tehsil of Jaipur district in favour of OMC Ltd. under Section 17(2A) of MMDR Act, 1957 for a period of three years vide Proceeding No.893/SM dated 30.01.2016 (Page 12/DP). Later the granted PL area was revised to 38.757 ha vide letter No.2606/SM dated 21.03.2017 of Steel & Mines Department.
3. Details indicated by State Govt. is as follows:

**FACT SHEET**

1.	Name of the Proposal	Permission for according permission for use of 1.502 ha of forest land within total PL area of 38.7568 ha in PL Block No.III (Chromite) ore located in village Kaliapani and Kalarangiatta under Sukinda Tahasil of Jaipur district (within jurisdiction of Cuttack Forest Division), Oisha for undertaking exploratory drilling of 26 no. of boreholes (26 boreholes @ 0.02 ha each totaling 0.52 ha and 0.982 ha for construction of road) by M/s Odisha Mining Corporation Ltd.
2.	Location	
	(i) State	Odisha
	(ii) District	Jaipur
	(iii) Village/Taluk	Kaliapani & Kalarangiatta/Sukinda
3.	Particulars of Forests	
	(i) Name of Forest Division	Cuttack Forest Division.
	(ii) Forest area involved	1.502 ha.
(iii)	Forest area involved	1.502 ha.

4.	Brief note on topography and vulnerability of the forest land proposed to be utilized for prospecting to erosion	The proposed forest land is close to Mahagiri DPF, which is about 160 mtr above MSL. The topography of the land is sloppy and undulating.
5.	Approximate distance of forest land proposed to be utilized for prospecting from boundary of the forest land	Close to Mohagiri DPF
6.	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. (if, so, the details of area, comments of CWLW)	Does not form part of any National Park/Wildlife Sanctuary/Biosphere Reserve/Elephant Corridor. However, State Govt. has reported that wildlife migration corridor is located within 10 Km/1 Km from the boundary of the forest land proposed to be utilized for prospecting.
7.	Whether any rare or endangered or unique species of flora and fauna found in the area, if so details thereof:	As reported wildlife like Elephant, Spotted Deer, Wild boar, Fox, Barking deer, Common langur, Jackal, Sloth bear, Hyena, Squirrel, Mongoose, Ratel, Hare, Pangolin, Peacock, Red Jungle Fowl, Pucupine, Ringed Dove, Parrot, Koel, Indian Wild lizard, King cobra, Cobra, Python, Common Indian Krait are observed.
8.	Whether any protected archaeological/heritage/defence establishment or any other important monument is located in the area:	No.
9.	Whether requirement of forest land as proposed by user agency is unavoidable and bare minimum for the project.	Yes.
10.	Whether any work in violation of FC Act or guidelines issued there under has been carried out (Yes/No). If yes, details of the same including period of work, action taken on erring officials. Whether work violation is still under progress	No violation of F.C. Act, 1980 has been reported by DFO, Cuttack.
11.	Details of Compensatory afforestation Scheme.	No compensatory afforestation is required for the purpose of forest land to be used for exploratory drilling as per provisions of MoEF&CC guideline letter No.11-96/2009-FC dated 04.07.2014. It is further observed that 0.982 ha of sabik kisan forest land is being proposed to be used for purpose of construction of road in this project which is less than 1 ha., no C.A. is required. Since, no felling is involved, question of planting 10 times the no. of trees to be felled, does not arise in this project.
12.	FRA certificate:	As per Ministry's guidelines letter No.11-96/2009-FC dated 04.07.2014, prospecting is exempted from the requirement of submission of documentary evidence in support of settlement of rights under ST&OTFD(RFR)

4. State Govt. has informed that OMC Ltd. proposes to exploratory drilling for surface potential in this PL granted area without felling trees. As reported by DFO, Cuttack 38.7658 ha of PL area comprises of 38.7204 ha of sabik kisan forest land as on 25.10.1980 and 0.0384 ha of non-forest Govt. land.
5. The details of activities proposed includes drilling of 26 nos. of boreholes of 4" dia each on forest land with a distance of 100 mtr between two bore holes. In order to facilitate movement of machinery and equipment for the purpose of prospecting, it has been proposed to construct a road of 1963.748 mtr length and 5 mtr width covering an area of 0.982 ha of sabik kisan forest land as on 25.10.1980. Besides, existing road covering an area of 1.1483 ha of forest land as on 25.10.1980 is also to be used as road for transportation of machinery and other equipment. Thus an area of 1.502 ha of sabik kisan land comprising of 0.52 ha for drilling of 26 nos. of boreholes and 0.982 ha of land for construction of road is proposed to be used for the purpose of prospecting within the total PL area of 38.7568 ha.

6. The user agency has submitted the following Maps with the proposal.

Sl. No	Particulars	Scale	Plate No.
1.	Key Plan of PL area shown in SOI toposheet No.F45N16 depicting PL area.	1 : 50,000	Plate-I
2.	Map showing the proposed exploratory boreholes and proposed road in Chromite (Block-III) in village Kaliapani and Kalarangiatla of Sukinda Tehsil.	1 : 3,960	Plate-II

7. The proposal has been submitted by the State Govt. through OSMFCP web portal of the Ministry and showing pending with RO. However, the State Govt. has submitted the proposal (in hard copy) to Ministry and endorsed a copy to this office.

सूचना एवं आवश्यक कार्रवाई हेतु प्रस्तुत है

दीर्घा

14/12/17

तकनीकी अधिकारी

the above mentioned case is related to the area and surrounding area of the proposed road. The area is located in the village of Kaliapani and Kalarangiatla of Sukinda Tehsil.

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(5)

Prash  
15-1-18  
WAC

Page 8 - 15/c

Minutes of RfC meeting held on 12.07.2018 may  
windily be perused.

- RfC has recommended the proposal for consideration  
of Ministry for grant of in-principle approval.
- Accordingly, draft soft contained note submitted  
for wind necessary action Pt.

Prash  
15/01/18  
(S/S)

WCA Pt.

Prash

(S/S)

15-1-18

Prash

15-1-18

~~ARCC~~

Always ensure draft should not be  
with any corrections over it.  
EA fresh draft incorporating  
corrections should be sent  
to avoid unnecessary delay

CF/S

Prash

18-1-18

T.O/WAC

Signed & for 18.1.18.

CF/S

Prash

19.1.18

T-P

19.1.2018

Prash & Co. for signature on ARCC (C).  
Prash

WAC

File submitted for wind sign-off ARCC (C) Pt.

Prash  
19/1/18  
(S/S)

Prash  
19-1-18

T.P.

ARCC

Prash

19.1.18

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Sub:- Permission for use of 1.502 ha of forest land within total PL area of 38.7568 ha in PL Block No.III (Chromite) ore located in village Kaliapani and Kalarangiatta under Sukinda Tahasil of Jajpur district (within jurisdiction of Cuttack Forest Division), Odisha for undertaking exploratory drilling of 26 no. of boreholes (26 boreholes @ 0.02 ha each totaling 0.52 ha and 0.982 ha for construction of road) by M/s Odisha Mining Corporation Ltd.

1. State Government of Odisha has submitted the above said proposal to the Ministry seeking prior permission under Section-2 of Forest (Conservation) Act, 1980 and informed the following details:
2. The present proposal is for use of 1.502 ha of forest land within total PL area of 38.7568 ha in PL Block No.III (Chromite) ore located in village Kaliapani and Kalarangiatta of Cuttack Forest Division for undertaking exploratory drilling of 26 no. of boreholes (26 boreholes @ 0.02 ha each totaling 0.52 ha and 0.982 ha for construction of road) by M/s Odisha Mining Corporation Ltd.
3. The details of activities proposed include drilling of 26 nos. of boreholes of 4" dia @ 0.02 ha of forest land for each of bore holes totaling 0.52 ha with a distance of 100 mtr between two bore holes. Each borehole is proposed to be drilled upto a depth of 250 mt.
4. In order to facilitate movement of machinery and equipment for the purpose of prospecting, it has been proposed to construct a road of 1963.748 mtr length and 5 mtr width covering an area of 0.982 ha of sabik kisan forest land as on 25.10.1980. Besides, existing road covering an area of 1.1483 ha of forest land as on 25.10.1980 is also to be used as road for transportation of machinery and other equipment.
5. Thus an area of 1.502 ha of sabik kisan land comprising of 0.52 ha for drilling of 26 nos. of boreholes and 0.982 ha of land for construction of road is proposed to be used for the purpose of prospecting within the total PL area of 38.7568 ha.
6. Legal status of forest land involved is Sabik kisan forest land as on 25.10.1980.
7. The density of vegetation is reported to less than 0.4 (Eco Value Class-III).  
However, for the purpose of prospecting felling of trees is not involved.
8. The proposed forest land is close to Mahagiri DPF, which is about 160 mtr above MSL. The topography of the land is sloppy and undulating.
9. The proposed area does not form part of any National Park/Wildlife Sanctuary/Biosphere Reserve/Elephant Corridor. However, State Govt. has reported that wildlife migration corridor is located within 10 Km/1 Km from the boundary of the forest land proposed to be utilized for prospecting.

11. No violation of F.C. Act, 1980 has been reported by DFO, Cuttack.
12. No compensatory afforestation is required for the purpose of forest land to be used for exploratory drilling as per provisions of MoEF&CC guideline letter No.11-96/2009-FC dated 04.07.2014. It is further observed that 0.982 ha of sabik kismam forest land is being proposed to be used for purpose of construction of road in this project which is less than 1 ha, no C.A. is required. Since, no felling is involved, question of planting 10 times the no. of trees to be felled, does not arise in this project.
13. As per Ministry's guidelines letter No.11-96/2009-FC dated 04.07.2014, prospecting is exempted from the requirement of submission of documentary evidence in support of settlement of rights under ST&OTFD(RFR) Act, 2006.
14. The DFO, PCCF & State Govt. have recommended the proposal for diversion.
15. **Decision/Advice of REC:**

The proposal was discussed in the REC meeting held on 12.01.2018. The REC considered the facts placed before it and also saw the Power Point presentation made by the user agency. The Committee recommended the proposal for the consideration of Ministry for grant of in-principle approval.

The deliberation of REC is placed at page 8 - 15/c.

**16. Recommendation of Addl. PCCF (Central):**

In light of the facts mentioned above and as recommended by REC, the proposal of State Government of Odisha for use of 1.502 ha of forest land within total PL area of 38.7568 ha in PL Block No.III (Chromite) ore located in village Kaliapani and Kalarangiatta under Sukinda Tahasil of Jajpur district (within jurisdiction of Cuttack Forest Division), Odisha for undertaking exploratory drilling of 26 no. of boreholes (26 boreholes @ 0.02 ha each totaling 0.52 ha and 0.982 ha for construction of road) by M/s Odisha Mining Corporation Ltd. for prospecting of minerals is recommended for granting permission under Forest (Conservation) Act, 1980 with usual standard conditions

03/ROHCE/18  
25/01/2018

ADDL. DGF (FC)

Addl. PCCF (Central)

(R.K. Dey)

25/1.18

1. Government of Odisha vide letter dated 07.12.2017 submitted a proposal to obtain permission under Forest (Conservation) Act, 1980 for use of 1.502 ha of forest land within total PL area of 38.7568 ha in PL Block No. III (Chronite) ore located in village Kaliapani and Kalarangiatta under Sukinda Tahasil of Jaipur district (within jurisdiction of Cuttack Forest Division), Odisha for undertaking exploratory drilling of 26 no. of boreholes (26 boreholes @ 0.02 ha each totaling 0.52 ha and 0.982 ha for construction of road) by M/s Odisha Mining Corporation Ltd. for prospecting of minerals.

2. Regional Office (Eastern Zone), Bhubaneswar after examination of proposal observed as below:

- (i) The present proposal is for use of 1.502 ha of forest land within total PL area of 38.7568 ha in PL Block No.III (Chronite) ore located in village Kaliapani and Kalarangiatta of Cuttack Forest Division for undertaking exploratory drilling of 26 no. of boreholes (26 boreholes @ 0.02 ha each totaling 0.52 ha and 0.982 ha for construction of road) by M/s Odisha Mining Corporation Ltd.
- (ii) The details of activities proposed include drilling of 26 nos. of boreholes of 4" dia @ 0.02 ha of forest land for each of bore holes totling 0.52 ha with a distance of 100 mtr between two bore holes. Each borehole is proposed to be drilled upto a depth of 250 mt.
- (iii) In order to facilitate movement of machinery and equipment for the purpose of prospecting, it has been proposed to construct a road of 1963.748 mtr length and 5 mtr width covering an area of 0.982 ha of sabik kisan forest land as on 25.10.1980. Besides, existing road covering an area of 1.1483 ha of forest land as on 25.10.1980 is also to be used as road for transportation of machinery and other equipment.
- (iv) Thus an area of 1.502 ha of sabik kisan land comprising of 0.52 ha for drilling of 26 nos. of boreholes and 0.982 ha of land for construction of road is proposed to be used for the purpose of prospecting within the total PL area of 38.7568 ha.
- (v) Legal status of forest land involved is Sabik kisan forest land as on 25.10.1980.
- (vi) The density of vegetation is reported to less than 0.4 (Eco Value Class-III).
- (vii) However, for the purpose of prospecting felling of trees is not involved.
- (viii) The proposed forest land is close to Mahagiri DPF, which is about 160 mtr above MSL. The topography of the land is sloppy and undulating.
- (ix) The proposed area does not form part of any National Park/Wildlife Sanctuary/ Biosphere Reserve/ Elephant Corridor. However, State Govt. has reported that wildlife migration corridor is located within 10 Km/1 Km from the boundary of the forest land proposed to be utilized for prospecting.
- (x) As reported wildlife like Elephant, Spotted Deer, Wild boar, Fox, Barking deer, Common langur, Jackal, Sloth bear, Hyena, Squirrel, Mongoose, Ratel, Hare, Pangolin, Peacock, Red Jungle Fowl, Pucupine, Ringed Dove, Parrot, Koel, Indian Wild lizard, King cobra, Cobra, Python, Common Indian Krait are observed.
- (xi) No violation of FC Act, 1980 has been reported by DFO, Cuttack.
- (xii) No compensatory afforestation is required for the purpose of forest land to be used for exploratory drilling as per provisions of MoEF&CC guideline letter No.11-96/2009-FC dated 04.07.2014. It is further observed that 0.982 ha of sabik kisan forest land is being proposed to be used for purpose of construction of road in this project which is less than 1 ha, no C.A. is required. Since, no felling is involved, question of planting 10 times the no. of trees to be felled, does not

3. The proposal was discussed in the Regional Empowered Committee (REC) meeting on 12.01.2018 (p. 8-9/c). The Committee has recommended the proposal for consideration of MoEF&CC, New Delhi for grant of in-principle approval with usual standard conditions.

4. Addl. Principal Chief Conservator of Forests (Central), Regional Office (EZ), Bhubaneswar has recommended the proposal vide p. 5-6/N dated 19.01.2018.

5. As per FCA guidelines and rules, RO Bhubaneswar proposed that CA is not required as road to be constructed i.e. 0.982 ha is less than 1 hectare. As construction of road brings permanent change in land use, it is proposed that CA and NPV may be charged in light of Ministry's Letter No. 11-96/2009-FC dated 04.07.2014 for 0.982 ha of forest land for construction of road. UA shall submit cost of 982 trees ( $0.982 \times 1000 = 982$ ) to the State Forest Department at current wage rate.

6. The general conditions and standard conditions applicable to proposals for prospecting of minerals in forest areas, as applicable in the extant proposal are as below:

- (i) The User Agency shall be allowed exploratory drilling of a maximum of 26 bore holes of 4" diameter (26 boreholes @ 0.02 ha each totalling 0.52 ha and 0.982 ha for construction of road/path) over 1.502 ha of forest land.
- (ii) The prior approval of Govt. of India under Section 2 of FC Act for prospecting in this forest area under consideration is only for resource assessment and mapping and does not confer in any manner any right to the State Government to divert such forest land under Section 2(ii) of Forest (Conservation) Act, 1980 for mining purpose in future in favour of this user agency or any other mining company on the plea that forest clearance for prospecting has been granted,
- (iii) User agency shall seek permission of DFO, Cuttack Forest Division before entering into the forest area and bore-holes shall be dug with prior permission of the DFO, Cuttack Forest Division. User agency shall report the progress of drilling work to the DFO, Cuttack and also furnish detailed report thereof on completion of the project.
- (iv) Proper plugging of boreholes shall be made after exploration activities are complete to the satisfaction of the DFO.
- (v) 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.
- (vi) 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.
- (vii) No new road shall be constructed by the user agency for transporting prospecting tools and machines. The user agency may use the existing forest road/path with prior information to the DFO. Temporary path within limit of 0.982 ha over a length of 1963.748 mt having width of 5 mt. may be allowed without permanent damage to flora and fauna of the area. The area used for path during the prospecting work shall be restored to its original status of forest after completion of prospecting work.
- (viii) No other construction activities shall be done by the user agency on forest land. Existing path and roads only will be used by the user agency for the purpose of prospecting activities in addition to 0.982 ha of forest land to be used for path.



From pre-page

- (v) 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.
- (vi) No labour camp shall be established on the forest land and no work shall be allowed after sunset.
- (vii) State Government shall raise and maintain 982 trees from the funds to be provided by the User Agency at the cost of User Agency;
- (viii) User Agency shall transfer the cost of raising and maintaining the 982 trees, at the current wage rate, in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- (ix) The State Government shall charge the Net Present Value (NPV) of the forest land being used for construction of road i.e. 0.982 ha 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 in this regard;
- (x) 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;
- (xi) The user agency should ensure that the compensatory levies (CA cost, NPV etc.) are deposited through challan generated online on web-portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;
- (xii) 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.
- (xiii) Initially the permission for prospecting will be granted for two years from the date of Stage-I approval which can be extended for one more year with convincing justification from the state government for extension.
- (xiv) In case of violations of conditions by the user agency, the permission for prospecting of minerals shall be suspended by the DFO. Further it shall be enquired by the Nodal officer (FCA) of the State Government and report to be submitted to the Regional office for appropriate action.
- (xv) Other conditions specified by the State Government and Regional Office while recommending the proposal shall be followed.
- (xvi) The samples collected during the prospecting shall be used purely for investigation purposes and shall in no case be used for trade or commerce purpose;
- (xvii) To minimize disturbance to the wildlife, user agency shall take all possible measures to minimize noise during prospecting operations and halt the prospecting activities during night and during such periods in the day as may be advised by the concerned Chief Wildlife Warden, concern State Forest Department;

From pre-page

(xix) The State Government and the user agency shall comply with any other condition that the concern Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and

(xx) The user agency and the State Government shall ensure compliance to provisions of the Guidelines dated 4<sup>th</sup> July, 2014 issued by the Ministry regarding drilling in the forest land.

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

7. In view of above, kind approval of Hon'ble Minister, EF&CC is solicited for in-principle approval in accordance with Section-2 of the Forest (Conservation) Act, 1980 for use of 1.502 ha of forest land within total PL area of 38.7568 ha in PL Block No. III (Chronite) ore located in village Kaliapani and Kalarangiatta under Sukinda Tahasil of Jaipur district (within jurisdiction of Cuttack Forest Division), Odisha for undertaking exploratory drilling of 26 no. of boreholes (26 boreholes @ 0.02 ha each totaling 0.52 ha and 0.982 ha for construction of road) by M/s Odisha Mining Corporation Ltd. for prospecting of minerals, may be accepted subject to conditions stipulated in paragraph-6 above, is solicited.

*(Signature)*  
(Manoj Kumar Khandelwal)  
Technical Officer (RoHQ)  
08.03.2018

IGF(FC)

*(Signature)*  
12/3

A O/G(FC) may kindly please the mtr above & recommend it to the (Central), R.O., Bhubaneswar. Accordingly, file is submitted for approval of the Hon'ble M&C as per 'x' above.

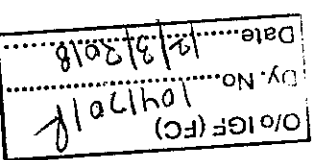
12/03/18

*(Signature)*  
Date: 13/3/18

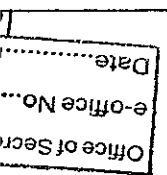
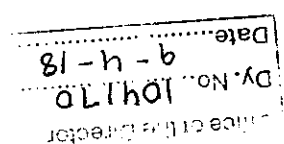
*(Signature)*

*(Signature)*  
12/3

Minister EF&CC  
File No. 104170  
Date 02 APR 2018



R-104170/RoHQ/18  
08/03/18



from pre-page

Draft letter is put up for kind perusal and signature pl.

(Signature)  
10/04/18

Bir (Ramesh) Karmali  
10/4/18

APCCF(C) PO(EZ) Bhulanagar

P-104170/ROHR/18  
10/04/2018

Page 16/c 8 7 - 10/18

Ministry has returned the original file along with necessary approval of competent authority at page 10/18.  
- The proposal has been approved by Ministry subject to conditions stipulated in Para-6 & Page 8-10/18.  
- Accordingly, draft stage-I approval submitted for kind necessary action pl.

(Signature)  
19/4/18

(Signature)

The condition no. (XIV) and (XV) as approved by Ministry appears to be against the recommendation of State Govt. at para. 6 (P.N.C) and para. 12 (S. 31C) corroborative, for kind information and submitted for kind necessary action.

CCS

(Signature)  
10/4/18

Ministry can give the conditions for the land being settled. Remarks are given. Need to be approved.

Approved.

*[Signature]*  
24.4.18

CFC's on leave

T.D. for N.A.

El. put up F.C.

~~W.C.~~

*[Signature]*  
24.4.18

FC submitted for local sign. Pt.

*[Signature]*  
24/4/18

*[Signature]*  
25.4.18

*[Signature]*

FC signed.

*[Signature]*  
25.4.18

~~W.C.~~

*[Signature]*  
25.4.18

~~W.C.~~

~~T.D.~~