



No. 5-ORC581/2023-BHU

29th December, 2023

To

The Addl. Chief Secretary,
Forest & Environment Deptt.,
Government of Odisha,
Bhubaneswar-751 001.

Sub:- Diversion of 5.483 ha out 11.853 ha forest land applied for establishment of industries i.e. expansion and modernization of existing integrated Steel Plant at village Kulei under Parajanga Tahasil, District Dhenkanal under Dhenkanal Forest Division by M/s GM Iron and Steel Company Ltd.

Sir,

I am directed to refer to State Govt. letter No.FE-DIV-FLD-0056-2023-12529/FE&CC dated 16.06.2023 and PCCF & Nodal Officer (FCA), Odisha letter No.19970/9F (IND)-379/2022 dated 07.10.2023 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee meeting held on 27.07.2023, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 5.483 ha out of 11.853 ha forest land applied for establishment of industries i.e. expansion and modernization of existing integrated Steel Plant at village Kulei under Parajanga Tahasil, District Dhenkanal under Dhenkanal Forest Division by M/s GM Iron and Steel Company Ltd., subject to the fulfillment of the following conditions.

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

- i) The user agency shall transfer online, the Net Present Value (NPV) of 5.483 ha forest land being diverted under this proposal, as per the Orders of 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.5-3/2011-FC (Vol-I) dated 06.01.2022 and 22.03.2022. The requisite funds shall be transferred through online portal in CAMPA account of the State concerned.
- ii) The REC recommended regularization of 5.483 ha forest land (Revenue & Sabik Forest) where old construction work exist by realizing:
 - a) Penal NPV of five (5) times of the NPV shall be realized from the user agency for violation of FC Act, 1980.
 - b) Penal CA five (5) times, over non-forest land shall be carried out by the State Govt. at the project cost for violation of FC Act, 1980.
- iii) The area which has been made encroachment free and remains dense forest i.e. 6.370 ha area shall not be diverted to the user agency and will be in possession of forest department with provision for the protection and maintenance of this area be done at the project cost of user agency and the same shall be notified as Forest by the State Govt. Both State Govt. and user agency shall ensure that no encroachment on this land shall be done.
- iv) The user agency shall ensure that nala should be outside the plant boundary and user agency shall strengthen the embankment by constructing toe wall and ensure zero discharge from the plant to the nala.

- v) Since, only 5.483 ha of forest land is regularized, accordingly, identified double the degraded Revenue forest land for raising compensatory afforestation shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval.
- vi) The land identified for the purpose of Compensatory Afforestation/ Penal C.A. shall be clearly depicted on a Survey of India Topo sheet of 1 : 50,000 scale.
- i) The KML files of the area to be diverted and the CA/ Penal C.A. areas shall be uploaded on the e-Green watch portal with all requisite details before issuing working permission towards linear projects or submitting compliance report for seeking Stage-II approval, as the case may be.
- ii) The user agency shall transfer the cost of raising and maintaining the compensatory afforestation/ Penal C.A. at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The Scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- iii) As recommended by the State Govt. a Site Specific Wildlife Conservation Plan shall be prepared and duly approved by CWLW, Odisha and to be implemented at project cost.
- iv) All the funds received from the user agency under the project shall be transferred/ deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- v) The compliance report of the Stage-I approval shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- vi) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- vii) The boundary of the proposed forest land for diversion, 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 co-ordinates.

B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval.

- i) Legal status of forest land proposed for diversion shall remain unchanged.
- ii) Compensatory afforestation shall be raised over double the degraded revenue forest land identified in Plot No.02, Khata No.105 of village Jaka under Parajanga Tahasil of Dhenkanal Forest Division within two years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department as per approved plan/scheme from the funds deposited by the user agency in CAMPA account.
- iii) Penal CA five (5) times, over non-forest land shall be carried out by the State Govt. for violation of FC Act, 1980 within two years from the date of Stage-II Clearance as per approved plan/scheme and maintained thereafter by the State Forest Department from the funds deposited by the user agency in CAMPA account.
- iv) The species to be planted under the CA and Penal CA schemes shall be of native species of the area. At least 18 month old seedlings should be planted. Intensive monitoring of the plantation needs to be done and documented using Geo tagging so that the increase of canopy density and survival and growth of plantation can be evaluated at regular intervals.
- v) At the time of payment of 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.
- vi) The user agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- vii) The cost of felling of trees shall be deposited by the user agency with the State Forest Department. The user agency shall explore the possibility of successful transplantation 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.

- viii) 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.
- ix) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- x) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- xi) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- xii) The forest land shall not be used for any purpose other than that specified in the proposal.
- xiii) The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.
- xiv) No damage to the flora and fauna of the adjoining area shall be caused.
- xv) The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.
- xvi) The user agency shall submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and concerned Integrated Regional Office of this Ministry by the end of March every year.
- xvii) Any other conditions that the Ministry of Environment, Forests & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.
- xviii) The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order (s) & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.
- xix) 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.

3. After receipt of the report on compliance to the conditions stipulated above, from the State Government of Odisha, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of forest land to user agency should not be effected by the State Government of Odisha till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change.

Yours faithfully,

Padma Mahanti

(Padma Mahanti)

Dy. Inspector General of Forests (C)

Copy to:-

1. The Inspector General of Forests (ROHQ), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi – 110 003.
2. The PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
3. The Chief General Manager (Land), IDCO, IDCO Tower, Janpath, Bhubaneswar-751022/M/s GM Iron & Steel Company Ltd, N/4-157, IRC Village, Nayapalli, Bhubaneswar-751015.

Dy. Inspector General of Forests (C)