



No. 8(21)28/2003-FCE

4th March, 2020

To

The Addl. Chief Secretary,
Forest & Environment Deptt.,
Govt. of Odisha,
Bhubaneswar.

Sub:- Diversion of 1.81 ha of forest land in addition to the earlier diversion over 23.581 ha of forest land within the Mining Lease area of 28.397 ha in respect of Patabeda Iron Ore Mines of M/s MGM Minerals.

Madam,

I am directed to refer to State Govt. letter No10F(Cons)70/19-16843/F&E dated 31.08.2019 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 recommendations of Regional Empowered Committee meeting held on 06.11.2019, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 1.81 ha of forest land in addition to the earlier diversion over 23.581 ha of forest land within the Mining Lease area of 28.397 ha in respect of Patabeda Iron Ore Mines of M/s MGM Minerals, subject to the fulfillment of the following conditions.

- (i) Legal status of forest land proposed for diversion shall remain unchanged.
- (ii) Compensatory afforestation shall be raised over 1.81 ha of non-forest land identified in Khata No.132, Plot No.1155, Kisam Patharbani of village Phuljhar under Lahunipara Tahasil of Sundargarh district by the State Govt. at the cost of user agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
- (iii) The non forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of Stage-II approval.
- (iv) The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and at the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- (v) The State Govt. shall charge the Net Present Value (NPV) for 1.81 ha forest area to be diverted under this proposal, if not paid, from the user agency as per the Orders of Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 and 09.05.2008 in IA No.566 in Writ Petition (Civil) No.202/1995 and as per the guidelines issued by Ministry vide letter No.5-1/1998-FC (Pt.II) dated 18.09.2003, as well as letter No.5-2/2006-FC dated 03.10.2006 and No.5-3/2007-FC dated 05.02.2009 in this regard.

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- (vi) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Govt. from the user agency. The user agency shall furnish an undertaking to this effect.
- (vii) All the funds received from the user agency under the project shall be transferred/deposited to State CAMPA fund only through (<https://parivesh.nic.in/>).
- (viii) The user agency shall obtain prior approval of the Central Government under the Forest (Conservation) Act, 1980 in respect of 1.695 ha of forest land, earmarked as safety zone out of total safety zone area of 1.886 ha, involved in the mining lease in accordance with the provisions of guidelines, as provided under para 7.9 of the Handbook of the Forest (Conservation) Act, 1980.
- (ix) In accordance with the provisions given under Para 1.21 of the Handbook of the Forest (Conservation) Act, 1980, State Govt. shall realize NPV equal to twice the normal NPV, for violation of the conditions stipulated in the approval dated 30.12.2005, committed by using the forest area amounting to 0.50 ha for the purpose other than what was approved by the Central Govt.
- (x) Compliance of the conditions stipulated in the Stage-II approval dated 30.12.2005 shall be examined and violation of conditions, if any, shall be dealt with as per provisions provided in Para 1.21 of the Forest (Conservation) Act, 1980 before considering the proposal for grant of Stage-II approval.
- (xi) The cost of felling of trees shall be deposited by the user agency with the State Forest Department.
- (xii) The user agency shall ensure demarcation of boundary of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its protection by erecting adequate number of 6 feet 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. Safety Zone shall be raised and maintained by the user agency/State Govt. in accordance with the relevant guidelines issued by the Ministry.
- (xiii) The user agency shall obtain Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required.
- (xiv) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- (xv) The period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease granted under Mines and Minerals (Development & Regulating) Act, 1957 or Rules framed thereunder.
- (xvi) No labour camp shall be established on the forest land.
- (xvii) The user agency shall provide LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas.
- (xviii) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- (xix) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.



- (xx) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.
- (xxi) Any other conditions that the Regional Office (Eastern Zone), Bhubaneswar of this Ministry and State Government of Odisha may stipulate from time to time, in the interest of conservation, protection and development of forests and wildlife, which shall be complied by the user agency.
- (xxii) 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.
- (xxiii) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in>).

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, Forests & Climate Change.

Yours faithfully,


(R.K. Samal) 4.3.2020

Dy. Inspector General of Forests (C)