



No. 5-ORC412/2020-BHU

20th April, 2023

To

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

Sub:- Diversion of 5.888 ha of forest land (including 0.562 ha of Safety Zone area) in village Oraghat of Sundargarh District for Iron & Manganese Mines by M/s Sayed Abdul Halim under Bonai Forest Division.

Sir,

I am directed to refer to State Govt. letter No.10F(Cons)18/2020-6394/F&E dated 19.03.2020, No.20580/FE&CC dated 25.11.2021, No.14877/FE&CC dated 24.08.2022 and PCCF & HoFF, Odisha's letter No.21592/9F 9MG)-33/2018 dated 10.12.2020 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 30.08.2022, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 5.888 ha of forest land (including 0.562 ha of Safety Zone area) in village Oraghat of Sundargarh District for Iron & Manganese Mines by M/s Sayed Abdul Halim under Bonai Forest Division, 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 5.888 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, 19.01.2022 & 22.03.2022. The requisite funds shall be transferred through online portal in CAMPA account of the State concerned, if not realized earlier.
- ii) The State Govt. shall realize Penal NPV of forest land per ha per each per each year of violation from the date of actual diversion as reported by the inspecting officer with maximum upto 5 times of NPV plus 12% simple interest till the deposit is made.
- iii) Penal CA shall be raised over non-forest land equivalent to the extent of forest land used for non-forestry activities in violation of Forest (Conservation) Act, 1980. Accordingly, State Govt. shall identify the non-forest land, prepare Penal CA Scheme and submit the Penal CA Scheme, SoI Toposheet, DGPS map and KML file of the non-forest land.
- iv) The identified non-forest land of 5.564 Ha for raising compensatory afforestation and the non-forest land to be identified for raising Penal C.A. shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval.
- v) The land identified for the purpose of Compensatory Afforestation/Penal CA shall be clearly depicted on a Survey of India Topo sheet of 1 : 50,000 scale.

- vi) The cost of compensatory afforestation and Penal C.A. at prevailing wage rate as per compensatory afforestation/ Penal CA scheme and the cost of survey, demarcation and erection of permanent pillars, if required on the CA/ Penal CA land shall be deposited in State CAMPA account, through e-challan, by the user agency. The CA/ Penal CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- vii) The KML files of the area to be diverted, the CA and Penal CA areas shall be uploaded on the e-Green watch portal with all requisite details before submitting compliance report for seeking Stage-II approval.
- viii) The Site Specific Wildlife Conservation Plan to mitigate the impact of project on wildlife of the area shall be prepared by the State Govt. in consultation with CWLW, Odisha and implemented at project cost. An approved copy the same shall be submitted with the Stage-I compliance.
- ix) The user agency shall pay for the Regional Wildlife Management Plan approved by the State Govt. covering the entire mining belt of Bonai and Keonjhar Forest Division as per the prescribed cost norm.
- x) 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.
- xi) Following activities, as per approved plan/scheme, shall be undertaken in the lease area by the user agency under the supervision of the State Forest Department. Approved scheme/plan shall be submitted to the IRO, Bhubaneswar along with compliance of Stage-I approval.
- a) Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of Stage-II clearance in accordance with the approved plan in consultation with the State Forest Department.
 - b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme.
 - c) Construction of check dams, retention/toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme.
 - d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that the angles of repose at any given place is less than 28° .
 - e) No damage shall be caused to the top soil and the user agency will follow the top soil management plan. The user agency should preserve the top soil to use in biological reclamation.
- xii) The user agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any, located in the area within 100 m. from outer perimeter of the mining lease. The plan for plantation and SMC activities will be prepared and submitted to MoEF&CC before Stage-II Clearance.
- xiii) The user agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five Km from the mine lease boundary. This list is to be duly verified by the concerned DFO. The user agency shall regularly undertake de-silting of these village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies. A detailed approved plan for de-silting of identified ponds and water bodies to be prepared in consultation with Forest Department and shall be submitted to IRO, Bhubaneswar before Stage-II approval.

- xiv) 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.
- a) The user agency shall ensure demarcation of safety zone (7.5 meter strip 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 co-ordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the State Forest Department.
 - b) Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency.
 - c) 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.
 - d) 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 IRO, Bhubaneswar with shape files before Stage-II approval 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.
 - e) The State Govt. and the user agency shall ensure that safety zone is maintained as per the prescribed norms.
- xv) The cost of felling of trees shall be deposited by the user agency with the State Forest Department.
- xvi) The compliance report of the Stage-I approval shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- xvii) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- xviii) The boundary of the proposed forest land for diversion, 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 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 5.564 ha of non-forest land identified in village Sanbaurkela of Banai Tehsil of Bonai Forest Division under Sundargarh District within three years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department, at the cost of user agency.
- iii) Penal compensatory afforestation shall be raised over equivalent non-forest land to the extent of land used for non-forestry activities in violation of FC Act, 1980 within three years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department, at the cost of user agency.
- iv) The species to be planted in 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) Trees should be felled in phased manner as per the requirement in the approved Mining Plan with prior permission of concerned DFO.
- vii) 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) The user agency shall undertake mining in a phased manner after only Stage-II approval and take due care for reclamation of the mined over area. The concurrent reclamation plan shall be executed by the user agency as per mining plan, and an annual report on implementation thereof, shall be submitted to the Nodal Officer (FCA), in the concerned State Government and the IRO, Bhubaneswar. 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 IRO, Bhubaneswar may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.
- ix) The user agency shall comply with the Hon'ble Supreme Court order on re-grassing, and re-grass the mining area and any other area which may have been disturbed due to mining to restore them to an condition which is fit for growth of fodder, flora, fauna, etc. in a timely manner.
- x) 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 & Regulation) Act, 1957, as amended in 2015 and the Rules framed thereunder.
- xi) The user agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- xii) 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.
- xiii) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- xiv) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- xv) The layout plan of the mining plan/proposal shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change and the forest land shall not be used for any purpose other than that specified in the proposal.
- xvi) 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.
- xvii) No damage to the flora and fauna of the adjoining area shall be caused.
- xviii) 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.
- xix) 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.
- xx) 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.

- xxi) 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.
- xxii) 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-110003.
2. The PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharapur, Bhubaneswar-751023.
3. M/s Sazyed Abdul Halim, At/PO: Barbil, Dist: Keonjhar, Odisha.


Dy. Inspector General of Forests (C)