

Government of India/ भारत सरकार

Ministry of Environment, Forest & Climate Change/ पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

Eastern Regional Office/ पूर्वी क्षेत्रीय कार्यालय

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No. 5-ORB428/2020-BHU

22st September, 2020
24/9

To

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

Sub:- Diversion of 1.99 ha of forest land (0.744 ha in Keonjhar Forest Division and 1.246 ha in Deogarh Forest Division) for laying of underground Iron Ore slurry pipeline for transportation of Iron Ore Slurry from Barbil (Kitabeda) to village Bhaktipal in Kaniha Tahasil, Angul District under Angul Division through Bhaluki village of Pallahara Tahasil of Angul District under Deogarh Forest Division by M/s Jindal Steel and Power Limited.

Madam,

I am directed to refer to State Govt. letter No10F(Cons)127/2020-12760/F&E dated 25.08.2020 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, the Ministry of Environment, Forest & Climate Change hereby conveys '**Stage-I/in-principle**' approval for diversion of 1.99 ha of forest land (0.744 ha in Keonjhar Forest Division and 1.246 ha in Deogarh Forest Division) for laying of underground Iron Ore slurry pipeline for transportation of Iron Ore Slurry from Barbil (Kitabeda) to village Bhaktipal in Kaniha Tahasil, Angul District under Angul Division through Bhaluki village of Pallahara Tahasil of Angul District under Deogarh Forest Division by M/s Jindal Steel and Power Limited, subject to the fulfillment of the following conditions.

- i. Legal status of forest land proposed for diversion shall remain unchanged.
- ii. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
- iii. Compensatory afforestation shall taken up by the State Forest Department over 1.99 ha non-forest land identified in Plot No.169/1913 & No.169/1914 of Khata No.151/151 of village Kurumula under Pallahara Tahasil of Deogarh Forest Division at the cost of the user agency. As proposed by State Govt. additional compensatory afforestation shall be taken up by the

Forest Department over 2.00 ha of degraded forest land identified in Charigochhia RF under Khamar Range of Deogarh Forest Division at the cost of user agency. The State Govt. shall take up multi species and multi canopy plantation technique consisting of indigenous species and medicinal plant found in the area to create a near natural forest by intensive planting technique.

- iv. 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.
- v. The non-forest land over which compensatory afforestation will be taken up shall be notified as PF/RF and shall remain under the administrative control of the State Forest Department.
- vi. 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.
- vii. The State Govt. shall charge the Net Present Value (NPV) for the 1.99 ha forest area to be diverted under this proposal 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.
- viii. Additional amount of the NPV of the forest land to be diverted, 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.
- ix. 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/>).
- x. The user agency will abide by the applicable recommendations of the State Government vide letter No.10F(Cons)127/2020-12760/F&E dated 25.08.2020.
- xi. The user agency shall restrict the felling of trees to minimum number in the forest land to be diverted and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling shall be deposited by the user agency with the Forest Department.
- xii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- xiii. The pipeline shall be laid down 1.2 meter below the ground as proposed by the State Govt. and after lying down of pipe line the ground will be leveled.
- xiv. The State Govt. shall ensure/emphasize that the width and depth of trench of pipeline should not exceed 1.00 meter and 2.00 meter respectively in forest areas of non-RoW and RoW areas.
- xv. The user agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- xvi. No additional or new path will be constructed inside the forest area for any activity related to the project work.
- xvii. No labour camp shall be allowed in the forest area.
- xviii. The user agency shall provide LPG, to labourers working at the site to avoid damage/tree felling and ensure no fuel wood use.
- xix. The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- xx. The boundary of the forest land to be diverted shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- xxi. The period of diversion under this approval shall be co-terminus with the period of lease

- granted in favour of user agency or the project life, whichever is less.
- xxii. The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- xxiii. The user agency to take necessary measures so that there is less soil erosion due to the slurry pipeline.
- xxiv. 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.
- xxv. 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.
- xxvi. 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.
- xxvii. 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, Forest & Climate Change.

4. However, to facilitate speedy execution of projects involving linear diversion, the in-principle approval may be deemed as the working permission for tree felling and commencement of work, if the required funds for CA, NPV and all other compensatory levies specified in the in-principle approval are realized from the user agency, the State Govt. may allow the commencement of work of the linear project in forest land for a period of one year as per Para 11.2 of Chapter-11 of Handbook of Guidelines issued under F.C. Act, 1980 vide Ministry's letter No.5-2/2017-FC dated 28.03.2019.

Yours faithfully,

Padma Mahanti

(Padma Mahanti)

Dy. Inspector General of Forests (C)

Copy to:-

1. The Principal Chief Conservator of Forests & Nodal Officer, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
2. The Authorized Signatory, M/s Jindal Steel & Power Ltd., Angul, Odisha.

Dy. Inspector General of Forests (C)