



No. 5-ORB552/2023-BHU

28th March, 2023

To

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

Sub:- Diversion of 0.03 ha of forest land involved in Safety Zone of Roida-II Iron Ore Block of M/s Narbheram Power & Steel Pvt. Ltd. in Keonjhar District for construction of Access Road and 33 KV Transmission line from NH-520 to Roida-II Iron Ore Block.

Madam,

I am directed to refer to State Govt. letter No.FE-DIV-FLD-0020-2023-4264/FE&CC dated 04.03.2023 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 as per the provision made in letter No.FC-11/162/2020-FC dated 23.08.2021 of MoEF&CC, Govt. of India, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 0.03 ha of forest land involved in Safety Zone of Roida-II Iron Ore Block of M/s Narbheram Power & Steel Pvt. Ltd. in Keonjhar District for construction of Access Road and 33 KV Transmission line from NH-520 to Roida-II Iron Ore Block, 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 0.03 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 19.01.2022. The requisite funds shall be transferred through online portal in CAMPA account of the State concerned.
- ii) The user agency shall transfer the cost of plantation of 100 nos. of plants (including 10 years maintenance) at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The Plantation Scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- iii) The KML files of the area to be diverted 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.
- 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) The State Govt. shall carry out plantation of 100 plants towards compensatory afforestation within three years from the issue of approval and maintained thereafter, at the cost of user agency. The State Govt. shall inform the site of the plantation. The trees shall be indigenous to the area and naturally growing species shall be. The species to be planted in the CA scheme shall be of native species (same species felled as far as possible) avoiding Teak and exotic species. 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.
- iii) 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.
- iv) The base of towers in forest area to be fenced with barbed wire to avoid elephant electrocution/death of wild animals especially in forest areas. The DFO concerned shall inspect the area and shall take a decision as to the specific towers which shall be provided with spike on the leg of the towers.
- v) Sufficient ground clearance has to be maintained in consideration of the sag and swing of lines and height of elephants to stop untoward incidence of electrocution as per existing guidelines of MoEF&CC dated 05.05.2014 and 19.11.2014.
- vi) The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.
- vii) The user agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter No.7-25/2012-FC dated 05.05.2014 and 19.11.2014.
- viii) The user agency shall use fly ash for the road construction and for filling up of void created due to soil borrows which will be followed by compaction and spreading of top soil over it as per Fly Ash Notification No. S.O. 254 (E) dated 25.01.2016.
- ix) The user agency shall carry out SMC (Soil Moisture Conservation) work along the road proposed in forest land as the proposed site is undulating hilly slope,
- x) The user agency shall provide retaining wall of 2 to 3 meter height and 0.5 to 1.00 meter width and drains with 0.5 meter width and 1.00 meter depth on both of sides of roads so as to withstand any abnormal slope failure in consultation with DFO.
- xi) The user agency shall submit an undertaking to ensure that flanks of roads should be filled by transported soil and not with soil dug from the side of the roads.
- xii) The user agency shall certify that they have critically examined the mineral extraction pathways and have found them to be adequate, and that no new extraction path outside mining area shall be proposed in the next five years.
- xiii) As far as possible, existing roads/rails/belts should be strengthened to minimize forest/tree cover loss.
- xiv) In case of later stage supplementary proposal for extraction path (linear projects such as road/rail/belt project), the State Govt. shall ensure that cogent and convincing reasons/justifications of not including such linear infrastructure at the inception stage are provided by the State Govt.

- xv) The State Govt./user agency shall ensure that dispensation considered by the Ministry is not misused in any way and likely tendencies to detach linear projects from main proposal of mining should not be encouraged. To the extent possible, linear infrastructure such as roads/railways/conveyor belts, etc. ancillary to mining should be included in the main proposal and under inevitable circumstances only, such proposals submitted by the user agency should be considered as standalone project.
- xvi) The user agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- xvii) The user agency shall explore the possibility of successful transplantation of maximum number of trees identified to be felled and shall be planted alongside the road 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.
- xviii) 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.
- xix) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- xx) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- 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 forest land shall not be used for any purpose other than that specified in the proposal.
- xxiv) 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.
- xxv) No damage to the flora and fauna of the adjoining area shall be caused.
- xxvi) 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.
- xxvii) 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.
- xxviii) 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.
- xxix) 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.
- xxx) 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.

4. 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.

5. "The State Govt. or a Senior Office not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land proposed to be diverted, duly authorized in this behalf by the State Govt. can pass an order for tree cutting and commencement of work of a linear project in forest land for a period of one year. Such order shall be passed only after full realization of funds for compensatory afforestation, Net Present Value (NPV), Wildlife conservation Plan, plantation of dwarf species of medicinal plants, and all other compensatory levies, [specified in the Stage-I (in-principle) approval] from the User Agency, and where ever applicable, transfer and mutation of non-forest/revenue forest land in favour of State Forest Department" as stipulated in 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 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. The Vice-President, M/s Narbheram Power & Steel Pvt. Ltd., Avan Signature, 6th Floor, 91A/1, Park Street, Kolkata-700016.


Dy. Inspector General of Forests (C)