

Government of India  
Ministry of Environment, Forest and Climate Change  
(Forest Conservation Division)

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Indira Paryavaran Bhawan,  
Jor Bag Road, Aliganj  
New Delhi - 110003.  
Dated: 29<sup>th</sup> March, 2022

To  
The Addl. Chief Secretary (Forests)  
Department of Forest and Environment,  
Government of Odisha,  
Bhubaneswar.

**Sub: Proposal for non-forestry use of 66.20 ha forest land (including safety zone area safety zone 1.899 ha) under Section 2 (ii) of the Forest (Conservation) Act, 1980 in respect to Jindal Chromite Mines of M/s Jindal Stainless Limited in village Kaliapani and Forest Block No.27 of Mahagiri DPF in Sukinda Tahasil of Jajpur District under Cuttack Forest Division. -regarding.**

Sir/Madam

I am directed to refer to the Government of Odisha's letter No. FE-DIV-FLD-0115-2021-15632/FE&CC dated 03.09.2021 on the above mentioned subject, seeking prior approval of Central Government under Section-2 (ii) of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, and approval by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords approval for 'in-principle' approval under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 66.20 ha forest land (including safety zone area of 1.899 ha) under Section 2 (ii) of the Forest (Conservation) Act, 1980 in respect to Jindal Chromite Mines of M/s Jindal Stainless Limited in village Kaliapani and Forest Block No.27 of Mahagiri DPF in Sukinda Tahasil of Jajpur District under Cuttack Forest Division, subject to fulfillment of the following conditions:

**A. Conditions which need to be complied prior to handing over of forest land by the State Forest Department and compliance is to be submitted prior to Stage-II approval:**

- i. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars, if required on the CA land, shall be deposited in advance with the Forest Department by the user agency. The 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;
- ii. 25% of the CA cost additionally will be spent towards soil and moisture conservation activities in the proposed CA area as per site requirement and deposited in CAF;
- iii. The non-forest land identified for CA shall be transferred and mutated in favour of the State Forest Department and subsequently notified by the State Government as RF under Section - 4 or PF under Section-29 of the Indian Forest Act, 1927 or under

- the relevant Section(s) of the local Forest Act before Stage-II approval. A copy of the final Notification shall be submitted along with the compliance of Stage-I approval;
- iv. The KML files of diverted area, the CA areas, the proposed SMC treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details prior to Stage II approval;
  - v. *The State Government shall levy penal NPV on the user agency w.e.f. 2015 onwards till 2019, in accordance with the concerned provisions made under the FC Act, 1980 on account of mining operations carried out in 66.20 ha without prior approval of Central Government under the FC Act, 1980. Relief, if any, considered by Hon'ble High Court, during the course of future hearing in the matter, for penal NPV stipulated herewith will be dealt as per the direction of Hon'ble High Court;*
  - vi. *Afforestation of the non-mineralized virgin forest land within the mining area shall be taken up at project cost. All such areas shall be earmarked on a map and KML files of such areas shall be submitted along with detail plan for plantation;*
  - vii. The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the guidelines issued by this Ministry vide its letters No. 5-3/2011-FC (Vol.) dated 06.01.2022 and 19.01.2022. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned; new NPV guidelines;
  - viii. Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, in to the account of CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);
  - ix. 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 0.40), if any, located in the area within 100 meter 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;
  - x. 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 Divisional Forest Officer. The User Agency shall regularly undertake desilting 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 desilting of identified ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF& CC before Stage-II approval;
  - xi. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
  - xii. State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence, along with compliance of Stage-I approval, as prescribed by this Ministry's letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;

**B. Conditions which need to be 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 the diverted forest land shall remain unchanged;
- ii. *An Approved plan for appropriate mitigative measures to minimize soil erosion and choking of drains shall be submitted. Observations and recommendation contained*

*in the inspection report of the IRO should be taken into consideration while preparing the plan. Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease area to arrest soil erosion shall be enforced. Construction of check dam, retention wall / toe walls to arrest sliding down of excavated materials along the contours shall be planned;*

- iii. *Creation and maintenance of alternate habitat for avifauna whose nesting trees have been cleared are to be taken up by User agency;*
- iv. *The project authority needs to take up works for construction and cleaning of garland drains, stabilizing retaining walls, proper terracing of OB dumps and checking gully formation resulting in soil erosion;*
- v. *Plants which are having lowest translocation factor can be preferred under afforestation on the OB dumps and fruit trees to be avoided in planting during biological stabilization of OB dumps;*
- vi. *Prevention of fall of wild animals into mining pit by fencing the open pit area to be ensured;*
- vii. *The angle of repose in OB dumps to be maintained to ensure stability and safety;*
- viii. *Vetiver grass can be planted at the lower reaches of the dump to bind the soil and prevent soil erosion giving better stability to the dump;*
- ix. *The Compensatory afforestation over equivalent non-forest land, shall be raised shall be raised by the State Forest Department at the project cost. At least 1000 saplings per ha shall be planted over admissible CA land. If this not possible to plant these many seedlings in the identified NFL, the balance seedlings will be planted in degraded forest land as per the prescription of the Working Plan at the cost of the User Agency. In such cases CA cost will be revised and duly approved by the competent authority and deposited online in the CAF managed by the CAMPA;*
- x. *At the time of payment of the Net Present Value (NPV) at the present 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;*
- xi. *Trees should be felled in phased manner as per the requirement in the approved Mining Plan with prior permission of concerned DFO;*
- xii. *The user agency shall explore the possibility of translocation 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;*
- xiii. *The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. 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 concern Addl. Principle Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;*
- xiv. *Following activities, as per approved plan / schemes, 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 Ministry 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 angles of repose at any given place is less than 28°; and
- e. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan;

xv. **Safety Zone Management:** 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's guidelines: -

- a. User agency shall ensure demarcation of safety zone (7.5-meter strip all 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 coordinates 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 MoEF&CC 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; and
- e. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;

xvi. The User Agency shall comply with the Hon'ble Supreme Court order on re-grassing, and re-grass the mining area and any other areas which may have been disturbed due to mining to restore them to a condition which is fit for growth of fodder, flora, fauna, etc. in a timely manner;

xiii. 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 proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;

xiv. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;

xv. 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;

- xvi. The boundary of the diverted forest land, 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 coordinates;
- xvii. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
- xviii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- xix. No damage to the flora and fauna of the adjoining area shall be caused;
- xx. User agency and the State Forest Department shall create and maintain from funds to be provided by the user agency alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project as per the plan duly approved by the Principal Chief Conservator of Forests (Wildlife) and the Chief Wildlife Warden Odisha. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- xxi. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
- xxii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);
- xxiii. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;
- xxiv. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project and
- xxv. 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.

After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,

Sd-

(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), State Forest Department, Government of Odisha, Bhubaneswar
2. The PCCF & Nodal Officer (FCA), O/o PCCF, State Forest Department, Government of Odisha, Bhubaneswar

3. The Regional Officer, Integrated Regional Office of MoEF&CC at Bhubaneswar
4. User Agency
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi.

Signed by Sandeep Sharma  
Date: 29-03-2022 14:29:31  
Reason: Approved