

I/49695/2023

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

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 110003,

Dated: 31st July, 2023

To

The Addl. Chief Secretary (Forests),
Government of Odisha,
Bhubaneswar.

Sub: Proposal for seeking prior approval of the Central Govt. under Section 2(ii) of the Forest (Conservation) Act, 1980 in favour of M/s Odisha Mining Corporation Ltd. for non-forestry use of balance forest land 162.42 ha including 24.150 ha of forest land to be maintained safety zone (as per Sabik settlement record as on 25.10.1980 and after 25.10.1980) excluding the 104.79 ha forest land already diverted pertaining to total ML area of 382.709 ha of Sukurangi Chromite Mines spread over villages like Kamarda, Ostapal, Saruabil, Sukurangi, Tailangi and Forest block No. 27 of Mahagiri DPF in Sukinda Tehsil of jajpur Tailangi and Forest Block No. 27 of Mahagiri DPF in Sukinda Tehsil of jajpur district (under Cuttack Forest Division), Odisha during extended period of mining lease up to 31.3.2020 as per MMDR Amendment Act, 2015.

Madam/Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons.)195/2016/13965/F&E dated 29.07.2016 on the above-mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. After careful examination of the proposal by the Forest Advisory Committee, constituted under Section-3 of the said Act, '*in-principle*' approval to the proposal under the Forest (Conservation) Act, 1980 was granted vide this Ministry's letter of even number dated 17.09.2017 read with dated 06.06.2020 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide letter No. 7342 / 9F (MG)-377/2016 dated 30.03.2022, letter No. 1528/ 9F (MG)-377/2016 dated 30.01.2023, letter No. 10366/ 9F (MG)-377/2016 dated 30.05.2023 and letter No. 14542/ 9F (MG)-377/2016 dated 19.07.2023, final approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 in favour of M/s Odisha Mining Corporation Ltd. for non-forestry use of balance forest land 162.42 ha including 24.150 ha of forest land to be maintained safety zone (as per

Sabik settlement record as on 25.10.1980 and after 25.10.1980) excluding the 104.79 ha forest land already diverted pertaining to total ML area of 382.709 ha of Sukurangi Chromite Mines spread over villages like Kamarda, Ostapal, Saruabil, Sukurangi, Tailangi and Forest block No. 27 of Mahagiri DPF in Sukinda Tehsil of Jajpur Talang and Forest Block No. 27 of Mahagiri DPF in Sukinda Tehsil of Jajpur district (under Cuttack Forest Division), Odisha during extended period of mining lease up to 31.3.2020 as per MMDR Amendment Act, 2015, subject to following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. *The State Government shall ensure that the compensatory afforestation over 80.51 ha of non-forest land in respect of the already diverted area i.e. 104.79 ha be identified and the cost of afforestation including the CA scheme and relevant documents be submitted after completion of the process by end of September, 2023 or before handing over the forest land to the User Agency;*
- iii. *The State Government shall ensure that the 80.51 ha of non-forest land to be identified in respect of the already diverted area i.e. 104.79 ha to be transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation, shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section (s) of the local Forest Act. The Nodal Officer, Forest (conservation) Act, 1980, Government of Odisha must report compliance within a period of 6 months from the date of grant official approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the local Forest Act local forest as the case may be, to this Ministry for information and record before handing over the proposed forest land to the User Agency;*
- iv. The State Government shall ensure that compensatory afforestation over already notified non-forest land vide Notification No. 10F (Cons.) 05/2020-1307, 10F (Cons.) 05/2020-1300 and 10F (Cons.) 05/2020-1293, dated 17.01.2020 equal in extent to the proposed forest land being diverted shall be raised within three years from the date of issue of Stage –II approval and maintained thereafter as per approved plan by the State Forest Department at the cost of the User Agency. At least 1000, (156.771 ha x 1000 = 1,56,771 plants) saplings per ha shall be planted over admissible CA land. If this is 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;
- v. The State Govt. shall ensure that 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 m. from outer perimeter of the mining lease as per scheme submitted along with the compliance report;

- vi. The KML files of diverted area, the CA areas, SMC works area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details prior to handing over forest land to user Agency;
- vii. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
- viii. The State Government has realized the NPV of the forest area diverted under this proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and guidelines issued by this Ministry in this regard. Additional NPV if becomes due as per final order of Hon'ble Supreme Court, shall be paid by the User Agency;
- ix. The user agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- x. Following activities, as per approved plan / schemes, shall be undertaken by the User Agency at project cost under the supervision of the State Forest Department:
 - a. Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three years 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.
- viii. The State Govt. shall ensure that the activities proposed in the approved scheme for fencing, protection and regeneration of the safety zone area [7.5 meters' strip shall be kept within the mining lease boundary and area of the safety zone shall be part of the total area of mining lease as per the Ministry's guidelines dated 27.05.2015] shall be implemented within three years at the project cost from the issue of Stage-II approval. Besides this afforestation shall also be done on selected degraded forest land measuring 1.5 times of the area under safety zone at the project cost;
- ix. 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;

- x. Compensatory levies for this project, if any to be realized in future from the User Agency, shall be deposited to into the account of CAMPA of the State concerned through e-portal (<https://parivesh.nic.in>);
- xi. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xii. The State Govt. and the user agency shall ensure that 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. The State Govt. shall ensure that the boundary of the diverted forest land, mining lease and safety zone 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; The user agency shall also submit the map of lease area showing different kinds of forest land using DGPS survey data and latitude and longitude of each pillar to the Divisional Forest Officer, Keonjhar for his reference before commencement of work on final forest clearance;
- xiv. The State Govt. shall ensure that the User Agency shall carry out 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 Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
- xv. The State Govt. and the user agency shall ensure that 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;
- xvi. The State Govt. and the user agency shall ensure that 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;
- xvii. The State Govt. and the user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
- xviii. The State Government shall ensure that 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;

- xix. State Government shall ensure that process for settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has been completed in accordance with the relevant guidelines prescribed by this Ministry's letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013;
- xx. The State Govt. shall ensure that 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 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;
- xxi. The State Government and user agency shall ensure that plantation up to 100 meters from the bank of river on either side, to be done and maintained as green belt;
- xxii. The State Government and user agency shall ensure that moderately dense forest in southern boundary of the mining lease shall be kept intact as an additional safety zone;
- xxiii. Any other condition that the concerned Integrated Regional Office of this Ministry may stipulate, with the approval of competent authority, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- xxiv. 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; and
- xxv. The State Government and user agency shall ensure compliance of all conditions stipulated in the Stage-I approval letter of even number dated 29.11.2022 for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (s) and NGT Order (s) if any, pertaining to this project for the time being in force, as applicable to the project.
- xxvi. The State Govt. shall ensure that 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 this Ministry by the end of March every year;

Yours faithfully

(Dr. Surabhi Rai)
Dy. Inspector General of Forests

Copy to:

1. PCCF (HoFF), Government of Odisha, Bhubaneswar.
2. DDGF (Central), MoEF&CC's Regional Office at Bhubaneswar.
3. PCCF cum Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
4. User Agency.
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi.