

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

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

Dated: August, 2023

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

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s NALCO Ltd for non-forestry use of 697.979 ha of forest land for Pottangi Bauxite Mining Lease in village Pottangi of Koraput Forest Division under Pottangi Tahasil of Koraput District, Odisha (Online Proposal No. FP/OR/MIN/29981/2017).

Sir,

I am directed to refer to the Government of Odisha's letter NoFE-DIV-FLD-0056-2022-11955/FE&CC dated 08.07.2022 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 10.01.2023 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. 15074/9F (MG)-337/2021 dated 26.07.2023, '*final approval*' of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for non-forestry use of 697.979 ha of forest land for Pottangi Bauxite Mining Lease in village Pottangi of Koraput Forest Division under Pottangi Tahasil of Koraput District, Odisha in respect to M/S NALCO Ltd., subject to following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. **Compensatory Afforestation:**
 - a. The State Government shall ensure that compensatory afforestation over the degraded forest land double in extent to the forest land being diverted i.e. of 1400 ha shall be raised within three years from the date of issue of Stage –II Clearance. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided. The compensatory afforestation scheme, as approved,

shall be implemented by the State Forest Department. The CA will be maintained for 10 years;

iii. **Net Present Value:**

- a. 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;
 - b. 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.
- iv. ***State Government shall ensure that the KML files of diverted area, shall be uploaded on the e-Green watch portal with all requisite details prior to handing over forest land to user Agency.***
- v. 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>);
 - vi. 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;
 - vii. 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;
 - viii. The User Agency shall pay towards cost of removal of trees enumerated before commencement of work on Stage-II approval and tree felling should be taken up in phases strictly as per requirement under the supervision of the Divisional Forest Officer, Koraput Forest Division.
 - ix. 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;
 - x. The State Govt. shall ensure that user agency either himself or through the State Forest Department shall undertake appropriate mitigative measures to minimize soil erosion and choking of drains as per scheme submitted along with the compliance report. Observations and recommendation contained in the inspection report of the Regional Office should be taken into

consideration. 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 implemented;

- xi. State Government shall ensure that creation and maintenance of alternate habitat for avifauna whose nesting trees have been cleared are to be taken up by User agency;
- xii. State Government shall ensure that 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;
- xiii. State Government shall ensure that 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;
- xiv. State Government shall ensure prevention of fall of wild animals into mining pit by fencing the open pit area;
- xv. State Government shall ensure that the angle of repose in OB dumps to be maintained to ensure stability and safety;
- xvi. State Government shall ensure that 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;
- xvii. State Government and user agency shall ensure that trees should be felled in phased manner as per requirement in the approved Mining Plan with prior permission of concerned DFO;
- 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. 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;
- xx. 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 28o; and
 - e. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- xxi. **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:
- i. 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;
 - ii. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
 - iii. 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;
 - iv. 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 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
 - v. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms.
- xxii. 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;
- xxiii. 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;
- xxiv. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xxv. 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;
- xxvi. 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;
- xxvii. 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;
- xxviii. 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;
- xxix. No damage to the flora and fauna of the adjoining area shall be caused;
- xxx. State Government shall ensure that 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;
- xxxi. State Government shall ensure that the Site Specific Wildlife Management Plan (SSWMP) for mitigation the impact of project on wildlife of the area will be implemented by the state Government in consultation with the PCCF & Chief Wildlife Warden of State at Project cost deposited by the UA as per approved plan;
- xxxii. 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;
- xxxiii. 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;

- xxxiv. The State Govt. shall ensure that the user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project; and
- xxxv. 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.

Yours faithfully,

(Dr. Surabhi Rai)

Dy. Inspector General of Forests

Copy to:

1. PCCF (HoFF), Government of Odisha, Bhubaneswar.
2. DDGF (Central), Integrated Regional Office of the MoEF&CC at Bhubaneswar.
3. PCCF cum Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
4. User Agency
5. Monitoring Cell of FC Divisions, MoEF&CC, New Delhi.
6. Guard file.