

F. No. 8-54/2010-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj Jorbagh Road,
New Delhi-110003

Dated: 18th April, 2019

To

The Principal Secretary (Forests),
Government of Odisha,
Bhubaneswar.

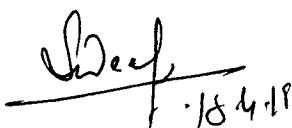
Sub: Diversion of 79.30 hectares of Reserved Forest Land in Tiring Pahar Mining lease area by Orissa Mining Corporation Ltd. in Keonjhar district during 1st renewal of mining lease – regarding.

Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons) 81/2008/13332/F&E, Bhubaneswar dated 23.07.2010 on the above mentioned subject seeking prior approval of the Central Government under Section 2 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 consideration of the proposal by the Forest Advisory Committee (FAC) constituted under section-3 of the said Act, **In-principle** approval was granted vide this Ministry's letter of even number dated **27.09.2017** subject to fulfilment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government of Odisha vide their letters No. 14508/9F (MG)- 25/2002 dated 04.07.2018 and letter no. 374/9F(MG) 25/2002 dated 07.01.2019, **Stage-II/Final** approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 79.30 hectares of Reserved Forest Land in Tiring Pahar Mining lease area by Orissa Mining Corporation Ltd. in Keonjhar district during 1st renewal of mining lease subject to following conditions:

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. **Compensatory afforestation**
 - a) Compensatory Afforestation and Soil & Moisture Conservation activities shall be taken up by the Forest Department over 70.078 ha in village Kachalekha and over 9.222 ha in village Kandulguda totalling to 79.30 ha. under Thuamul Rampur Tahasil of Kalahandi district at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land which has been 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 State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final 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 State Forest Act as the case may be, to this Office for information and record.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. State Government shall ensure that Regional Wildlife Management Plan and site specific wild life plan as approved shall be implemented by State Forest Department from the funds deposited in Adhoc CAMPA Account.
6. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.


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7. User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986.
8. The User Agency either itself or through the State Forest Department shall undertake fencing, protection and afforestation of the safety zone area (7.5-meter strip shall be kept within the mining lease or mining cluster, as applicable and such other areas as specified in the approved mining plan) at the project cost. Area of safety zone of a mining lease shall be a part of the total area of the mining lease.
9. The period of diversion of the said forest land shall be co-terminus with the period of the mining lease granted under the Mines and Minerals (Development & Regulating) Act, 1957 or Rules framed thereunder.
10. The user agency shall undertake mining and reclamation of the mined out area as per the approved mining plan and the directions of the concerned Divisional Forest Officer.
11. No labour camp shall be established on the forest land.
12. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on forest areas.
13. The boundary of the diverted forest land, mining lease area and safety zone shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.
14. The State Govt. ensure that the State Forest Department shall carry out gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4, from the funds deposited in CAMPA Account.
15. The State Govt. shall ensure that the user agency shall carry out de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies at their cost in consultation with State Forest Department.
16. The forest land shall not be used for any purpose other than that specified in the project proposal.
17. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
18. The change in the layout plan of the mining lease, if required, shall be done as prescribed in para 1.21 of Chapter 1 of the Handbook of guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.
19. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures as per approved schemes/plan and to ensure that there is no adverse impact on the forests in the surrounding area.
20. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
21. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per para 1.21 of comprehensive guidelines issued vide this Ministry's F.No.5-2/2017-FC dated 28.03.2019.
22. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife. The State Government shall ensure compliance of all the above conditions.

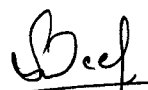
Yours faithfully,


(Sandeep Sharma)

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer (FCA), O/o PCCF, Government of Odisha, Bhubaneswar.
3. The Addl. PCCF (Central), Regional Office, Bhubaneswar.
4. User Agency.
5. Monitoring Cell of FC Division, MoEF&CC.
6. Guard File.


(Sandeep Sharma)

Assistant Inspector General of Forests (FC)