

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

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi - 110003.

Dated: 26th May, 2023

To

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 for non-forestry use of 465.62 ha of forest land (160.73 ha already broken up area+ 37.25 ha area to be worked during present renewal period + balance 267.64 ha to be maintained as forest) in favour of M/s Steel Authority of India Ltd (SAIL) for first renewal of their Bolani Ores Mines, Keonjhar District, Odisha -reg (Online Proposal Id: FP/OR/MIN/189/1996).

Madam/Sir,

I am directed to refer to the Government of Odisha's proposal on the above 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 24.02.1999 read with letter dated 24.07.2017 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. 11651/9F (MG)-78/2001 dated 02.07.2019, letter No. 3749/9F (MG)-78/2001 dated 24.02.2022 and letter No. 23209/9F (MG)-78/2001 dated 16.11.2022, final approval of Central Government under Section - 2 of the Forest (Conservation) Act, 1980 is hereby granted for non-forestry use of 465.62 ha of forest land (160.73 ha already broken up area + 37.25 ha area to be worked during present renewal period + balance 267.64 ha to be maintained as forest) in favour of M/s Steel Authority of India Ltd (SAIL) for first renewal of their Bolani Ores Mines, Keonjhar District, Odisha, subject to fulfillment of the following conditions:

1. Legal status of the diverted forest land shall remain unchanged.
2. **Compensatory Afforestation:**
 - i. The Compensatory Afforestation over 931.24 ha (609.78 ha + 321.46 ha) hectare degraded forest land shall be raised by the State Forest Department at the project cost;



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- ii. Penal Compensatory afforestation over 327.66 ha of degraded forest land, shall be raised by the State Forest Department at the project cost within three years from the date of grant of Stage - II approval;
- iii. The compensatory afforestation scheme, as approved, shall be implemented by the State Forest Department. The CA will be maintained for 10 years and the CA scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- iv. Compensatory afforestation over degraded forest land, double in extent to the forest land being diverted, shall be raised by the State Forest Department at the project cost within three years from the date of grant of Stage - II approval;
- v. The proposed compensatory land is found to be a natural habitat of Peafowl and other shrub dwelling species, accordingly the existing thorny/ shrubby vegetation ecosystem should be maintained, without any attempt to alter by undue over planting. However, soil moisture conservation should be given prime focus with possible creation of small water bodies and planting shall also be limited and confined to local thorny, fruit bearing species only.
- vi. 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 before handing over the forest land to the user agency.


3. NPV:

- i. The State Government has realized the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the 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. 5-3/2007-FC dated 05.02.2009 and guidelines dated 6.01.2022 read with guidelines dated 19.01.2022 through online portal of CAMPA account of the State Concerned. NPV, if any becomes due in future shall be realized in accordance with the relevant guidelines issued by the Ministry;
 - ii. 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.
4. The Ministry vide letter No.FC-11/151/2022-FC dated 07.11.2022 has issued guidelines regarding *Maintenance of Safety Zone; review of guidelines given under para 7.8 of the Handbook of Forest (Conservation) Act, 1980 vis-à-vis approvals obtained under the Forest (Conservation) Act, 1980*. The State Government shall take immediate necessary action for diversion of the 40.06 ha and 14.748 ha forest land involved in the safety zone, as per said guidelines.
5. Compensatory levies, if any, realized in future under the extant 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/>);
 6. The State Govt. shall ensure that User Agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF&CC along with Indicators for monitoring and expected observable milestones;


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7. Following activities, as per approved schemes, shall be undertaken in the lease area by the User Agency under the supervision of the State Forest Department:
- i. 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;
 - ii. 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;
 - iii. Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
 - iv. 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
 - v. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
8. **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.
9. Period of diversion of the said forest land under this approval shall be for a period co-terminus with the validity of lease granted under the MMDR Act, 1957;
10. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
11. No labour camp shall be established on the forest land and the User Agency shall


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- 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;
12. 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;
 13. The User Agency shall undertake mining as per approved mining plan and 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 Addl. Principal Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed.
 14. 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;
 15. The State Govt. and the user agency shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal;
 16. 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;
 17. No damage to the flora and fauna of the adjoining area shall be caused;
 18. 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;
 19. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department. Trees should be felled in phased manner as per the requirement in the approved Mining Plan with prior permission of concerned DFO;
 20. 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;
 21. 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;
 22. 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;
 23. 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
 24. 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.
 25. 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.


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Yours faithfully,


(Suneet Bhardwaj)

Assistant Inspector General of Forests

Copy to:

1. PCCF (HoFF), State Forest Department, Government of Odisha, Bhubaneswar.
2. PCCF & Nodal Officer (FCA), O/o PCCF, State Forest Department, Government of Odisha, Bhubaneswar.
3. Regional Officer (Central), Integrated Regional Office of MoEF&CC at Bhubaneswar.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi.

