



STATE FOREST HEADQUARTERS, ODISHA
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HoFF
PLOT NO. GD-2/12, ARANYA BHAWAN, CHANDRASEKHARPUR
BHUBANESWAR-751023

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No. 23378 / 9F (MG) - 70/2021
Dated, Bhubaneswar the 30th November, 2023

From

Sri Susanta Nanda, IFS
Principal Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)
O/o the PCCF & HoFF, Odisha, Bhubaneswar

To

The Deputy Inspector General of Forests (FC)
Government of India, Ministry of Environment, Forest & Climate Change
(FC Division), Indira Paryavaran Bhawan, Aliganj, Jorbagh road
New Delhi-110003

Sub:- Proposal for non-forestry use of 22.697 ha of forest land of Jilling-Langlota Iron Ore Block within total Mining Lease area of 456.100 ha in Keonjhar District of M/s OMC Ltd.- Compliance to GoI observations regarding.

Ref: F.No.8-49/1998-FC(PT1) dated 05.06.2022 of Scientist 'D', Government of India, MoEF & CC, New Delhi.

Sir,

In inviting a reference to the abovementioned subject, this is to inform that basing on Government of India, Ministry of Environment, Forest & Climate Change, New Delhi observations dated 05.06.2022, the DFO, Keonjhar Forest division and RCCF, Rourkela Circle have furnished the required compliance as detailed below:-

Observation-i: *Compensatory afforestation has been proposed over an equivalent non-forest area of 22.697 ha. DSS analysis of the CA area revealed the cultivation in the non-forest land identified for CA. Therefore, the State Government needs to confirm its suitability and proximity to existing forest keeping in view ease of its management by the Forest Department.*

Compliance:- The RCCF, Rourkela Circle has reported that the user agency has intimated vide their letter No.1539 dated 21.04.2023 that a fresh Compensatory Afforestation land has been identified at the village Soroda in Patangi Tahasil of Koraput District instead of the previous Compensatory Afforestation land at village Peturu of Patangi Tahasil of Koraput District. Collectors, Koraput vide L. No. 1535 dt. 21.04.2023 addressed to DFO, Koraput has requested to file requisition in Form No.-1 for processing of alienation proposal of the selected CA land in village Soroda under Potangi Tahasil. The joint verification has been taken up to the identified Compensatory Afforestation land at Soroda & report of joint verification duly signed by the Tahasildar, Patangi and concerned Range Officer is enclosed herewith as **Annexure-I**. The Cadastral map of the identified CA land in village Soroda is enclosed as **Plate No.-I** to the compliance. The details of the land identified are furnished below.

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| Tahasil | Village | Khata No. | Plot No. | Total area of the plot in Ac. | Area considered in Ac. | Kisam | Type of Plantation recommended |
|--------------|---------|-----------|--------------|-------------------------------|------------------------|-------------|--------------------------------|
| Pottangi | Soroda | 71(AAA) | 593 | 30.00 | 30.00 | Patharbania | AR 1000 plants per Ha |
| | | | 594 | 22.50 | 22.50 | Patharbania | -do- |
| | | | 626(p) | 22.50 | 3.58 | Pahada | -do- |
| Total | | | 75.00 | 56.08 Ac. or 22.697 ha | | | |

Non-encroachment & non-encumbrance certificate has been furnished by the Tahasildar, Pottangi in respect of the identified CA land in village Soroda. Further, DGPS map has been prepared by the ORSAC & enclosed as **Plate No.-II** to the compliance. The DGPS map area is found to be 22.708 ha against the RoR land area of 22.697 ha. The CA scheme has been prepared by the DFO, Koraput Division based on the one-time cost norm circulated from this office and it is enclosed as a separate volume to this compliance. The site suitability certificate has been furnished by the DFO, Koraput enclosed to the CA scheme. DFO, Koraput has done DSS analysis. It is revealed from the analysis that 22.0 ha CA land identified in village Soroda is Scrub Forest. The land has been demarcated with 10 field stations. The GPS co-ordinates have been provided and enclosed in the CA scheme. The land finds place in Topo Sheet No. E44K 15. The Topo map, Cadastral map of the site and the DGPS map of the site are enclosed in the CA scheme. It is proposed to plant @ 1000plants /ha. It is proposed to fence the plantation with Chain Link wire mesh fence over 2507.49 Rmt. Provision for Watering the CA plantation with Diesel Pump set fitted to Bore well model has been proposed. Besides this the SMC work over the 22.697 ha is also proposed. The KML file of the CA land has been furnished in CD form enclosed to the CA scheme. The total financial out lay prepared by DFO, Koraput comes to Rs. 1,66,58,439/-. The financial outlay approved by Nodal Officer is Rs.1,40,48,800 at one time cost norm.

Observation-ii: Elephant Habitat-2 is reported in the area proposed for diversion, therefore, comments of PCCF (Wildlife) and CWLW, Odisha on the likely impacts of the project on the elephant habitat and other schedule species reported in the area may be obtained by the State and may be informed to the Ministry.

Compliance:- The RCCF, Rourkela Circle has reported that the mining lease area comprises of 392.289 ha of forest area. To conserve and improve the flora and fauna of the core area and the forest area coming within 10.0 km of buffer zone, a Site Specific Wildlife Conservation Plan has been technically approved by the PCCF (WL) and CWLW, Odisha vide his letter No.10895/1WL-C-SSP-167/2010 dt 15.12.2010. Provisions have been made towards protection and improvement of elephant habitat to implement the activities by utilizing the funds deposited by the User Agency. The detailed activities undertaken by the user agency vis-a-vis the financial involvement in core zone is given at **Annexure-II**. The copy of the approval along with approved SSWLCP is enclosed as **Annexure-III** for kind reference.

It is an old mine functioning since 1954. The whole land scape around the mine also involves mining. It is not a critical elephant movement area connecting distant habitat. Elephant do not visit lease area. There is elephant movement over adjoining forest blocks for which Site Specific interventions have been suggested. Similarly, the movement of elephant in the adjoining lease area of the applied mining lease is also shown in a map enclosed as **Annexure-II/A**. There will not be any visible and major negative impact on the habitat of elephant & other species.

Observation-iii: Approval dated 8.10.2014 was granted over an area of 369.592 ha by the Ministry in the past. Following detail in respect of said approval may be provided by the State:

Observation No. iii. a.: Updated status of compliance of conditions stipulated in the approval dated 8.10.2014 granted in the past needs to be intimated by the State.

Compliance:- The RCCF, Rourkela Circle has reported that the user agency has submitted the updated status of compliance of the conditions stipulated in the approval vide L.No.F.NO.8-49/98-FC dt 08.10.2014 duly countersigned by the DFO, Keonjhar Division are enclosed as **Annexure-IV** series.

Observation No.iii.(b): An amount of Rs. 196.12 lakh had been realized from the erstwhile user agency towards the implementation of site-specific Wildlife Management Plan in pursuance to approval under FC Act granted in the past. Current status of implementation of various provisions proposed in the Site-Specific Wildlife Management Plan, supported with year wise activities covered and expenditure incurred thereof, photograph etc. may be submitted by the State.

Compliance:- The RCCF, Rourkela Circle has reported that a sum of Rs 196.12 lakh was deposited by the User Agency in 2 spells on dt. 27.06.2009 and 26.11.2016 towards the cost of Regional Wildlife Management Plan @ Rs 43000/-per hectare over 456.100 ha of ML area as per the demand raised by the DFO, Keonjhar Division. On receiving the demand from DFO, the ex-lessee i.e. M/s Essel Mining Industries and Pvt. Ltd. had deposited Rs.196.12 Lakhs in two instalments. The details are as follows. The details of the demand raised and the funds deposited area enclosed at **Annexure-V**.

| Instalment No | D.D/Cheque No& Date | Amount | Account No in which amount is Deposited | Proof of Details of Payments |
|-----------------|-------------------------|-----------------------|--|------------------------------|
| 1 st | No.010349 27.06.2009 | Rs.91,22,000/- | Compensatory Afforestation fund (CAF), Orissa in Corporation Bank, Lodhi Road, New Delhi | Enclosed |
| 2 nd | No.013447 26.11.2013 | Rs.1,04,90,300/- | A/c No. 344902010105428, IFSC Code UBIN 0534498, Union Bank of India, Sunder Nagar, New Delhi-110003 | Enclosed |
| Total | | Rs.1,96,12,300 | | |

Besides, the current status of activities implemented in the lease hold area as per the approved Site Specific Wildlife Conservation Plan is given at **Annexure-II**.

Observation No.iii. (c): Detail of safety zone maintained in lieu of diversion of 369.592 ha and activities viz plantation, ANR and afforestation over 1.5 times the area of safety zone has not been informed. The same may be informed by the State along with detail of expenditure incurred on the various activities undertaken in respect of safety zone area.

Compliance:- The RCCF, Rourkela Circle has reported that an amount of Rs. 7, 34,474/- has been deposited by the Ex-lessee vide DD No. 371128, 371129, 371130 and 371131 towards the cost of fencing, protection and regeneration of the Safety Zone area over 29.598 ha pertaining to diversion of 369.592 ha of forest land. The scheme includes barbed wire fencing and plantation all along inner side of the 7.5 meter strip of the ML area. Copy of the Safety Zone scheme along with the photographs of the plantation undertaken in safety zone within mining lease area are enclosed as **Annexure-VI**. Safety Zone plantation has been carried out by the Forest Department during the year 2011-12 by planting 47357 nos. of seedlings with an expenditure of Rs.6,67,509/- .

Further, it is reported by the RCCF, Rourkela that a scheme over 44.397 ha of degraded forest land identified in Kalapat R.F under Talkoi forest Range of Keonjhar Forest Division instead of Benamunda RF under Telkoi Range of Keonjhar Forest Division for 1.5 times of safety zone plantation. A copy of 1.5 times Safety zone plantation approved by the RCCF, Rourkela Circle for Rs.5, 12,563/- is enclosed as **Annexure-VII**. 1.5 times Safety Zone plantation has been carried out in the identified degraded forest land in Kalapat RF over 44.397 ha by planting 13319 nos. of seedling during 2009-2010 with an expenditure of Rs.4,17,893/-. Further fencing over 1.06 Km pertaining to 1.5 Safety Zone has been carried out with a cost of Rs.68,075/-. The photographs of the 1.5 times plantation is enclosed as **Annexure-VII**.

Observation No.iii. (d): Detail of NPV realized from the user agency in lieu of diversion of forest land accorded in the past and in pursuance to Ministry's guidelines dated 31.03.2020 may be informed by the State.

Compliance:- The RCCF, Rourkela Circle has reported that the ex-lessee had deposited Rs.34,70,46,888/- & Rs.1,01,61,201/- towards NPV over 369.592 ha of forest land involved in the mining lease. Besides, OMC has also deposited Rs.27,71,46,750/- towards NPV over 369.592 ha vide UTR No. SBINR12021011106076046 dt. 11.01.2021. An undertaking has also been submitted by the OMC Ltd. to deposit the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India and transfer the same to Ad-hoc CAMPA under intimation to the Ministry. The details of NPV deposited by Ex-lessee and M/s OMC Ltd along with the said undertaking are given in **Annexure-VIII series** along with the undertaking submitted by M/s OMC Ltd. for reference.

Observation No.iii.(e): As evident from the detail provided in the proposal, the mining lease was auctioned to successful bidder, detail of documents/information pertaining to transfer of approval in favour of the new lessee, if any, accorded by the State in terms of guidelines dated 31.03.2020 is not provided in the proposal, the same needs to be informed by the State.

Compliance:- The RCCF, Rourkela Circle has reported that that during the online auction process, M/s Shyam Ores (Jharkhand) Pvt. Ltd had been selected as L1 bidder and accordingly the State Government had issued conditional grant order in their favour. The State Govt. cancelled the grant order due to non-fulfillment of the conditions stipulated therein. Subsequently, the State Govt. vide letter No.338/SM/IV (B)SM-11/2020 dt 11.01.2021 granted the same mining lease in favour of OMC

subject to fulfillment of conditions stipulated therein. M/s OMC Ltd. complied all the conditions and the lease was granted in favour of M/s OMC Ltd. vesting with all the already approved statutory approvals communicated by the State Govt. in Steel and Mines Dept. vide their letter No. 317/SM/IV(AB)SM-01/2021 dt. 11.01.2021. The copy of all the correspondences in this regard are enclosed as **Annexure-IX** for reference.

Observation No.iii. (f): Cost benefit Ratio has been estimated as 1:16411.5 which is exorbitantly high. It seems appropriation of cost and benefits components has not been done properly i.e. cost corresponding to 22.697 ha have been estimated while the benefits to be accrued from the entire mining lease area have been accounted for in the analysis. The analysis needs to be recasted by accounting CB parameters either only in respect of 22.697 ha or for entire mining lease area.

Compliance:- The RCCF, Rourkela Circle has reported that the mining lease has been granted over 456.10 ha out of which 392.289 ha is forest land. M/s OMC Ltd. has proposed to work within 22.697 ha of forest land in addition to the already diverted forest area. The DFO, Keonjhar Division has reassessed the cost of forest over 22.697 ha proposed for diversion. It comes to Rs. 717.0 Lakh. Further, the user agency has estimated the benefits of the forest diversion over 22.697 ha proposed forest land for diversion. It comes to Rs. 196089.0 Lakh. The cost benefit ratio comes to 1:273.48 .The Cost and the Benefit assessment are enclosed as **Annexure-X** and **Annexure-X A** respectively.

Observation No.(iv): Examination of the Mining Plan submitted along with the proposal revealed the following: Mining Plan revealed the following:

Observation No.(iv) (a). State Government, in its forwarding letter, mentioned total lease area and forest area thereof is 392.289 ha, respectively while the corresponding forest areas indicated in the approved Mining Plan are 342.199 ha. Discrepancy in the Mining Plan needs to be rectified by the State.

Compliance:-The RCCF, Rourkela Circle has reported that the State Government executed the mining lease in favour of M/s OMC Ltd. to commence the mining operation immediately to meet the raw material demand of the local industries as many iron ore mines of Odisha has been terminated by 31st March, 2020. Therefore, while preparing the mining plan, HAL Kissam land schedule was considered for designing the land use plan. In order to ascertain the exact forest area, M/s OMC Ltd. vide letter no. 338/SM dt. 11.01.2021 requested Tahasildar, Barbil to provide land schedule of the total ML area as per SABIK kissam. Tahasildar, Barbil vide letter No. 1281 dt. 09.04.2021 provided the status of land involved in the Jilling-Langalota Iron Ore Mines of M/s OMC Ltd., wherein the total forest land came to 392.289 ha. Out of 392.289 ha of total forest land, 26.990 ha of forest land was acquired for Daitari-Banspani Rail link project and Stage-II FC granted over the balance 342.602 ha of forest land in favour of the ex-Lessee. Therefore, M/s OMC Ltd. Has submitted the forest diversion proposal over 22.697 ha of SABIK kissam forest land.

Observation No.(iv) (b.) Area of various land uses mentioned in the approved Mining Plan and extant proposal is observed to be at variance. Moreover, component of magazine and safety zone involving area of 81.280 ha is not mentioned in the land uses indicated in the mining plan. Discrepancies in the areas of land uses may be justified and if needed be rectified by the State Government;

Compliance:- The RCCF, Rourkela Circle has reported that in the current diversion proposal, the purpose-wise break up of 22.697 ha of forest land has been proposed whereas mining plan has been prepared for the entire ML area over 456.100 ha. The proposed land use over 22.697 ha of forest land is a part of the land use proposed over entire ML area of 456.100 ha. Hence, he has requested to drop the discrepancies so observed.

In compliance, it is submitted that the mining plan approved by IBM is over 456.100 ha and the instant proposal is for diversion of 22.697 ha of forest land. The land use mentioned against 22.697 ha is a sub-set of the total land use mentioned in the mining plan.

The breakup of 81.280 ha as per the approved mining plan compared with that of the extant proposal as submitted by M/s OMC Ltd is given as under:

| As per the approved mining plan | | | As per extant proposal | | |
|---------------------------------|---|---------------|------------------------|------------------------|------------|
| Sl. No. | Description | Area in ha | Sl. No. | Item of works | Area in ha |
| 12* | Others (Water harvesting) | 0.693 | 7 | Magazine & safety zone | 81.280 |
| | Others (Green belt/safety zone) | 10.314 | | | |
| | Others (Magazine) | 0.713 | | | |
| | Others (SE Railways acquired area) | 34.967 | | | |
| | Others (Nalla with safety zone) | 11.899 | | | |
| | Others (NH with safety zone) | 10.982 | | | |
| | Others (HT line) | 3.102 | | | |
| | Roads | 4.482 | | | |
| | Void utilized for backfilling (Out of 300 m X 280 m i.e. 8.400 ha) [#] | 3.128 | | | |
| | Area afforested [#] | 1.000 | | | |
| | Total | 81.280 | | | |

The relevant pages (No.111 & 118) of the Mining Plan are enclosed as **Annexure-XB**.

Observation No.(iv)(c). As per land use details provided in the Mining Plan, out of total lease area of 456.100, an area of 269.241 ha has been utilized so far for mining and allied activities while 186.859 ha is unutilized, out of which 106.108 ha has been proposed to be utilized during the next conceptual period while 80.751 ha is proposed to unutilized (Pg 352/c). State Government may therefore explore the possibility to handover the forest land involved in the unutilized area to Forest Department.

Compliance:-The RCCF, Rourkela Circle has reported that as per the condition No. 2. (i) of the Stage-II Forest Clearance over 342.602 ha, legal status of forest land shall remain unchanged. As per the approved progressive mine closure plan, reclamation activity is being undertaken by OMC only. When the entire mineral is completely exploited by M/s OMC Ltd. and the same is certified by IBM then reclamation will be carried out as per the approved final mine closure plan.

Further, The RCCF, Rourkela Circle has reported that the unutilized area over 80.751 ha as per the approved mining plan within Jilling-Langalota ML comprises 70.209 ha of forest land and 10.542 ha of non-forest land. Out of the said total forest land, 1.069 ha has been acquired by Railways and 1.886 ha has been earmarked for safety zone (earlier proposal in Patch-I & current proposal in patch-IV). The plan showing the unutilized area in Jilling-Langalota Iron Ore mines in five patches is enclosed as **Plate No.- III**. The major chunk of balance unutilized forest area over 67.254 ha under "Mining" land use has already been diverted and included within the forest area of 342.602 ha approved by MoEF & CC vide letter No.8-49/98-FC (pt.) dt. 08.10.2014. The copy of the land use map approved by MoEF & CC and submitted by the ex-lessee is enclosed as **Plate No.- IV**.

For the aforesaid unutilized forest area, NPV has been paid by the user agency. The user agency have intimated in their compliance vide letter No.21366 dated 22.12.2022 that the said unutilized forest land will be used once the quality of Ore is established through exploration & hence this fact may be considered in this regard.

Observation No.(v): Current status of 22.297 ha i.e. whether the area has been mined already or proposed to be mined during the conceptual period may be clarified by the State.

Compliance:- The RCCF, Rourkela Circle has reported that out of 22.297 ha of SABIK forest land proposed for diversion, 5.70 ha was utilized for mining by the ex-lessee as it was non-forest land. In order to utilize the entire SABIK forest land, OMC has proposed for diversion.

Observation No.(vi): Examination of phase wise reclamation plan submitted along with the proposal mentioned consolidated area of 372.222 ha will be reclaimed technically and biologically. Year wise detail of reclamation in consonance with the provisions provided in the Progressive Mine Closure Plan may also be intimated by the State.

Compliance:- The RCCF, Rourkela Circle has reported that the year wise reclamation schedule as approved in the progressive mine closure plan and the year wise reclamation taken thereof has been furnished by the user agency enclosed as **Annexure-XI** to the compliance.

Observation No.(vii): Ministry's vide its guidelines dated 10.03.2015 clarified that areas which were recorded as forest in Sabik land records and subsequently changed to non- forest land as per Hal records should be considered as forest for the purpose of FC Act, 1980 and prior approval. Therefore, in view of the said guidelines, the State Government may submit its considered opinion on 'why should the lease executed between Collector Keonjhar and M/s OMC on 12.01.2021, despite Ministry's standing instructions in guidelines dated 10.03.2015, without prior approval of Central Government under the Forest (Conservation) Act, 1980 in respect of 22.697 ha of forest land, not be treated as a violation of Forest (Conservation) Act, 1980.

Compliance:-The RCCF, Rourkela Circle has reported that ML executed between Collector, Keonjhar and M/s OMC Ltd. on 12.01.2021, includes forest land of 22.697 ha. Regarding execution of lease without prior approval of the Central Govt., the clause No.7.3 (vi) of the letter by MoEF& CC dt. 31.03.2020 keeps a provision which reads as under:-

“ a. A new lessee of the mining leases expiring under the provisions of sub-section (5) and (6) of Section 8A of Mines and Minerals (Development and Regulation) Amendment Act,2015,shall be deemed to have acquired all valid rights, approvals, clearances, licenses and like vested with the previous lessee for a period of two years..... ”

Subsequently, as per MMDR Amendment Act, 2021 dt 28.03.2021, the following is reproduced for clarity:

“8B. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, all valid rights, approvals, clearances, licenses and the like granted to a lessee in respect of a mine (other than those granted under the provisions of the Atomic Energy Act, 1962 and the rules made there under) shall continue to be valid even after expiry or termination of lease and such rights, approvals, clearances, licenses and the like shall be transferred to, and vested; subject to the conditions provided under such laws; in the successful bidder of the mining lease selected through auction under this Act:

Provided that where on the expiry of such lease period, mining lease has not been executed pursuant to an auction under provisions of sub-section (4) of section 8A, or lease executed pursuant to such auction has been terminated within a period of one year from such auction, the State Government may, with the previous approval of the Central Government, grant lease to a Government company or corporation for a period not exceeding ten years or till selection of new lessee through auction, whichever is earlier and such Government company or corporation shall be deemed to have acquired all valid rights, approvals, clearances, licenses and the like vested with the previous lessee:

Provided further that the provisions of sub-section (1) of section 6 shall not apply where such mining lease is granted to a Government company or corporation under the first proviso:

Provided also that in case of atomic minerals having grade equal to or above the threshold value, all valid rights, approvals, clearances, licenses and the like in respect of expired or terminated mining leases shall be deemed to have been transferred to, and vested in the Government company or corporation that has been subsequently granted the mining lease for the said mine.

(2) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land till expiry or termination of mining lease granted to it, in which mining operations were being carried out by the previous lessee. ”

As reported by the DFO, Keonjhar Division, Ministry of Mines vide letter no.4/1/2020-M.VI dt. 05.01.2021 reserved Jilling- Langalota Iron Ore Mines and Guali Iron Ore Mines. Accordingly, Mining Lease was granted and executed in favour of OMC to produce iron ore as per the raw material requirement of the industries. The area of operation is strictly confined within approved forest area of 342.602 ha, excluding 22.697 ha of forest area to be utilized after grant of Stage-II Forest clearance.

In view of the above, the compliance to the observations to GoI letter F.No.8-49/1998-FC(PT1) dated 05.06.2022 of Scientist 'D', Government of India, MoEF & CC, New Delhi is enclosed herewith for favour of kind information and necessary action.

Yours faithfully

Encl: Compliance in one set

Sandeep
Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

Memo No. *23379* /Dt. *30-11-2023*

Copy along with one set of compliance forwarded to the Deputy Director General of Forests (Central), GoI, MoEF & CC, Regional Office, Chandrasekharpur, Bhubaneswar-751023 for favour of kind information and necessary action with reference to F.No.8-49/1998-FC(PT1) dated 05.06.2022 of Scientist 'D', Government of India, MoEF & CC, New Delhi.

Encl: Compliance in one set

Sandeep
Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

Memo No. *23380* /Dt. *30-11-2023*

Copy along with one set of compliance forwarded to the OSD-cum-Special Secretary to Government, Forest, Environment & Climate Change Department, Odisha, Bhubaneswar for favour of kind information and necessary action with reference to F.No.8-49/1998-FC(PT1) dated 05.06.2022 of Scientist 'D', Government of India, MoEF & CC, New Delhi.

Encl: Compliance in one set

Sandeep
Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

Memo No. *23381* /Dt. *30-11-2023*

Copy forwarded to the RCCF, Rourkela Circle for information and necessary action with reference to his Memo No. 3984 dated 19.11.2022.

Sandeep
Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

Memo No. *23382* /Dt. *30-11-2023*

Copy forwarded to the Divisional Forest Officer, Keonjhar Forest Division for information and necessary action with reference to Memo No. 3985 dated 19.11.2022 of RCCF, Rourkela Circle.

Sandeep
Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

Memo No. *23383* Dt. *30-11-2023*

Copy forwarded to the Managing Director, M/s OMC Ltd., OMC House, Bhubaneswar-751001 for information and necessary action.

Sandeep
Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

o/c



STATE FOREST HEADQUARTERS, ODISHA
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HoFF
PLOT NO. GD-2/12, ARANYA BHAWAN, CHANDRASEKHARPUR
BHUBANESWAR-751023

E-mail: nodal.pccfhoff@odisha.gov.in

No. 23386 / 9F (MG) – 70/2021
Dated, Bhubaneswar the 30th November, 2023

From

Sri Susanta Nanda, IFS
Principal Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)
O/o the PCCF & HoFF, Odisha, Bhubaneswar

To

The Deputy Inspector General of Forests (FC)
Government of India, Ministry of Environment, Forest & Climate Change
(FC Division), Indira Paryavaran Bhawan, Aliganj, Jorbagh road
New Delhi-110003

Sub:- Proposal for non-forestry use of 22.697 ha of forest land of Jilling-Langlota Iron Ore Block within total Mining Lease area of 456.100 ha in Keonjhar District of M/s OMC Ltd.– Compliance to GoI observations regarding.

X-Sub:- Submission of point wise compliance on observation noticed by MoEF & CC, GoI, New Delhi vide letter dated 05.06.2022 and comments on Site Inspection Report of the MoEF & CC, GoI, IRO, Bhubaneswar.

Ref: F.No.8-49/1998-FC (Pt-1) dated 05.06.2022 of Scientist 'D', Government of India, MoEF & CC, New Delhi & F. No. 8-49/1998-FC (Pt-1) dt. 06.03.2023 of GoI, MoEF&CC.

Sir,

In inviting a reference to the abovementioned subject, this is to inform that basing on Government of India, Ministry of Environment, Forest & Climate Change, IRO, Bhubaneswar Site Inspection Report observations dated 16.08.2022, the DFO, Keonjhar Forest division and RCCF, Rourkela Circle have furnished the point wise compliance to the observations as detailed below:-

Observation:1 - Legal status of the forest land proposed for diversion.

MoEF Observation:- The Legal status of the 22.697 ha land proposed for diversion is of Sabik Forest land.

Compliance: - As reported by the RCCF, Rourkela circle he has nothing to comment.

Observation:2 - Item wise break up details of the forest land proposed for diversion.

MoEF Observation:- The item wise breakup of the forest land proposed for diversion is furnished below:

| SI No. | Pattern of utilization | Forest area in ha | | | |
|--------|---|-------------------|----------------|-------------------------|-------------------|
| | | Reserve Forest | Revenue Forest | Forest as on 25.10.1980 | Forest as per DLC |
| 1 | Mining | - | - | 7.579 | - |
| 2 | Mineral Storage | - | - | 2.764 | - |
| 3 | Infrastructure | - | - | 5.052 | - |
| 4 | Railways | - | - | 0.503 | - |
| 5 | Road | - | - | 1.937 | - |
| 6 | Township area | - | - | 2.021 | - |
| 7 | Area earmarked for Safety Zone (Mining Lease and and express highway) | - | - | 2.841 | - |
| | Total | | | 22.697 | |

Compliance:- As reported by the RCCF, Rourkela circle, he has nothing to comment.

Observation:3 - Whether proposal involves any construction of buildings (including residential) or not, If yes, details thereof.

MoEF Observation:-No.

Compliance:- As reported by the RCCF, Rourkela Circle, he has nothing to comment.

Observation:4- Total cost of the project at present rates:

MoEF Observation:-The cost of project is Rs.4493.60 lakhs.

Compliance:- As reported by the RCCF, Rourkela circle, he has nothing to comment.

Observation:5 - Wildlife:-

MoEF Observation:-Whether forest area proposed for diversion is important from wildlife point of view or not:

Compliance:-As reported by the RCCF, Rourkela Circle, movement of elephant in the fringe area is noticed. No other rare or endangered species are available in the applied area for diversion. In the letter of Forest, Environment and Climate Change Department, Government of Odisha, it is mentioned that the proposed site falls under Elephant Zone-2.

As reported by the DFO, Keonjhar Division, it is an old mine functioning since 1954. The whole land scape around the mine also involves mining. It is not a critical elephant movement area connecting distant elephant habitat. Elephants do not visit lease area. There is elephant movement over adjoining forest blocks for which Site Specific interventions are suggested. There will not be any visible and major negative impact on the habitat of elephant & other species. The elephant movement map overlapped on Topo sheet map of lease area & KML file of adjoining mines submitted by the DFO, Keonjhar is enclosed as **Annexure-I**,

Observation:6 - Vegetation:-

MoEF Observation:-As reported, the forest type is 3 C/C2e Moist Peninsular valley Sal as per the Working Plan prescription. As per the enumeration list, Floral species found viz. Cassia sappas, Dalbergia Sissoo, Shorea robusta, Pterocarpus marsupium, Gmelina arborea, Terminalia tomentosa, Anogeissus latifolia, Mangifera indica, Syzygium cumini, Diospyrus melonoxydon, Bridelia retusa, etc. are present in the proposed diversion forest area.

The average density of vegetation is 0.5.

Compliance:- As reported by the RCCF, Rourkela Circle, he has nothing to comment.

Observation: 6 (a) - Total nos. of trees to be felled.

MoEF Observation:-The DFO, Keonjhar has reported that total 1455 sound trees and 59 unsound trees have been enumerated.

Effect of removal of trees on the general Ecosystem in the area.

Removal of trees has impact on the general ecosystem in terms of loss of habitat to fauna, soil and moisture conservation, local climate, etc.

Compliance: - As reported by the DFO, Keonjhar Division, he has nothing to comment.

Observation:6 (b) - Important Species:-

MoEF Observation:-Dalbergia sisoo, Tectona grandis, Santalum album, Shorea robusta, Michelia champaca, Gmelina arborea, Terminalia tomentosa, Bridelia retusa, Mangifera indica, Syzygium cumini, Diospyros melanoxylon, Artocarpus integrifolia, etc.

Number of trees of girth below 60cm

The Number of trees of girth below 60cm is 750.

Number of trees of girth above 60cm

The Number of trees of girth above 60cm is 705.

Compliance:- As reported by the RCCF, Rourkela Circle, he has nothing to comment.

Observation:7- Back ground note on the proposal

MoEF Observation:-As reported by the Forest, Environment and Climate Change Department, Government of Odisha, mining lease executed initially in favour of M/s Lal & Co on 08.10.1956 for a period of 30 years. It was renewed for another 20 years on 21.11.1986 and the RML deed was executed on 30th March, 1988. The 1st RML period expired on 30.09.2004. As per Section 8 (A) of the MMDR Act, Government of Odisha in Steel and Mines Department extended the validity period of the mining lease up to 31.03.2020. Accordingly, the supplementary lease deed was executed on 19th February, 2016. Consequently, Jilling-Longlata iron ore mines got expired on 31.03.2020. The mine was put under auction by the State Government and the Successful bidder could not comply the terms and conditions as a result of which the State Government recommended for consideration and allocation through reservation (Section 17 A of the MMDR Act) route or any other appropriate provision in favour of OMC Ltd. (Government undertaking company) for a specified period of time to meet the exigencies of the situation where most of the auctioned mines were unable to start operation. Ministry of Mines, Government of India in exercise of the powers conferred Under Section 17 A (2) MMDR Act read with Section 20 A has granted its approval to reserve Jilling -Longlata Iron Ore mines over 456.100 ha (as per ROR)/ 456.037 ha (as per DGPS) in favour of OMC Ltd. to State Government of Odisha in Keonjhar District for period of 10 years. The State Government of Odisha in exercise of power conferred by sub-section (2) of MMRD Act reserve Jilling -Longlata Iron Ore Block in favour of Odisha Mining Corporation Ltd. Vide Notification No.299 dated 11.01.2021 of Department of Steel and Mines, Government of Odisha. The letter of Intent (LOI) for grant of Mining Lease for Iron ore over an area of 456.100 ha.(as per ROR)/ 456.037 ha (as per DGPS) in Keonjhar District in respect of Jilling -Longlata iron ore block has been issued by the Department of Steel & Mines in favour of OMC Ltd. for a period of 10 years. The Mining Lease has been executed between the Collector, Keonjhar on behalf of OMC Ltd on 12.01.2021. The OMC has commenced the operation since 28.02.2021 and mining is continuing. The instant proposal is for diversion of 22.697 ha of Sabik Kisam forest land under Section 2 (ii) of FC Act, 1980.

Compliance:- As reported by the RCCF, Rourkela Circle, he has nothing to comment.

Observation:8- Compensatory Afforestation:

MoEF Observation:-As reported, non-forest Government land over 22.697 ha has been identified in village Peteru in three patches situated in hilly slope of Pottangi tahasil in Koraput district. The details of non-forest land identified in three patches of village Peteru is furnished below:

| Name of The Tahasil | Name of the Village | Khata No. | Plot No. | Area taken for Install proposal for CA (in ac) | Kisam |
|---------------------|---------------------|-----------|----------|--|--------|
| Pottangi | Peteru | 61 (AAA) | 310 | 37.96 | Pahad |
| | | | 410 | 9.36 | Pahad |
| | | | 495 | 8.77 | Pahads |
| | Total | | | 56.09 acres or 22.697 ha | |

As reported, species proposed for plantation are Jamun (*Syzgium cumini*), Kuruma (*Adina cardifolia*) Dharua (*Anogeissus latifolia*), Khair (*Acacia catechu*), Sissoo (*Dalbergia Sissoo*), Neem (*Azadirachta indica*), Gambhari (*Gmelina arborea*), Bahada (*Terminalia belerica*), Harida (*Terminalia chebula*), Karanj (*Pongamia pinnata*), Amla (*Embilca officinalis*), etc.

Compliance: - As reported by the RCCF, Rourkela circle, he has nothing to comment.

Observation:8 (a) - Whether land for compensatory afforestation is suitable from plantation and management point of view or not

MoEF Observation:-In the report, it is mentioned that the land for compensatory afforestation is suitable from plantation and management point of view. During site inspection, it was found that all the three patches have remnants of shifting cultivation which is common practice in most of the area in Koraput owing to high concentration of tribal communities. The CA land has to be made free from all encumbrances and encroachments before it is handed over to the Forest Department. The State Forest Department has to take all necessary steps to protect and preserve the plantation area and also dissuade the local communities from carrying out shifting cultivation in the CA lands by growing those species which can provided alternative source of income and live hood to the local tribal by working out a usufruct sharing mechanism with local communities around the CA area and organizing them into Van Samrakshyana Samities by the Forest Department and taking all measures to reduce their negative dependency on forests. The CA land is also adjacent to the Bharatmala project, which is commencing in the said area, so the Forest Department may take additional precautions in the CA land so as to ensure that the plantations are carried out smoothly and well protected with proper fencing and intensive maintenance.

Compliance:-As reported by the RCCF, Rourkela Circle, as per the letter No.14584 dated 08.09.2023 of the user agency; the CA land identified previously at Village- Peteru under Patangi Tahasil of Koraput District has been cancelled due to carrying out of Bharatmala Project adjacent to the said site. Further, Non-forest Govt. land over 22.697 ha has been identified in Soroda Village of Patangi Tahasil in Koraput district has been allotted for raising of CA by the Collector, Koraput vide his letter No.1535 dated 21.04.2023 (Copy enclosed as **Annexure-II**). The suitability Certificate & DGPS Surveyed maps are enclosed herewith as **Annexure-III** for kind reference.

Observation8 (b): Whether land for Compensatory Afforestation is free from encroachment / other encumbrances.

MoEF Observation:-The Tahasildar, Patangi has given certificate of non-encroachment and encumbrance in respect of the non-forest Govt. land jointly inspected for CA over 22.697 ha. However remanants of shifting cultivation are still found in that area which needs to be looked into by the State Forest Department as well as the Revenue Department.

Compliance:- The RCCF, Rourkela Circle has reported that as per the joint verification report in respect of the said CA land as communicated to the DFO, Koraput vide the letter. No. 1535 dated

21.01.2023 of the Collector; Koraput with copy to his office in Memo No.1539 Dtd.21.04.2023 the said CA land is free from encroachment and other encumbrances. Copy of J.V. report is enclosed as **Annexure-III.**

Observation:8 (c):- Whether land for CA is important for religious / Archaeological point of view.

MoEF Observation: -No comments.

Compliance: - As reported by the RCCF, Rourkela Circle, he has nothing to comment.

Observation:8 (d):- Land identified for raising CA is in how many patches, whether patches are compact or not.

MoEF Observation: -No comments.

Compliance:-As per the aforesaid joint verification report and map, the CA land is in one patch and it is a compact patch.

Observation:8 (e):- Map with details.

MoEF Observation: -Submitted.

Compliance: - As reported by the RCCF, Rourkela Circle, he has nothing to comment.

Observation:8 (f):-Total financial outlay.

MoEF Observation:- The total outlay of the CA is estimated at Rs. 2,35,39,600/- with maintenance for 10 years has also been approved by the Nodal Officer.

Compliance: - As reported by the RCCF, Rourkela Circle, he has nothing to comment.

Observation:9:- Whether proposal involves violation of Forest Conservation Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials.

MoEF Observation:- Though in the Hal record the proposed area for diversion was non-forest land, the DFO, Keonjhar Forest Division has reported that, Sabik Kissam Forest land over 5.76 ha was used as dump and vehicle shade by the earlier lessee. i.e. M/s Essel Mining and Industries Ltd. in absence of Forest Clearance under section 2 (ii) of the FC Act, 1980. The same is being continued by the new lessee i.e. M/s OMC Ltd since March, 2021. The DFO, Keonjhar Division vide his letter No.7856 dated 06.11.2021 has moved to the Collector, Keonjhar with a request to instruct the Tahasildar, Barbil to take legal action as deemed proper as per prevailing act and rules for use of Sabik Kissam Forest land without prior approval of the Central Government. However, on perusal of DSS records it is noticed that, apart from the reported violation there is also presence of Railway line, Office Building and perhaps a labour Colony as it appears from cluster of houses within the proposed area for diversion along with a road to the OB dump site, which was perhaps undertaken by the previous lessee as evident from the time series imageries. Hence a detail report regarding the extent and nature of violation may be obtained from the State Government.

Compliance:-As reported by the RCCF, Rourkela Circle, the Collector, Keonjhar has been requested vide his office letter No.7856 dated 06.11.2021 and letter No.10935 dated 10.10.2023 to instruct the Tahasildar, Barbil to take legal action as deemed proper to take necessary action in this matter.

Further, as reported by the DFO, Keonjhar, it has been reported by the ACF, I/c Champua Forest Range vide his memo No.4035 dated 20.10.2023, that the previous lessee had undertaken the following activities over non-forest land then which was later found to be of sabik forest.

1. Construction of Railway line: - Railway line has been constructed over an area of 0.635 ha of Sabik Kissam Forest land in Plot No. 333/1254, 329/P, 152 of Mouza- Jajang and Plot No.114 of Vill- Jalahari.

2. Construction of Labour Colony and Office Building :- Labour Colony and Office Building have been constructed over 4.426 ha of SabikKissam Forest land in Plot No.240, 241, 242, 243, 244, 270, 271, 272, 275, 312, 316 & 317 of Mouza- Jalahari and Plot No. 241, 260, 261, 262, 306, 230/454, 239/463 & 243/464 of Mouza-Jaroli.

3. Construction of OB Dump & Road to the OB Dump:- The OB dump and road to OB dump has been done over 5.76 ha of Sabik Kissam Forest land in Plot no.326 of Mouza- Jajang.

Observation:10:- *Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not?*

MoEF Observation:-*The DFO, Keonjhar has reported that, the project does not involve displacement of any human habitation, therefore the re-settlement and Rehabilitation Policy is not applicable.*

Compliance: - As reported by the RCCF, Rourkela Circle he has nothing to comment.

Observation:11:- *Reclamation Plan:*

MoEF Observation:-*A scheme of reclamation and afforestation has been prepared to reclaim and stabilize the mined out areas.*

Details and financial allocation

Compliance: - As reported by the RCCF, Rourkela Circle he has nothing to comment.

Observation:12:- *Details on catchment and command area under the project:*

Catchment area treatment plan to prevent siltation of reservoir:

MoEF Observation:-*Not applicable.*

Compliance: - As reported by the RCCF, Rourkela Circle he has nothing to comment.

Observation:13:- *Cost benefit ratio:*

MoEF Observation: - *The cost benefit ratio is 1:16114.5*

Compliance: - As reported by the RCCF, Rourkela Circle he has nothing to comment.

Observation: Recommendation of the Principal Chief Conservator of Forests/ State Government:

MoEF Observation:-*Principal Chief Conservator of Forests& Heads of Forest fords Odisha has recommended the proposal of diversion of 22.607 ha of forest land Sabik Kisam The OSD-Cum Special Secretary to Govt. Forest, environment and Climate Change Department has recommended the proposal for diversion of 22.607 ha forest land Sabik Kisam*

Compliance: - As reported by the RCCF, Rourkela circle, he has nothing to comment.

15. Recommendation of Additional Principal Chief Conservator of Forests (Central) along with details reason:

MoEF Observation:-*Enclosed.*

Compliance: - As reported by the RCCF, Rourkela Circle he has nothing to comment. The observation found by the Addl. PCCF (Central) is enclosed as **Annexure-III/A** to this compliance.

16. Observation: Conservator of Forest (Central) shall give detailed comments on whether there are any alternative routes/ alignment for locating the project on the non-forest land:

MoEF Observation:-*Not applicable.*

Compliance: - As reported by the RCCF, Rourkela Circle he has nothing to comment.

17. Observation: Utility of the project:

MoEF Observation:-*The project may create employment opportunity for the local people.*

Compliance: - As reported by the RCCF, Rourkela circle he has nothing to comment.

MoEF Observation:-*Number of Schedule caste/ Schedule Tribal to be benefited by the project. No direct benefit to the Schedule caste/ Schedule Tribals of the project area. But they may get employment through the project.*

Compliance:-The user agency has intimated that, total 381 nos. of people have been engaged in Jilling Longlota Iron ore Mines which includes 117 nos. of SC people and 132 nos. of ST people.

18. Observation: (a):- *Whether land being diverted has any socio-cultural/ religious value:*

MoEF Observation:-*Not reported*

Compliance:-As reported by the RCCF, Rourkela Circle, Land is being diverted having no socio-cultural/religious value.

Observation:-18 (b):- *Whether any sacred grove or very old growth trees / forests exist in the areas proposed for diversion:*

MoEF Observation:-*Not reported*

Compliance: - As reported by the RCCF, Rourkela circle no sacred grove or very old growth trees / forests exist in the area proposed for diversion.

Observation: 18 (c):- *Whether the land under diversion forms part of any unique eco-system:*

MoEF Observation:-*Not reported*

Compliance: - As reported by the RCCF, Rourkela Circle he has nothing to comment.

Observation:19:- *Situation with respect to any Protected Area:*

MoEF Observation:-*No protected area is situated adjacent to the proposed mining lease area however nearest protected area Karo-karmpada elephant corridor is located at a distance of about 20 Km from the proposed mining lease area.*

Compliance: - As reported by the RCCF, Rourkela Circle he has nothing to comment.

Observation:20:-*Any other information relating to the project:*

MoEF Observation: - *1. The user agency shall submit the FRA Certificate under FRA, 2006.*

Compliance:-As reported by the RCCF, Rourkela Circle the user agency could not submit the FRA Certificate though they had given an undertaking to comply as per guideline in vogue.

MoEF Observation:- *2.The user agency shall undertake demarcation of lease are, Forest area proposed for diversion and safety zone on the ground at the project cost by erecting 4 feet reinforce cement concrete pillar each inscribed with serial number, distance from pillar to pillar and GPS coordinates.*

Compliance:-As reported by the RCCF, Rourkela Circle the user agency has demarcated the lease area, forest area proposed for diversion and safety zone area on the ground by erecting 4 feet reinforced cement concrete pillars inscribed with serial number, distance from pillar to pillar and GPS coordinates. The photo copies of the pillars are enclosed as **Annexure-IV**.

MoEF Observation:- *3.The user agency shall pay the cost towards cutting, felling, logging and transportation charge of the enumerated trees due to be felled during the course of implementation of the project.*

Compliance: - As reported by the RCCF, Rourkela Circle the compliance with the above observation will be ensured by him.

MoEF Observation:- 4. Trees should be felled only on when it is absolutely necessary and in a phased manner.

Compliance: - As reported by the RCCF, Rourkela circle the compliance with the above observation will be ensured by him.


MoEF Observation:- 5. Safety zone shall be maintained with indigenous species of the area and plated of these species that have been removed during mining area in such manner that in no circumstance it would be used for mining purpose.

Compliance:- It is reported by the RCCF, Rourkela that DFO, Keonjhar shall ensure it.

In view of the above, the compliance to the observation mentioned in the Site Inspection Report of the IRO, Bhubaneswar dt. 15.12.2022 is forwarded for favour of your kind information and necessary action.

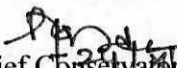
Yours faithfully

Encl: As above


Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

Memo No. 23387 /Dt. 30-11-2023

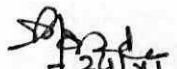
Copy forwarded to the Deputy Director General of Forests (Central), GoI, MoEF & CC, Regional Office, Chandrasekharpur, Bhubaneswar-751023 for favour of kind information and necessary action with reference to F.No.8-49/1998-FC(PT1) dated 06.03.2023 of Assistant Inspector General of Forests, Government of India, MoEF & CC, New Delhi.


Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

Memo No. 23388 /Dt. 30-11-2023

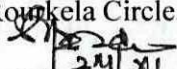
Copy along with one set of compliance forwarded to the OSD-cum-Special Secretary to Government, Forest, Environment & Climate Change Department, Odisha, Bhubaneswar for favour of kind information and necessary action with reference to letter No.10F(Cons)21/2022-9027/FE&CC dated 02.05.2023.

Encl: Compliance in one set


Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

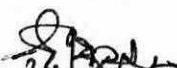
Memo No. 23389 Date: 30-11-2023

Copy forwarded to the Regional Chief Conservator of Forests, Rourkela Circle for information and necessary with reference to Memo No. 3584 dt.04.11.2023 of RCCF, Rourkela Circle.


Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

Memo No. 23390 Date: 30-11-2023

Copy forwarded to the Divisional Forest Officer, Keonjhar Division for information and necessary with reference to Memo No. 3585 dt.04.11.2023 of RCCF, Rourkela Circle.


Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

o/c