



OFFICE OF THE REGIONAL CHIEF CONSERVATOR OF FORESTS; ANGUL CIRCLE,
AT/PO- HAKIMPADA, ANGUL- 759143, ODISHA, Phone-06764-296010 (O), 296011(Res),

Email Id: rccfangul@gmail.com.

Memo No 1275 5F-FC -12/2024 dated- 06.4.24

To

The Principal Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act),
O/o. the Principal Chief Conservator of Forests & HoFF,
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 26.416 Ha (Balance 20.383 ha of forest land including 0.615 Ha SZ and 6.033 Ha SZ which was provided for already diverted forest land of 112.521Ha.) in favour of the Mahanadi Coalfields Ltd. for continuation of mining operation at Bhubaneswari OCP within Mining Lease area over 658.724 ha under Angul Forest Division in Angul District, Odisha.

: - Submission of compliance to the observation made by MoEF& CC.

Ref: -

1. Letter No. 8-18/2002-FC (vol) dated 04.07.2023 of GoI, MoEF&CC .
2. Memo No. 15081/FE&CC dated 18.07.2023 of OSD-cum-Special Secretary to Govt. of Odisha.
3. Your Memo No.15419 dated 01.08.2023 of CCF (Nodal),

In inviting a reference to the letters cited above on the subject, this is to inform that the DFO, Angul Forest Division vide his Memo No. 1386 dated 13.2.2024 and Memo No.2717 dated 04.04.2024 (**Copy enclosed**) has submitted point-wise compliance to the observation made by Govt. of India, MoEF & CC (FC Division) in respect of the above project. The point-wise compliance is furnished below:-

Point No.i The IRO Bhubaneswar vide letter dated 17.08.2022 (**Copy enclosed**) has provided the Status of compliance report of conditions of earlier approval for 112.521 ha of forest land vide Ministry letter dated 06.12.2004. After the examination of the said SIR, the Ministry vide its letter dated 19.09.2022 (**Copy enclosed**) requested to the State Government to furnish the status of progress made during the intervening period of 12 years along with the detail of year wise financial expenditure. The same is still awaited and required to be submitted for further action in this proposal.

Compliance-

As reported by the DFO, Angul Division , the User Agency has submitted in compliance to this observation to the Stage-II forest clearance approval for 112.521 ha of forest land vide Ministry letter dated 06.12.2004, an amount of Rs. 54,24,896.00/- has been deposited by the User Agency vide Challan No. 04 dated. 27.09.2004 towards cost of Habitat Improvement Plan for the surrounding area. Further, till date an amount of Rs. 25,00,000/- has been spent for the above purpose. The status of progress made during the intervening period of 12 years along with the details of year wise financial expenditure has been intimated to the PCCF, FD & Nodal O/o the PCCF, Odisha, vide Memo No. 6063 dated 08.09.2018 of DFO, Angul Division which is enclosed along with Challan copy as **Annexure-I**.

Point No. ii As the mining lease of the Bhubaneswari OCP is 658.724 ha, out of which 132.904 ha is forest land. The Ministry has already diverted 112.521 ha forest land. Balance 20.383 ha DLC forest land is required to be diverted for expansion of Bhubaneswari OCP. The area for safety zone 6.795 was not included in the earlier approval. Therefore, the state may include in this proposal so that all forest land may be diverted

Compliance-

In compliance to this observation, the U.A has submitted that original application was submitted in 2000 for diversion of 132.904 ha out of which approval was granted for 112.521 ha. only vide F.No.8-18/2002-FC dated 16.10.2002 and F.No.8-18/2002-FC dated 06.12.2004 for 25 years of mining in existing lease area. The safety zone area for 132.904 Ha was 6.795 Ha. However, corresponding safety zone for already diverted forest land (112.521 Ha) is 6.033 Ha. Though the area for safety zone 6.033 Ha was not included in the earlier proposal, payments towards NPV and regeneration of 1.5 times safety zone has already been deposited by MCL as mentioned below

1. NPV Cost for 112.521 Ha: Rs. 8,43,90,750.00 DD/Check No. 5054-260 dated 07.07.2007.
2. Additional NPV Cost for safety zone of 6.033 Ha: Rs. 56,64,987.00 vide DD/Check No. 868463 dated 26.07.2010.
3. Cost of safety zone scheme for 6.033 Ha: Rs. 25,88,100.00 vide DD/Check No. 007304 dated 08.09.2008
4. Cost of 1.5 times safety zone CA scheme for 10.00 Ha: Rs. 2,40,200.00 vide DD/Check No. 007304 dated 08.09.2008

Further, diversion of 6.033 Ha of safety zone area along with this proposal, the details of safety zone area (6.033 Ha) including Authenticated Land schedule, DGPS Surveyed Plan, Protection and re-generation of Safety zone scheme & Afforestation over 1.5 times of safety zone in degraded forest land elsewhere (10 Ha) and details of NPV for safety zone, KML files etc., the details are as follows.

- (i) Letter vide No. 430 dated 15.01.2024 of U.A for Diversion of forest land of 6.033 Ha of safety zone area which was provided against already diverted forest land of 112.521 Ha along with this proposal as **Annexure-II A.**
- (ii) Authenticated Land schedule of 6.033 ha. SZ as **Annexure-II B.**
- (iii) Authenticated DGPS survey plan of SZ as **Annexure-II C.**
- (iv) Details of cost deposited towards SZ scheme as **Annexure-II D.**
- (v) Details of cost deposited for 1.5 times SZ scheme as **Annexure-II D.**
- (vi) Details of cost deposited towards NPV payment for SZ as **Annexure-II E.**
- (vii) Mine working plan showing SZ area **Annexure-II F.**
- (viii) KML file of SZ 6.033 ha. in a **pen-drive.**
- (ix) KML file of 1.5 times SZ 10 ha. in a **pen-drive**
- (x) Geotagged photograph of DGPS pillars of SZ 6.033 ha. in a **pen-drive.**
- (xi) The status of expenditure towards above mentioned activities is enclosed as **Annexure II G.**

The site inspection report and information in Part-II for 6.033 Ha in prescribed format is enclosed as **Annexure II H.**

Safety zone protection and regeneration along the mine lease area shall be maintained in 5.67 Ha (7560 mtrs X 7.5 Mtrs) from west side (GPS point 20°58'29.57" N, 85°08'32.97"E to south-east side (GPS point 20°58'5.01"N, 85°10'56.85"E) which includes SZ forest land- 1.738 Ha (0.615 Ha & 1.123 Ha) + Non- Forest SZ area 3.932 ha. The User agency has submitted an undertaking for protection and regeneration of safety zone (7.5 mtr.) area along the mine lease

boundary at the project cost as **Annexure II-I**. Further, U.A has also submitted an undertaking for payment of additional NPV if so, demand is raised by the Govt. as **Annexure II J**. Since, the UA has already made the payment towards NPV for the SZ area of 6.033 Ha. and provided the compensatory afforestation over 10 ha. under 1.5 times safety zone scheme which is also completed in Chhendipada Range of Angul division and the User Agency has also submitted an undertaking for protection and conservation of total safety zone forest area of 6.648 Ha (6.033 ha. against already diverted forest land of 112.521 ha + 0.615 Ha. forest land in proposed balance forest land 20.383 Ha), the 6.033 Ha of safety zone area may be considered for diversion along with this proposal.

Point No. iii KML file of the safety zone area 6.795 ha and also the KML file of the 1.5 times CA area for which the UA has deposited the amount in 2008.

Compliance- In compliance to this observation, the U.A has submitted that the safety zone area for 132.904 ha was 6.795 ha (original proposal). However, the corresponding safety zone for already diverted forest land (112.521 Ha) is 6.033 ha. , the KML file of the corresponding safety zone forest land of 6.033 ha. against already diverted forest land (112.521 Ha) and KML file of the 1.5 times CA area are provided by UA as in a **pen-drive**. Further, KML file of the safety zone forest area of 0.615 ha in proposed balance forest land (20.383 ha including 0.615 Ha SZ) is also provided in the **Pen-drive**.

Point No. iv KML file of the safety zone 0.615 may be uploaded on portal.

Compliance- As reported by the DFO, Angul , the KML file of the safety zone area of 0.615 is uploaded on the portal. However, KML files of the total safety zone forest area of 6.648 Ha (6.033 ha SZ against already diverted forest land of 112.521 ha and 0.615 ha. SZ Forest land in proposed balance forest land of 20.383 Ha) are provided in the **pen-drive**.

Point No. v The KML file of 112.521 ha forest land which has been diverted earlier is required for detailed analysis of the proposal.

Compliance- In compliance to this observation, the U.A has submitted the KML file of 112.521 ha forest land which was diverted earlier in 2004 and provided in a **pen-drive**. Since, the already diverted forest land of 112.521 Ha is mined out, the KML files are created using georeferenced cadastral revenue plans, forest plans, working plans & shape file of RFs etc.

Point No. vi State Government may provide the present status of compensatory afforestation raised and maintained over 225.042 ha of degraded forest land. Shape/KML files of the compensatory afforestation site also be submitted.

Compliance- In compliance to this observation and as reported by the DFO, Compensatory Afforestation (CA) raised and maintained over 225.042 ha of degraded forest land in Durgapur R.F under Chhendipada Range of Angul Division.

The details of fund deposited are as follows:

Cost of Compensatory Afforestation Scheme: Rs 32,53,159.00 vide DD/Check No. 17707 dated . 09.05.2003.

The C.A has been taken up over 225.042 ha. during the year 2004-05 to 2008-09 and an amount of Rs. 21,98,656/- has been spent for this purpose. The details of expenditure is enclosed as **Annexure-I** and the KML file of 225.042 ha of CA land is provided in **pen-drive**.

Point No. vii **In this proposal 20.383 ha land is required to be diverted including 0.615 ha safety zone. Area for CA has provided 47.385 ha @ 500 plants per hectare. As per the provisions minimum 1000 plant per hectare have to be planted. The state may provide the details that how to accommodate the balance seedlings.**

Compliance- In compliance to this condition and as per the notified guidelines issued by the Ministry, provision has been made to plant @1000 plants per Ha of diverted land i.e. **26.416** ha.(balance forest land 20.383 including SZ of 0.615 ha and 6.033 ha SZ against already diverted forest land over 112.521 ha.) However, Para 2.8 of Chapter-2 of Handbook of FC Act guidelines issued by the Ministry has been deleted and further; it has been clarified by the Regional Empowered Committee in its 77th REC meeting of IRO Bhubaneswar dated 19.10.2022 that it is decided to consider the cutoff date of deletion of provision under Para 2.8(ii) of hand book of FC Act, 1980 as 16.10.2019 for all the proposals. Copy of clarification on applicability of Para 2.8(ii) of hand book of FC Act, 1980 guidelines by REC Bhubaneswar is enclosed as **Annexure- II K**.

In view of the above clarification and as per the consolidated guidelines and clarification on Van (Sanrakshan Evam Samvardhan) Adhiniyam,1980, Van (Sarankshan Evam Samvardhan , Rules,2023 in Chapter 7.9 (vi) issued by the Govt. of India, MoEF & CC vide letter dated 29th December,2023 , the CA on degraded revenue forest land has been identified in more than double to the extent of proposed forest land to be diverted i.e. 63.408 ha. So, instead of 26416 plants (@1000* 26.416 ha) that are supposed to be planted, now 31704 plants (@500*63.408 ha.) will be planted over 63.408 ha. of degraded forest land as per the CA scheme. Accordingly, area for CA has been provided in 63.408 ha @ 500 plants per hectare for total 31704 plants.

Point No. viii **Whether any family is residing on the proposed forest land i.e. on 20.383 ha of forest land. If yes, then new R&R plan as per the RFCTLARR Act, 2013 is required.**

Compliance- In compliance to this observation, the UA has intimated that no families are residing on the proposed forest land to be diverted and hence, new R&R plan as per the RFCTLARR Act, 2013 is not required.

Point No. ix **Cost benefit ratio has been estimated to be 1:381.836 which seems to be on higher side. It seems estimation of cost and benefit components has not been done properly. The analysis needs to be re-estimated by accounting CB parameters appropriately.**

Compliance- In compliance to this observation, the UA has submitted that Cost benefit Analysis (CBA) has been reviewed and revised accordingly considering the CB parameters. After revision, cost benefit has been estimated to be 1:73.902. Revised CBA is enclosed as **Annexure III**.

Point No. x

There is a discrepancy in the land use pattern given by the State and given in approved mining plan. As per the revised mining plan (revision 2 column) the forest land is 126.191 ha and as per the State Gov. forwarding letter it is 125.576. Similarly, Safety zone total area is 6.163 and as per the forwarding letter it is 6.778. Their needs clarification.

Compliance-

In compliance to this observation, the UA i.e. G.M. Jagannath Area has intimated that as per the revised Mining Plan Revision- 2, the land required in Chapter 6, forest land required under quarry excavation is 125.576 Ha and the area for 7.5 m safety zone is 0.615 Ha. i.e. (125.576 Ha+0.615 Ha= 126.191 ha).The component wise break-up of Form-A Part- I submitted by User Agency, it has been mentioned that out of 20.383 ha, 19.768 Ha is for quarry excavation and 0.615 Ha has been earmarked for safety zone.

Component wise breakup		
SI No	Component	Forest Land (ha.)
1	Quarry Excavation Area	19.768
2	Safety Zone Area	0.615
	Total	20.383 Ha

Further, State Govt. in its forwarding letter has reproduced the same, i.e. as per details mentioned in Form-A Part -I. Similarly, Safety zone total area is 6.778 that includes 0.615 Ha (i.e. **safety zone in non-forest 6.163 + forest 0.615 Ha = 6.778 Ha**) and same has been recommended in forwarding letter.Hence, it is submitted that there is no discrepancy in the land use pattern.

The details of breakup of land use pattern are mentioned below.

Items		Proposed MP&MCP of Bhubaneswari OCP (30 Mty), Revision-2		
SI No	Particulars (ML-mining lease)	Total Area in ha		
		Forest	Non forest	Total
1	Quarry Excavation	125.576	488.531	614.107
2	Safety zone	0.615	6.163	6.778
3	Infrastructure (CHP, Washery, Silo point, Project office, laying of railway lines for dispatch point) & Future working expansion Area**	6.713	18.606	25.319
4	Embankment	NIL	12.52	12.52
A.	Total ML area	132.904	525.820	658.724

Accordingly, UA has submitted corrigendum to mining plan Revision-2 approved by the MCL Board dated 23.09.23. (**Annexure-IV**).

Point No. xi

In this proposal the UA has deposited the amount of CA levied after the S-II approval. All details of the funds deposited in the erstwhile Ad-hoc CAMPA may provide in the prescribed format for conformation.

Compliance- The user agency has intimated that an amount of Rs 32,53,159.00 has been deposited vide DD/Check No. 17707 dated 09.05.2003 towards Cost of Compensatory Afforestation. The details of fund deposited in the erstwhile Ad-hoc CAMPA is provided in the prescribed format as Annexure-V.

Point No. xii

This is the second revision of the Mining Plan; therefore, the State Government is requested to provide the copy of the earlier approved mining plans and details of the changes made in the mining plans.

Compliance- In compliance to this observation, the UA has submitted that the Mining Plan (Revision-1) was prepared for 28 MTPA capacity in the ML area of 638.341 Ha (including 112.521 Ha Forest land which is already diverted). The Mining Plan (Revision -2) was prepared for 30 MTPA capacity in an ML area of 658.724 Ha (including 112.521 Ha Forest land which is already diverted and 20.383 Ha for which proposal for diversion has been submitted). Out of 20.383 Ha of Forest land, 19.768 ha is taken under Quarry Excavation area and 0.615 Ha is kept as safety zone area.

The details of the changes made in the mining plans are as mentioned below

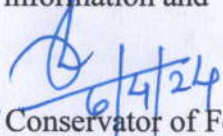
Items		MP&MCP of Bhubaneswari (28 Mty), Revision-1			Proposed MP&MCP of Bhubaneswari (30 Mty), Revision-2		
Sl No	Particulars (ML-mining lease)	Total Area in ha			Total Area in ha		
		Forest	Non-forest	Total	Forest	Non forest	Total
1	Quarry Excavation	105.808	477.944	583.752	125.576*	488.531**	614.107
2	Safety zone	-	5.747	5.747	0.615	6.163**	6.778
3	Infrastructure (CHP, Washery, Silo point, Project office, laying of railway lines for dispatch point) & Future working expansion Area**	6.713	29.609	36.322	6.713	18.606	25.319
4	Embankment	NIL	12.52	12.52	NIL	12.52	12.52
A.	Total ML area	112.521	525.820	638.341	132.904	525.820	658.724

Both the copies of mining plan are enclosed in Annexure-VI.

Besides the above, the revised CA scheme to be carried out over 63.408 ha of degraded revenue forest land identified in village Karnapur under Talcher Tahasil of Angul District in lieu of forest land to be diverted (26.416 ha) for Bhubaneswari OCP of MCL is forwarded herewith for necessary approval.

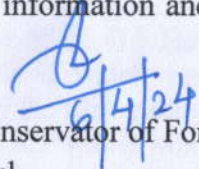
In view of the above compliances, the Annexures and undertakings submitted by the DFO, Angul Division is forwarded herewith in quadruplicate for favour of information and necessary action.

Encl: - As above.


6/4/24
Regional Chief Conservator of Forests
Angul.

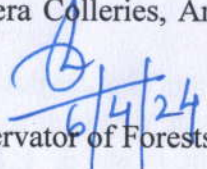
Memo No. 1276 / Dated. 06.4.24

Copy forwarded to Divisional Forest Officer, Angul Division for information and necessary action with reference to his Memo No.2717 dated 4.4.2024.


6/4/24
Regional Chief Conservator of Forests,
Angul.

Memo No. 1277 / Dated.- 06.4.24

Copy forwarded to the General Manager, Jagannath Area At/PO- Dera Collieries, Angul for information and necessary action.


6/4/24
Regional Chief Conservator of Forests,
Angul