

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 / nodal.pccfodisha@gmail.com

No. /9F (MG) – 77/2021
Dated, Bhubaneswar the September' 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 Assistant Inspector General of Forests (FC)
Government of India,
Ministry of Environment, Forests & Climate Change (F.C. Division)
Indira Paryavaran Bhawan, Aliganj, Jor Bagh Road
New Delhi-110003

Sub: Proposal for non-forestry use of 303.066 ha of forest land located in the mining lease Bamebari Iron & Mn. Mine having total area of 464.00 ha in favour of M/s Tata Steel Ltd. in District Keonjhar– Compliance to GoI observations regarding.

Ref: Letter No.8-35/2022-FC dated 27.12.2022 of the Scientist "D", GoI, MoEF & CC (FC Division), New Delhi

Sir,

In inviting a reference to the above mentioned subject, this is to inform that Government of India, Ministry of Environment, Forest & Climate Change, New Delhi has requested to furnish the compliance of 16 nos. of observations. The point wise compliance basing on the reports of DFO, Keonjhar Forest Division and RCCF, Rourkela Circle are as follows:

Observation No.(i):- KML file depicting component wise break-up of forest land and the entire lease area has not been provided. The same needs to be provided by the State.

Compliance:- In compliance to the observation, the RCCF, Rourkela Circle has reported that the User Agency has submitted the KML file depicting the component wise break-up of forest land along with the entire leasehold of Bamebari Iron & Manganese Mine in **CD form** (CD-I).

Observation No.(ii):- As per the DSS analysis, a water stream is passing through the southern part of the proposed 254.00 Ha. of land identified for CA and an old plantation is visible and water body also present in the identified area. The State Government may therefore again examine the suitability of degraded forest land for raising CA.

Compliance:- In compliance to the observation, the RCCF, Rourkela Circle has reported that an area measuring 209.419Ha. (160.419Ha. at Village Tamanga and 49.00Ha. at village Sudanga) within the

District of Keonjhar and 66.126Ha. at Village-Asanbahali in the District of Dhenkanal which comes to 275.545 Ha. in total have been identified for raising Compensatory Afforestation. Out of the aforesaid CA Land of 275.545 Ha., an area measuring 149.546Ha is suitable for plantation and only 43510 nos. of saplings can be accommodated within the total identified CA Land. Therefore, in order to accommodate the balance 232035 nos. saplings, the UA has identified an area measuring 240.00 Ha (not 254 ha) of Degraded Forest Land within the Masinabilla RF under Ghatagaon Range in Keonjhar district. The DSS analysis report duly signed by the DFO, Keonjhar Division and countersigned by the RCCF, Rourkela Circle is enclosed as **Annexure-I Series**.

As reported by the DFO, Keonjhar Division, the identified degraded forest land has been verified by the Forest Range Officer, Ghatagaon Range and a certificate to this effect regarding suitability with due counter signature of DFO, Keonjhar along with the map (**enclosed as Annexure-I Series**). The KML file of CA land and Addl. CA land is enclosed in **CD form**.

Observation No.(iii):-Details of the notifications of RF and revenue/relevant records of the recorded forest (Revenue Forest / DLC Forest / Sabik Forest) involved in the proposals to be provided by the State Government.

Compliance:- In compliance to the observation, the RCCF, Rourkela Circle has reported that Thakurani RF having an area measuring 4679.950 ha under order F.S.58/04-41011/R and Sidhamatha RF having an area measuring 5970.940 ha under order F.S. 127/79-53183/R have been notified on 15.10.2005 and 23.07.1979 respectively. Further, the details of the land records authenticated by Tahasildar, Barbil and countersigned by the DFO, Keonjhar Forest Division pertaining to DLC Forest Land & Sabik Forest Land involved in the proposals alongwith the abstract have been enclosed as **Annexure-II Series**.

Observation No.(iv):-A Site Specific Wildlife Management Plan for the area has been approved by the PCCF (Wildlife) on 01.09.2015 with a financial outlay of Rs.635.91 Lakh. Details of updated status of implementation of provisions provided in the Site Specific Wildlife Management Plan along with year wise details of expenditure incurred on the implementation of provision of the Wildlife Management Plan may be informed by the State.

Compliance:- In compliance to the observation, the RCCF, Rourkela Circle has reported that the Site-Specific Wildlife Conservation Plan for Bamebari Iron & Mn Mine was approved by the Principal Chief Conservator of Forests(Wildlife)& Chief Wildlife Warden, Odisha with a financial outlay of Rs.635.91 lakh vide Memo No.7743 dated 01.09.2015 for the following activities:

- a) For the activities to be implemented by the User Agency in the project area is Rs. 166.10 Lakh.
- b) For the activities to be implemented by the DFO, Keonjhar Division in the project impact area is Rs.469.81 Lakh.

As reported by the DFO, Keonjhar Division, as per the demand, the User Agency had deposited an amount of Rs. 469.81 Lakh in the CAMPA Orissa SB Account for implementation of activities within the project impact area.

As reported by the DFO, Keonjhar Division, due to non receipt of funds from CAMPA Account, no activities in the project impact area under the approved SSWLCP have been implemented by his office till date. After receipt of funds from CAMPA Account, necessary activities will be undertaken in project impact area.

Further, as per report of the DFO, Keonjhar Division, the year wise activities implemented by the User Agency along with expenditure incurred therein as per provision of the Wildlife Conservation Plan are provided here in below:-

Sl. No.	Year	Implementation of the provisions of Site-Specific Wildlife Conservation Plan	Expenditure incurred in Rs.
1	2016	Forest Range Officer, Champua vide Memo No. 411 dated 22.04.2016 demanded Rs. 73,500.00 for payment of Hire Charges of vehicle engaged for checking of smuggling of minerals and forest produces within the Bamebari Iron & Mn. Mines and the User Agency has deposited the same amount and communicated vide letter No. BMM/L&L/553/2016 dated 24.08.2016	73,500.00
2	2017	Supply of equipment and Division Office networking and other allied services which was demanded by the Divisional Forest Officer, Keonjhar Division, Keonjhar vide letter No. 6449/Mining dated 20.10.2017 towards supervision and implementation of the Site Specific Wildlife Conservation Plan in the project area. The User Agency has provided the items & equipment as required by the authority.	24,06,011.00
3	2018	Forest Range Officer, Champua vide Memo No. 1828 dated 25.09.2018 demanded Rs. 88,000.00 for payment of Hire Charges of vehicle engaged for checking of smuggling of minerals and forest produces within the Bamebari Iron & Mn. Mines and the User Agency has deposited the same amount and communicated vide letter No. BIMM/L&L/465/2019 dated 21.06.2019.	88,000.00
4	2021	Forest Range Officer, Champua vide Memo No. 1377 dated 30.07.2021 demanded Rs. 1,24,000.00 for payment of Hire Charges of vehicle engaged for checking of smuggling of minerals and forest produces within the Bamebari Iron & Mn. Mines and the User Agency has deposited the same amount and communicated vide letter No. MGM/L&L/408/2021 dated 07.09.2021.	1,24,000.00
5	2021	Execution of Solar fencing work at Bamebari Block of Bamebari Iron & Mn. Mine	13,51,191.00
6	2021	Security deployment for to check fire instances inside the forest areas within & outskirts of the leasehold of Bamebari Iron & Mn. Mine	12,00,000.00
7	2022	Security deployment to check fire instances inside the forest areas within & outskirts of the leasehold of Bamebari Iron & Mn. Mine	12,00,000.00
8	2021	Creation of Awareness around the Mining area	1,40,000.00
10	2022	Creation of Awareness around the Mining area	1,70,000.00
11	2022	Execution of Solar Fencing work at Joribar Block of Bamebari Iron & Mn. Mine	9,00,000.00
		Total	76,52,702.00

Observation No.(v):-*Copy of the ORSAC, 1999 and comments of the CWLW about the sensitivity of the area in terms of Elephant habitats, corridors and human-elephant conflicts in the area and his recommendations for the proposal.*

Compliance:- In compliance to the observation, the DFO, Keonjhar Division has submitted, the copy of the report of ORSAC, 1999 which is enclosed herewith as **Annexure-III**. Further, the DFO, Keonjhar Division has reported about the sensitivity to the mining lease area in terms of the following:-

Bamebari Iron & Mn. Mines involves 3 blocks namely, A. Joribahal Block, B. Boneikala Block, C. Bamebaari Block. Further, the DFO, Keonjhar Division has reported about their sensitivity in terms of Elephant habitats, corridors and human-elephant conflicts in the area as follows:-

A.	Elephant Habitats	No
B.	Corridor	Karo-Karampada elephant corridor is situated 10.00 KM from the Bonaikela Block of the mining lease of Bamebari Iron & Mn mines
C.	Man-Elephant conflict outside the mining lease	There were death of 10 elephants & 12 human being in the 10 KM buffer area of mining lease in last 13 years. There was no any man-elephant conflict inside mining lease. Two blocks are already broken, only one block namely Bonaikala is virgin where there is no any elephant movement inside this Block since last 13 years as per record and present elephant movement scenario.

Further, the DFO, Keonjhar Division has submitted authenticated Toposheet maps showing Elephant & Human death in the impact area of the Mining Lease which is enclosed as **Annexure-IV Series**.

Observation No.(vi):-*As the movement of elephants has been reported in the area, the clear recommendation of Chief Wildlife Warden and PCCF (WL) may be furnished by the State.*

Compliance:- In compliance to the observation, the RCCF, Rourkela Circle has reported that a Site Specific Wildlife Conservation Plan has been approved by the PCCF (WL) & CWLW, Odisha vide his Memo No.7743 dated 01.09.2015 and has recommended to implement the same to mitigate the human – elephant conflict over the project area which is enclosed as **Annexure-V**.

Observation No.(vii):-*Proposal has been submitted for 303.066 ha while the area as per DGPS survey is 293.629 Ha i.e. there is difference of 9.437 ha. The State Government may, therefore, specifically indicate the area to be considered for diversion by the Central Government.*

Compliance:- In compliance to the observation, the RCCF, Rourkela Circle has reported that DGPS survey was done over the proposed area for diversion i.e. 303.066 Ha. The area after the DGPS survey has been computed to 293.629 Ha., with a difference of 9.437 Ha. Further, the difference thus arrived is due to use of different measuring method/instrument. However, ORSAC, Bhubaneswar, the

apex body of the State of Odisha for space technology applications, has found that, the maps are corrected at a confidence level of 95%. (within 5% permissible error limit). **(copy enclosed)**

As reported by the DFO, Keonjhar Division, the Central Government may consider the R.O.R area i.e. 303.066 ha for diversion whereas the DGPS map area is 293.629 ha.

The certificate from the ORSAC and the DGPS map of 3 blocks duly vetted by ORSAC are enclosed herewith as **Annexure-VI Series**.

Observation No.(viii):- Proposal for notification of the land has been submitted on 30.06.2004. Updated status of CA raised in lieu of diversion of 145.329 Ha of forest land needs to be informed by the state along with updated progress of notification of non-forest land as PF/RF needs to be informed by the State.

Compliance:- In compliance to the observation, the RCCF, Rourkela Circle has reported that the draft notification proposal for declaration of protected forest under section-33 of the OFA, 1972 of 19.640 ha non-forest Govt. land identified in village Rugudikasada and 40.660 ha of non-forest Govt. land in village Tiribira under Banspal Tahasil of Keonjhar district have been submitted and PF notification has already been published by Govt. of Odisha, FE & CC Department. The notification of forest land are enclosed herewith as **Annexure-VII Series**.

Observation No.(ix):- DFO, Keonjhar vide his letter no.8025 dated 17.11.2021 requested the Collector, Keonjhar to take action as per the prevailing Acts and rules for DLC and Revenue forest land against the violation committed by the user agency in the forest land. Updated status of legal actions taken by the District Collector, Keonjhar may be intimated by the State and justification for delays, if any may also be furnished.

Compliance:- In compliance to the observation, the RCCF, Rourkela Circle has reported that the DFO, Keonjhar Division was requested the Collector, Keonjhar vide his Letter No.8205 dated 17.11.2021 to take legal action against Tata Steel Ltd for use of DLC and Khesra Forest land without approval under FC Act, 1980 involved in the mining lease area over 464 ha. The Addl. District Magistrate, Keonjhar vide Memo No.384 dated 14.02.2023 has directed the Tahasildar, Barbil to cause an enquiry into the allegation and take appropriate action as per prevailing Act & Rule. Further, the Collector has also been further requested by the DFO, Keonjhar Forest Division vide his Letter No.9407 dated 28.08.2023 to expedite the above matter. The copy of the letter are enclosed as **Annexure-VIII**.

Observation No.(x):- So far, the user agency has reclaimed an area of 14.70 ha by undertaking back-filling. The State Government may inform if the back-filling is in conformity with the schedule provided in the approved Mining Plan and gaps if any, may be intimated by the State.

Compliance:- In compliance to the observation, the RCCF, Rourkela Circle has reported that the User Agency has reclaimed an area measuring 16.00 Ha by undertaking back filling cumulatively till 2021-2022 financial year in the Bamebari Iron & Mn. Mines against 14.70Ha and submitted returns under Progressive Mine Closure Plan for the year 2021-2022. Further, the figures are in-conformity with the Review of Mine Plan for Bamebari Iron & Mn. Mine. The self-certified copy of the PMCP returns submitted by the User Agency is enclosed herewith as **Annexure-IX Series**.

Observation No.(xi):- Purpose wise break-up of forest land reveals that an area of 24.522 ha is under Township/Colony. A confirmation needs to be furnished by the State Government if the said area is already under use or it has been or part thereof is proposed afresh for such facilities. The State Government may also submit its comments on the optimization of land requirement for various components such as construction of buildings, OB dumping, mineral storage area, etc. and possibility to shift the same to non-forest area.

Compliance:- In compliance to the observation, the RCCF, Rourkela Circle has reported that no fresh land has been proposed for diversion by the User Agency and the purpose wise break-up of forest land measuring an area of 24.522 Ha is kept under Township/Colony which includes 5.057 Ha of Non-Forest Land within the Bamebari Block and the balance 19.465 ha land was already broken-up prior to 1980 which are found to be Non-forest land recorded as forest in Government records as on 25.10.1980. The local inhabitants and company security staffs have been residing prior to 1980.

Further, as per report of the DFO, Keonjhar Division, it is not possible on the part of User Agency to optimize the land requirement for use at present and shift the same to the Non-Forest area.

Observation No.(xii):- Land use proposed in the Progressive Mine Closure Plan indicate an area of 232.167 ha to be remaining untouched on 31.03.2025 while no such area is mentioned in the land use submitted along with the proposal. Discrepancies were also observed in other land uses for instance land uses like storage of topsoil is not included in the proposal. The State Government may, therefore comments on the variation in the land uses proposed in the extant proposal and Progressive Mine Closure Plan and area involved thereof.

Compliance:- In compliance to the observation, the RCCF, Rourkela Circle has reported that the review of Mining Plan has been approved on dated 03.08.2020 for the entire leasehold of 464.00 ha of Bamebari Iron & Mn. Mines and the land use proposed therein for undertaking mining and allied activities in the plan period only i.e. for five years. Further, the land use figured out in the proposed land use plan of the instant Forest Diversion Proposal is proposed till the end of life of the mines. It is pertinent to mention that the remaining untouched area measuring 232.167 ha shall be utilized in accordance with the mining plan and gradual expansion of the mines.

Observation No.(xiii):- The second renewal term of mining leases in 1982 over an area of 1150.55 Ha, including 950.069 ha, was without the prior approval of the Central Government. As per fact contained in the then inspection report of the Regional Officer, the State Government has recommend raising of penal compensatory afforestation in lieu of area used in the violation of FC Act, 1980. Status of the same may be intimated by the State.

Compliance:- In compliance to the observation, the RCCF, Rourkela Circle has reported that the State Government in F&E Deptt. has recommended for raising of Penal Compensatory Afforestation in lieu of area used in the violation of FC Act, 1980 vide their 9623/FE dt. 02.07.2004. But, MoEF, Govt. of India has not imposed Penal Compensatory Afforestation to the User Agency. There is no such condition found to have been stipulated in-principle approval dt.26.05.2005 and Stage-II approval dt.25.01.2007 over an area 145.329ha.

Observation No.(xiv):- An area of 4.764 ha has been earmarked for safety zone. KML file of the area earmarked for safety zone may be furnished by the State. As the lease is an existing lease, status of maintenance of the same may be informed by the State along with status of afforestation undertaken in the past in lieu of diversion of forest land may be informed by the State.

Compliance:- In compliance to the observation, the RCCF, Rourkela Circle has reported that the KML file of the area earmarked for safety zone over 4.764 ha. of Forest land has been furnished in a compact disc enclosed as **CD-XA**. Further, the total safety zone area is 27.946 ha out of which safety zone is kept in the approved diversion proposal over an area of 145.329 ha is 3.097 ha and area of safety zone proposed in the instant proposal is 24.849 ha. The green belt area of the instant proposal is 1.667 ha. So, the area earmarked for safety zone of 4.764 ha is involving 3.097 ha safety zone and 1.667 ha earmarked for green belt. The photographs showing the present status of maintenance of the Safety Zone are enclosed herewith as **Annexure-X**.

Observation No.(xv):- *Present status of 145.329 ha of forest land vis-à-vis land use proposed in the current Mining Plan. Whether the approval granted in 2007 and conditions prescribed therein are compatible with the land use proposed in the updated Mining Plan.*

Compliance:- In compliance to the observation, the RCCF, Rourkela Circle has reported that the DFO, Keonjhar Division has submitted the land use pattern approved in Stage-II FC in the year 2007, as per the table given herein below, it is confirmed that the approval granted in 2007 and conditions prescribed therein are compatible with the land use proposed in the updated Mining Plan of the User Agency.

Sl. No.	Land Use Pattern as shown in the approved Stage-II FC in the year 2007			Total Area in Ha.	Land Use Pattern as per the approved Mine plan as on 01.04.2020
	Components	Area in Ha. (Forest)	Area in Ha. (Non -forest)		
1	Mining	86.586	3.095	89.681	87.84
2	Storing Mineral/Topsoil	7.297	5	12.297	8.016
3	Dumping of Over Burden	38.686	8.691	47.377	45.534
4, 5	Plant, workshop, Storing Tools & Machineries	0.48	0.74	1.22	4.086
6	Construction of Building, Power Station, Workshop	0.54	3.594	4.134	24.35
7	Township & Housing Colony	3.1	20.711	23.811	
8	Construction of Road, Ropeway & Rly Line	8.64	3.57	12.21	10.42
Total area in Ha.		145.329	45.401	190.73	180.246

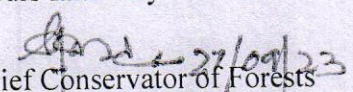
Observation No.(xvi):- *Details of the operational and abandoned mines in the landscape and also in the Keonjhar Forest Division.*

Compliance:- In compliance to the observation, the RCCF, Rourkela Circle has reported that the DFO, Keonjhar Division has submitted the status of operational and abandoned mines in the landscape in Keonjhar Forest Division which is enclosed herewith as **Annexure-XI**.

In view of the above, the compliance to the observations of Government of India, MoEF & CC, New Delhi is sent herewith for favour of kind information and necessary action.

Encl: Compliance in one set

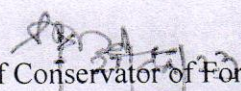
Yours faithfully


Principal Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)

Memo No. / Dt.

Copy alongwith the compliance report forwarded to the Dy. Director General of Forests (Central), MoEF& CC, RO, Bhubaneswar for favour of kind information and necessary action with reference to Letter No.8-35/2022-FC dated 27.12.2022 of the Scientist "D", GoI, MoEF&CC(FC Division), New Delhi

Encl: Compliance in one set


Principal Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)

Memo No.


19454

/ Dt.

30.09.2023

Copy alongwith the compliance report forwarded to the Additional Chief Secretary to Government, Forest, Environment and Climate Change Department, Odisha, Bhubaneswar for favour of kind information and necessary action with reference to Letter No. 8-35/2022-FC dated 27.12.2022 of the Scientist "D", GoI, MoEF& CC(FC Division), New Delhi

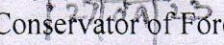
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Principal Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)

Memo No.

/Dt.

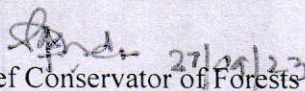
Copy forwarded to the Regional Chief Conservator of Forests, Rourkela Circle for information and necessary action with reference to his Memo No. 1840 dated 09.06.2023 and Memo No.2947 dated 11.09.2023.


Principal Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)

Memo No.

/Dt.

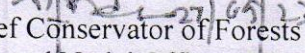
Copy forwarded to the Divisional Forest Officer, Keonjhar Forest Division for information and necessary action with reference to Memo No. 1841 dated 09.06.2023 and Memo No.2948 dated 11.09.2023 of RCCF, Rourkela Circle.


Principal Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)

Memo No.

/Dt.

Copy forwarded to the Vice President, Raw Materials, TATA Steel Limited, 273, Bhouma Nagar, Unit-IV, Bhubaneswar-751001 for information and necessary action.


Principal Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)

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