



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. 1093/5FC-04/2024 Dated. 20.3.24

To

The Principal Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)
O/o. the Principal chief Conservator of Forests & HoFF,
Odishas, Bhubnaeswar.

Sub: - Proposal for seeking prior approval of the Central government under Section- 2 (ii) of the Forest (Conservation) Act, 1980 in favour of Mahanadi Coal Field Limited, for non-forestry use of 193.845 ha forest land within Mining Lease area over 1265.00 Ha. of Balram Open Cast Expansion (15 MTY) Coal Block of MCL under Angul Forest Division of Angul District, Odisha.

Ref: - 1. File No. 8-143/1989-FC(Vol) dt. 30.10.2023 of GoI, MoEF & CC.
2. Memo No. 22987 dt. 03.11.2023 of OSD-cum- SS to Govt.
3. Your Memo No.22891/9F(MG)304/2023 dated 22.11.2023.

In inviting a reference to the letters cited above on the subject, this is to inform that Govt. of India, MoEF & CC have communicated 9 nos. of EDS in respect of the above proposal vide letter under reference . Accordingly the DFO, Angul Division has submitted point-wise compliance vide his Memo No.2249 dated 15.3.2024 (Copy enclosed). The point-wise compliance is furnished below :-

Point No.i **The User Agency has not provided the details of the past-approved proposal in the Form-A Part-I under column B (1) online.**

Compliance- As reported by the DFO, Angul Division that the details of the past-approved proposal in Form-A Part-I under Column B (1) show "No records Found." However, this information is uploaded under Form A –Part-I, Additional Information as "Kalinga Forest clearance.pdf." The necessary details have been attached as **Annexure I**.

PARIVESH
परिवेश
Ministry of Environment, Forest and Climate Change
Government of India

FORM-A
Form for seeking prior approval of Central Govt. under section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land.

PART-I

Section 2 of the Forest (Conservation) Act, 1980
Section 2 of the Forest (Conservation) Act, 1980

Your Proposal No. is PFD/NEW/3114/2024 and all this no. for future reference.

B. Details of Land Required for the Project

B-1. Details of proposed seeking prior approval of Central Government under the Act for diversion of forest land for the project already submitted in the past.

B-2. Details of forest land proposed to be diverted.

Division	Area (ha)	Forest Land	Net Forest Land	Year
Sundargarh	85.201	85.201	85.201	1990

B-3.2 Details of forests involved

Division	Area (ha)
Sundargarh	85.201

point No. ii **KML file of the earlier diverted area i.e. 85.201 ha and CA land provided in respect of the previous approval.**

Compliance- In compliance to this observation, the KML File of the earlier diverted area (85.201 ha) and CA land allotted is enclosed in a **Pen Drive**.

point No. iii **Status of the CA carried out in respect of the previous approval along with survival%, expenditure incurred and copy of the notification of the said land as protected forest as per the condition no. (ii) of approval letter dated 28.09.1990.**

Compliance- In compliance to this observation, the UA has submitted that the status of the CA carried out in respect of the previous approval along with plot wise survival % is enclosed. The allotted land has been alienated in favour of forest department by the collector Sundargarh vide Letter No.. 7199 dated 29.11.1995 and plantation has been raised over the entire area in 1994-95 and 1995-96 as per the memo no. 588 dated 29.01.1996 of DFO, Sundargarh. Further, the DFO, Sundargarh Division has intimated vide his memo no. 622 dated 24.01.2024 to CF (Nodal) O/o PCCF &HoFF , Odisha Bhubaneswar that expenditure of Rs 2,29,586/- (Rupees Two Lakh Twenty-Nine Thousand Five Hundred eighty six only) has been incurred for the above purpose. The CA land is yet to be notified as protected forest as per the condition no. (ii) of approval letter dated 28.09.1990. In this connection the User Agency has submitted an undertaking regarding declaration of CA land as PF following due procedure before Stage – II approval. **The details of CA land and undertaking is enclosed as Annexure - II**

- point No. iv **As per the provisions of the FCA comprehensive guideline Chapter 7 under Para 7.8 (i) (d) "Any proposal for diversion of forest for mining involving any forest land in respect of which diversion has been approved earlier will invariably be submitted along with the present status of compliance of the conditions of all previous FCs duly certified by the concerned Regional Officer of the MoEF&CC". But in instant case dully verified compliance reports from concerned Regional Office, on the condition stipulated in Stage- II approval have not been received. The same may be submitted by the State.**
- Compliance- **In compliance to this observation, the Certified Compliance Report by RO, MoEF & CC, Bhubaneswar pertaining to the earlier diverted area of 85.201 ha is attached as Annexure III.**
- Point No. v **The proposal is for expansion of earlier approved area of 85.201 ha vide Ministry's letter dated 28.09.1990 (pg. 83-84/c). The State has provided the status of the reclaimed land. However, how much land out of 85.201 ha has been reclaimed it is not clear. Further, if the already diverted land has been de-coaled and reclaimed then why it has not been handed over to the SFD. If the land is in the possession of the UA then the State Government Shall ensure that NPV of the entire forest land within the lease area shall be deposited as per the Ministry's Guidelines dated 06.01.2022 read with the letter dated 22.03.2022.**
- Compliance- **In compliance to this observation, the UA i.e G.M. Hingula Area has clarified that 13.42 Ha. out of the total 85.201 Ha. Forest land has been biologically reclaimed. The UA has deposited the NPV amount of Rs 10,46,77,097/- only through UTR No. SBINR52024021502494266 dated 15.02.2024 for the earlier approved project of 85.201 Ha and further the UA has submitted the undertaking to deposit NPV for the total forest area in the leasehold area. The details in enclosed as Annexure IV.**
- Point No. vi **The State has accepted the identified degraded notified forest for CA as the user agency has given a proposal stating that within 10 years from grant of forest clearance, it will hand over non-forest afforested equivalent forest area proposed for diversion in MCL mines area of Odisha. The user agency has furnished an undertaking duly signed by the DFO, Angul wherein it was undertaken to hand over the exact extent of afforested non-forest land against the proposed forest land for diversion after 10 years of getting Stage- II approval of the applied project. However, the state has not given following certificate as per the MoEF&CC, Gol Stage-1 approval for Utkal-E Coal Block of M/s NALCO in Angul District dt. 12.03.2021:**

- a. State Government issues a certificate that degraded forest land outside notified forests is not available for CA purpose, and
- b. Nodal officer certifies that no afforestation/ plantation has been taken up under any plan/ programme in the degraded notified forest areas proposed for CA in the last 10 years.

In view of the above justification given by the UA the CA land on notified DFL may not be accepted. The clarification may be asked from the State.

Compliance- In compliance to this observation, the UA i.e G.M. Hingula Area has intimated that the forest diversion proposal for 193.845 Ha was submitted online through Parivesh portal on 03.12.2020 and accepted by the Nodal Officer on 5.4.2021 which is before 28.6.2022. As per Ministry's guideline File No. FC -11/118/2021-FC dated 18.7.2022 "Provisions of Forest (Conservation) Rules,2003 shall apply to the proposals submitted online through Parivesh Portal and which have been accepted by the Nodal Officer before 28.6.2022". Accordingly, the CA land over 387.332 ha. against 193.845 ha area proposed for diversion was identified in Dhenkanal Division. The DFO, Dhenkanal Division has also intimated the fact vide his letter No.5728 dated 11.7.2023 that no plantation has been taken up in the identified Degraded Forest land in Dolia and Anantapur RF during last 10 years.

In addition to that, Balram OCP has already given a proposal stating that within 10 years from grant of forest clearance, Balram OCP will hand over non-forest afforested land equivalent to the forest area proposed for diversion i.e. 193.845 Ha. in MCL mines area of Odisha. Balram OCP has furnished an undertaking duly signed by the DFO, Angul wherein it was undertaken to hand over the exact extent of afforested non-forest land against the proposed forest land for diversion within 10 years of getting Stage- II approval of the applied project. Further, the user agency has intimated that the details of the non-forest land to be handed over in favour of Forest Department before and after Stage-II as follows.

Before Stage- II	20.8 ha.
After Stage-II	173.045 ha.
Year	Area
1 st	10.0
2 nd	10.0
3 rd	10.0
4 th	14.0
5 th	14.0
6 ^{thg}	17.2

7 th	20.0
8 th	25.0
9 th	25.0
10 th	27.845
Total	193.845

The details are enclosed as **Annexure V**.

Point No. vii- **KML file of proposed forest land has been checked on DSS. As per DSS report the KML file of land use (component wise breakup) including safety zone is not available on PARIVESH. The same may be uploaded.**

Compliance- In compliance to this observation, the UA i.e. G.M. Hingula Area uploaded the land use of 193.845 Ha Forest land in PDF format on PARIVESH. The component wise break-up is as follows:

S. No	Component	Area (Ha)
1.	Quarry Excavation	186.765
2.	Safety Zone	1.851
3.	Infrastructure Zone	5.229
	Total	193.845

The KML file of the above component wise breakup of use of Forest land is submitted in a **pen-drive**.

Point No. viii **The status of the safety zone as per the FCA comprehensive guideline Chapter 7 under Para 7.9 in respect of the proposal approved earlier may be provided.**


Compliance- In the compliance to this observation, the UA i.e. G.M. Hingula Area clarified that the safety zone was not mentioned in the earlier Forest Clearance and a 7.5 m width safety zone is proposed in the total mining lease area. The Land schedule is attached as **Annexure VI**.

Point No. ix- **The name of the proposal from Kalinga OCP to Balram OCP has been changed in 2006 without approval of the Central Government. The justification may be provided.**

Compliance- In the compliance to this observation, the UA i.e. G.M. Hingula Area submitted that the change of name was approved by the Board of Directors through an office order, with no change in ownership. The relevant document is attached as **Annexure-VII**.


In view of the above compliance, the Annexures and undertaking submitted by the DFO, Angul Division is sent herewith in **triplicate** for favour of information and necessary action.

Encl: - As above.


20/3/24
Regional chief Conservator of Forests
Angul.

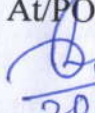
Memo No. 1094 / Dated. 20-3-24

Copy forwarded to the Divisional Forest Officer, Angul Division for information and necessary action with reference to his Memo No.2249 dated 15.3.2024.


20/3/24
Regional chief Conservator of Forests
Angul.

Memo No. 1095 / Dated- 20-3-24

Copy forwarded to the General Manager, Hingula Area, At/PO- Danara Talcher, Angul-759148 for information and necessary action.


20/3/24
Regional chief Conservator of Forests
Angul.