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

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

Dated: 5th June, 2022

To

The Addl. Chief Secretary (Forests),
Government of Odisha,
Bhubaneswar

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 Odisha Mining Corporation Limited.

Sir,

I am directed to refer to the State Government's letter no. FE-DIV-FLD-0034-2022-8065/FE&CC dated 30.04.2022, received on 5.05.2022, on the above subject seeking prior approval of the Central Government and to say that examination of said proposal in the Ministry revealed the following:

- 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 re-confirm its suitability and proximity to existing forest keeping in view ease of its management by the Forest Department.
- ii. Elephant Habita-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.
- 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:
 - 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.
 - 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.
 - 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.
 - d. Detail of NPV realized from the user agency in lieu of diversion of forest

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land accorded in the past and in pursuance to Ministry's guidelines dated 31.03.2020 may be informed by the State.

- 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 proposa, the same needs to be informed by he State.
- iii. 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.
 - iv. Examination of the Mining Plan submitted along with the proposal revealed the following: Mining Plan revealed the following:
 - 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.
 - 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 landuses indicated in the mining plan. Discrepancies in the areas of land uses may be justified and if needed be rectified by the State Government;
 - c. As per landuse 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.
 - 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.
 - 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.
 - 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 Haal 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

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Forest (Conservation) Act, 1980.

In view of the above, the State Government is requested to submit the information/documents, as indicated above, for further necessary action in the matter.

Yours faithfully,
sd/-
(Charan Jeet Singh)
Scientist 'D'

Copy to:-

1. Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar
2. Regional Officer (Central), Integrated Regional Office of the MoEF&CC at Bhubaneswar
3. Nodal Officer (FCA), Government of Odisha, Bhubaneswar
4. Monitoring Cell of FC Divisions, MoEF&CC, New Delhi
5. Guard file.