

F. No. 8-105/2006-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi – 110003

Dated: 24th April, 2017

To

The Principal Secretary (Forests),
Government of Odisha,
Bhubaneswar.

Sub: Diversion of 41.2442 ha of forest land for the Broken up area, out of proposed diversion of 117.9648 ha of forest land (216.3617-proposed originally) in favour of Odisha Mining Corporation Limited (OMC) for mining of iron ore in Gandhamardan Block-A in Keonjhar district in the State of Odisha .

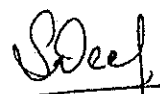
Sir,

I am directed to refer to the Government of Odisha's letter No 10F (Cons) 53/ 2006/13872/ F&E Bhubaneswar dated 16.08.2014 on the above-mentioned subject, wherein prior approval of the Central Government for the diversion of 117.9648 ha of forest land (fresh area 76.7206 ha. and 41.2442 ha of Broken forest land) out of 216.3617-proposed forest land) in favour of Odisha Mining Corporation Limited (OMC) for mining of iron ore in Gandhamardan Block-A in Keonjhar district in the State of Odisha was granted. After careful consideration of the proposal by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act, in-principle approval for the said diversion was granted vide this Ministry's letter of even number dated 17.02.2009 , subject to fulfilment of certain conditions.

2. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval. The proposal for grant of Stage-II clearance was discussed in FAC meeting held on 16.3.2016 and the proposal for the Broken up area of 41.2442 ha only out of proposed diversion of 117.9648 ha of forest land (216.3617 proposed originally) in favour of Odisha Mining Corporation Limited (OMC) for mining of iron ore in Gandhamardan Block-A in Keonjhar district in the State of Odisha was recommended under section 2 (ii) of Forest Conservation Act 1980 subject to general condition and following special conditions:

- 1) Penal compensatory afforestation to be raised over an area 5 times in extent to the area under violation i.e. 33.388 (31.404 +1.984ha)
- 2) Penal NPV for the 33.388 (31.404 +1.984ha) ha at rate of 20 percent per annum for the time period for which area remain under violation of FCA 1980 to be charged by state government.

3. The State Govt. has complied all the conditions stipulated in Stage-I Clearance order dated 17.02.2009 excepting the condition no. (6) which states that the approval under the F.C. Act is restricted to 117.9648 ha of forest area. The possession of the balance forest area shall be taken over by the Forest Department. Before grant of the formal approval under the F.C. Act, the mining lease granted under the MMRD shall be revised so that the total forest area included in the mining lease and the forest area approved under the F.C. Act are identical since the State Govt. of Odisha vide their letter No. 10F (Cons)


24.4.17


158/2015/6513/F&E dated 07.04.2016 forwarded another proposal of user agency for diversion of balance forest land 401.7824 ha. including 7.2807 ha of safety zone out of total forest land of 519.7472 ha within total Mining Lease area of 618.576 ha for Iron Ore Mining in Gandhamardan (Block-A) Mining lease in Keonjhar District, Odisha of M/s Odisha Mining Corporation Ltd. for seeking prior approval of the Central Government in accordance with Section-2 of the Forest (Conservation) Act, 1980 .

4. The proposal was again placed before FAC in its meeting held on 28.02.2017 to consider grant of Stage-II clearance under Section 2 (ii) of Forest Conservation Act 1980 for the Broken up area of 41.2442 ha only in the Keonjhar District. out of proposed diversion of 117.9648 ha of forest land (216.3617 proposed originally) in favour of Odisha Mining Corporation Limited (OMC) for mining of iron ore in Gandhamardan Block-A in Keonjhar district in the State of Odisha and after recommendation of FAC and approval of the competent authority, the **Stage – II clearance/Final approval** is hereby granted for the **broken up area of 41.2442 hectares** out of in – principle approval as granted for **117.9648 ha of forest land (216.3617 proposed originally)** in favour of Odisha Mining Corporation Limited (OMC) for mining of iron ore in Gandhamardan Block-A in Keonjhar district in the State of subject to the following conditions;

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the non-forest land equal in extent to the forest land being diverted shall be raised within three years from the date of issue of Stage –II Clearance and maintained thereafter as per approved plan by the State Forest Department at the cost of the User Agency;
- (iii) The condition no 6 of stage I clearance is hereby revoked , however the issues referred in condition no 6 shall be examined at the time of consideration of proposal for diversion of balance forest land 401.7824 ha. including 7.2807 ha of safety zone out of total forest land of 519.7472 ha within total Mining Lease area of 618.576 ha for Iron Ore Mining in Gandhamardan (Block-A) Mining lease in Keonjhar District, Odisha of M/s Odisha Mining Corporation Ltd. as forwarded another proposal of user agency forest land by the State Govt. of Odisha vide their letter No. 10F (Cons) 158/2015/6513/F&E dated 07.04.2016 ;
- (iv) The non-forest land identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance in this regard;
- (v) The Approval under the F.C. Act is restricted to **41.2442 ha of broken up forest area**. The Stage II clearance for remaining area of 76.7206 ha of virgin forest will be considered after the carrying capacity study report in the Keonjhar District is made available and placed before the FAC;
- (vi) The State Govt. shall ensure to raise the Penal Compensatory Afforestation over an area of 5 times in extent to the area under violation i.e. **33.388** (31.404 +1.984 ha) at the cost provided by the user agency within three years of stage -II clearance ;
- (vii) Following activities, as per approved plan / schemes, shall be undertaken by the User Agency under the supervision of the State Forest Department:

(a) Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department.

(b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;


47 24417


- (c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
- (d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28°; and
- (e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- (viii) Fencing, protection and regeneration of the safety zone area [7.5 meters strip all along the outer boundary of the mining lease area as recommended by the State Govt.] shall be done within three year at the project cost from the issue of Stage-II Clearance. Besides this afforestation on degraded forest land to be selected elsewhere measuring one & a half times the area under safety zone shall also be done at the project cost; The degraded forest land (DFL) so selected will be informed to the MoEF & CC with shape files for monitoring and afforestation will be done within three years from the date of Stage-II clearance;
- (ix) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (x) The User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986;
- (xi) The State Government shall ensure the implementation of Wildlife Management Plan as prepared by Wildlife Institute, Dehradun at the project cost.
- (xii) The Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- (xiii) No mining shall be carried out in the land required to be maintained as safety zone all around the mining area;
- (xiv) Wherever possible and technically feasible, the User Agency shall implement the afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, in consultation with the State Forest Department at the project cost by involving local community;
- (xv) User agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40), if any, located in the area within 100 m. from outer perimeter of the mining lease. The plan for plantation and SMC activities will be prepared and submitted to MoEF & CC for record and monitoring;
- (xvi) The State Government and the user agency shall ensure that the water used for processing shall be discharged only after proper treatment;
- (xvii) No labour camp shall be established on the forest land;
- (xviii) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xix) The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Chief Conservator of Forests (Central) may direct that the

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4. *The proposal was again placed before FAC in its meeting held on 28.02.2017 to consider grant of Stage-II clearance under Section 2 (ii) of Forest Conservation Act 1980 for the Broken up area of 41.2442 ha only in the Keonjhar District, out of proposed diversion of 117.9648 ha of forest land (216.3617 proposed originally) in favour of Odisha Mining Corporation Limited (OMC) for mining of iron ore in Gandhamardan Block-A in Keonjhar district in the State of Odisha and after recommendation of FAC and approval of the competent authority ,the **Stage – II clearance/Final approval** is hereby granted for the **broken up area of 41.2442 hectares** out of in principle approval as granted for **117.9648 ha of forest land (216.3617 proposed originally)** in favour of Odisha Mining Corporation Limited (OMC) for mining of iron ore in Gandhamardan Block-A in Keonjhar district in the State of subject to the following conditions;*


- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the non-forest land equal in extent to the forest land being diverted shall be raised within three years from the date of issue of Stage –II Clearance and maintained thereafter as per approved plan by the State Forest Department at the cost of the User Agency;
- (iii) The condition no 6 of stage I clearance is hereby revoked , however the issues referred in condition no 6 shall be examined at the time of consideration of proposal for diversion of balance forest land 401.7824 ha. including 7.2807 ha of safety zone out of total forest land of 519.7472 ha within total Mining Lease area of 618.576 ha for Iron Ore Mining in Gandhamardan (Block-A) Mining lease in Keonjhar District, Odisha of M/s Odisha Mining Corporation Ltd. as forwarded another proposal of user agency forest land by the State Govt. of Odisha vide their letter No. 10F (Cons) 158/2015/6513/F&E dated 07.04.2016 ;
- (iv) The non-forest land identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance in this regard;
- (v) The Approval under the F.C. Act is **restricted to 41.2442 ha of broken up forest area**. The Stage II clearance for remaining area of 76.7206 ha of virgin forest will be considered after the carrying capacity study report in the Keonjhar District is made available and placed before the FAC;
- (vi) The State Govt. shall ensure to raise the Penal Compensatory Afforestation over an area of 5 times in extent to the area under violation i.e. **33.388** (31.404 +1.984 ha) at the cost provided by the user agency within three years of stage - II clearance ;
- (vii) Following activities, as per approved plan / schemes, shall be undertaken by the User Agency under the supervision of the State Forest Department:
 - (a) Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department.
 - (b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;


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mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed.

- (xx) The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- (xxi) The user agency will abide by the applicable recommendations of the State Government;
- (xxii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xxiii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxiv) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xxv) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxvi) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxvii) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife conservation shall be complied with;
- (xxviii) The User Agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five km. from the mine lease boundary. This list is to be duly verified by the concerned Divisional Forest Officer. The User Agency shall regularly undertake desilting of these village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies. A detailed plan for desilting of identified ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF & CC for record and monitoring ;
- (xxix) The User Agency shall submit the annual self compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and this Ministry by the end of March every year;
- (xxx) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxxi) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project


Yours faithfully,


(Sandeep Sharma) 24.4.13

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Addl. PCCF (Central), Regional Office, Bhubaneswar.
3. The Nodal Officer, Forest Department, Government of Odisha, Bhubaneswar.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi.
6. Guard File.


(Sandeep Sharma) 24.4.13

Assistant Inspector General of Forests(FC)

