

(13)

F. No. 8-02/2013-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi -110 003
Dated: 27th August, 2014

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

Sub: Diversion of 249,9685 hectares of forest land in Rebena RF in respect of Daitari Extension area (Mining Infrastructure & Township) of M/s. OMC Ltd. in Keonjhar district.

Sir,

I am directed to refer to the Government of Odisha's letter No 10F (Cons) 488/ 2012-167/ F & E dated 3rd January 2013 on the above-mentioned subject, wherein prior approval of the Central Government for the diversion of 249,9685 hectares of forest land in Rebena RF in respect of Daitari Extension area (Mining Infrastructure & Township) of M/s. OMC Ltd. in Keonjhar district, was sought, in accordance with Section 2 of the Forest (Conservation) Act, 1980. 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 13th January 2014, subject to fulfillment of certain conditions. 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.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Odisha vide their letter No. 10F (Cons)-70/2014-7232/ F & E dated 23rd April 2014, No. 10 F (Cons)-70/2014-11206/ F & E dated 21st June 2014 and No. 10F (Cons)-70/2014 -15150/ F & E date 16th August 2014, approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 249,9685 hectares of forest land in Rebena RF in respect of Daitari Extension area (Mining Infrastructure & Township) of M/s. OMC Ltd. in Keonjhar district, subject to fulfillment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) State Government shall create and maintain from funds realised from the State Government compensatory afforestation over the non-forest land equal in extent to the forest land being diverted from funds realised from the user agency;

- (iii) The non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation, shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act. The Nodal Officer must report compliance within a period of six (6) months and send a original notification of RF/ PF as the case may be to the Central Government for confirmation and record;
- (iv) The State Government shall realise from the user agency the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India and transfer the same to the ad-hoc CAMPA under intimation to this Ministry;
- (v) The user agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (vi) State Government shall raise penal compensatory afforestation from funds realized from the user agency, over degraded forest land twice in extent to the forest land utilized for non-forest purpose, without obtaining prior approval under the Forest (Conservation) Act, 1980;
- (vii) Regional Office (Eastern Zone), Bhubaneswar having jurisdiction over the forest land proposed to be diverted is located, shall enquire into the matter of use of forest land for non-forest purpose without obtaining prior approval of Central Government under the Forest (Conservation) Act, 1980 and shall file complaint against persons prima-facie found guilty of violation of the Forest (Conservation) Act, 1980;
- (viii) The patches of tree/ forest growth within the forest land being diverted identified by the User agency in consultation with the State Government shall be maintained as mandatory green areas/forest parks. User agency shall also afforest the blank/ degraded patches located within the forest land diverted as per scheme technically approved by the RCCF, Rourkela ;
- (ix) User agency shall endeavor to install closed conveyor corridor, wherever feasible, to minimize transportation of ore through trucks, to the extent possible;
- (x) User agency and the State Government shall implement a site specific wildlife conservation plan duly approved by the PCCF (WL) and Chief Wildlife Warden, Odisha from the finds provided/ to be provided by the user agency;
- (xi) User agency should take appropriate measures such as construction of ponds, water conservation / harvesting structure, to ensure conservation of water in and around the project site;
- (xii) User agency shall provide sufficient funds to the State Forest/ Environment departments, as per the tentative scheme prepared by the Divisional Forest Officer, Keonjhar Wildlife Division to organize environmental awareness programme to

generate awareness among the employees as well as local residents on issues pertaining to conservation and protection of environment;

- (xiii) State Government shall commission a study from funds to be provided by the user agency to assess impact of this project on floral and faunal biodiversity and shall take appropriate measures at the project cost to mitigate the identified impacts;
- (xiv) Out of the existing three approach roads to the railway siding, only two roads will be used. Area occupied by the third road will be developed as green patch as per the scheme duly approved by the Regional Chief Conservator of Forests, Rourkela;
- (xv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xvi) No labour camp shall be established on the forest land;
- (xvii) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- (xviii) The user agency in consultation with the State Forest Department shall create and maintain alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project as per the scheme duly approved by the Regional Chief Conservator of Forests, Rourkela. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- (xix) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person;
- (xx) The user agency shall provide 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;
- (xxi) The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xxii) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department;
- (xxiii) Any other condition that the Regional Office (Eastern Zone), Bhubaneswar may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;

- (xxiv) The user agency shall submit the annual report on compliance to conditions stipulated in the approval to the to the State Government and the concerned Regional Office of this Ministry; and
- (xxv) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

Yours faithfully,

(H. C. Chaudhary)
Director

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, the Forest (Conservation) Act, 1980, O/o the Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
3. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (Eastern Zone), Bhubaneswar.
4. User agency.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.

(H. C. Chaudhary)
Director