

GOVERNMENT OF ODISHA
FOREST & ENVIRONMENT DEPARTMENT

No. FE-DIV-FLD-0070-2021- 8119 /F&E, Bhubaneswar, dated the 23.04.2021
10F (Cons) 50/18

ORDER

Sub: Diversion of balance of 76.7206 ha out of proposed diversion of 117.9648 ha (originally proposed 216.3617 ha) of forest land (out of which broken up area of 41.2442 ha of forest land has been diverted vide Ministry's letter dtd.24.04.2017) 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.

WHEREAS, the Odisha Mining Corporation Ltd, Bhubaneswar, Odisha had applied for diversion of balance of 76.7206 ha out of proposed diversion of 117.9648 ha (originally proposed 216.3617 ha) of forest land (out of which broken up area of 41.2442 ha of forest land has been diverted vide Ministry's letter dtd.24.04.2017) for mining of Iron Ore in Gandhamardan Block-A in Keonjhar District in the State of Odisha.

And whereas, the Ministry of Environment & Forests (FC Division), Government of India, had accorded 'in-principle' approval for diversion of 117.9648 ha of forest land (fresh area 76.7206 ha and broken up forest land 41.2442 ha) (out of 216.3617 ha of forest land proposed) in Gandhamardan Block-A in favour of Odisha Mining Corporation in Keonjhar District of Odisha for 1st Renewal of Mining lease subject to fulfillment of certain conditions vide its letter F.No.8-105/2006-FC dtd.17.02.2009 (**Annexure-I**).

And whereas, the MoEF&CC, Government of India, New Delhi in consideration of the compliance of the conditions of the 'in-principle' approval, have accorded final approval for balance forest area of 76.7206 ha out of proposed diversion of 117.9648 ha (originally proposed 216.3617 ha) of forest land (out of which 41.2442 ha of broken up area was diverted vide Ministry's letter dtd.24.04.2017) 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 vide its Letter File No.8-105/2006-FC dtd.22.03.2021 (**Annexure-II**) subject to conditions as stipulated therein.

Now therefore, the Government of Odisha, do hereby allow diversion of above mentioned 76.7206 ha of forest land in favour of user agency as per approved land use pattern subject to fulfillment of the conditions of final forest clearance order as stipulated by the MoEF&CC, Government of India, New Delhi.

The Collector, Keonjhar and Divisional Forest Officer, Keonjhar Forest Division, as the case may be are hereby authorized to handover the forest land coming within their jurisdiction, after compliance of **conditions i.e. A. Conditions which need to be complied by user agency prior to handing over of forest land, B. State Govt. shall ensure complete compliance of the provisions of FRA, 2006 & C. Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department**, as has been finally diverted following due procedure of law. Before handing over the forest land to the user agency, it shall be ensured that Net Present Value of forest land for this project as well as for any other projects, belonging to same user agency, is deposited, in full, at applicable rates.

The Divisional Forest Officer, Keonjhar Keonjhar Division is also directed to monitor compliance to the conditions stipulated for such diversion in the respective forest/wildlife clearance order and to report violations, if any, to the Nodal Officer, O/o Principal Chief Conservator Forests, Odisha and to the Forest & Environment Department.

Execution of project activities will be subject to availability of all other statutory clearances required under relevant Acts/Rules for this project, deposit of requisite funds and compliance of Court's order, if any.

By order of Governor



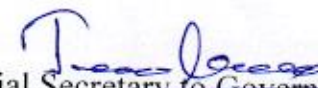
(Jitendra Kumar) 23/4/21

Special Secretary to Government

Memo No. 8120 /F&E Date 23-04-2021

Copy along with the copy of Annexure-I and Annexure-II as above forwarded to the Principal Chief Conservator of Forests, Odisha for kind information and necessary follow up action.

Appropriate instruction to the Divisional Forest Officer of Keonjhar Forest Division and user agency may be imparted for required follow up action at their end. It may be ensured by the Divisional Forest Officer, Keonjhar Forest Division that Net Present Value of the forest land involved in this project of user agency as well as for any other projects of the same user agency, is deposited by them in appropriate head in full, at applicable rates. The user agency may also be instructed to furnish compliance to the conditions of forest/wildlife clearance pertaining to the project in every quarter to the Divisional Forest Officer of Keonjhar Forest Division for facilitating monitoring of compliances.

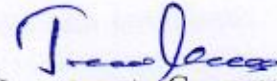


Special Secretary to Government

23/4/21

Memo No. 8121 /F&E Date 23.04.2021

Copy along with the copy of Annexures as above forwarded to the Asst. Inspector General of Forests, Government of India, MoEF&CC (FC Division), Indira Paryavaran Bhawan, Jor Bagh, Aliganj Road, New Delhi, Pin-110003/ Deputy Director General of Forests (Central), MoEF&CC, Government of India, IRO, A/3, Chandrasekharpur, Bhubaneswar for kind information and necessary follow up action in compliance to the order of Hon'ble NGT dtd.07.11.2012 in Appeal No.07/2012 communicated by the MoEF, Government vide their letter F. No.7-23/2012- FC dtd.24.07.2013.



Special Secretary to Government

23/4/21

Memo No. 8122 /F&E Date 23.04.2021

Copy along with the copy of Annexures as above forwarded to the Principal Chief Conservator of Forests (WL) & Chief Wildlife Warden, Odisha/ Director, Environment, Forest & Environment Department/ Member Secretary, State Pollution Control Board, Odisha for information and necessary action.



Special Secretary to Government

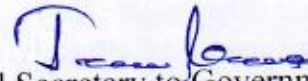
23/4/21

Memo No. 8123 /F&E Date 23.04.2021

Copy along with the copy of Annexures as above forwarded to the Regional Chief Conservator of Forests, Rourkela Circle / Divisional Forest Officer, Keonjhar Forest Division for information and immediate necessary compliance.

It may be ensured by the Divisional Forest Officer that Net Present Value of the forest land involved in this project of user agency as well as for any other projects of the same user agency, shall be deposited by them in full at applicable rates in appropriate head before handing over of the forest land to user agency. Besides, funds, if any, due to be deposited by the user agency for this project shall also be deposited by the project proponent before the forest land is handed over to them. The user agency may also be instructed to furnish compliance to the conditions of forest/wildlife clearance pertaining to the project in every quarter to the Divisional Forest Officer for facilitating monitoring of compliances by him.

The Divisional Forest Officer is also instructed to ensure that the direction given to the user agency are executed immediately.

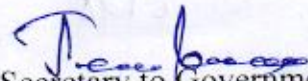


Special Secretary to Government

23/4/21

Memo No. 8124 /F&E Date 23.04.2021

Copy along with the copy of Annexures as above forwarded to the Steel & Mines Department/ Collector, Keonjhar for information and necessary follow up action.

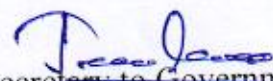


Special Secretary to Government

23/4/21

Memo No. 8125 /F&E Date 23.04.2021

Copy along with the copy of Annexures as above forwarded to the Private Secretary to Minister of Forest & Environment Department for kind information of Hon'ble Minister.



Special Secretary to Government

23/4/21

Memo No. 8126 /F&E Date 23-04-2021

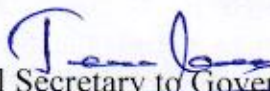
Copy along with the copy of the Annexures forwarded to the Managing Director, M/s.OMC Ltd., OMC House, Bhubaneswar, Odisha for information and immediate necessary action.

The user agency is asked to take following actions immediately as per orders of Hon'ble National Green Tribunal dtd.07.11.2012 in Appeal No.07/2012 communicated by the MoEF, Government of India vide their letter F. No.7-23/2012-FC dtd.24.07.2013.

- i. *They shall publish the entire forest clearance granted in verbatim along with conditions and safeguards imposed by the Central Government in Stage-I/II forest clearance in two widely circulated daily newspapers, one in vernacular language and the other in English language so as to make people aware of the permission granted to the Project for use of forest land for non-forest purposes.*
- ii. *They shall submit the copies of forest clearance orders granted by the Central Government/State Government to the Heads of local bodies, Panchayats and Municipal bodies along with the relevant offices of the State Government, who in turn, shall display the same for 30 days from date of receipt.*
- iii. *Detailed action taken in compliance to the above order of State Government shall be intimated to the DFO, Keonjhar Forest Division / RCCF, Rourkela Circle / PCCF, Odisha/F&E Department for reference.*

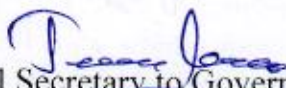
Besides the above, the user agency is also asked to deposit Net Present Value of forest land for this project and for any other projects belonging to him in full, if not deposited yet, at applicable rates. Requisite funds due for deposit by the user agency on account of this project shall also be deposited under appropriate head.

The user agency shall furnish compliances to the conditions prescribed in the forest/wildlife clearance order to the Divisional Forest Officer of Keonjhar Forest Division in every quarter, for the purpose of monitoring by him.


Special Secretary to Government
23/4/21

Memo No. 8127 /F&E Date 23-04-2021

Copy with copy of Annexures forwarded to the Head, State Portal, I.T. Centre, Odisha Secretariat, Bhubaneswar for information and necessary action. He is requested to upload this order along with its enclosures in the website of Forest & Environment Department **immediately** for information of all concerned. **This is required in compliance to order of Hon'ble National Green Tribunal dtd.07.11.2012 in Appeal No.7/2012. Hence this may be done unflinchingly.**


Special Secretary to Government
23/4/21

Memo No. 8128 /F&E Date 23-04-2021

Copy with copy of Annexures forwarded to the Under Secretary to Government, Office Establishment Section, Forest & Environment Department for information and necessary action with reference to their letter No.12939/F&E dtd.16.07.2016.


Special Secretary to Government
23/4/21

ANNEXURE

F. No. 8-105/2006-FC
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
Dated: 17th February, 2009.

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

Sub: Diversion of 117.9648 ha of forest land (fresh area 76.7206 ha and broken up forest land 41.2442 ha) (out of 216.3617 ha of forest land proposed) in Gandhamardan Block-A in favour of Orissa Mining Corporation in Keonjhar district of Orissa for first renewal of Mining Lease.

Sir,

I am directed to refer to the State Government's letter No. 10F(Cons)53/2006/13872/F&E dated 16.08.2006 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 broken up forest land 41.2442 ha) (out of 216.3617 ha of forest land proposed) in Gandhamardan Block-A in favour of Orissa Mining Corporation in Keonjhar district of Orissa for first renewal of Mining Lease, was sought, in accordance with Section 2 of the Forest (Conservation) Act, 1980. The said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section 3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government of Orissa and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees in-principle for the diversion of ~~diversion of~~ 117.9648 ha of forest land (fresh area 76.7206 ha and broken up forest land 41.2442 ha) (out of 216.3617 ha of forest land proposed) in Gandhamardan Block-A in favour of Orissa Mining Corporation in Keonjhar district of Orissa for first renewal of Mining Lease, subject to the fulfillment of the following conditions:-


1. (i) The UA shall transfer and mutate 117.9648 ha of non-forest land in favour of the State Forest Department and shall pay the cost of the Compensatory Afforestation as per the scheme to be prepared as per latest wage rate and approved by the competent authority.
- (ii) The User Agency shall transfer the cost of Compensatory Afforestation including maintenance for 5 years to the State Forest Department.
- (iii) 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-29 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

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2. Fencing, protection and regeneration of the safety zone area (7.5 metre strip all along the outer boundary of the mining lease area) shall be done at the project cost. Besides this, Afforestation on degraded forest land, to be selected elsewhere, measuring one and a half times the area under safety zone, shall also be done at the project cost.
 3. The State Government shall charge the Net Present Value of the forest area diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 25.04.2008 and 09.05.2008 in IA No. 566 in WP(C) No. 202/1995 and as per the guidelines issued by this Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18.09.2003, as well as letter No. 5-2/2006-FC dated 03.10.2006 in this regard.
 4. At the time of payment of the Net Present Value (NPV) at the present rate, the User Agency shall furnish an undertaking to pay the additional NPV, if so determined as per the final decision of Hon'ble Supreme Court of India.
 5. Wildlife Institute of India shall prepare a Wildlife Management Plan for the area which shall be implemented at the project cost. The diversion of forest land for mining shall be considered only if with appropriate remedial measures the adverse impact of mining on wildlife conservation and protection is found to be containable within reasonable limits.
 6. 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.
 7. Compensatory Afforestation charges shall be payable for the entire forest area after deducting the forest area legally broken up during the validity of the mining lease.
 8. For carrying out the mining operations between 1993 to 1997 in violation of the F.C. Act, an amount equal to the NPV payable in the present case shall be imposed as a penalty on the user agency.
 9. The approval under the F.C. Act shall be granted only after the environmental clearance for the project is accorded.
 10. Wherever possible and technically feasible, the User Agency shall undertake by involving local community, 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.
 11. Wherever possible and technically feasible, the User Agency shall undertake by involving local community in Afforestation measures having suitable species during reclamation and overburden management plan.

12. The User Agency shall start mining in phased manner after exhausting earlier diverted forest area and due care shall be taken for reclaiming earlier mined area. Concurrent reclamation plan shall be executed by the User Agency from the very first year, and an annual report shall be sent to the Nodal Officer and the Regional CCF, Bhubaneswar. If it is found from the Annual Report that the annual programme mentioned in Concurrent Reclamation Plan is not being adhered to by the User Agency, the mining activities shall remain suspended till such time the annual programme is completed for that year.
13. All the funds received from the User Agency under the project shall be transferred to in Account No. 344901010070128 of Union Bank of India, Sunder Nagar, New Delhi-110003.
14. The period of diversion under this approval shall be twenty (20) years subject to possession of valid lease by the User Agency under the MMDR Act, 1957.
15. The User Agency will bear the proportionate cost of comprehensive wildlife management plan to be prepared in consultation with state forest department at the user agency's cost.
16. After receipt of the compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980.
17. All other conditions including standard conditions applicable to the proposals under Forest (Conservation) Act, 1980 and under different rules, regulations and guidelines including environmental clearance shall be complied with before transfer of forest land.
18. The user agency shall comply to all other conditions imposed by the Hon'ble Supreme Court in its decision dated 03.10.2008.

3. After receipt of the compliance report on the fulfilment of the above mentioned conditions contained in Para 2 above, from the State Government of Orissa, formal approval will be issued in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.


Yours faithfully,


(B.K. Singh)

Sr. Assistant Inspector General of Forests

Copy to:

1. The PCCF, Government of Orissa, Bhubaneshwar.
2. The Nodal Officer, O/o PCCF, Government of Orissa, Bhubaneshwar.
3. The Chief Conservator of Forests (Central), Regional Office, Bhubaneshwar.
4. The User Agency.
5. The Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.


(B.K. Singh)

Sr. Assistant Inspector General of Forests

1/3970/2021



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

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

Dated: 22nd March, 2021

To

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

Under Security
(Diversion)

Sub: Diversion of balance of 76.7206 ha out of proposed diversion of 117.9648 ha (originally proposed 216.3617 ha) of forest land (out of which broken up area of 41.2442 ha of forestland has been diverted vide Ministry's letter dated 24.04.2017) in favour of Odisha Mining Corporation Limited (OMC) Ltd. for mining of Iron Ore in Gandhamardan Block-A in Keonjhar District in the State of Odisha.

Sir,

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I am directed to refer to the Government of Odisha's letter No 10F (Cons) 53/2006/13872/F&E dated 16.08.2006 on the above-mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act. After careful examination of the proposal and recommendation thereof by the Forest Advisory Committee (FAC), In-principle/Stage-I approval for diversion of 117.9648 ha of forest land (fresh area of 76.7206 ha and 41.2442 ha of broken forest land) out of 216.3617 ha of forest land in favour of Odisha Mining Corporation Limited (OMC) for mining of iron ore in Gandhamardan Block-A was accorded vide this Ministry's letter of even number dated 17.02.2009 subject to fulfilment of certain conditions.

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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. Said proposal for grant of Stage-II clearance was deliberated in the FAC meeting held on 16.3.2016 and the broken up forest area of 41.2442 ha only was recommended under section 2 (ii) of Forest Conservation Act 1980 subject to certain conditions inter-alia stipulating that balance forest land of 76.7206 ha will be considered and examined at the time of consideration of balance forest land 401.7824 ha out of total forest land of 519.7472 ha within total Mining Lease area of 618.576 ha of mining lease (Block-A) as forwarded by the Government of Odisha vide their letter dated 7.04.2016.

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3. After receipt of satisfactory compliance report from the State Government and approval of competent authority, Stage-II approval for the broken up area of 41.2442 ha only was granted vide Ministry's letter of even number dated 24.04.2017. Proposal for balance forest area of 401.7824 ha was also considered and recommended by the Forest Advisory Committee in its meeting held on 21.02.2019

and based on the recommendation of the FAC, forest area of 401.7824 ha was granted Stage-I approval by the Ministry vide letter dated 5.04.2019.

4. Government of Odisha's letter No. 10F (Cons) 50/2018/6834/F&E dated 04.04.2019 has requested to consider Stage-II approval for balance forest land of 76.7206 ha out of proposed diversion of 117.9648 ha of forest land (out of which 41.2442 ha of broken up area already diverted vide this Ministry's letter of even no. dated 24.04.2017) 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.

5. After careful examination of the proposal on the basis of the compliance report furnished by the Government of Odisha vide their letter No. 10F (Cons) 50/2018-10854/F&E dated 10.07.2020 and 19718/9F (MG)-12/2004 dated 12.11.2020, final approval of the Central Government is hereby accorded for diversion of balance forest area of 76.7206 ha out of proposed diversion of 117.9648 ha (originally proposed 216.3617 ha) of forest land (out of which 41.2442 ha of broken up area was diverted vide Ministry's letter dated 24.04.2017) in favour of Odisha Mining Corporation Limited (OMC) Ltd. for mining of Iron Ore in Gandhamardan Block-A in Keonjhar District in the State of Odisha subject to the following conditions:

- A. Conditions which need to be complied by User agency prior to handing over of Forest land**
1. KML files of the Forest area diverted, CA area and other works proposed to be carried out from CAMPA funds deposited against the project shall be uploaded on e green watch portal.
 2. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- B. State government shall ensure complete compliance of the provisions of FRA 2006.**
- C. Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department**
- i. Legal status of the diverted forest land shall remain unchanged;
 - ii. **Compensatory Afforestation**
 - a. The State Government shall ensure that 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;
 - b. The State Government shall ensure that Penal Compensatory Afforestation over an area of 5 times in extent to the area used under violation of FC Act, 1980 i.e. **33.388 ha** (31.404 +1.984 ha) shall be raised from the funds already provided by the User Agency within a period of three years from the date of issue of Stage –II approval;
 - iii. **Net Present Value**
 - a. The State Government has realized the NPV of the forest area diverted under this proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and guidelines issued by this Ministry in this regard. Additional NPV if becomes due as per final order of Hon'ble Supreme Court, shall be paid by the User Agency;
 - b. 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.
 - iv. Compensatory levies for this project, if any to be realized in future from the User Agency, shall be deposited into the account of CAMPA of the State

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- concerned through e-portal (<https://parivesh.nic.in>);
- v. The State Govt. shall ensure that the activities proposed in the approved scheme for 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 implemented within three year at the project cost from the issue of Stage-II Clearance;
 - vi. The State Govt. shall ensure that the User Agency shall carry out 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 mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed.
 - vii. The mining lease holder shall, after ceasing mining operations, undertake re-grassing the mining area, and any other areas which may have been disturbed due their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna, etc.
 - viii. The State Govt. shall ensure that the boundary of the diverted forest land, mining lease and safety zone 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;
 - ix. The State Government shall ensure that 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, as per approved scheme, wherever possible and technically feasible, in consultation with the State Forest Department at the project cost by involving local community;
 - x. The State Govt. and the user agency shall ensure that 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;
 - xi. The State Govt. and the user agency shall ensure that no mining shall be carried out in the land required to be maintained as safety zone all around the mining area;
 - xii. The State Govt. shall ensure that 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 as per scheme submitted along with the compliance report;
 - xiii. The State Government and the user agency shall ensure that the water used for processing shall be discharged only after proper treatment;
 - xiv. Afforestation on degraded forest land to be selected elsewhere, measuring one and a half times the area under safety zone, shall also be done at the project cost under the supervisions of the State Forest Department and

maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department;

- xv. Safety Zone Management: Following activities shall be undertaken by the user agency for the management of safety zone:
- a. User agency shall ensure demarcation of boundary of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its protection by erecting adequate number of 6 feet high RCC boundary pillars inscribed with DGPS coordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the State Forest Department;
 - b. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
 - c. Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy in the area, regeneration shall be taken up in this area by the user agency at project cost under the supervision of the State Forest Department; and
 - d. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;
- xvi. 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;
 - 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.
- xvii. The State Govt. ensure that the User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xviii. The State Govt. and the user agency shall ensure that no labour camp shall be established on the forest land;
- xix. The State Govt. shall ensure that 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;
- xx. The user agency will abide by the applicable recommendations of the State Government;
- xxi. The State Govt. and the user agency shall ensure that the layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xxii. The State Govt. and the user agency shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal;
- xxiii. The State Govt. and the user agency shall ensure that 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;

xxiv. The State Govt. and the user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;

xxv. The State Govt. and the user agency shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;

xxvi. The User Agency shall regularly undertake desilting of village tanks and other water bodies, as per detailed de-silting plan approved by the Forest Department, so as to mitigate the impact of siltation of such tanks/water bodies;

xxvii. The State Govt. shall ensure that 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;

xxviii. Any other condition that the concerned Integrated Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and

xxix. The State Govt. shall ensure that 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)

Assistant Inspector General of Forests (FC)

Copy to:

1. PCCF (HoFF), State Forest Department, Government of Odisha, Bhubaneswar
2. Nodal Officer and PCCF, State Forest Department, Government of Odisha, Bhubaneswar
3. Regional Officer (Central), Integrated Regional Office of the MoEF&CC at Bhubaneswar.
4. Monitoring Cell of FC Divisions, MoEF&CC, New Delhi.
5. Guard file.

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25.3.2021



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

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

Dated: 22nd March, 2021

To

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

Sub: Diversion of balance of 76.7206 ha out of proposed diversion of 117.9648 ha (originally proposed 216.3617 ha) of forest land (out of which broken up area of 41.2442 ha of forestland has been diverted vide Ministry's letter dated 24.04.2017) in favour of Odisha Mining Corporation Limited (OMC) Ltd. 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 dated 16.08.2006 on the above-mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act. After careful examination of the proposal and recommendation thereof by the Forest Advisory Committee (FAC), In-principle/Stage-I approval for diversion of 117.9648 ha of forest land (fresh area of 76.7206 ha and 41.2442 ha of broken forest land) out of 216.3617 ha of forest land in favour of Odisha Mining Corporation Limited (OMC) for mining of iron ore in Gandhamardan Block-A was accorded 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. Said proposal for grant of Stage-II clearance was deliberated in the FAC meeting held on 16.3.2016 and the broken up forest area of 41.2442 ha only was recommended under section 2 (ii) of Forest Conservation Act 1980 subject to certain conditions inter-alia stipulating that balance forest land of 76.7206 ha will be considered and examined at the time of consideration of balance forest land 401.7824 ha out of total forest land of 519.7472 ha within total Mining Lease area of 618.576 ha of mining lease (Block-A) as forwarded by the Government of Odisha vide their letter dated 7.04.2016.

3. After receipt of satisfactory compliance report from the State Government and approval of competent authority, Stage-II approval for the broken up area of 41.2442 ha only was granted vide Ministry's letter of even number dated 24.04.2017. Proposal for balance forest area of 401.7824 ha was also considered and recommended by the Forest Advisory Committee in its meeting held on 21.02.2019

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and based on the recommendation of the FAC, forest area of 401.7824 ha was granted Stage-I approval by the Ministry vide letter dated 5.04.2019.

4. Government of Odisha's letter No. 10F (Cons) 50/2018/6834/F&E dated 04.04.2019 has requested to consider Stage-II approval for balance forest land of 76.7206 ha out of proposed diversion of 117.9648 ha of forest land (out of which 41.2442 ha of broken up area already diverted vide this Ministry's letter of even no. dated 24.04.2017) 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.

5. After careful examination of the proposal on the basis of the compliance report furnished by the Government of Odisha vide their letter No. 10F (Cons) 50/2018-10854/F&E dated 10.07.2020 and 19718/9F (MG)-12/2004 dated 12.11.2020, final approval of the Central Government is hereby accorded for diversion of balance forest area of 76.7206 ha out of proposed diversion of 117.9648 ha (originally proposed 216.3617 ha) of forest land (out of which 41.2442 ha of broken up area was diverted vide Ministry's letter dated 24.04.2017) in favour of Odisha Mining Corporation Limited (OMC) Ltd. for mining of Iron Ore in Gandhamardan Block-A in Keonjhar District in the State of Odisha subject to the following conditions:

A. Conditions which need to be complied by User agency prior to handing over of

Forest land 1. KML files of the Forest area diverted, CA area and other works proposed to be carried out from CAMPA funds deposited against the project shall be uploaded on e green watch portal. 2 The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;

B. State government shall ensure complete compliance of the provisions of FRA 2006.

C. Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department

i. Legal status of the diverted forest land shall remain unchanged;

ii. Compensatory Afforestation

a. The State Government shall ensure that 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;

b. The State Government shall ensure that Penal Compensatory Afforestation over an area of 5 times in extent to the area used under violation of FC Act, 1980 i.e. **33.388 ha** (31.404 +1.984 ha) shall be raised from the funds already provided by the User Agency within a period of three years from the date of issue of Stage –II approval;

iii. Net Present Value

a. The State Government has realized the NPV of the forest area diverted under this proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and guidelines issued by this Ministry in this regard. Additional NPV if becomes due as per final order of Hon'ble Supreme Court, shall be paid by the User Agency;

b. 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.

iv. Compensatory levies for this project, if any to be realized in future from the User Agency, shall be deposited into the account of CAMPA of the State

- concerned through e-portal (<https://parivesh.nic.in>);
- v. The State Govt. shall ensure that the activities proposed in the approved scheme for 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 implemented within three year at the project cost from the issue of Stage-II Clearance;
 - vi. The State Govt. shall ensure that the User Agency shall carry out 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 mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed.
 - vii. The mining lease holder shall, after ceasing mining operations, undertake re-grassing the mining area, and any other areas which may have been disturbed due their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna, etc.
 - viii. The State Govt. shall ensure that the boundary of the diverted forest land, mining lease and safety zone 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;
 - ix. The State Government shall ensure that 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, as per approved scheme, wherever possible and technically feasible, in consultation with the State Forest Department at the project cost by involving local community;
 - x. The State Govt. and the user agency shall ensure that 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;
 - xi. The State Govt. and the user agency shall ensure that no mining shall be carried out in the land required to be maintained as safety zone all around the mining area;
 - xii. The State Govt. shall ensure that 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 as per scheme submitted along with the compliance report;
 - xiii. The State Government and the user agency shall ensure that the water used for processing shall be discharged only after proper treatment;
 - xiv. Afforestation on degraded forest land to be selected elsewhere, measuring one and a half times the area under safety zone, shall also be done at the project cost under the supervisions of the State Forest Department and

- maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department;
- xv. Safety Zone Management: Following activities shall be undertaken by the user agency for the management of safety zone:
- a. User agency shall ensure demarcation of boundary of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its protection by erecting adequate number of 6 feet high RCC boundary pillars inscribed with DGPS coordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the. State Forest Department;
 - b. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
 - c. Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy in the area, regeneration shall be taken up in this area by the user agency at project cost under the supervision of the State Forest Department; and
 - d. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;
- xvi. 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;
 - 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 28o; and
 - e. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- xvii. The State Govt. ensure that the User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xviii. The State Govt. and the user agency shall ensure that no labour camp shall be established on the forest land;
- xix. The State Govt. shall ensure that 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;
- xx. The user agency will abide by the applicable recommendations of the State Government;
- xxi. The State Govt. and the user agency shall ensure that the layout plan of the proposal shall not be changed without the prior approval of the Central Government.
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- xxvi. The User Agency shall regularly undertake desilting of village tanks and other water bodies, as per detailed de-silting plan approved by the Forest Department, so as to mitigate the impact of siltation of such tanks/water bodies;
- xxvii. The State Govt. shall ensure that 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;
- xxviii. Any other condition that the concerned Integrated Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- xxix. The State Govt. shall ensure that 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)

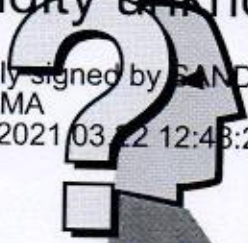
Assistant Inspector General of Forests (FC)

Copy to:

1. PCCF (HoFF), State Forest Department, Government of Odisha, Bhubaneswar
2. Nodal Officer and PCCF, State Forest Department, Government of Odisha, Bhubaneswar
3. Regional Officer (Central), Integrated Regional Office of the MoEF&CC at Bhubaneswar.
4. Monitoring Cell of FC Divisions, MoEF&CC, New Delhi.
5. Guard file.

Validity unknown

Digitally signed by SANDEEP SHARMA
Date: 2021.03.22 12:43:27 IST



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