



No. 5-ORC344/2018-BHU

27th April, 2018

To

The Addl. Chief Secretary,
Forest & Environment Deptt.,
Govt. of Odisha,
Bhubaneswar.

Sub:-

Diversion of 13.856 ha of forest land for rehabilitation & upgradation of Jharpokharia-Baripada-Balasore section of NH-5 (from 0.000 to 80.600 Km) in Mayurbhanj and Balasore districts coming within the jurisdiction of Baripada Forest Division in the State of Odisha under NHDP Phase-IV on EPC mode by National Highway Authority of India.

Sir,

I am directed to refer to State Govt. letter No10F(Cons)71/2016-6793/F&E dated 22.03.2018 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee meeting held on 23.04.2018, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 13.856 ha of forest land for rehabilitation & upgradation of Jharpokharia-Baripada-Balasore section of NH-5 (from 0.000 to 80.600 Km) in Mayurbhanj and Balasore districts coming within the jurisdiction of Baripada Forest Division in the State of Odisha under NHDP Phase-IV on EPC mode by National Highway Authority of India, subject to the fulfillment of the following conditions.

- (i) Legal status of forest land proposed for diversion shall remain unchanged.
- (ii) The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be diverted under this proposal from the user agency as per the Orders of Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No.5-3/2007-FC dated 05.02.2009 in this regard. While conveying the compliance of this condition, mention be made of the Eco-class and density of forest for which NPV has been charged.
- (iii) 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 amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- (iv) Compensatory afforestation shall be raised over 38.50 ha of degraded forestland indentified in Aghasole RF (28.50 ha) and Gajadihi Damadorpur RF (10 ha) under Dukura Range of Baripada Forest Division against the area of forest land proposed to be diverted at the cost of the user agency.
- (v) The compensatory afforestation may also include several activities like soil & moisture conservation, regeneration cleaning, silvicultural activities in addition to plantation as prescribed in the working plan as applicable.
- (vi) State Govt. will formulate compensatory afforestation scheme with focused soil & moisture conservation, along with regeneration cleaning, silvicultural activities and shall ensure maintenance of these plantation for a period of seven to ten years as per requirement.

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- (vii) For this proposed 4 lane road, the user agency shall try to increase the number of culverts, humepipe passages, bridges etc. already existing for earlier 2 lane road and proposed by the user agency in the diversion proposal to facilitate wildlife movement including amphibians and reptiles.
- (viii) While reconstructing and widening the existing culverts, passages etc. the user agency/NHAI authority shall focus on the enhancement of the natural ambience inside and around such passages for adaptability of the structures by the wildlife.
- (ix) The designing of new culverts/bridges and redesigning the existing ones over the natural streams/ rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, so that it does not hamper movement of wild animals including fishes & amphibians migration.
- (x) State Govt. shall take up plantation of fruit and flower bearing trees of 10 times the number of trees to be felled from non-forest land of the project alignment at the cost of user agency as proposed by State Govt., on degraded forest land on both sides of this road near site of diversion, if available, otherwise on degraded forest land elsewhere. The details of the same are to be intimated to Regional Office.
- (xi) As proposed by the State Govt., the site specific wildlife conservation shall be prepared taking note of suggestion/observation of CWLW, Odisha for protection and conservation of wildlife in the area. Additional mitigative measures, as would be required for ensuring smooth movement of wild elephants in the area shall also be included in the SSWLCP. The plan shall be approved by the CWLW, Odisha and implemented at project cost.
- (xii) The boundary of the forest land proposed to be diverted shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, distance from adjoining pillars etc. As per Ministry's letter No.13-20/2015-CAMPA dated 09.06.2016, the cost of expenditure like boundary walls, stone pillars, demarcation charges, charges for felling of trees and their transportation to depots shall be deposited with DFOs concerned and the work should be undertaken departmentally in order to ensure that the task of erection of boundary walls, stone pillars, demarcation charges etc. are undertaken faithfully and in the best interests of the forests before the diversion and handing over of the forest land takes place. The work on these items should be completed within 6 months from the grant of final approval to diversion of forest land.
- (xiii) The State Forest Department/UA shall submit the surveyed sketch of degraded forest land identified for CA, giving the forward and backward bearing of each demarcation pillar and distance between them. The State Forest Department/User Agency shall submit the DGPS reading of each demarcated pillar giving the latitude and the longitude.
- (xiv) In case the widening of the road is to be done in areas already having adequate clearance, trees shall not be cut. Any tree felling shall be done only when it is unavoidable under strict supervision of the State Forest Department.
- (xv) The user agency shall use fly ash for the road construction and for filling up of void created due to soil borrows which will be followed by compaction and spreading of top soil over it as per Fly Ash Notification No. S.O. 254 (E) dated 25.01.2016.
- (xvi) The user agency shall submit an undertaking to ensure that flanks of roads should be filled by transported soil and not with soil dug from the side of the roads.
- (xvii) No additional or new path will be constructed inside the forest area for any activity related to the project work.

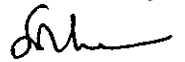
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- (xviii) No labour camp shall be allowed in the forest area.
- (xix) The user agency shall provide LPG or alternate fuel, to labourers working at the site to avoid damage/tree felling and ensure no fuelwood use.
- (xx) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- (xxi) 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 user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.
- (xxii) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- (xxiii) The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No.11-9/1998-FC (pt.) dated 03.08.2009 read with letter No.11-9/1998-FC (pt.) dated 05.02.2013 and 05.07.2013, in support thereof. The user agency shall submit original FRA certificates before issue of Stage-II approval.
- (xxiv) Any other conditions that the Ministry of Environment, Forests & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, which shall be complied by the user agency.
- (xxv) The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order (s) & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

3. After receipt of the report on compliance to the conditions stipulated above, from the State Government of Odisha, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. **Transfer of forest land to user agency should not be effected by the State Government of Odisha till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change.** However, the State Govt., if it so desires, may allow the user agency for commencement of work as per Ministry guideline issued vide letter No.11-306/2014-FC (pt.) dated 28.08.2015.

Yours faithfully,

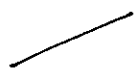


(S. Mohapatra)

Conservator of Forests (Central)

Copy to:-

1. The Director, ROHQ, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. The Principal Chief Conservator of Forests, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharapur, Bhubaneswar-751023.
3. The Project Director, National Highway Authority of India, Project Implementation Unit, Balasore, PIN-756001, Odisha
4. Guard file.



Conservator of Forests (Central)