

**F. No. 8-68/2018-FC**  
Government of India  
Ministry of Environment, Forests and Climate Change  
(Forest Conservation Division)  
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Indira Paryavaran Bhawan,  
Aliganj, Jorbagh Road,  
New Delhi — 110003

**Dated: 31<sup>st</sup> December, 2018**

To

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

**Sub: Diversion of 75.635 ha of forest land within the limits of Paradip Port Trust at Paradip coming under jurisdiction of Rajnagar mangrove Division/ Jagatsinghpur district, Odisha for development of Outer Harbour including Wester Dock & mechanization of existing operational berth by M/s Paradip Port Trust.**

Sir,

I am directed to refer to the State Government's letter no. 10F(Conse) 150/2018/22977 F&E dated 30.10.2018 on 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 said Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys its '*in-principle*' approval for diversion of 75.635 ha of forest land within the limits of Paradip Port Trust at Paradip coming under jurisdiction of Rajnagar mangrove Division/ Jagatsinghpur district, Odisha for development of Outer Harbour including Wester Dock & mechanization of existing operational berth by M/s Paradip Port Trust, subject to fulfilment of the following conditions:-

- i. Legal status of the diverted forest land shall remain unchanged.
- ii. Compensatory afforestation over the degraded forest land, twice in extent to the area of forest land proposed to be diverted, shall be raised within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department at the cost of the user agency;
- iii. 25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
- iv. State Government shall initiate action for violation as per the provisions of Government of India Guidelines 11-42/2017-FC dated 29.01.2018
- v. The user Agency shall undertake plantation of suitable species in the vacant spaces available within the applied area as well as in the Port limit area as per advice of the Divisional Forest Officer, Rajnagar (Mangrove) Division at project cost.
- vi. The user agency shall undertake posting of durable six feet high RCC pillars along the forest area included in diversion proposal and embedded with pillars two feet inside and 4 feet above the ground with serial number, forward and back bearings and distance from adjacent pillar posted clearly.
- vii. The user agency shall undertake that the contractors engaged in the project shall not. Damage any forest growth and wildlife found in the area.



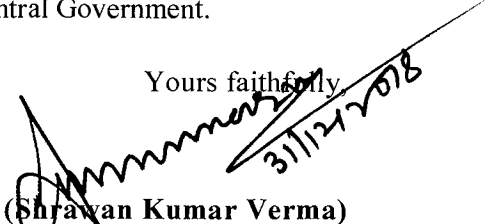
- viii. The execution of the project shall also be subject to CRZ clearance and Environmental Clearance of the competent authority.
- ix. It should be ensured by the user agency that movement of Olive Ridley turtle does not get affected owing to this project including during its construction phase.
- x. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
- xi. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate as directed and advised by State Forest Department in CAMPA account of the State concern through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- xii. The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the 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. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned.
- xiii. At the time of payment of the Net Present Value (NPV) at the then prevailing 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.
- xiv. The user agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage- I clearance;
- xv. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
- xvi. No labour camp shall be established on the forest land.
- xvii. 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.
- xviii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xix. The forest land shall not be used for any purpose other than that specified in the proposal and 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.
- xx. No damage to the flora and fauna of the adjoining area shall be caused.
- xxi. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and 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.
- xxii. The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other 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 05.07.2013, in support thereof;
- xxiii. The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Government, concerned Regional Office and this Ministry by the end of March every year regularly;
- xxiv. Any other condition that the concerned Regional Office of this Ministry with the approval of competent authority may stipulate in the interest of conservation, protection and development of forests & wildlife; and



- xxv. The State Government and user agency shall ensure compliance for the provisions of 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.

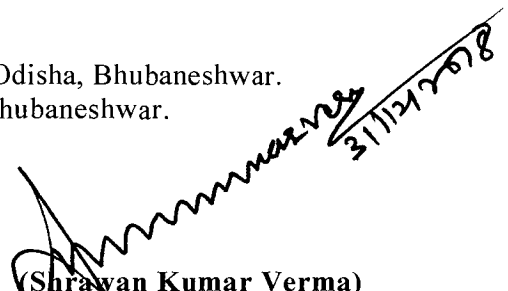
After receipt of the compliance report on fulfilment of the above conditions from the State Government, formal approval will be considered under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders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

Yours faithfully,

  
(Shrawan Kumar Verma)  
Dy. Inspector General of Forests

**Copy to:**

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, O/o the PCCF, Government of Odisha, Bhubaneswar.
3. The Addl. PCCF (Central), Regional Office, Bhubaneswar
4. Monitoring Cell, FC Divisions, MoEF&CC
5. Guard File

  
(Shrawan Kumar Verma)  
Dy. Inspector General of Forests (FC)