



ଓଡ଼ିଶା ଜଳ ବିଦ୍ୟୁତ୍ ନିଗମ ଲିମିଟେଡ୍ DISHA

NEW OPPORTUNITIES

(ଓଡ଼ିଶା ସରକାରଙ୍କ ଏକ ଉପକ୍ରମ)

ଓଡ଼ିଶା ରାଜ୍ୟ ଆରକ୍ଷା ଗୃହନିର୍ମାଣ ଏବଂ ସମାଜମଙ୍ଗଳ ନିଗମ ଭବନ, ବାଣୀବିହାର ଛକ, ଜନପଥ, ଭୁବନେଶ୍ୱର-୭୭
ଫୋନ: ୯୧-୦୬୭୪-୨୫୪୨୯୮୩, ୨୫୪୨୮୦୨, ୨୫୪୫୫୨୬, ୨୫୪୨୮୨୬, ଫ୍ୟାକ୍ସ SPEED POST

ODISHA HYDRO POWER CORPORATION LTD.

(A GOVT. OF ODISHA UNDERTAKING)

CIN: U40101OR1995SGC003963

SPEED POST

REGD. OFFICE : ODISHA STATE POLICE HOUSING & WELFARE CORPORATION BUILDING, VANIVIHAR CHOUK, JANPATH, BHUBANESWAR-751 022

PHONE : 91-0674-2542983, 2542802, 2545526, 2542826, FAX : 2542102

E-mail: ohpc.co@gmail.com / info@ohpcltd.com, Website : www.ohpcltd.com

No: OHPC/HQ/TECH/NP/52/2019/ 12662(we) Date 31.12.19

To

Divisional Forest Officer,
Kalahandi South Division, At/Po-Paramanandapur,
Bhawanipatna, wardno-4, Rly Station Road, Dist-Kalahandi,
Odisha, Pin code-766002.
E-Mail ID : - dfokalahandisouth.od@gov.in

Sub : Proposal for diversion of 0.99ha forest land under Forest Conservation Act1980 for drifting & muck disposal of drift materials required for completion of Detailed Project Report of proposed Upper Indravati Pump Storage Project(UIPSP):-Compensatory Afforestation:-reg.

Ref : your good office letter No. 1449 dt. 3.4.2019.

Sir,

In inviting a reference to the letter cited above, it is to inform you that initially we have submitted Forest Diversion proposal for 0.94 ha. of Forest land for the open cut and muck disposal area measuring to 0.94 ha. to your good office for necessary action.

However, as we have to excavate one linear underground tunnel of 1.8 m width and 250 m length from the open cut area in the forest land continuous to our project, we are going to revise the proposal accordingly and to modify the E. filling. The area of tunnel came to 0.043 ha. and total area to be diverted at present came for .99ha i.e within 1 ha.

According to latest MoEF letter No.11-258/2011-F.C dt.17.10.2011 CA is not required for diversion of Forest Land for underground Tunnels. Copy of extract of page 121 of hand book of procedures and guidelines by Mr.A.K Goal is enclosed for kind reference (Annexure-I).Hence Compensatory afforestation is to be done in lieu of .94ha. of Forest Land diverted inside the open cut and muck disposal area.

In pursuance to latest MoEF guidelines & clarification issued vide F.No.5-2/2017-FC dt.28.03.2019 ,it is to inform your good self that under Provision for plantation of specific number of Trees by way of CA in certain cases-mention has been made in para 2.6(i)b that cost of compensatory plantation(including Ten year maintenance) of ten times the number of trees likely to be felled can be taken up in lieu of forest land to be diverted (Annexure-II).

Now enumeration of trees inside the open cut and muck disposal area has been completed by our consultant in presence of your staff and all total 1009 nos. of Trees has been enumerated in the above area and 17 nos inside the investigation Tunnel area. Therefore in pursuance to above guideline $1009 \times 10 = 10090$ nos. or 10100 nos. are to be planted and accordingly a CA scheme is to be prepared and approved by your good office.

We therefore request you to kindly advise us the location where 10,100 nos. trees shall be planted so that a DRAFT CA Scheme can be prepared by our Consultant and submitted to you for final approval.

Thanking you,

Yours faithfully

Gyana Rajan Das
3/12-2013
Chief General Manager (EI)

End: - As above.

Copy to.
(i)

M/s. Grow Green Consortium Private Limited, 325, DLF Cyber city, Infocity, Patia, Bhubaneswar, Pin-751024 for information and necessary action Email: aksharda@gmail.com, ggcpl.india@gmail.com

Annexure -I

FORMULATION OF DIFFERENT CATEGORIES OF PROPOSALS

Submission of proposal for renewal of mining lease two years in advance

The UA shall submit the proposal for renewal of mining lease to the SFD two years prior to date of expiry of existing lease, failing which the proposal may be liable for rejection. The State Government shall send the complete proposal to the MoEF not later than nine months after receipt of request from the UA. In case of any delay, a detailed report elaborating the cause of delay shall be sent along with the proposal.²¹ 5.31

Period of mining lease

The approval under FCA for diversion of forest land for a fresh or renewal of mining leases shall normally be granted for a **period co-terminus with the period of mining lease proposed** to be granted under MMDR Act, 1957 or rules framed thereunder, but **not exceeding 30 years**. While recommending cases for approval under the FCA, the UA/State Government shall indicate the period for which the mining lease is proposed to be granted or renewed under MMDR Act or rules framed thereunder. However, in the event of non-compliance of the stipulations to the satisfaction of the MoEF, the clearance accorded may be summarily withdrawn.²² 5.32

UA while submitting the proposal and the State/UT Government while recommending cases for approval under the FCA shall indicate the period for which the forest land is proposed to be diverted. 5.33

Approvals required for underground tunnels, digging, etc.²³

Underground tunnels, digging, etc., in the forest areas would need approval under FCA as these activities/works fall in the category of non-forestry use. Approval will be accorded subject to fulfillment of usual conditions, including realization of NPV at the applicable rates. However, the condition pertaining to creation and maintenance of CA is normally not imposed in case of underground works. 5.34

²¹ Handbook, Para 2.2(iv), p-26; SC order in *Godavarman case* dated September 16, 2005.

²² Handbook, Para 4.16, p-41.

²³ MoEF No. 11-258/2011-FC, October 17, 2011.

Annexure - II

F. No. 5-2/2017- FC
Government of India
Ministry of Environment, forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 28th March, 2019

To,
The Principal Secretary/Secretary (Forests),
All State/UT Governments.

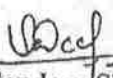
Sub: **Handbook of guidelines for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980.**

Sir,

In supersession of all guidelines issued in the past, a handbook of guidelines is issued for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980. All the provisions enshrined in these guidelines will be applicable from 8th March 2019 onwards. The copy of comprehensive guidelines is available on Ministry's website: www.parivesh.nic.in.

This issue with the approval of competent authority.

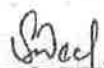
Yours faithfully,


(Sandeep Sharma)

Assistant Inspector General of Forest (FC)

Copy to:

1. Prime Minister's Office, New Delhi.
2. Secretary, Ministry of Mines/Coal/Steel/MoRTH/MoPNG/MHA/MoP/MoTA, Government of India, New Delhi.
3. Principal Chief Conservator of Forests, all State/UT Governments.
4. Nodal Officer (FCA), all State/ UT Governments.
5. All Regional Offices, Ministry of Environment, Forest and Climate Change (MoEF&CC), GoI, New Delhi.
6. Joint Secretary in-charge, Impact Assessment Division, MoEF&CC, GoI, New Delhi.
7. All IGF/ DIGF/AIGF in MoEF&CC, GoI, New Delhi.
8. Sr. Director (Technical), NIC, MoEF&CC with a request to place a copy of the letter on website of this Ministry.
9. PPS to Secretary (EF&CC)/DGF&SS/ADGF(FC)/ADGF(Wildlife), MoEF&CC, New Delhi.
10. Guard File.


(Sandeep Sharma)
Assistant Inspector General of Forest (FC)

o/c
17/4/19

- h. For construction of small hydro-electric project (up to 25 MW) duly approved by the competent authority in the Government which would directly benefit the people of the area, i.e. in hill districts of the country having forest area exceeding 50% of the total geographical area, provided diversion of the forest land doesn't exceed five (5) hectares
- (ii) For extraction of minor minerals from the river beds, if forest area to be diverted is above 500 hectares, CA over equivalent area of degraded forest shall be required to be done instead of twice the area being diverted, subject to a minimum of 1000 plants/hectare for compensatory afforestation.
- (iii) CA shall be raised and maintained over an equivalent area proposed for diversion in a degraded forest in RFs or such other forest land which are already under administrative control of the State Forest Department at the cost of the user agency in cases of Strategic Defence projects including infra-structure and road projects undertaken by the BRO or falling within 100 km aerial distance from the Line of Actual Control (LAC) along Indo-China border and undertaken by any user agency identified by the Ministry of Defence.
- (iv) CA shall be raised over equivalent degraded forest land of the forest area being diverted for actual impact zone of the Field Firing Range (FFR). If diversion of forest land for Field Firing Range is for actual impact area, CA has to be over degraded forest equal in extent of the forest area diverted, otherwise, it has to be over 10% of the forest area diverted.
- (v) In case of proposal for construction of zoobeing submitted by central Government agency, then CA will be done over the degraded forest area equivalent to 30 per cent of the total forest area being diverted. In case, the project is being submitted and constructed by State Government agencies /private agencies, then CA will be done over non-forest land equivalent to 15 per cent of total area being diverted. In such cases the non-forest land shall be transferred, mutated in the name of forest department and notified as Protected Forest/Reserved forest (PF/RF) prior to stage II approval.
- vi) In the State of Maharashtra, in lieu of diversion/regularization of encroachment over 86,409 ha. of zudpi jungle land (which has already under various non-forestry use) under Forest (Conservation) Act 1980, CA shall not be insisted by the Central Government subject to the condition that:
- the State Government will ensure the notification of 92,115 ha of Zudpi Jungle as RF/PF (16,309 ha already notified and 75,806 ha to be notified), which has been considered suitable for forestry management, development and conservation, by the High-Powered Committee.
 - the State Government shall submit a 10 years perspective plan for greening of the zudpi jungle land being notified to the Ministry of Environment & Forests which may also include compensatory afforestation to be taken against future diversions of the forest lands for State Government's purpose.

2.6. Provision for plantation of specified number of trees by way of CA in certain cases:

- (i) In the following cases, cost of plantation (including ten years maintenance) of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation:

- (a) Clearing of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation,
 - ✓ (b) Diversion of forest land up to one hectare,
 - (c) Underground mining in forest land without surface rights,
 - (d) Renewal of mining lease for the forest area for which CA has already been paid,
 - ✓ (e) Diversion of forest land under the General Approval (GA) up to one hectare,
 - ✓ (f) Diversion of forest land upto 5.0 ha. in accordance with the General Approvals granted for activities carried out by Govt. Dept. in notified LWE Districts.
- (ii) In respect of diversion of forest land for safety zone around a mine, User Agency shall deposit the amount for afforestation on degraded forest land, to be selected elsewhere measuring one and a half times the area of forest land under safety zone with the State Forest Department in addition to depositing funds with State Forest Department for the protection and regeneration of the Safety Zone area. The State Forest Department shall execute the afforestation.

2.7 Identification of land banks for CA

- (i) The States and UTs shall create land bank for CA for speedy disposal of the FC proposals under FC Act 1980.
- (ii) In addition to non-forest land, the degraded forest land with crown density upto 40% under the administrative control of forest department may be identified using the Satellite imagery and in consultation with Forest Survey of India and will be made available for CA.
- (iii) The category of lands as specified in para 2.4 are applicable and other waste lands and non-forest lands may also be identified as land bank for the purpose of CA.

To expedite creation of land bank in a systematic manner a Committee under Chairmanship of the Principal Chief Conservator of Forests may be constituted with the Chief Wildlife Warden and representatives of revenue department in the State as members of the Committee. The committee may identify the following and other such forest areas on priority for inclusion in the land bank:

- (a) Areas falling in wildlife corridors to improve connectivity between habitats;
 - (b) Areas falling in and around the Protected Areas (PAs), eco-sensitive zone of PAs, forest areas to ensure consolidation of such areas;
 - (c) Habitat of rare, threatened and endangered species of flora and fauna to ensure long term conservation of such habitats;
 - (d) Areas falling in catchment areas of important rivers, water supply schemes, irrigation projects, hydro-electric projects etc.
- (iv) To monitor the progress of creation of land bank for CA following committee,