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No.5-ORC274/2016-BHU

4<sup>th</sup> August, 2017

To

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

Sub:- Diversion of 11.377 ha of forest land for construction of 220 KV (S/C) Transmission line on D/C tower from existing 220/33 KV Sub-station of OPTCL at Laxmipur to premises of NALCO at Damanjodi in Koraput district of Odisha by M/s NALCO Ltd.

Sir,

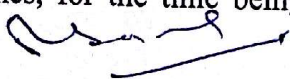
I am directed to refer to State Govt. letter No.10F(Cons)28/2016-3592/F&E dated 23.02.2016 and No.11489/F&E dated 21.06.2016, wherein prior approval of the Ministry of Environment, Forest & Climate Change for diversion of 11.377 ha of forest land for construction of 220 KV (S/C) Transmission line on D/C tower from existing 220/33 KV Sub-station of OPTCL at Laxmipur to premises of NALCO at Damanjodi in Koraput district of Odisha by M/s NALCO Ltd., was sought in accordance with Section-2 of the Forest (Conservation) Act, 1980. After due consideration of the proposal by the Ministry of Environment, Forest & Climate Change and on the basis of decision of Regional Empowered Committee meeting held on 29.07.2016, the in-principle approval for diversion of the said forest land was accorded by Ministry vide this office letter of even number dated 05.08.2016, subject to fulfillment of certain conditions. The Addl. PCCF & Nodal Officer (FCA), Odisha has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested to grant final approval of the proposal.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the Addl. PCCF & Nodal Officer (FCA), Odisha vide their letter No.17031/9F(ET)-350/2014 dated 25.07.2017, approval of the Ministry of Environment, Forest & Climate Change is hereby granted under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 11.377 ha of forest land for construction of 220 KV (S/C) Transmission line on D/C tower from existing 220/33 KV Sub-station of OPTCL at Laxmipur to premises of NALCO at Damanjodi in Koraput district of Odisha by M/s NALCO Ltd., subject to the fulfillment of the following conditions:-

- i) Legal status of the diverted forest land shall remain unchanged.
- ii) Additional amount of NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India, shall be charged by State Govt. from the user agency. An undertaking from the user agency shall be obtained in this regard.
- iii) Compensatory afforestation over 23.00 ha of degraded forest land identified in Jhirjhira PRF in Laxmipur Range of Koraput Forest Division against twice of the area of forest land i.e. 11.377 ha proposed to diverted shall be raised and maintained by the State Forest Department at the cost of the user agency.

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- iv) The user agency shall comply with the conditions stipulated by State Govt. vide letter No.10(Cons)28/2016-3592/F&E dated 23.02.2016 (except payment of royalty of trees).
  - v) The user agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter No.7-25/2012-FC dated 05.05.2014 and 19.11.2014.
  - vi) The user agency in consultation with the State Forest Department shall prepare a detailed scheme for creation and maintenance of plantation of local dwarf species (preferably zyziphus species) in right of way under the transmission line, and provide funds for execution of the said scheme by the State Forest Department.
  - vii) The boundary of the forest land diverted shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from pillar to pillar.
  - viii) No labour camp shall be established on the forest land.
  - ix) The user agency shall provide alternate fuel preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas.
  - x) No additional or new path will be constructed inside the forest area for any activity related to the project work.
  - xi) Earth or any material shall neither be brought from nor the debris resulting during construction be disposed of in the adjoining forest area by the user agency.
  - xii) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
  - xiii) 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 prior approval of the Ministry of Environment, Forest & Climate Change.
  - xiv) 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, in support thereof.
  - xv) The user agency shall submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and Eastern Regional Office of this Ministry.
  - xvi) Any other conditions that Ministry of Environment, Forest & Climate Change may stipulate, from time to time, in the interest of conservation, protection and development of forests and wildlife shall be complied by the user agency.
  - xvii) 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.
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xviii) In case of non-compliance of any of the above conditions, the State Govt. shall report to this office as per procedure laid down in the clause 1.9 of guidelines issued under Forest (Conservation) Act, 1980.

3. As has been mentioned at Para-2 of the Stage-II approval, this approval for diversion of forest land is subject to the fulfillment of stipulated conditions mentioned in this approval letter. Therefore, in the event of non-compliance of any of the conditions laid out in this approval letter, the Eastern Regional Office of MoEFCC may withdraw the said approval for diversion of the forest land and stop the non-forest activity being carried out in the forest land besides initiating the legal action as per provisions of Forest (Conservation) Act, 1980.


Yours faithfully,

  
(R.K. Samal)

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 Addl. PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharapur, Bhubaneswar.
3. The General Manager (Projects), National Aluminium Company Ltd. (NALCO), J-6, Jayadev Vihar, Bhubaneswar – 751 013, Odisha.
4. Guard file.

  
Conservator of Forests (Central)