

I/58512/2023

Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

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

Dated: November, 2023

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

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of Water Resources Department, Govt. of Odisha for non-forestry use of 341.23 ha of forest land for construction of Upper Lanth Medium Irrigation Project in the Bolamgir Forest division under Bolangir District, Odisha (Online Proposal No. FP/OR/IRRIG/25941/2017)

Madam/Sir,

I am directed to refer to the Government of Odisha's letter No. 10 F(Cons)-46/2018/19054/F&E dated 31.08.2018 on the above mentioned subject seeking prior approval of the Central Government under Section-2 (ii) of the Forest (Conservation) Act, 1980. After careful examination of the proposal by the Forest Advisory Committee, constituted under section 3 of the said Act, '*in-principle*' approval to the proposal under the Forest (Conservation) Act, 1980 was granted vide this Ministry's letter of even number dated 21.12.2018 subject to fulfilment of certain conditions prescribed therein. 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.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Odisha vide their letter No. 4312/9F (Irrg)-369/2018 dated 19.02.2020 and letter No. 21496/9F (IRRIG)-369/2018 dated 03.11.2023 '**final/Stage-II approval**' of the Central Government is hereby granted under Section-2 (ii) of the Forest (Conservation) Act, 1980 in favour of the Water Resources Department, Govt. of Odisha for non-forestry use of 341.23 ha of forest land for construction of Upper Lanth Medium Irrigation Project in the Bolamgir Forest Division under Bolangir District, Odisha, subject to the following conditions:-

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. **Compensatory Afforestation:**
 - a. The State Government shall ensure that the Compensatory Afforestation (CA) will be carried out over equivalent non-forest i.e. 341.23 ha and transfer & mutated in favour of the State Forest Department and notified as Protected

Forests under Section 33 of Orissa Forest Act, 1972 (Odisha Act, 14 of 1972) vide Notification FE - DIV - 0065 -2022- (10F Cons) - 146/201/ - 22659, FE - DIV - 0065 -2022- (10F Cons) - 146/201/ - 22619, FE - DIV - 0065 -2022- (10F Cons) - 146/201/ - 22643, FE - DIV - 0065 -2022- (10F Cons) - 146/201/ - 22627, FE - DIV - 0065 -2022- (10F Cons) - 146/201/ - 22587, FE - DIV - 0065 -2022- (10F Cons) - 146/201/ - 22579, FE - DIV - 0065 -2022- (10F Cons) - 146/201/ - 22635, FE - DIV - 0065 -2022- (10F Cons) - 146/201/ - 22611, FE - DIV - 0065 -2022- (10F Cons) - 146/201/ - 22603, FE - DIV - 0065 -2022- (10F Cons) - 146/201/ - 22595, FE - DIV - 0065 -2022- (10F Cons) - 146/201/ - 22651, FE - DIV - 0065 -2022- (10F Cons) - 146/201/ - 22667, FE - DIV - 0065 -2022- (10F Cons) - 146/201/ - 22675 dated 30.10.2023 from the funds already deposited by the User Agency;

- b. The State Government shall ensure that the CA shall be done 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. At least 1000 saplings per hectares shall be planted. If this is not possible to plant these many seedlings in the identified NFL, the balance seedlings will be planted in degraded forest land as per the prescriptions of the Working Plan at the cost of the User agency. In such case CA cost will be revised and duly approved by competent authority and deposited;
- c. The compensatory afforestation scheme, as approved, shall be implemented by the State Forest Department. The CA will be maintained for 10 years, and the CA scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- d. The soil moisture conservation should be given prime focus with possible creation of small water bodies and planting shall also be limited and confined to local thorny, fruit bearing species only;

iii. **NPV:**

- a. The State Government has realized the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency 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 and guidelines dated 6.01.2022 read with guidelines dated 22.03.2022 through online portal of CAMPA account of the State Concerned. NPV, if any becomes due in future shall be realized in accordance with the relevant guidelines issued by the Ministry;
- 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, if any, realized in future under the extant project, shall be transferred/ deposited, through e-challan, into the account of CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);
- v. The State Govt. shall ensure the complete compliance on FRA, 2006;
- vi. The State Govt. shall ensure that the boundary of the diverted forest land, 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;

- vii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- viii. ***The State Government shall upload the KML files of the area under diversion and the accepted non-forest land for raising compensatory afforestation in the E-Green Watch portal of FSI, before handing over forest land to the user agency;***
- ix. ***The State Government shall ensure that the R&R plan shall be prepared in consonance with National R&R Policy, Government of India and implemented before handing over the forest land to the User Agency. The said R&R Plan will be monitored by the State Government / Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;***
- x. The State Government shall ensure that approved CAT Plan shall implemented at project cost already deposited by the UA;
- xi. The State Government shall ensure that Canal Bank Plantation on either side of the two canals shall be raised and maintained at project cost, with the approval of the scheme by DFO, Bolangir;
- xii. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- xiii. The State Govt. shall ensure that the User Agency shall provide firewood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas;
- xiv. The State Govt. shall ensure that 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 agency, department or person without obtaining prior approval of the Central Government;
- xv. The User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department;
- xvi. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xvii. No labour camp shall be established on the forest land;
- xviii. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
- xix. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xx. No damage to the flora and fauna of the area shall be caused;
- xxi. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;

- xxii. The State Government shall ensure that the forest land located between FRL and the FRL-4 meters may be afforested by planting appropriate indigenous tree species;
- xxiii. The State Government shall ensure that the User Agency will be raise afforestation along the periphery of the reservoir;
- xxiv. The State Government shall ensure that the water shall be provided free of cost from the reservoir to the Forest Department for raising and maintenance of plantations and nurseries around the site whenever required;
- xxv. The State Government ensure that the User Agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting tress are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- xxvi. The State Government shall maintain the character of the projects as an irrigation project and to ensure continued benefit to the farmers in the command area, no more diversion of water from the project for industrial projects will be permitted in future;
- xxvii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- xxviii. The State Govt. shall ensure that the compliance report of this approval is uploaded on e-portal (<https://parivesh.nic.in/>);
- xxix. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife shall be carried with by the State Government and user agency;
- xxx. The user agency shall comply all the provisions of all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project;
- xxxi. The Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the para 1.21 of comprehensive guidelines issued vide this Ministry F. No.5-2/2017-FC dated 28th March, 2019; and
- xxxii. 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 to this Ministry by the end of March every year regularly.

Yours Sincerely,

(Dr. D. Manjunatha)

Dy. Inspector General of Forests

Copy to:

1. PCCF (HoFF), Government of Odisha, Bhubaneswar.

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2. DDGF (Central), Integrated Regional Office, Bhubaneswar.
3. PCCF cum Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
4. User Agency.
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi.