



No. 5-ORA357/2018-BHU

3rd December, 2020

To

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

Sub:-

Diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No. NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha.

Madam,

I am to refer to State Govt. letter No. 10F(Cons)293/2016-14118/F&E dated 27.06.2018, No.18540/F&E dated 25.08.2018 and APCCF (Nodal), Odisha's Memo No.23152 dated 14.11.2018 10F(Cons)77/2018-9207/F&E dated 20.04.2018 and No.13724/F&E dated 21.06.2018, wherein prior approval of the Ministry of Environment, Forest & Climate Change for diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No. NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder, 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 the decision of the Regional Empowered Committee meeting held on 27.11.2018, the in-principle approval for diversion of the said forest land was accorded by Ministry vide this office letter of even number dated 05.12.2018, subject to fulfillment of certain conditions. The Nodal Officer of the State Government 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 PCCF (Nodal), Odisha vide their letter No. 16082/9F(Road)-330/2018 dated 11.09.2020 and uploading of the Stage-I compliance report in *Parivesh* web portal on 02.12.2020, **Stage-II/final** approval of the Ministry of Environment, Forest & Climate Change is hereby granted under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No. NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha, subject to the fulfillment of the following conditions:-

- i) Legal status of the diverted forest land shall remain unchanged.
- ii) Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
- iii) Compensatory afforestation shall be raised with local tree species of at least 6 feet tall sapling over degraded forest land identified in Madhi RF (266.03 ha) and Anantapur RF (86.432 ha & 267.229 ha) under Khamakhyanagar West Range of Dhenkanal Forest Division against the area of forest land proposed to be diverted as per approved plan/scheme at the cost of user agency within a period of three years with effect from the date of issue of approval and maintained thereafter in accordance with the approved plan. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- iv) The user agency shall deposit the differential cost of Compensatory Afforestation & Addl. Compensatory Afforestation amount of Rs. 58,54,900/- (Rs. 31,67,500/- +Rs. 26,87,400/-) in CAMPA Account before handed over to the user agency. The user agency should be careful for any future reference and may deposit the differential amount, if any to the State Govt.
- v) The user agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under the strict supervision of the State Forest Department and cost of felling of trees shall be deposited by the user agency with the State Forest Department.
- vi) For this proposed 4 lane road, the user agency shall try to increase the number of culverts, hume pipe passages, bridges etc. in addition to the already existing ones for earlier 2 lane road and new constructions proposed by the user agency in the diversion proposal to facilitate wildlife movement including amphibians and reptiles.
- vii) While constructing new and reconstructing/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.
- viii) 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 migration of fishes & amphibians.
- ix) State Govt. shall take up plantation of locally regenerating fruit and flower bearing trees at least 6 feet height sapling, double 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 the Regional Office. The scheme may be recast and cost may also be accordingly revised since it is yet to be implemented.
- x) The State Govt. shall implement the Site Specific Wildlife Conservation Plan duly approved by CWLW, Odisha at the project cost. Additional mitigative measures, as would be required for ensuring smooth movement of wild elephants in the area shall also be included in the SSWLCP. A copy of the Site Specific Wildlife Conservation Plan to be submitted to Eastern Regional Office, MoEF&CC for record.

- xi) 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.
- xii) 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.
- xiii) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificates from the concerned District Collector.
- xiv) The user agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- xv) Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.
- xvi) The user agency shall provide suitable under/ over pass in Protected Area/ Forest Area as per recommendations of CWLW/ NBWL/ FAC/ REC.
- xvii) The user agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable.
- xviii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xix) No labour camp shall be established on the forest land.
- xx) Sufficient firewood, preferably the alternate fuel, shall be provided by the user agency to the labourers after purchasing the same from the State Forest Department or Forest Development Corporation or any other legal source of alternate fuel.
- xxi) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the direction of the concerned DFO.
- xxii) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- xxiii) 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.
- xxiv) The forest land shall not be used for any purpose other than that specified in the project proposal.
- xxv) 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.
- xxvi) 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.

- xxvii) 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.
- xxviii) Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife. The State Govt. shall ensure compliance of all the above conditions.
- xxix) Violation of any of these conditions will be dealt as per Para 1.21 (iii) of Chapter-1 of Handbook of Guidelines issued under F.C. Act, 1980 vide Ministry's letter No.5-2/2017-FC dated 28.03.2019.

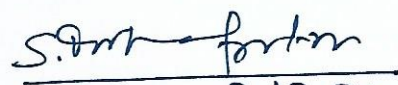
Yours faithfully,


3.12.20
(Subrat Mohapatra)

Dy. Director General of Forests (C)

Copy to:-

1. The Principal Chief Conservator of Forests & Nodal Officer, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
2. The Divisional Forest Officer, Cuttack/ Dhenkanal Forest Division, Cuttack/ Dhenkanal, Odisha.
3. The Project Director, National Highway Authority of India, Project Implementation Unit, Dhenkanal, Plot No.1768, Near Kalinga Eye Hospital, Dakkhinkali Road, Dhenkanal-759001, Keonjhar-758014, Odisha
4. Guard file.


3.12.20
Dy. Director General of Forests (C)