

भारत सरकार
पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय
एकीकृत क्षेत्रीय कार्यालय,
अरण्य भवन, नार्थ ब्लॉक,
सेक्टर -19, नवा रायपुर, अटल नगर
छत्तीसगढ़ - 492002
ईमेल- iro.raipur-mefcc@gov.in



GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FORESTS &
CLIMATE CHANGE
INTEGRATED REGIONAL OFFICE
ARANYA BHAWAN, NORTH BLOCK, SECTOR-19, NAVA
RAIPUR, ATAL NAGAR, CHHATTISGARH - 492002
Email - iro.raipur-mefcc@gov.in

File No. FC-II/IROCH-19/2023/1326

Date: 24/03/2023

To,

Additional Chief Secretary (Forests),
Government of Chhattisgarh,
Forest Department, Mantralaya,
Mahanadi Bhavan, Nava Raipur, Atal Nagar (CG).

Sub: Diversion 28.811 ha (18.245 ha in Bilaspur Forest Division and 10.566 ha. in Marwahi Forest Division) of forest land in favour of M/s Chief Engineer PWD NH Raipur, Chhattisgarh for non- forest purpose under Forest Conservation Act, 1980 proposed for Rehabilitation and Upgrading to 2/4 laning with paved shoulder Under Corridor Scheme on EPS basis of Keonchi to Ratanpur Section NH-45 (Ex.) in Bilaspur and Marwahi Forest Division and District in the State of Chhattisgarh- regarding.

Sir,

Kindly refer to the letter no. F-5-04/2023/10-2 dated 07.03.2023 of State Government and letter no. LM/Misc.-1/115-893/295 dated 08.02.2023 of APCCF, Nodal Officer (FCA), Chhattisgarh, on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. It is to say that the said proposal has been examined in the Integrated Regional Office in light of the relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder and approved by the Regional Empowered Committee constituted under Section -4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords '**In-principle**' under Section -2 of the Forest (Conservation) Act, 1980 for diversion 28.811 ha (18.245 ha in Bilaspur Forest Division and 10.566 ha. in Marwahi Forest Division) of forest land in favour of M/s Chief Engineer PWD NH Raipur, Chhattisgarh for non-forest purpose under Forest Conservation Act, 1980 proposed for Rehabilitation and Upgrading to 2/4 laning with paved shoulder Under Corridor Scheme on EPS basis of Keonchi to Ratanpur Section NH-45 (Ex.) in Bilaspur and Marwahi Forest Division and District in the State of Chhattisgarh subject to the fulfillment of the following conditions:

i. Legal status of the diverted forest land shall remain unchanged;

ii. **Compensatory Afforestation:**

Compensatory afforestation shall be taken up by the User Agency carried out over 61.414 ha Degraded Forest Land in Pandri village Compartment no. PF-2047 of Marwahi Forest Division, District Gurela-Pendra-Marwahi at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided;

- iii. The cost of Compensatory Afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- iv. **NPV:**
 - a) The State Government shall charge the Net Present Value (NPV) for the 28.811 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, letter No. 5-2/2006- FC dated 03/10/2006, letter No. 5-3/2007-FC dated 05/02/2009, letter No. 5-3/2011- FC (Vol-I) dated 06.01.2022 and letter No. 5-3/2011-FC(Vol-I) dated 22.03.2022 in this regard;
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect;
- v. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department; Maximum numbers of trees in outer RoW will be kept intact. A detailed report in this regard shall be submitted to IRO, Raipur, MoEF&CC along with Stage- I compliance report;
- vi. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>);
- vii. The State Government of Chhattisgarh/ Nodal Officer (FCA), Forest Department of Chhattisgarh shall ensure settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007) before issuing an order for handing over of forest land to the User Agency as per Rule- 9 (6) (b) (ii) of Forest (Conservation) Rules, 2002 dated 28.06.2022;
- viii. Wildlife conservation plan and Avifauna conservation plan shall be prepared which will be implemented at the cost of the User Agency. The copy of Wildlife conservation plan and Avifauna conservation plan need to be submitted by the User Agency before issue of "work permit" by the State;
- ix. The User Agency shall submit map and KML file of entire alignments duly highlighting forest area proposed for diversion and location of all structures (Bridge, Box culverts etc). The same need to be submitted by the User Agency before issue of "work permit" by the State;
- x. The State Government of Chhattisgarh/ Nodal Officer (FCA), Forest Department of Chhattisgarh shall ensure that Condition (viii) and (ix) has been fulfilled before issuing issuance of "working permit" for felling of trees and commencement of works.

- xi. The User Agency in consultation with State Forest Department, shall construct wildlife passages in the form of underpasses (box culverts of approximately 3 x 4 mtrs) at regular interval in forest land as well as in non-forest areas, where there is traditional route of wildlife movement, for smooth movement of wildlife and cattle as suggested by Wildlife Institute of India in manual entitled "Eco-friendly Measures to Mitigate Impacts of Linear Infrastructure on Wildlife, published in 2016. Hume Pipe Culverts should be avoided in Forest land as far as possible;
- xii. The state forest department shall ensure that the user agency shall provide, speed breakers, embankment and also provide wildlife movement sign boards at appropriate intervals along the road passing through the proposed forest area. Details of the same shall be submitted at the time of Stage- I compliance;
- xiii. State Forest Department shall undertake avenue plantation of tall plants as per IRC norms at the cost of User Agency. The same shall be submitted at the time of Stage- I compliance;
- xiv. The User Agency shall submit the undertaking for no rehabilitation and upgradation work will be done in revenue forest land Khasra no. 49/1, 0.271 ha and Khasra no. 44, 0.166 ha total 0.437 ha area in the 182 metres length passing through the ESZ.
- xv. The existing carriageway in the forest area, which will not be used after re-alignment, shall be dismantled and the land shall be handed over back to the State Forest Department;
- xvi. 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, forward and back bearing and distance from pillar to pillar;
- xvii. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;
- xviii. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xix. The muck generated while construction of road shall not be kept inside forest area and same shall be deposited in designated place outside the forest area;
- xx. No labour camp shall be established on the forest land;
- xxi. 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;
- xxii. The forest land shall not be used for any purpose other than that specified in the proposal;
- xxiii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xxiv. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xxv. 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;
- xxvi. 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;
- xxvii. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11- 42/2017-FC dt 29/01/2018;

xxviii. 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;

xxix. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of a satisfactory compliance report from the State Government in respect of condition no. ii, iii, iv (a), v, vii, viii, ix, x, xi, xii, xiii, xvi and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980.

Yours faithfully,

Ch 6/1
24/3/23

Chaturbhuja Behera, IFS,
Inspector General of Forests.

Copy to:-

1. The Inspector General of Forests (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi- 110003.
2. The PCCF (HoFF), Government of Chhattisgarh, Aranya Bhawan, Sector-19, Nava Raipur, C.G
3. The Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh, Aryan Bhawan, Nava Raipur, Chhattisgarh.
4. User agency.
5. Guard file.

Ch 6/1
24/3/23

Inspector General of Forests