

F. No 8-59/2018-FC
Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

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

Dated: 21st December, 2018

To,
The Principal Secretary (Forests),
Government of Odisha,
Bhubaneswar.

Sub: Diversion of 341.23 ha of forest land in the Bolangir Forest Division under Bolangir District, Odisha for construction of Upper Lanth Medium Irrigation Project.

Sir,

I am directed to refer to the Government of Odisha's letter No. 10F(Cons)146/2018/19054/F&E dated 31.08.2018 on the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *in-principle/ Stage-I* approval of the Central Government is hereby granted for diversion of 341.23 ha of forest land in the Bolangir Forest Division under Bolangir District, Odisha for construction of Upper Lanth Medium Irrigation Project subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation shall be raised over the non-forest land equal in extent to the forest land being diverted within three years of Stage -II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare (341.23 ha x 1000 = 341230 plants) shall be planted over identified non- forest land. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan with provision for ten years on subsequent maintenance;
- (iii) 25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.



- (iv) **R&R Plan duly approved by competent authority shall be furnished prior to Stage-II approval. Thus, the User Agency shall prepare and implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. 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;**
- (v) **State Government shall furnish revised trees enumeration list over forest and non-forest land in the project, prior to stage II approval. The number of trees which are falling in submergence area shall not be felled and shall be retained. In other area the User Agency shall pay towards cost of removal of trees enumerated before commencement of work after obtaining and tree felling should be taken up in phases strictly as per requirement under the supervision of the Divisional Forest Officer, Bolangir Forest Division.**
- (vi) **Detailed Project Report as per present cost-estimation along with administrative approval for this project shall be furnished.**
- (vii) **Approved CAT Plan shall be submitted, to be implemented at project cost and the State Government shall realize cost of implementation of approved Catchment Area Treatment (CAT) Plan and transfer the same in the account of CAMPA;**
- (viii) **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.**
- (ix) **State Government shall ensure that the land selected for Compensatory afforestation is suitable for plantation. Certificate in this regard shall be submitted prior to Stage-II approval.**
- (x) **The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;**
- (xi) **The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.**
- (xii) **The User Agency shall transfer the funds for 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 **through online portal** of CAMPA account of the State Concerned;

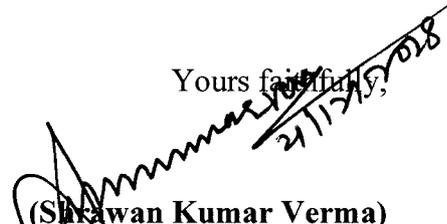
- (xiii) At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (xiv) User Agency should ensure that the Compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;
- (xv) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xvi) The Non-forest land as identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department prior to Stage-II approval and declared as protected forest /RF within six months of Stage-II approval;
- (xvii) The water shall be provided free of charge from the reservoir to the Forest Department for raising and maintenance of plantations and nurseries around the site whenever required;
- (xviii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xix) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees shall be felled under strict supervision of the State Forest Department;
- (xx) The User Agency shall undertake afforestation along with the periphery of the reservoir and canals (as applicable);
- (xxi) The User Agency shall carry out muck/silt disposal at pre-designated sites in such a manner so as to avoid its rolling down.
- (xxii) The dumping area for muck/silt disposal shall be stabilized and reclaimed by planting suitable species by the User Agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan.
- (xxiii) The State Government and the User Agency shall ensure that the trees available between full reservoir level (FRL) and FRL-4 meters are not felled;
- (xxiv) No labour camp shall be established on the forest land;
- (xxv) 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;
- (xxvi) Forest land shall not be used for any purpose other than that specified in the proposal;



- (xxvii) 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 it's letter No. 11-9/1998-FC (pt.) dated 3rd August 2009 read with 05.07.2013, in support thereof;
- (xxviii) The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Government, concerned Regional Office and this Ministry by the end of March every year regularly;
- (xxix) Any other condition that the concern Regional Office of this Ministry, may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxx) The State Government and user agency shall comply the provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project;

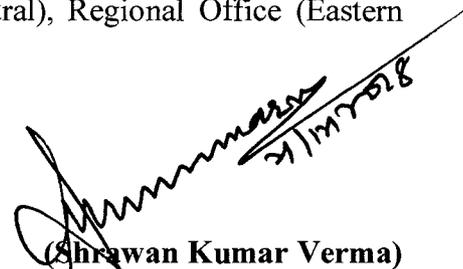
After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above from the State Government of Odisha, final/ stage-II approval for diversion of the said forest under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of to the said forest land to the user agency shall not be affected by the State Government of Odisha till final/stage-II approval for its diversion is issued by this Ministry.

Yours faithfully,


(Shrawan Kumar Verma)
Dy. Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
3. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (Eastern Zone), Bhubaneswar.
4. User Agency.
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi.
6. Guard File.


(Shrawan Kumar Verma)
Dy. Inspector General of Forests