

**GOVERNMENT OF ODISHA  
FOREST AND ENVIRONMENT DEPARTMENT**

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10F (Cons) 55/2020 6072 /F&E Date 17.03.2020

From

Sri Debidutta Biswal, IFS  
Special Secretary to Government

To

The Principal Chief Conservator of Forests, Odisha,  
Bhubaneswar.

Sub: Proposal for diversion of 2.428ha of forest land under FC Act, 1980 for construction of Water Treatment Plant (WTP) by the Executive Engineer, RWSS Division, Keonjhar in Champua Range of Keonjhar District of Keonjhar Forest Division.  
**(Proposal No. FP/ OR/ WATER/ 42503/ 2019, State Sl. No. OR-075/2019 dtd.22.10.2019).**

Sir,

With reference to your letter No.5166 dtd.28.02.2020 on the subject cited above, I am directed to say that the proposal for diversion of 2.428ha of forest land under FC Act, 1980 for construction of Water Treatment Plant (WTP) by the Executive Engineer, RWSS Division, Keonjhar in Champua Ranger of Keonjhar District of Keonjhar Forest Division was examined as per the Hand book of Guidelines & Clarifications by Govt. of India, MoEF&CC dtd.28.03.2019 in the matter of taking up establishment of certain critical public utility infrastructures by Govt. Departments involving forest land upto 5ha in LWE affected districts of the State.

It is observed that the mega power water supply project under RWSS Division, Keonjhar is aimed for providing portable drinking water to rural population of 7.1 lakhs in 589 villages with 2500 habitations in Champua, Jhumpura, Keonjhar and Banspal Blocks under Keonjhar district, which is one of the notified LWE affected districts, by constructions of intake well of Baitarani River as a source, Water Treatment Plant (WTP), over Head Reservoir with laying of DI & HDPE pipelines.

The proposed forest land over 2.428ha is located within Baitarani East-A PRF which is notified by Govt. of Odisha under Section 4 (i) vide No.FS.50/78-12079/R dtd.20.02.1978. The main reason of the project is to supply safe drinking water to all people of said Block.





The proposal for permission to use 2.428ha of Revenue Forest Land comes under Baitarani East-A PRF in Khata No.273, Plot No.85 (Kisam-Jungle) of village Kodagadia under Champua Tahasil of Keonjhar District for construction of Water Treatment Plant (WTP) by the Executive Engineer, RWSS Division, Keonjhar in Champua Range of Keonjhar district of Keonjhar Forest Division. The Tahasildar Champua has furnished the authenticated land schedule as on 25.10.1980.

The Divisional Forest Officer, Keonjhar Forest Division has reported that the applied area does not form part of any National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, etc. No rare or endangered species is available in the applied area. Wild elephant often visit the Baitarani East-A PRF. There is no archeological monument or any heritage site or defence establishment or other important monument within the applied area. There will be no displacement of human habitation due to this project. The project will provide regular employment to 150 persons and temporary employment to 900 persons. The total cost of the project is 943.86 lakhs.

Since, the intake source to be taken at River Baitarani near Miriga-singa village, Champua Block and nearby land has been identified which is just 2.00Kms from source point for construction of Water Treatment Plant in Kodagadia village, Champua Block. The user agency have surveyed in and around Champua Block with the concerned Revenue Inspectors and Tahasildar to identify the non-forest lands, but finally there is no possible lands to locate the Water Treatment Plant and finally selected the forest land which is only possible options.

The user agency has furnished the required DGPS maps, duly authenticated by all concerned.

The Divisional Forest Officer, Keonjhar Forest Division in Part-II and in site inspection report has reported that the applied area falls within Baitarani East-A PRF and the crown density of the prevailing vegetation found to be eco-value class-I & canopy density is 0.2. The Range Officer, Champua Range has reported that 120 no. of standing trees are to be felled.

Compensatory Afforestation is not applicable as per guidelines of Govt. of India, MoEF&CC, as the forest area involved is less than 5 ha and number of trees to be felled is less than 50 per ha. The User Agency has furnished undertaking to pay the NPV and additional amount of NPV as per norm/ rule. Environmental Clearance is not required for this project as per MoEF, Govt. of India Notification No.J-11013/56/2004-IA-II(I)

dtd.14.09.2006. The user agency has furnished undertaking to furnish FRA Certificate. The Divisional Forest Officer, Keonjhar has reported that no violation has been made by the project proponent. Part-II, Part-III and site inspection reports have been furnished with the proposal. The Divisional Profile, District Profile and State Profile have also been furnished.

The Govt. of India, MoEF&CC vide their Guidelines have granted general approval under the provisions of Forest Conservation Act, 1980 for diversion of forest land upto 5.00ha for carrying out certain kinds of critical public utility infrastructure projects, by Government Departments in such LWE affected districts for the period upto 31.12.2020 under approval of the State Government.

In view of the urgency involved, the proposal for to use 2.428ha of forest land for construction of Water Treatment Plant (WTP) by the Executive Engineer, RWSS Division, Keonjhar in Champua Range of Keonjhar District, requirement of felling only 120 no. of trees from the forest land proposed for use (around 49 trees per ha, limit being 50 no. of trees per ha) and General approval of Govt. of India, MoEF&CC accorded vide their Hand Book of Guidelines & Clarifications dtd.28.03.2019, State Govt. have been pleased to grant permission in favour of Executive Engineer, RWSS Division, Keonjhar for construction of Water treatment Plant (WTP) in Keonjhar district of Keonjhar Forest Division, Odisha subject to fulfillment of the following conditions.

1. The legal status of the forest land so diverted shall remain unchanged.
2. The diverted forest land of 2.428ha shall not be used for any purpose other than specified in the proposal.
3. To pay the cost of the approved scheme for planting 5 times of the number of trees to be felled in lieu of the forest area proposed for diversion, preferably in the vicinity of the project site in consultation with the DFO.
4. The user agency shall pay the Net Present Value of the forest land so diverted as per revised rate communicated by the State Government vide letter No.21687/F&E dtd.22.12.2009 pursuant to orders dtd.28.3.2008 and dtd.09.05.2008 of Hon'ble Supreme Court of India in I.A. No. 566 in W.P.(C) No. 202/1995.
5. No other fresh forest land shall be used for construction of this infrastructure project.
6. No labour camps shall be established on the forest land. The labourers to be engaged in the further construction/ maintenance work, if any, shall be provided with the fire wood by the implementing agency by purchasing the same from the depots of the



Odisha Forest Development Corporation Ltd. In the alternative they may also provide LPG to the labourers so engaged.

7. Demarcation of the forest land so diverted, shall be taken up at project cost using four feet high reinforced cement concrete pillars with serial number, forward and backward bearing and distance from pillar to pillar.
8. No project construction/maintenance work shall be allowed after sunset.
9. The permission granted by the State Government shall be subject to monitoring by the Eastern Regional Office, GoI, MoEF&CC.
10. The User Agency shall be responsible for any loss to the flora/ fauna in the surroundings and therefore shall take all possible measures to conserve the same. Any damage done in this regard shall be compensated by the User Agency from the project cost as per assessment of the Divisional Forest Officer.
11. The compliance with regard to guidelines of provisions Government of India, MoEF&CC circulars pertaining to the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 shall be ensured.
12. Any other condition that the State Forest Department/PCCF, Odisha/ RCCF, Rourkela/ Divisional Forest Officer, Keonjhar /Eastern Regional Office, MoEF&CC, Government of India may impose from time to time for protection and improvement of flora and fauna in the forest area, shall be complied with by the user agency.
13. The User Agency shall pay evaluated royalty of trees over forest land.
14. The Principal Chief Conservator of Forests (Forest Diversion) & Nodal Officer, FC Act, O/O PCCF, Odisha shall submit monthly report to the Eastern Regional Office, MoEF&CC, Government of India by 5<sup>th</sup> of every month without fail regarding approval of State Government accorded for use of forest land for the projects included in the general approval order under reference. Besides, six monthly reports for the period ending 30<sup>th</sup> June and 31<sup>st</sup> December containing details of all forest land diverted under the general approval by the Ministry along with status of actual utilization of the forest land so diverted for the purpose, shall be submitted to the MoEF&CC, Government of India.

The Divisional Forest Officer, Keonjhar **shall not formally hand over** the forest land to the user agency for the project until the user agency complies with the stipulation No. 3, 4, 7 and 11 along with furnishing undertakings pertaining to other relevant conditions imposed



above. The DFO, Keonjhar Division may be asked to supervise the further construction/ maintenance work and any deviation to the stipulations mentioned above by the User Agency shall be reported by him to the PCCF, Odisha/ State Government/ Eastern Regional Office, MoEF&CC along with action taken report.

**The compliance to condition No.3, 4, 7 and 11 may be reported to State Government for reference.**

Yours faithfully,

↑ 16/3/2020  
Special Secretary to Government

Memo No. 6073 /F&E Date 17.03.2020

Copy along with copy of forest diversion proposal forwarded to Assistant Inspector General of Forests, Govt. of India, Ministry of Environment & Forest and Climate Change, (F.C. Division), Indira Paryavaran Bhawan, Jor Bagh, Aliganj Road, New Delhi -110003 for information and necessary action.

↑ 16/3/2020  
Special Secretary to Government

Memo No. 6074 /F&E Date 17.03.2020

Copy along with copy of forest diversion proposal forwarded to Additional Director General of Forests (Central), Government of India, MoEF&CC, Eastern Regional Office, A/3, Chandrasekharapur, Bhubaneswar for information and necessary action.

↑ 16/3/2020  
Special Secretary to Government

Memo No. 6075 /F&E Date 17.03.2020

Copy forwarded to PR&DW Department/ Water Resources Department/ H&UD Department/ Home Department for kind information and necessary action.

↑ 16/3/2020  
Special Secretary to Government

Memo No. 6076 /F&E Date 17.03.2020

Copy forwarded to PCCF (WL) & CWLW, Odisha/ Regional Chief Conservator of Forests, Rourkela Circle/ Divisional Forest Officer, Keonjhar Forest Division for information and necessary action.

Strict supervision may be made by the DFO, Keonjhar Division during further construction/ maintenance of the project. He shall ensure that the User agency complies with stipulations imposed above and makes all compliances as required as per orders of Hon'ble NGT.

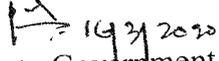
↑ 16/3/2020  
Special Secretary to Government

Memo No. 6077 /F&E Date 17.03.2020

Copy forwarded to ST & SC Development Department/ Collector, Keonjhar for information and necessary action.

↑ 16/3/2020  
Special Secretary to Government

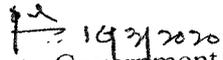
Memo No. 6078 /F&E Date 17.03.2020  
Copy forwarded to the Private Secretary to Hon'ble Minister of Forest & Environment for kind information of Hon'ble Minister.

 19/3/2020  
Special Secretary to Government

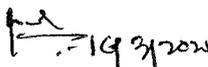
Memo No. 6079 /F&E Date 17.03.2020  
Copy forwarded to Executive Engineer, RWSS Division, Keonjhar. At/PO/ Dist-Keonjhar for information and immediate necessary action.

The user agency is asked to take following actions immediately as per orders of Hon'ble National Green Tribunal dt.07.11.2012 in Appeal No.7/2012 communicated by the MOEF, Government vide their letter F. No.7-23/2012-FC dtd.24.07.2013.

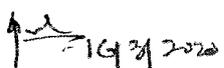
- (i) *They shall publish the entire forest clearance orders of State Government granted as per general approval accorded by MoEF, Government of India in two widely circulated daily newspapers, one in vernacular language and the other in English language so as to make people aware of the permission granted to the Project for use of forest land for non-forest purposes.*
- (ii) *They shall submit the copies of forest clearance orders granted by the State Government to the Heads of local bodies, Panchayats and Municipal bodies along with the relevant offices of the State Government, who in turn shall display the same for 30 days from date of receipt for general information of public.*
- (iii) *Detailed action taken in compliance to the above order of State Government shall be intimated to the Collector, Keonjhar/ Divisional Forest Officer, Keonjhar Division/ Regional Chief Conservator of Forests, Rourkela Circle / PCCF, Odisha/ F&E Department for reference.*

 19/3/2020  
Special Secretary to Government

Memo No. 6080 /F&E Date 17.03.2020  
Copy forwarded to the O.I.C., State Portal, N.I.C., I.T. Department, Odisha Secretariat, Bhubaneswar/ M/s Luminous Infoways Pvt. Ltd. Sadhana, N-6/373, Nayapalli, Jayadev Vihar, Bhubaneswar-15 for information and necessary action. They are requested to upload this letter of State Government in F&E Department in the website of Forest & Environment Department **immediately** for information of all concerned. **This is required in compliance to order of Hon'ble National Green Tribunal dtd.07.11.2012 in Appeal No.7/2012. Hence this may be done unflinchingly.**

 19/3/2020  
Special Secretary to Government

Memo No. 6081 /F&E Date 17.03.2020  
Copy forwarded to the Under Secretary to Government, Office Establishment Section, Forest & Environment Department for information and necessary action with reference to their letter No.21646/F&E dtd.22.11.2016.

 19/3/2020  
Special Secretary to Government