

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Jor Bagh Road Aliganj
New Delhi – 110 003

Dated: 15th September, 2023

To
The Additional Chief Secretary (Forests),
Department of Forests, Environment and Climate Change
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 Department of Water Resources Govt. of Odisha for non-forestry use of 139.319 (originally proposed area 159.895 ha) of forest land for construction of Chheligarh Medium Irrigation Project in R. Udaygiri Block of Gajapati District of Odisha- Reg.

Sir,

I am directed to refer to the Govt. of Odisha's letter No. 10 F(Cons)-84/2001/7544/F&E dated 04.05.2022, on the above mentioned subject, seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980. The Ministry vide letter of even no. dated 17.10.2002 had granted Stage-I approval for diversion of 159.895 ha of forest land. After lapse of more than 20 years' time period the State Government has submitted the compliance report vide letter No 12547/9F (Irrig.)-308/2013 dated 24.06.2022, 12.01.2023, 14.03.2023 and 21.06.2023 of the conditions stipulated in the Stage-I approval dated 17.10.2002. Keeping in view the fact that the area proposed for diversion has been revised from 159.895 ha to 139.319 ha. and a violation of the provisions of FCA,1980, has taken place, the proposal has been examined by the Advisory Committee (AC) constituted by the Central Government under Section-3 of the aforesaid Act in its meeting held on 21.08.2023.

2. After careful consideration of the proposal of the Government of Odisha and based on the recommendations of the Advisory Committee, the Central Government hereby agrees to accord **Stage-I / In-principle(revised)** approval under Section-2 (ii) of the Forest (Conservation) Act, 1980 in favour of Department of Water Resources Govt. of Odisha for non-forestry use of 139.319 (originally proposed area 159.895 ha) of forest land for construction of Chheligarh Medium Irrigation Project in R. Udaygiri Block of Gajapati District of Odisha, subject to the following conditions:-

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. *The compensatory Afforestation shall be raised over the identified 159.895 ha non-forest land which has been notified as Protected Forest under Section 33*

of Orissa Forest Act, 1972 vide Notification No 10F(Div)-9/2015/1338/F&E dated 19.01.2016. Keeping in view the involvement of violation of FCA, 1980 the reduction in CA area from 159.895 ha shall not be allowed, and the excess area and amount shall be considered as penal levies;

- iii. *The total catchment area of the project is 17450 ha, out of which 1690 ha is forest land. The state has intimated that the CAT plan has been prepared for 1690 ha forest area, which is just 9% of the total catchment. Keeping above in view, the Catchment Area Treatment Plan should include prescriptions and treatment for the entire catchment as per site requirements. The CAT Plan shall therefore be revised as per guidelines and additional funds be deposited accordingly;*
- iv. *The State Govt. shall take action for violation as per provisions contained in para 1.21 (ii) of the Handbook of guidelines dated 28.03.2019;*
- v. *The Compensatory Afforestation shall be done over 159.895 ha. of non-forest land (NFL) 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, if applicable;*
- vi. *The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;*
- vii. *The State Govt has informed that the 159.895 ha non-forest land identified for raising the Compensatory Afforestation has been notified as Protected Forest under the provisions of Orissa Forest Act,1972. The copy of the notification declaring the said land as Protected Forest shall be submitted before the Stage-II approval;*
- viii. *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;*
- ix. *The User Agency shall provide additional 25% of the CA cost towards Soil and Moisture Conservation measures in the proposed CA area as per site requirement and the said amount shall be deposited in the CAMPA account of the concerned State through online e-portal only;*
- x. *The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, in accordance with MoEF&CC's guidelines dated 06.01.2022 read with guidelines dated 22.03.2022 through e-challan, in to the CAMPA account of the State concerned;*
- xi. *The user agency shall deposit the cost of the Catchment Area Treatment Plan in to the CAMPA account;*
- xii. *Any fund received from the user agency under the project and deposited in the State Forest Department account, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred through online*

- portal into Ad-hoc CAMPA account of the State Concerned;
- xiii. At the time of payment of the Net Present Value (NPV) at the prevailing 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. The State Government shall submit a certificate, that site for CA is suitable and free from all encroachments and other encumbrances, under the signature not below the rank of Nodal Officer (FCA) in the State Government;
 - xv. The User agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
 - xvi. The felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by the State Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project;
 - xvii. The User Agency shall undertake afforestation along the periphery of the reservoir;
 - xviii. The User agency shall provide free water for the forestry related projects;
 - xix. Layout plan of the proposal shall not be changed without the prior approval of the Central Government;
 - xx. No labour camp/huts shall be established on the forest land;
 - xxi. 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;
 - xxii. Felling of trees on the forest land being diverted shall be kept at bare minimum and the trees should be felled under strict supervision of the State Forest Department;
 - xxiii. The State Government ensure that the user agency shall 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. 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;
 - xxiv. User agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting trees 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;
 - xxv. State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other 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 its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013 in support thereof;
 - xxvi. The user agency shall provide 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;
 - xxvii. Boundary of the forest land proposed to be diverted 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, distance from pillar to pillar and GPS co-ordinates;
 - xxviii. The State Government shall maintain the character of the project 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;
- xxix. Any other condition that the Ministry of Environment Forest and Climate Change may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- xxx. 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 of every year regularly;
- xxxi. The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, relevant Hon'ble Court Order (s) and National Green Tribunal (NGT) Order(s), if any, pertaining to this project for the time being in force, as applicable to the project;and
- xxxii. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;

3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the 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 the said forest land to the user agency shall not be effected by the Government of Odisha till final/stage-II approval for its diversion is issued by this Ministry.

Yours Sincerely,

Sd/-

(Dr Dheeraj Mittal)

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Government of Odisha, Bhubaneswar.
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.
6. Guard File.