



No. 5-ORA472/2021-BHU

3<sup>rd</sup> March, 2023

To

The Addl. Chief Secretary,  
Forest & Environment Deptt.,  
Government of Odisha,  
Bhubaneswar-751 001.

Sub:- Diversion of 310.110 ha of forest land for construction of Right Main Canal and distributary etc in Kanupur Irrigation Canal System under Keonjhar Forest Division in Keonjhar District by Executive Engineer, Kanupur Canal Division, Jhumpura of Water Resource Department, Government of Odisha.

Madam,

I am directed to refer to State Govt. letter No.FE-DIV-FLD-0117-2021-15887/FE&CC dated 06.09.2021 & No.18970/FFE&CC dated 26.10.2022 and PCCF & HoFF, Odisha's letter No.2793/9F(Irrig)-3/2021 dated 11.02.2022, No.10019 dated 13.05.2022 and No.24629 dated 05.12.2022 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee meeting held on 26.05.2022, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 310.110 ha of forest land for construction of Right Main Canal and distributary etc in Kanupur Irrigation Canal System under Keonjhar Forest Division in Keonjhar District by Executive Engineer, Kanupur Canal Division, Jhumpura of Water Resource Department, Government of Odisha, subject to the fulfillment of the following conditions.

**A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.**

- i) The user agency shall transfer online, the Net Present Value (NPV) of 310.110 ha forest land being diverted under this proposal, as per the Orders of 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.5-3/2011-FC (Vol-I) dated 06.01.2022 and 19.01.2022. The requisite funds shall be transferred through online portal in CAMPA account of the State concerned.
- ii) The State Govt. shall realize Penal NPV of forest land per ha per each year of violation from the date of actual diversion as reported by the inspecting officer with maximum upto 5 times of NPV plus 12% simple interest till the deposit is made. In case of public utility project of the Government the penalty shall be 20% of the penalty.
- iii) Penal Compensatory Afforestation shall be raised over non-forest/Revenue forest land five (5) times (i.e. 56.22 ha X 5) to the extent of forest land used for non-forestry activities in violation of FC Act, 1980. The State Govt. shall identify required land and submit Penal CA Scheme along with relevant documents. These shall be subsequently declared as PF/RF by the State Govt. prior to Stage-II approval.
- iv) The identified non-forest land of 321.00 ha for raising compensatory afforestation shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval.

- v) The land identified for the purpose of Compensatory Afforestation/Addl. CA and Penal CA shall be clearly depicted on a Survey of India Topo sheet of 1 : 50,000 scale.
- vi) The user agency shall transfer the cost of raising and maintaining the compensatory afforestation/Addl. CA and Penal C.A. 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.
- vii) The Site Specific Wildlife Conservation Plan shall be prepared and approved by CWLW, Odisha in consultation with the DFO, Karanjia/Baripada and implementation at project cost.
- viii) All the funds received from the user agency under the project shall be transferred/ deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- ix) The compliance report of the Stage-I approval shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- x) Proper action plan should be prepared analyzing viability of the existing underground passes/ structures in some of the areas of the State for movement of wildlife, especially wild elephants. Water Resource Department should also explore the feasibility of underground Right Canal System in the project in Keonjhar District in vulnerable elephant areas for safe movement of wild animals specially of elephants whose areas are going to be affected by the canal network. The action plan should be submitted before Stage-II approval.
- xi) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- xii) The KML files of the area to be diverted and the CA, Addl. CA & Penal CA areas shall be uploaded on the e-Green watch portal with all requisite details before issuing working permission towards linear projects or submitting compliance report for seeking Stage-II approval, as the case may be.
- xiii) State Govt. will take action against the erring officials responsible for violation and negligent officers who have not taken action against the violation committed by the user agency causing non forestry activity on forest land without prior approval of Govt. of India and submit action taken report before Stage-II approval.
- xiv) The State Govt. shall furnish the name & designation of erring officials responsible for violation of FC Act, 1980 along with a full details of violation to enable IRO, MoEF&CC to take penal action as per the provisions of Section 3A and 3B of the Forest (Conservation) Act, 1980.
- xv) The boundary of the proposed forest land for diversion, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates.

**B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval.**

- i) Legal status of forest land proposed for diversion shall remain unchanged.
- ii) Compensatory afforestation shall be raised over 321.00 ha of non forest land identified in village Lungajhar under Banspal Tahasil of Keonjhar District under Keonjhar Forest Division within three years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department as per approved plan/scheme and maintained thereafter, at the cost of user agency.

- iii) Addl. Compensatory Afforestation shall be raised over 421.704 ha of degraded forest land identified in Ukunda RF (224.675 ha) under Champua Range, Barbanka RF (110.749 ha) and Raghunathpur RF (86.280 ha) under Keonjhar Range of Keonjhar Forest Division within three years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department as per approved plan/scheme and maintained thereafter, at the cost of user agency.
- iv) Penal Compensatory Afforestation shall be raised over non- forest/Revenue forest land five (5) times (i.e. 56.22 ha X 5) to the extent of forest land used for non-forestry activities in violation of FC Act, 1980 within three years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department at the cost of user agency.
- v) The species to be planted in the CA, Addl. CA and Penal CA schemes shall be of native species of the area. At least 18 month old saplings of quality planting materials should be planted. Intensive monitoring of the plantation needs to be done and documented using Geo tagging so that the increase of canopy density and survival and growth of plantation can be evaluated at regular intervals.
- vi) At the time of payment of Net Present Value (NPV) at the then 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.
- vii) The user agency should grow fruit bearing plants in consultation with villagers in canal bank.
- viii) Proper soil conservation measures should be undertaken in the affected area in and around forest land identified by the DFO.
- ix) Water will be provided free of cost to the Forest Department, if required, for raising nursery/plantation in nearby areas.
- x) The user agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- xi) No labour camp shall be established on the forest land and 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.
- xii) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- xiii) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- xiv) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- xv) The forest land shall not be used for any purpose other than that specified in the proposal.
- xvi) The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.
- xvii) No damage to the flora and fauna of the adjoining area shall be caused.
- xviii) The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.
- xix) The user agency shall explore the possibility of successful transplantation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.

- xx) The user agency shall submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and concerned Integrated Regional Office of this Ministry by the end of March every year.
- xxi) Any other conditions that the Ministry of Environment, Forests & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.
- xxii) 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.
- xxiii) 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 above, from the State Government of Odisha, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of forest land to user agency should not be effected by the State Government of Odisha till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change.

4. "The State Govt. or a Senior Office not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land proposed to be diverted, duly authorized in this behalf by the State Govt. can pass an order for tree cutting and commencement of work of a linear project in forest land for a period of one year. Such order shall be passed only after full realization of funds for compensatory afforestation, Net Present Value (NPV), Wildlife conservation Plan, plantation of dwarf species of medicinal plants, and all other compensatory levies, specified in the Stage-I (in-principle) approval from the User Agency, and where ever applicable, transfer and mutation of non-forest/revenue forest land in favour of State Forest Department" as stipulated in Para 11.2 of Chapter-11 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,

*Padma Mahanti*

(Padma Mahanti)

Dy. Inspector General of Forests (C)

Copy to:-

1. The Inspector General of Forests (ROHQ), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi – 110003.
2. The PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharapur, Bhubaneswar-751023.
3. The Executive Engineer, Kanupur Canal Division, Water Resource Department, Govt. of Odisha, Jhumpura, Keonjhar, Odisha.

Dy. Inspector General of Forests (C)