

Government of India/ भारत सरकार  
Ministry of Environment, Forest & Climate Change/ पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Integrated Regional Office/ एकीकृत क्षेत्रीय कार्यालय  
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2nd November, 2020  
उत्तर

To

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

Sub:- Diversion of 12.2282 ha of forest area coming within jurisdiction of Bhadrak (WL) Division, Mangrove (WL) Division Rajnagar, Khordha Forest Division, City Forest Division, Bhubaneswar, Cuttack Forest Division and Dhenkanal Forest Division for laying of underground natural gas pipeline along with Optical Fibre Cable (OFC) of Jagadishpur-Haldia-Bokaro-Dhamra Natural Gas Pipeline, Odisha Project by GAIL (India) Ltd.

Madam,

I am to refer to State Govt. letter No.10F(Cons)155/2020-16203/F&E dated 19.10.2020 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 26.10.2020, the Ministry of Environment, Forest & Climate Change hereby conveys '**Stage-I/in-principle**' approval for diversion of 12.2282 ha of forest area coming within jurisdiction of Bhadrak (WL) Division, Mangrove (WL) Division Rajnagar, Khordha Forest Division, City Forest Division, Bhubaneswar, Cuttack Forest Division and Dhenkanal Forest Division for laying of underground natural gas pipeline along with Optical Fibre Cable (OFC) of Jagadishpur-Haldia-Bokaro-Dhamra Natural Gas Pipeline, Odisha Project by GAIL (India) Ltd, subject to the fulfillment of the following conditions.

- i. Legal status of forest land proposed for diversion shall remain unchanged.
- ii. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
- iii. Compensatory afforestation shall be taken up by the State Forest Department over 25.00 of degraded forest land identified in Pachhikote DPF under Jajpur Road Range of Cuttack Forest Division at the cost of user agency. As far as possible, a mixture of local indigenous species shall be planted using multi species, multi canopy intensive planting technique and monoculture of any species shall be avoided. A revised C.A. Scheme consisting of indigenous species to result in a multi canopy forest may be submitted before Stage-II approval.

- iv. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and at the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with 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.
- v. The State Govt. shall charge the Net Present Value (NPV) for 12.2282 ha forest area to be diverted under this proposal from the user agency as per the Orders of 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 Writ Petition (Civil) No.202/1995 and as per the guidelines issued by Ministry vide letter No.5-1/1998-FC (Pt.II) dated 18.09.2003, as well as letter No.5-2/2006-FC dated 03.10.2006 and No.5-3/2007-FC dated 05.02.2009 in this regard.
- vi. 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 Govt. from the user agency. The user agency shall furnish an undertaking to this effect.
- vii. The Site Specific Wildlife Conservation Plan including Mangrove restoration shall be prepared and implemented at the project cost, duly approved by CWLW, Odisha.
- viii. The State Govt. shall initiate prosecution under the provision of Indian Forest Act, 1927 and other State Acts dealing with conservation of forest for use of forest land for non-forestry purpose without prior approval under F.C. Act, 1980 against the user agency.
- ix. The State Govt. shall charge Penal NPV equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum upto five (5) times of NPV plus 12% simple interest till the deposit is made from the user agency. In case of public utility project of the government the penalty shall be 20% of the penalty proposed as above.
- x. The State Govt. shall initiate disciplinary action against the erring officials concerned for not being able to prevent the use of forest land for non-forestry purpose without prior approval of Govt. of India and send report to the Regional Office for further enquiry.
- xi. All the funds received from the user agency under the project shall be transferred/deposited to State CAMPA fund only through (<https://parivesh.nic.in/>).
- xii. The 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.
- xiii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector. The user agency shall submit FRA certificate before issue of Stage-II approval.
- xiv. The pipeline shall be laid down 1.2 meter below the ground as proposed by the State Govt. and after laying down of pipe line the ground will be leveled.
- xv. The user agency shall implement intensive Soil & Moisture Conservation measures along both sides of the proposed gas pipeline corridor passing through forest area at project cost.
- xvi. The user agency shall obtain Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable.
- xvii. The layout of plan of the proposal shall not be changed without prior approval of Central Government.

- xviii.No labour camp shall be established on the forest land.
- xix.Sufficient firewood, preferably the alternate fuel, shall be provided by the user agency to the labourer after purchasing the same from the State Forest Department or Forest Development Corporation or any other legal source of alternate fuel.
- xx.The boundary of the forest land being diverted shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- xxi.No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- xxii.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.
- xxiii.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 user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.
- xxiv.Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife, shall be complied by the user agency.
- xxv.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.
- xxvi.The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in>).

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. However, to facilitate speedy execution of projects involving linear diversion, the in-principle approval may be deemed as the working permission for tree felling and commencement of work, if the required funds for CA, NPV and all other compensatory levies specified in the in-principle approval are realized from the user agency, the State Govt. may allow the commencement of work of the linear project in forest land for a period of one year as per 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)

Dy. Inspector General of Forests (C)

Copy to:-

1. The Principal Chief Conservator of Forests & Nodal Officer, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharapur, Bhubaneswar-751023.
2. The General Manager (Construction), GAIL (India) Limited, 610-612, Utkal Signature, Pahala, NH-5, Bhubaneswar-752101.

Dy. Inspector General of Forests (C)