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Most urgent

Government of Odisha
Forest & Environment Department

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No.10F(Cons)239/2017 26020 /F&E, Bhubaneswar, dated the 15.12.17
From

Sri Debidutta Biswal, IFS
Special Secretary to Government

To

The Principal Chief Conservator of Forests, Odisha

Sub: Diversion of 10.155 ha. of forest land (3.64ha. in Bairakhman RF from Km 27/484 to Km 29/304 and 6.515ha. in Arjunpur RF from Km 40/212.50 to Km 43/470) in Subarnapur Forest Division of Sonepur district, Odisha for widening/strengthening of existing intermediate /2 lane to 2 lane with 1.5m wide paved shoulder coming within the road alignment from 0/0 Km to 45/750 km of Bolangir- Sonepur Section of NH-57 spread over Bolangir and Sonepur districts in EPC mode by Executive Engineer, NH Division, Bolangir (**Proposal No. FP/OR/ROAD/17631/2016**)

Sir,

With reference to your letter No. 25284 dt. 28.11.2017 on the subject mentioned above, I am directed to say that the proposal for diversion of 10.155 ha. of forest land (3.64ha. in Bairakhman RF from Km 27/484 to Km 29/304 and 6.515ha. in Arjunpur RF from Km 40/212.50 to Km 43/470) in Subarnapur Forest Division of Sonepur district, Odisha for widening/strengthening of existing intermediate /2 lane to 2 lane with 1.5m wide paved shoulder coming within the road alignment from 0/0 Km to 45/750 km of Bolangir- Sonepur Section of NH-57 spread over Bolangir and Sonepur districts in EPC mode by Executive Engineer, NH Division, Bolangir, was examined as per guidelines prescribed by the Government of India, MoEF vide their letter F.No. 11-9/98-FC dt. 3.1.2005, dt. 13.5.2011, 16.6.2011, dt.1.2.2013, 25.2.2016 and F.No. 11-246/2014-FC dt. 4.7.2014 in the matter of taking up establishment of certain critical public utility infrastructures by Government Departments in LWE affected districts of the State which also includes **2 lane public roads in LWE affected district irrespective of the area of forest land involved in such projects.**

It is observed that 10.155ha. of forest land and 97.552ha. of non-forest land are required for execution of this NH project within total land requirement of 107.707ha for the total alignment from 0/0 Km to 45/750 km of Bolangir- Sonepur Section of NH-57. The forest land of 10.155ha. required for the project is located in two patches of Reserved Forests i.e. 3.64ha. in Bairakhman RF and 6.515ha. in Arjunpur RF of Subarnapur Forest Division of Sonepur district. The Tahasildars of Bolangir and Sonepur districts have certified that status of total land involved in this project(both forest and non-forest) in Bolangir and Sonepur district is as per Government records as on 25.10.1980. Area proposed for diversion are outside the

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Protected Areas like National Park, Wildlife sanctuary etc. Both the Bolangir and Sonepur districts of Odisha where the proposed improvement of road is being taken up are included in the list districts affected by Left wing extremism. Forest land of 10.155ha. is proposed for diversion for the above road project is coming within the jurisdiction of Sonepur district only. The Government of India, MoEF&CC vide their letter F. No. 11-9/98-FC dt. 13.5.2011/16.6.2011/25.2.2016 have granted general approval under the provisions of Forest Conservation Act, 1980 for diversion of forest land up to 5.0ha for carrying out certain kinds of critical public utility infrastructure projects, by Government Departments in such LWE affected districts for the period up to 31.12.2018 under approval of the State Government. Further MoEF, GoI vide their guidelines bearing F.No. 11-9/98-FC dt. 1.2.2013 have also extended the general approval accorded vide letter dt. 13.5.2011 to all categories of public roads and quarrying of minerals used in construction of public roads. Moreover, Government of India, MoEF&CC vide their guidelines bearing F.No. 11-246/2014-FC dt. 4.7.2014 have also extended the general approval accorded under Section 2 of FC Act vide guidelines dt. 13.5.2011, to projects involving diversion of forest land, not located within the protected areas for construction of two lane public roads by Government departments in LWE affected districts, irrespective of the area of forest land involved in such projects. Construction of the road in the Naxal affected districts is one of such critical public utility infrastructure projects. This project would enable the user agency rehabilitating and upgrading to 2 Lane with paved shoulders configuration and widening/strengthening of existing intermediate /2 lane to 2 lane with 1.5m wide paved shoulder coming within the road alignment from 0/0 Km to 45/750 km of Bolangir-Sonepur Section of NH-57 spread over Bolangir and Sonepur districts, thereby providing better road connectivity to the people in these two LWE affected district. It is also observed that only 149 no. of trees above 30cm girth have been enumerated over 10.155ha. of forest land proposed for diversion for this road project(6 no. of trees in portion passing through Bairakhman RF and 143 no. of trees in Arjunpur RF) which is much below the stipulation of felling up to 50 trees per ha. of forest land as per general approval order dt. 3.1.2005. The Collector, Subarnapur has furnished certificate as per format prescribed in FRA guidelines of MoEF&CC pertaining to forest land proposed for diversion. The user agency has also furnished DGPS map of RF patches to be diverted duly verified by ORSAC and authenticated by the DFO, Subarnapur Forest Division.

In view of the essentiality involved for diversion of 10.155 ha. of forest land (3.64ha. in Bairakhman RF from Km 27/484 to Km 29/304 and 6.515ha.Arjunpur RF from Km 40/212.50

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to Km 43/470) in Subarnapur Forest Division of Sonepur district, Odisha for widening/strengthening of existing intermediate /2 lane to 2 lane with 1.5m wide paved shoulder coming within the road alignment from 0/0 Km to 45/750 km of Bolangir- Sonepur Section of NH-57 spread over Bolangir and Sonepur districts of Odisha and general approval of Government of India, MoEF&CC accorded vide their letter F.No. 11-9/98-FC 3.1.2005, 16.6.2011, dt. 13.5.2011, dt. 1.2.2013, 25.2.2016 and F.No. 11-246/2014-FC dt. 4.7.2014, State Government have been pleased to grant permission in favour of the Executive Engineer, NH Division, Bolangir for diversion of 10.155 ha. of forest land (3.64ha. in Bairakhaman RF from Km 27/484 to Km 29/304 and 6.515ha. Arjunpur RF from Km 40/212.50 to Km 43/470) in Subarnapur Forest Division of Sonepur district, Odisha for widening/strengthening of existing intermediate /2 lane to 2 lane with 1.5m wide paved shoulder coming within the road alignment from 0/0 Km to 45/750 km of Bolangir- Sonepur Section of NH-57 spread over Bolangir and Sonepur districts 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 10.155ha. shall not be used for any purpose other than specified in the proposal.
3. Felling of trees for the project shall be need-based and under the supervision of the Divisional Forest Officer, Subarnapur Forest division.
4. The Plantation scheme of indigenous species of plants shall be prepared by the Divisional Forest Officer, Subarnapur Forest division for planting of plants 2 times the no. of trees required to be felled from forest land of the road alignment in respect of this project. The scheme shall be approved by competent authority and executed by the Project proponent in consultation with the Divisional Forest Officer, Subarnapur Forest Division at project cost.
5. Detailed information on no. of trees existing/to be felled from the non-forest portion of the entire alignment from 0/0 Km to 45/750 km of Bolangir- Sonepur Section of NH-57 shall be furnished. Scheme for plantation of indigenous species of plants to the extent of 10 times the trees already felled/to be felled from non-forest land of the proposed road alignment shall be prepared by the DFOs of Subarnapur and Bolangir Forest Division and approved by competent authority for execution by the user agency along the road as far as possible in consultation with the Divisional Forest Officers of Subarnapur and Bolangir Forest division.

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6. 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 dt. 22.12.2009 pursuant to orders dt. 28.3.2008 and dt. 9.5.2008 of Hon'ble Supreme Court of India in I.A. No. 566 in W.P.(C) No. 202/1995. The funds received from the user agency under this project shall be transferred in favour of Compensatory Afforestation Fund in Account No. CA 1585 in Corporation Bank, Lodhi Road, New Delhi through the e-portal.
 7. No other fresh forest land shall be used for construction of this infrastructure project.
 8. Readymade materials shall be used for construction of the concrete structure of the project.
 9. No labour camps shall be established on the forest land. The labourers engaged in the construction work 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.
 10. 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.
 11. No project work shall be allowed after sunset.
 12. The permission granted by the State Government shall be subject to monitoring by the Eastern Regional Office, GoI, MoEF&CC.
 13. 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 concerned.
 14. The compliance with regard to 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.
 15. RF patches to be diverted for the road alignment shown on A4/A3 paper indicating posting of boundary pillars duly authenticated by DFO, Subarnapur shall be furnished.
 16. Any other condition that the State Forest Department/Pr. CCF, Odisha/RCCF, Bhawanipatna /Divisional Forest Officer, Subarnapur/Divisional Forest Officer, Bolangir/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.

17. The Addl. Principal Chief Conservator of Forests (Forest Diversion)&Nodal Officer, FC Act, O/O Pr. CCF, Odisha shall submit monthly report to the Eastern Regional Office, MoEF, Government of India by 5th 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 30th June and 31st 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 of Subarnapur forest division shall not hand over the forest land to the user agency for construction of the project road until the user agency complies with the stipulation No. 4,5,6,10 and 17 along with furnishing undertakings pertaining to other relevant conditions imposed above. Besides, the schemes to be prepared in compliance to condition No. 4 and 5 mentioned above, shall be approved by the competent authority for their execution by user agency at project cost under the supervision of Divisional Forest Officers of Subarnapur and Bolangir Division. They may be asked to supervise the construction work during execution of the project and any deviation to the stipulations mentioned above by the User Agency shall be reported by them to the Pr. CCF, Odisha/State Government/Eastern Regional Office, MoEF&CC along with action taken report.

Yours faithfully,

 14/12/17
Special Secretary to Government

Memo. No. 26021 /F&E dt. 15.12.17

Copy 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.

 14/12/17
Special Secretary to Government

Memo. No. 26022 /F&E dt. 15.12.17

Copy forwarded to Additional Principal Chief Conservator of Forests(Central), Government of India, MoEF&CC, Eastern Regional Office, A/3, Chandrasekharpur, Bhubaneswar for information and necessary action.

Two copies of the forest diversion proposals are enclosed herewith for reference.

 14/12/17
Special Secretary to Government

Memo. No. 26023 /F&E dt. 15.12.17

Copy forwarded to Principal Secretary to Government , R&DM Department for kind information and necessary action.

 14/12/17
Special Secretary to Government

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Memo. No. 26024 /F&E dt. 15.12.17

Copy forwarded to PCCF (WL) &CWLW, Odisha/ Regional Chief Conservator of Forests, Bhawanipatna Circle/ Divisional Forest Officer, Subarnapur forest division/DFO, Bolangir Division for information and necessary action.

Strict supervision of the execution of the project may be made by the DFO, Subarnapur and DFO, Bolangir Division. DFOs of Subarnapur and Bolangir division shall ensure that the User agency makes all compliances as required as per orders of Hon'ble NGT.

Memo. No. 26025 /F&E dt. 15.12.17

Special Secretary to Government

Copy forwarded to ST & SC Development Department/ Works Department/Home Department/Collector, Bolangir/Collector, Sonepur for information and necessary action.

Memo No. 26026 /Dated. 15.12.17

Special Secretary to Government

Copy forwarded to the Private Secretary to Hon'ble Minister of Forest & Environment for kind information of Hon'ble Minister.

Memo No. 26027 /Dated. 15.12.17

Special Secretary to Government

Copy forwarded to Executive Engineer, NH Division, Bolangir, Dist. Bolangir, Pin-767001, Odisha 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. 7.11.2012 in Appeal No. 7/2012 communicated by the MOEF, Government vide their letter F. No.7-23/2012-FC dt. 24.7.2013.

- (i) *They shall publish the entire forest clearance orders of State Government granted as per general approval accorded by MoEF&CC, 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, Bolangir/Collectorm Sonepur/ Divisional Forest Officer, Subarnapur/Divisional Forest Officer, Bolangir/Regional Chief Conservator of Forests, Bhawanipatna Circle /Pr. CCF, Odisha/F&E Department for reference.*

Memo No. 26028 Dated- 15.12.17

Special Secretary to Government

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 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 dt. 7.11.2012 in Appeal No. 7/2012. Hence this may be done unfailingly.**

Special Secretary to Government