



No. 5-WBB102/2018-BHU

5th November, 2018

To

The Principal Secretary,
Forest Department (Forest Branch),
Govt. of West Bengal,
Aranya Bhawan, (1st Floor)
Block-LA-10A, Sector-III, Salt Lake City,
KOLKATA – 700 098.

Sub:- Diversion of 0.562 ha of forest land in favour of Indian Oil Corporation Ltd. (IOCL) for extension of Paradip-Haldia-Durgapur Pipeline from Durgapur Terminal to Muzaffarpur and Patna under Birbhum Forest Division.

Sir,

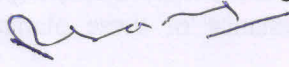
I am directed to refer to State Govt. letter No.1776-For/O/L/10T-07/2018 dated 10.10.2018 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest(Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 0.562 ha of forest land in favour of Indian Oil Corporation Ltd. (IOCL) for extension of Paradip-Haldia-Durgapur Pipeline from Durgapur Terminal to Muzaffarpur and Patna under Birbhum Forest Division, subject to the fulfillment of the following conditions.

- (i) Legal status of forest land proposed for diversion shall remain unchanged.
- (ii) The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be diverted under this proposal from the user agency 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. 5-3/2007-FC dated 05.02.2009 in this regard. While conveying the compliance of this condition, mention be made of the Eco-class and density of forest for which NPV has been charged.
- (iii) At the time of payment of the Net Present Value (NPV) at the present 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.
- (iv) Compensatory afforestation shall be raised over 1.125 ha of degraded forest land identified in Plot No.2274, JL No.63 of Mouza Joydeb-Kenduli under Illambazar Tehsil of Birbhum district against the area of forest land proposed to be diverted at the cost of the user agency.
- (v) State Govt. will formulate the compensatory afforestation scheme including activities like soil and moisture conservation, regeneration cleaning, silvicultural activities and shall ensure maintenance of these plantations for a period of seven to ten years as per requirement.

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- (vi) 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 State CAF, West Bengal through online portal.
- (vii) All the compensatory levies (C.A. cost, NPV etc.) received from the user agency under the project shall be transferred to State CAF, West Bengal as per Ministry's O.M. No.11-100/2015-FC (Vol.III) dated 28.09.2018. The requisite funds shall be transferred through online portal into State CAF, West Bengal.
- (viii) The State Govt. (Forest Department) shall verify the proposed pipeline alignment from Chainage 3.550 to 5.000 length to ensure that it is not forest land/area, which appears to be with some vegetation as per DSS and submit report before issue of Stage-II approval.
- (ix) The user agency shall obtain Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required.
- (x) Physical impact of the project shall be monitored regularly and any adverse impact on the area/around it shall be reported immediately and all work be stopped then.
- (xi) The User Agency should ensure that no LPG or any hazardous substance is released at the work site and/or around it.
- (xii) The boundary of the forest land proposed to be diverted shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, and distance from adjoining pillars etc. The cost of expenditure like RCC/ stone pillars, demarcation charges, charges for felling of trees and their transportation to depots shall be deposited with DFOs concerned and the work should be undertaken departmentally as per directions of Ministry's letter No.13-20/2015-CAMPA dated 09.06.2016.
- (xiii) The State Forest Department/UA shall submit the surveyed sketch of degraded forest land identified for CA, giving the forward and backward bearing of each demarcation pillar and distance between them. The State Forest Department/User Agency shall also submit the DGPS reading of each demarcated pillar giving the latitude and the longitude.
- (xiv) No labour camp shall be allowed in the forest area.
- (xv) The user agency shall provide LPG to labourers working at the site to avoid damage/tree felling and ensure no fuelwood use.
- (xvi) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- (xvii) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- (xviii) 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.
- (xix) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.

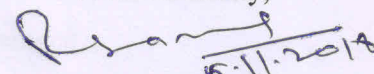


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- (xx) The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No.11-9/1998-FC (pt.) dated 03.08.2009 read with letter No.11-9/1998-FC (pt.) dated 05.02.2013 and 05.07.2013, in support thereof. The user agency shall submit original FRA certificate before issue of Stage-II approval.
- (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, which 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.

3. After receipt of the report on compliance to the conditions stipulated above, from the State Government of West Bengal, 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 West Bengal till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change. However, to facilitate speedy execution of project 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 guideline issued vide Ministry letter No. 11-306/2014-FC dated 28.08.2015.


Yours faithfully,


(R.K. Samal)

Conservator of Forests (Central)

Copy to:-

1. The Director, ROHQ, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. The Principal Chief Conservator of Forests, Forest Department, Govt. of West Bengal, Aranya Bhawan, LA-10A, Sector-III, 4th to 6th Floor, Salt Lake City, Kolkata – 700 098.
3. The Addl. PCCF & Nodal Officer (FCA), Forest Department, Govt. of West Bengal, Aranya Bhawan, LA-10A, Sector-III, 4th to 6th Floor, Salt Lake City, Kolkata – 700 098.
4. The Chief Construction Manager, Indian Oil Corporation Ltd. (Pipelines Division), Construction Office, 34A, Nirmal Chandra Street, IBP House, 7th Floor, Kolkata-700013, West Bengal.
5. Guard File.


Conservator of Forests (Central)