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No.5-ORC304/2016-BHU

4th August, 2017

To

The Principal Secretary,
Forest & Environment Deptt.,
Govt. of Odisha,
Bhubaneswar.

Sub:- Diversion of 5.391 ha of forest land for construction of Jeera Irrigation Project in Sohela and Bhatli Tahasil of Bargarh District, Odisha.

Sir,

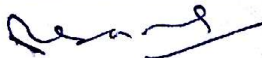
I am directed to refer to State Govt. letter No.10F(Cons)253/2016-24184/F&E dated 26.12.2016 and No.14292/F&E dated 06.07.2017 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest(Conservation) Act, 1980.

After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee meeting held on 24.07.2017, the Ministry of Environment, Forest & Climate Change hereby conveys 'in-principle' approval for diversion of 5.391 ha of forest land for construction of Jeera Irrigation Project in Sohela and Bhatli Tahasil of Bargarh District, Odisha, 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 over 5.391 ha of non-forest identified in Plot No.1962 (P), Khata No.146 of village Jamachhapar under Sohela Tahasil of Bargarh district against the area of forest land proposed to be diverted shall be raised and maintained by the State Forest Department at the cost of the user agency.
- v) The State Govt. has proposed plantation of 4,312 number of trees over 5.391 ha of non-forest land @ 800 plants/ha. However, 5,391 number of trees shall be planted against diversion of 5.391 ha of forest land (@ 1000 plants/ per ha). Hence, the State Govt. shall identify more degraded forest land for plantation of balance 1,079 number trees.
- vi) The State Govt. shall modify the C.A. Scheme accordingly and shall also include other measures like soil and moisture conservation, check dam, etc.
- vii) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of Stage-II approval.

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- viii) The non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section (s) of the local Forest Act. The Nodal Officer must report compliance within a period of 6 months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section-4 or Section-29 of the Indian Forest Act, 1927, or under the relevant section of the local Forest Act local forest as the case may be, to this Ministry for information and record.
- ix) The user agency shall transfer the cost of raising and maintaining the compensatory afforestation for 10 years, at the current wage rate, to the State Forest Department.
- x) All the funds received from the user agency under the project shall be transferred online to the Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned.
- xi) The user agency shall obtain Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required.
- xii) The Catchment Area Treatment Plan shall be prepared and implemented at the cost of user agency. It may be ensured that water harvesting structure be included as a component in CAT Plan.
- xiii) Plantation of suitable species shall be raised and maintained along the canal, at the cost of user agency, if possible.
- xiv) Water will be provided free of cost to the Forest Department, if required, for raising nursery/plantation in nearby areas.
- xv) No tree felling shall be done between Full Reservoir Level(FRL) and 4 meters below Full Reservoir Level(FRL).
- xvi) The royalty of trees need not be demanded from the user agency as per Ministry's letter No.13-20/2015-CAMPA dated 09.06.2016.
- xvii) 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, distance from adjoining pillars etc. As per Ministry's letter No.13-20/2015-CAMPA dated 09.06.2016, the cost of expenditure like boundary walls, stone pillars, demarcation charges, charges for felling of trees and their transportation to depots shall be deposited with DFO concerned and the work should be undertaken departmentally in order to ensure that the task of erection of boundary walls, stone pillars, demarcation charges etc. are undertaken faithfully and in the best interests of the forests before the diversion and handing over of the forest land takes place. The work on these items should be completed within 6 months from the grant of final approval to diversion of forest land.
- xviii) The State Forest Department/UA shall submit the surveyed sketch map with location and natural reference point of 5.391 ha of non-forest identified in Plot No.1962 (P), Khata No.146 of village Jamachhapar under Sohela Tahasil of Bargarh district as proposed for CA and additional degraded forest land to be identified for raising balance 1,079 number trees, giving the DGPS readings giving the latitude and longitude and distance between them.
- xix) No labour camp shall be established on the forest land.



- xx) The user agency shall provide alternate fuel preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas.
- xxi) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- xxii) Earth or any material shall neither be brought from nor the debris resulting during construction be disposed of in the adjoining forest area by the user agency.
- xxiii) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- xxiv) 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 prior approval of the Ministry of Environment, Forest & Climate Change.
- xxv) 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, in support thereof. The original FRA certificate or attested by the issuing authority shall be submitted before Stage-II approval.
- xxvi) Any other conditions that Ministry of Environment, Forest & Climate Change may stipulate, from time to time, in the interest of conservation, protection and development of forests and wildlife shall be complied by the user agency.
- xxvii) The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

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 shall 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.**


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, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
3. The Executive Engineer, Water Resources Department, Padampur Investigation Division, Govt. of Odisha, Padampur, Dist: Bargarh, Odisha.
4. Guard file.


Conservator of Forests (Central)