



No. 5-ORB317/2017-BHU

13th March, 2018

To

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

Sub:- Diversion of 4.545 ha of revenue forest land for construction of Pallahara Bypass road coming within the stretch of Km. 0.000 to Km. 68.280 under the project "Rehabilitation and up-gradation of NH-149 from Pallahara to Pitiri Section to two lanes with paved shoulders under NHDP-IV in the State of Odisha on EPC mode" under Deogarh Forest Division in Angul District, Odisha.

Sir,


I am directed to refer to State Govt. letter No10F(Cons)144/2017-11950/F&E dated 05.06.2017 and No.3103/F&E dated 08.02.2018 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 '*in-principle*' approval for diversion of 4.545 ha of revenue forest land for construction of Pallahara Bypass road coming within the stretch of Km. 0.000 to Km. 68.280 under the project "Rehabilitation and up-gradation of NH-149 from Pallahara to Pitiri Section to two lanes with paved shoulders under NHDP-IV in the State of Odisha on EPC mode" under Deogarh Forest Division in Angul 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) State Govt. shall realize Penal NPV as per Para B of guideline issued by Ministry vide letter No.11-42/2017-FC dated 29.01.2018 for use of forest land in violation of Forest (Conservation) Act, 1980 as follows:

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- a) The penalty for violation shall be 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 the NPV** plus 12 percent simple interest till the deposit is made.
- b) In case of public utility projects of the government the penalty shall be 20% of the penalty proposed in para (a) above.
- c) State Govt. will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.
- d) User agency responsible for violation shall be prosecuted under local Act of the State for unauthorized use of forest land without the permission of State authority.
- (v) Compensatory afforestation shall be raised over 4.557 ha of non forest land identified in Plot No.768/1 & 770/1, Khata No.73, Kisam Patita of village Sanadhauragotha under Pallahara Tahasil of Angul district against the area of forest land proposed to be diverted at the cost of the user agency.
- (vi) 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.
- (vii) 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.
- (viii) The non forest land over which compensatory afforestation will be taken up shall be notified as PF/RF and shall remain under the administrative control of the State Forest Department.
- (ix) The user agency shall comply with the conditions stipulated by State Govt. vide letter No.10(Cons)144/2017-11950/F&E dated 05.06.2017.
- (x) All the funds received from the user agency under the project shall be transferred through e-portal to the Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned. The user agency should ensure that the compensatory levies (C.A. cost, NPV etc.) are deposited through challan generated online on web portal and deposited in appropriate bank **online only**. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- (xi) 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 DFOs 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.



- (xii) The State Forest Department/UA shall submit the surveyed sketch of non 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.
- (xiii) In case the widening of the road is to be done in areas already having adequate clearance, trees shall not be cut. Any tree felling shall be done only when it is unavoidable under strict supervision of the State Forest Department.
- (xiv) The designing of culverts/bridges, if any, over the natural streams/ rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals including migration of fish, amphibia and reptiles.
- (xv) The user agency shall use fly ash for the road construction and for filling up of void created due to soil borrows which will be followed by compaction and spreading of top soil over it as per Fly Ash Notification No. S.O. 254 (E) dated 25.01.2016.
- (xvi) The user agency shall submit an undertaking to ensure that flanks of roads should be filled by transported soil and not with soil dug from the side of the roads.
- (xvii) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- (xviii) No labour camp shall be allowed in the forest area.
- (xix) The user agency shall provide LPG or alternate fuel, to labourers working at the site to avoid damage/tree felling and ensure no fuelwood use.
- (xx) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- (xxi) 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.
- (xxii) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- (xxiii) 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.
- (xxiv) 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.



- (xxv) The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines & 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 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.** However, the State Govt., if it so desires, may allow the user agency for commencement of work as per Ministry guideline issued vide letter No.11-306/2014-FC (pt.) 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 Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
3. The Executive Engineer, NH Division, Pallahara, Dist: Angul, Odisha.
4. Guard file.

Conservator of Forests (Central)