



No. 5-ORA626/2024-BHU

14th March, 2024

To

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

Sub:- Diversion of 452.705 ha of forest land (47.362 ha in Jeypore Forest Division + 405.343 ha in Malkangiri Forest Division) for construction of Jeypore-Malkangiri New BG Railway line of East Coast Railway coming under Koraput and Malkangiri Districts by Dy. Chief Engineer, East Coast Railway, Koraput.

Sir,

I am directed to refer to State Govt. letter No.FE-DIV-FLD-0001-2024-483/FE&CC dated 06.01.2024 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under Section 2 of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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 27.02.2024, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 452.705 ha of forest land (47.362 ha in Jeypore Forest Division + 405.343 ha in Malkangiri Forest Division) for construction of Jeypore-Malkangiri New BG Railway line of East Coast Railway coming under Koraput and Malkangiri Districts by Dy. Chief Engineer, East Coast Railway, Koraput, subject to the fulfillment of the following conditions.

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

- i) The user agency shall transfer online, the Net Present Value (NPV) of 452.705 ha forest land being diverted under this proposal, 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.5-3/2011-FC (Vol-I) dated 06.01.2022 and 19.01.2022. The requisite funds shall be transferred through online portal in CAMPA account of the State concerned.
- ii) As per DSS analysis some area comes under Moderately Dense Forest. So, NPV must be charged as per the density class.
- iii) The State Govt. shall identify equivalent non-forest land / double degraded Revenue forest land as may be applicable in accordance with the provisions of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 and submit the detail CA scheme along with the KML file, SoI Toposheet and DGPS map before issue of working permission/within one year from the date of Stage-I approval.
- iv) The non-forest/degraded Revenue forest land to be identified for raising compensatory afforestation shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval.
- v) A Comprehensive Wildlife Management Plan should be prepared and implemented to mitigate the impact of project on wildlife found in the locality duly approved by CWLW, Odisha.
- vi) The land identified for the purpose of Compensatory Afforestation shall be clearly depicted on a Survey of India Topo sheet of 1 : 50,000 scale.

- vii) The KML files of the area to be diverted and the CA areas shall be uploaded on the e-Green watch portal with all requisite details before issuing working permission towards linear projects or submitting compliance report for seeking Stage-II approval, as the case may be.
- viii) 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 the account of CAMPA of the concerned State through online portal. The Scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- ix) All the funds received from the user agency under the project shall be transferred/ deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- x) The compliance report of the Stage-I approval shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- xi) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- xii) The boundary of the proposed forest land for diversion, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates.

B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval.

- i) Legal status of forest land proposed for diversion shall remain unchanged.
- ii) Compensatory afforestation shall be raised over equivalent non-forest land/double degraded Revenue forest land to be identified within two years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department as per approved plan/scheme and maintained thereafter, at the cost of user agency. The species to be planted in the CA scheme shall be of native species of the area. At least 18 month old seedlings should be planted. Intensive monitoring of the plantation needs to be done and documented using Geo tagging so that the increase of canopy density and survival and growth of plantation can be evaluated at regular intervals.
- iii) At the time of payment of Net Present Value (NPV) at the then prevailing 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) As animals have been reported in the proposed area, the user agency should ensure provision of at least one underpass at every kilometer for safe crossing of wild animals/small mammals and to avoid fragmentation of habitat.
- v) The trees present inside the outer boundary may be spared from felling by which 10 to 20% trees can be saved.
- vi) In and around the proposed area, *Dalbergia latifolia* were abundantly present in the past and their number has been drastically reduced, so *Dalbergia latifolia* trees should be transplanted.
- vii) Speed regulating signage will be erected along the railway line at regular intervals in Protected Areas/Forest Areas.
- viii) The State Govt. shall ensure controlled speed limit, if the trains passing through the forest portion to enable the trains drivers to react to the sudden appearance of the wild animals on the track. As and when required speed of train shall be regulated in consultation with CWLWL of the State Govt.

- ix) 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.
- x) The reclamation of quarry, if any, should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed.
- xi) The user agency will provide retaining walls, breast wall and drainage as per requirement to make the slope stable.
- xii) The user agency, if required, will undertake comprehensive soil conservation measures in the area being diverted at the project cost in consultation with the State Forest Department. A scheme of the same may be submitted along with the compliance report.
- xiii) The user agency shall take up Avenue Plantation on either side of alignment of the track at its own cost in consultation with the DFO.
- xiv) The user agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- xv) No labour camp shall be established on the forest land and the user agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- 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 layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- xix) The forest land shall not be used for any purpose other than that specified in the proposal.
- xx) The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.
- xxi) No damage to the flora and fauna of the adjoining area shall be caused.
- xxii) The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.
- xxiii) The user agency shall explore the possibility of successful transplantation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
- xxiv) The user agency shall submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and concerned Integrated Regional Office of this Ministry by the end of March every year.
- xxv) 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, shall be complied by the user agency.
- xxvi) 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.

xxvii) Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in Para 1.16 of Chapter-1 of Consolidated Guidelines and Clarification issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 vide Ministry's letter dated 29.12.2023.

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 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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. "The State Govt. or a Senior Office not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land proposed to be diverted, duly authorized in this behalf by the State Govt. can pass an order for tree cutting and commencement of work of a linear project in forest land for a period of one year ("**working permission**" means permission granted to linear project before final approval to mobilize the resources to commence the preliminary project work other than black topping, concretization, laying of railway tracks, charging of transmission lines, etc.). Such order shall be passed only after full realization of funds for compensatory afforestation, Net Present Value (NPV), Wildlife conservation Plan, plantation of dwarf species of medicinal plants, and all other compensatory levies, specified in the Stage-I (in-principle) approval from the User Agency, and where ever applicable, transfer and mutation of non-forest/revenue forest land in favour of State Forest Department" as stipulated in Para 11.1 of Chapter-11 of Consolidated Guidelines and Clarification issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 vide Ministry's letter dated 29.12.2023.

Yours faithfully,

Padma Mahanti

(Dr. Padma Mahanti)

Dy. Inspector General of Forests (C)

Copy to:-

1. The Inspector General of Forests (ROHQ), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi-110003.
2. The PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
3. The Dy. Chief Engineer (Construction), East Coast Railway, Koraput, Odisha

Dy. Inspector General of Forests (C)