



भारत सरकार / Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest and Climate Change
एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office
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No. 5-ORB445/2021-BHU

16th September, 2021

To

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

Sub:- Diversion of 1.809 ha of Revenue forest land for construction of Water Treatment Plant (WTP) at village Manikunda under Marsaghai Tahasil for execution of Mega Pipe Water Supply Scheme in Kendrapara District by R.W.S.S. Division, Kendrapara under Cuttack Forest Division.

Madam,

I am directed to refer to State Govt. letter No10F(Cons)01/2021-546/F&E dated 08.01.2021 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 1.809 ha of Revenue forest land for construction of Water Treatment Plant (WTP) at village Manikunda under Marsaghai Tahasil for execution of Mega Pipe Water Supply Scheme in Kendrapara District by R.W.S.S. Division, Kendrapara under Cuttack Forest Division, 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 1.809 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.5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal in CAMPA account of the State concerned.
- ii) The State Govt. shall initiate disciplinary case against the officials responsible for violation of FC Act, 1980 and intimate this office for launching prosecution under Section 3A/3B of the Act.
- iii) The State Govt. shall realize Panal NPV of five (5) times of the NPV from user agency for violation of FC Act, 1980.
- iv) The identified Govt. non-forest land of 1.862 ha 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.

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- v) 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.
- vi) The KML files of the area to be diverted, the CA areas, the proposed SMC work, the proposed Catchment Area Treatment area and the WLMP area 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.
- vii) The user agency shall transfer the cost of raising and maintaining the compensatory afforestation/additional 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.
- viii) 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.
- ix) The cost of felling of trees shall be deposited by the user agency with the State Forest Department.
- 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. The use agency shall submit FRA certificate before issue of Stage-II approval.
- 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 1.862 ha of Govt. non- forest land identified in village Badapal under Marsghai Tahasil of Kendrapara District within three 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 shall be indigenous to the area and naturally growing species shall be planted using intensive planting technique to ensure survival of the plantation. 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. These reports shall be communicated to IRO periodically (six monthly).
- 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) The user agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- v) 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.
- vi) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- vii) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- viii) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- ix) The forest land shall not be used for any purpose other than that specified in the proposal.
- x) 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.
- xi) No damage to the flora and fauna of the adjoining area shall be caused.
- xii) 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.
- xiii) The user agency shall explore the possibility of successful translocation 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.
- xiv) The period of diversion under this approval shall be co-terminus with the period of lease granted in favour of user agency or the project life, whichever is less.
- xv) 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.
- xvi) 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.
- xvii) 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.
- xviii) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in Para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No.5-2/2017-FC dated 28.03.2019.

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.

Yours faithfully,

Padma Mahanti

(Padma Mahanti)

Dy. Inspector General of Forests (C)

Copy to:-

1. The Addl. PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
2. The Executive Engineer, RWS&S Division, At: Ichhapur, PO: Sri Baladev Jew, Kendrapara, Odisha.
3. Guard File


Dy. Inspector General of Forests (C)