



No. 5-ORC543/2022-BHU

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18th January, 2023

To

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

Sub:- Diversion of 6.098 ha (15.069 Ac.) of forest land for improvement of Road from Kharabhuin PWD road Chhak to Khandahata P.S. Road, Via Sankulei, Ghantabania, Panasputuli road for the year 2018-19 by the Superintending Engineer, Rural Works Division, Boudh.

Madam,

I am directed to refer to State Govt. letter No.FE-DIV-FLD-0098-2022-22548/FE&CC dated 17.12.2022 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 and on the basis of decision of Regional Empowered Committee meeting held on 09.01.2023, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of Diversion of 6.098 ha (15.069 Ac.) of forest land for improvement of Road from Kharabhuin PWD road Chhak to Khandahata P.S. Road, Via Sankulei, Ghantabania, Panasputuli road for the year 2018-19 by the Superintending Engineer, Rural Works Division, Boudh, 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 6.098 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, 19.01.2022 & 22.03.2022. The requisite funds shall be transferred through online portal in CAMPA account of the State concerned.
- ii) The identified non-forest land of 6.11 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.
- iii) The land identified for the purpose of Compensatory Afforestation/Addl. C.A. shall be clearly depicted on a Survey of India Topo sheet of 1 : 50,000 scale.
- iv) The KML files of the area to be diverted and the CA & Addl. 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.
- v) The user agency shall transfer the cost of raising and maintaining the compensatory afforestation/Addl. C.A. 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.

- vi) A Site Specific Wildlife Conservation Plan should be prepared and duly approved by the Chief Wildlife Warden, Odisha for implementation at the project cost to mitigate the adverse impact on movement of wildlife as well as man-animal conflict. Wild animals underpass/overpass may be constructed at the locations identified by the Chief Wildlife Warden at the project cost.
- vii) 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.
- viii) The compliance report of the Stage-I approval shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- ix) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- x) 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 6.11 Ha of non-forest land identified in Plot No.59, Khata No.20 of Kissam-Patita of Village Kuchpaju under Harbhanga Tahasil of Boudh District under Boudh Forest Division within three years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department, at the cost of user agency.
- iii) Additional Compensatory afforestation shall be raised over 5.00 Ha of degraded forest land identified in Mankadakesa RF under Manmunda Range of Boudh Forest Division within three years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department, at the cost of user agency.
- iv) The species to be planted in the CA/Addl. 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.
- v) 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.
- vi) The user agency shall take up Avenue Plantation on either side of the alignment of the road at the project cost in consultation with the DFO. In this regard State Govt. shall adhere to the Ministry's letter No.7-12/2022-ROHQ dated 01.09.2022.
- vii) 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.
- viii) 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.

- ix) The designing of new culverts/bridges and redesigning the existing ones 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, so that it does not hamper movement of wild animals including fishes & amphibians migration.
- x) Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- xi) The user agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- xii) 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.
- xiii) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- xiv) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- xv) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- xvi) The forest land shall not be used for any purpose other than that specified in the proposal.
- xvii) 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.
- xviii) No damage to the flora and fauna of the adjoining area shall be caused.
- xix) 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.
- xx) 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.
- 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, 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. **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.**

4. 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.

5. "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. 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 11.2 of Chapter-11 of Handbook of Guidelines issued under F.C. Act, 1980 vide Ministry's letter No.5-2/2017-FC dated 28.03.2019.

Yours faithfully,

Padma Mahanti

(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, Chandrasekharapur, Bhubaneswar-751023.
3. The Superintending Engineer, Rural Works Division, At/PO: Malisahi, Dist: Boudh-762014, Odisha.

Padma Mahanti

Dy. Inspector General of Forests (C)

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