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No. 5-ORA374/2019-BHU

20<sup>th</sup> August, 2019

To

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


Sub:- Diversion of 69.77 ha of forest land for construction of Khurda Road – Bolangir New B.G. Rail Link Project from Km.238 to 289 Km. by East Coast Railways in Bolangir district/Forest Division and Subarnapur district/Forest Division out of the total alignment of 289 Km in the State of Odisha.

Sir,

I am directed to refer to State Govt. letter No10F(Cons)15/2019-3556/F&E dated 18.02.2019 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 22.04.2019 and subsequently uploading the additional information on 19.08.2019 sought by Regional Office, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 69.77 ha of forest land for construction of Khurda Road – Bolangir New B.G. Rail Link Project from Km.238 to 289 Km. by East Coast Railways in Bolangir district/Forest Division and Subarnapur district/Forest Division out of the total alignment of 289 Km in the State of Odisha, subject to the fulfillment of the following conditions.

- (i) Legal status of forest land proposed for diversion shall remain unchanged.
- (ii) Compensatory afforestation shall be taken up by the Forest Department over 150 ha degraded forest land indentified in Matkhai RF (100 ha) and in Bonda-Kallijharan RF(50 ha) in Bolangir Forest Division at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- (iii) The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and at the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- (iv) The State Govt. shall charge the Net Present Value (NPV) for 69.77 ha forest area to be diverted under this proposal from the user agency as per the Orders of Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 and 09.05.2008 in IA No.566 in Writ Petition (Civil) No.202/1995 and as per the guidelines issued by Ministry vide letter No.5-1/1998-FC (Pt.II) dated 18.09.2003, as well as letter No.5-2/2006-FC dated 03.10.2006 and No.5-3/2007-FC dated 05.02.2009 in this regard.

  
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- (v) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Govt. from the user agency. The user agency shall furnish an undertaking to this effect.
- (vi) All the funds received from the user agency under the project shall be transferred/deposited to State CAMPA fund only through (<https://parivesh.nic.in/>).
- (vii) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- (viii) Speed regulating signage will be erected along the railway line at regular intervals in the Protected Areas/Forest Area.
- (ix) The user agency shall provide suitable under/over passes in Protected Area/Forest Area as per recommendation of CWLW.
- (x) The user agency shall obtain Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable.
- (xi) The layout plan of the proposal shall not be changed without prior approval of Central Government.
- (xii) No labour camp shall be established on the forest land.
- (xiii) Sufficient firewood, preferably the alternate fuel, shall be provided by the user agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- (xiv) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the direction of the concerned Divisional Forest Officer.
- (xv) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (xvi) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- (xvii) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (xviii) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of the Government of India.
- (xix) As reported by the State Govt., work has commenced on the forest land without prior approval of the Central Govt. under Section 2 of Forest (Conservation) Act, 1980 is amount to violation of Forest (Conservation) Act, 1980 and shall be dealt with the MoEF&CC Guideline F. No.11-42/2017-FC dated 29.01.2018 as may be applicable.
- (xx) Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

(xxi) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in>).

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.

4. However, to facilitate speedy execution of projects involving linear diversion, the in-principle approval may be deemed as the working permission for tree felling and commencement of work, if the required funds for CA, NPV and all other compensatory levies specified in the in-principle approval are realized from the user agency, the State Govt. may allow the commencement of work of the linear project in forest land for a period of one year as per 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,

  
(A.K. Jena) 19

Technical Officer (Forestry)

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 Addl. Principal Chief Conservator of Forests & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
3. The Deputy Chief Engineer (Con.II), East Coast Railways, Bhubaneswar, Odisha
4. Guard file.

  
Technical Officer (Forestry)