



No. 5-ORC597/2023-BHU

31st October, 2023

To

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

Sub:- Diversion of 32.225 ha of forest land (diversion 17.795 ha of forest land + re-diversion of already diverted 14.43 ha) for Baharagoda to Singhara Section of NH-6 for Rehabilitation & Up-gradation to four laning of 7.6 Km stretch (Km 229.000 to Km 236.000) inside buffer zone of Similipal Tiger Reserve of Baharagoda to Singhara Section (Km 199.200 to Km 310.806) of NH-6 in the State of Odisha under NHDP Phase-IV on EPC mode by Project Director, NHAI, Project Implementation Unit, Balasore, Odisha.

Sir,

I am directed to refer to State Govt. letter No.FE-DIV-FLD-0001-2016-19263/FE&CC dated 11.09.2023 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 16.10.2023, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 32.225 ha of forest land (diversion 17.795 ha of forest land + re-diversion of already diverted 14.43 ha) for Baharagoda to Singhara Section of NH-6 for Rehabilitation & Up-gradation to four laning of 7.6 Km stretch (Km 229.000 to Km 236.000) inside buffer zone of Similipal Tiger Reserve of Baharagoda to Singhara Section (Km 199.200 to Km 310.806) of NH-6 in the State of Odisha under NHDP Phase-IV on EPC mode by Project Director, NHAI, Project Implementation Unit, Balasore, Odisha, 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 17.795 ha fresh 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 22.03.2022. The requisite funds shall be transferred through online portal in CAMPA account of the State concerned.
- ii) The identified degraded forest land (DLC) over 35.787 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 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 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 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) 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.
- vii) The compliance report of the Stage-I approval shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- viii) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- ix) 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) The State Govt. and user agency shall comply with the following conditions imposed by NBWL vide letter No.WL-6/74/2023-WL dated 26.09.2023.
 - a) The trees required to be felled for the project shall be identified in consultation with the Forest Department before the construction starts and should be properly marked on ground. Attempt shall be made that tree cutting is minimal. The User Agency shall transplant the trees with adequate care for maximization of survival in consultation with the DFO Rairangpur Division as far as possible.
 - b) The User Agency shall construct Elephant Under Passes (EUPs) and Animal Under Passes (AUPs) at the identified vulnerable locations as per "Guidelines of Wildlife Institute of India, Dehradun on Mitigative Measures for Linear Infrastructure Projects" after obtaining prior approval of the plan and design from the CWLW, for adaptability of the structures by the Wildlife to facilitate unhindered movement of wild animals.
 - c) The User Agency shall provide animal passage structures in 20% of the stretch of the project area.
 - d) Retro Reflecting signages shall be erected by the User Agency at regular intervals to slow down the speed of vehicles at animal crossing points besides providing visual and sound barriers in addition to olfaction & other sensory enhancers as mentioned in the above guidelines.
 - e) The elephant and animal underpasses shall be concrete (RCC) structures so as to enhance their longevity and minimize disturbances caused during annual repair / Maintenance of otherwise bitumen structures. The bottom of structures shall, as far as possible, have similar substrates to that which would occur naturally in the absence of the structure. The approach to an animal crossing is a crucial factor in determining its use. Appropriate use of vegetation (trees, shrubs and grasses) can play a significant role in enhancing the naturalness of an engineered structure.
 - f) Divisions between the elephant underpasses shall be of pillar (isolated pier) type, instead of wall-type.
 - g) The User Agency shall ensure that all the underpasses are fortified with integrated options of light and sound barriers (2 m high), camouflaging, and landscaping including restoration habitat beneath underpasses after construction.
 - h) As far as possible, the minimum height of the underpasses shall not be achieved by ground excavation, but by elevating the road. This would prevent water logging during rains.
 - i) The User Agency shall ensure that the animal passages are not inundated with water during rains. Regular removal of debris and silts at the passage structures should be done by the User Agency.

- j) The underpasses shall be kept free of all human-related activities and disturbances including foot-trails and roads by Forest Department, as these have a negative influence on the use of crossing structures by wildlife.
- k) Additional features on crossing structures such as walkways or planks/ledges/shelves (50 cm wide) shall be installed by the User Agency on the interior walls of underpasses and box culverts to encourage mammals to use culverts built on natural drainage sites. These structures help animals use the structures in seasons when the culverts may be inundated with water. Edges/ shelves along the inner walls of all crossing and drainage structures shall be constructed for use by small mammals. These structures shall extend up to the exit of the structures and brought to ground level.
- l) Chain link mesh fencing shall be done by the User Agency for 100 m on either side of the animal passages (elephant and animal underpasses) on both sides of the road for funneling wildlife through the animal passages. A concrete base of 50 cm shall be constructed on which the chain-link mesh fencing should be installed. The height of the fencing shall be a minimum of 10 feet height on all sections so that species like leopards and other herbivores cannot cross them to get trapped inside the highway. The bottom 1- 1.5 feet of the fences shall be fitted with mesh wires so as to prevent small mammals and herpetofauna from crossing the highway. All fences shall be maintained in future by the User Agency. Remaining portions of the Highway shall have crash barriers on both sides of the road.
- m) Cattle guards (2 m wide) shall be installed at both ends of the underpasses (including the fenced portions) and other fenced sections of the Highway to prevent wild and domestic animals from getting trapped within the fences/crossing structures.
- n) Apart from mitigation structures and fenced sections, the remaining portion of the road (where it passes through a flat terrain) shall be provided with rumble strips at regular intervals so as to maintain a vehicular speed of 30km/hour within the Tiger Reserve. Rumble strips shall be appropriately marked to make them visible to the drivers (both during day and night) so as to avoid vehicular accidents. Sign posts warning about movements of wild animals shall also be placed by User Agency at regular intervals along the upgraded road. These shall be placed where wildlife crossings are maximum and shall be determined in consultation with Forest Department.
- o) Disturbance during construction in the wildlife sensitive areas shall be kept minimum by the following mechanisms:
- ✓ Use of pre-fabricated materials for construction
 - ✓ Use of water from sources other than the rivulets within Tiger Reserve
 - ✓ Prohibition on procurement of construction materials from forest
 - ✓ Disposal of construction-related debris away from the wildlife sensitive sites.
- p) High observation towers and cameras as recommended during 8th meeting of Standing Committee of State Board of Wild Life, Odisha on 25.04.2023, shall be constructed at suitable locations in consultation with Forest Department by User Agency, for monitoring of vehicular movement and prevention of any traffic congestion.
- q) The User Agency shall deposit Rs 2 Crore annually to Similipal Tiger Conservation Foundation. The funds shall be used for monitoring and protection activities.
- r) The CWLW, Odisha shall have appropriate monitoring mechanism in place for compliance of the conditions laid in this report during various phases of project implementation.
- s) An annual compliance certificate on the stipulated conditions shall be submitted by the User Agency to the State Chief Wild Life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Government of India.
- iii) Compensatory afforestation shall be raised over 35.787 ha degraded forest land (DLC) identified in village Soso under Bahalda Tahasil of Mayurbhanj District under Rairangpur Forest Division within one years from the date of Stage-II Clearance and maintained thereafter

- by the State Forest Department, 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.
- iv) 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.
 - v) The user agency shall carry out road side plantation on both sides of road in the entire project area as per IRC norms.
 - vi) 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.
 - vii) 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.
 - viii) 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.
 - ix) Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
 - x) The user agency shall provide suitable under/over pass in Protected Area/Forest Area as per recommendations of NBWL.
 - 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.
- xxiii) 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.

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. 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, Chandrasekharpur, Bhubaneswar-751023.
3. The Project Director, National Highway Authority of India, Project Implementation Unit, Plot No.1086, Chandamari Padia Road, Sahadev Khunta, Balasore-76001, Odisha,

Dy. Inspector General of Forests (C)