



No. 5-ORC459/2021-BHU

29th September, 2023

To

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

Sub:- Diversion of 6.754 ha of forest land for widening & strengthening of 2 Lane to 2 Lane with paved shoulder from Km 58/00 to 116/100 Km of NH-153 (B) in the State of Odisha on EPC Mode by Executive Engineer, NH Division, Sambalpur.

Sir,

I am directed to refer to State Govt. letter No. 10F(Cons)30/2021-6931/F&E dated 03.04.2021 and PCCF, Odisha letter No.14866/9F(Road)-317/2021 dated 01.08.2021, wherein prior approval of the Ministry of Environment, Forest & Climate Change for diversion of 6.754 ha of forest land for widening & strengthening of 2 Lane to 2 Lane with paved shoulder from Km 58/00 to 116/100 Km of NH-153 (B) in the State of Odisha on EPC Mode by Executive Engineer, NH Division, Sambalpur, was sought in accordance with Section-2 of the Forest (Conservation) Act, 1980. After due consideration of the proposal by the Ministry of Environment, Forest & Climate Change and on the basis of decision of Regional Empowered Committee meeting held on 21.05.2021, the in-principle approval for diversion of the said forest land was accorded by Ministry vide this office letter of even number dated 22.09.2021, subject to fulfillment of certain conditions. The Nodal Officer (FCA) of the State Government has furnished the compliance report in respect of the conditions stipulated in the in-principle approval and has requested to grant final approval of the proposal.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the PCCF & Nodal Officer (FCA), Odisha vide their letter No.14548/9F(Road)-317/2021 dated 19.07.2023 and uploading of the Stage-I compliance report in *Parivesh* web portal on 11.09.2023, **Stage-II/final** approval of the Ministry of Environment, Forest & Climate Change is hereby granted under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 6.754 ha of forest land for widening & strengthening of 2 Lane to 2 Lane with paved shoulder from Km 58/00 to 116/100 Km of NH-153 (B) in the State of Odisha on EPC Mode by Executive Engineer, NH Division, Sambalpur, subject to the fulfillment of the following conditions:-

A: Conditions which need to be complied prior to handing over of forest land.

- The State Govt. shall ensure the complete compliance on FRA, 2006 as applicable.
- The State Govt. shall ensure that NPV of the above proposal has been realized from user agency as per Ministry's direction from time to time.
- The State Govt. shall ensure that the user agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
- The State Govt. shall ensure that the KML files of the area to be diverted and the CA area shall be uploaded on the e-Green watch portal with all requisite details before handing over of the diverted forest land to the user agency.
- The State Govt. shall ensure that the boundary of the diverted forest land 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 complied after handing over of forest land to the user agency.

- i) Legal status of the diverted forest land shall remain unchanged.
- i) The State Govt. shall ensure that the State Forest Department will raise the Compensatory afforestation over 16.00 ha degraded forest land identified in Rengali-Barhamal RF of Badmal Range under Rairakhol Forest Division within one year 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.
- ii) The State Govt. shall ensure that 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.
- iii) The State Govt. shall ensure that the approved Site Specific Wildlife Conservation Plan shall be for implementation at the project cost with adequate overpass and underpass. Additional mitigative measures, as would be required for ensuring smooth movement of wild animals especially small mammals in the area shall also be implemented in the SSWLCP by emulating good practices of other States for large and small mammals.
- iv) The State Govt. shall ensure that for this proposed 2 lane with paved shoulder road, the user agency shall increase the number of culverts, hum pipe passages, bridges etc. in addition to the already existing and new constructions proposed by the user agency in the diversion proposal; to facilitate wildlife movement including amphibians. It is also be ensured, nowhere in the road adjacent passages are more than 400 mtr apart.
- v) The State Govt. shall ensure that the user agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- vi) The State Govt. and user agency shall ensure that 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.
- vii) The State Govt. and user agency shall ensure that speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- viii) The State Govt. shall ensure that the user agency shall provide suitable under/over passes in Protected Area/Forest Area as per recommendations of CWLW/REC.
- ix) The State Govt. shall ensure that 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.
- x) The State Govt. shall ensure that 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.
- xi) The State Govt. and the user agency shall ensure that flanks of roads should be filled by transported soil and not with soil dug from the side of the roads.
- xii) The State Govt. and user agency shall ensure that no additional or new path will be constructed inside the forest area for any activity related to the project work.

- xiii) The State Govt. shall ensure that no labour camp shall be established on the forest land and the user agency shall provide fuels preferably alternate fuels to the labourers and staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- xiv) The State Govt. and user agency shall ensure that while executing works, the user agency shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- xv) The State Govt. and user agency shall ensure that the layout plan of the proposal shall not be changed without prior approval of the Ministry of Environment, Forest & Climate Change.
- xvi) The State Govt. and user agency shall ensure that earth or any material shall neither be brought from nor the debris resulting during construction be disposed of in the adjoining forest area by the user agency.
- xvii) The State Govt. shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other user agency, department or person without prior approval of the Ministry of Environment, Forest & Climate Change.
- xviii) The State Govt. shall ensure that 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.
- xix) The State Govt. shall ensure that the user agency shall submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and Integrated Regional Office of this Ministry by the end of March every year regularly.
- xx) The State Govt. shall ensure that 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, which shall be complied by the user agency.
- xxi) 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.
- xxii) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per Para 1.21 of Chapter-1 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 – 110 003.
2. The PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar.
3. The Executive Engineer, N.H. Division, Sambalpur, Dist: Sambalpur, Odisha.

Dy. Inspector General of Forests (C)