

F. No. 8-67/2013-FC  
Government of India  
Ministry of Environment and Forests  
(F.C. Division)

Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi -110003.  
Dated: 17<sup>th</sup> December, 2013

To,  
The Principal Secretary (Forests),  
Government of Odisha,  
Bhubaneswar.

Sub: Diversion of 75.828 hectares of forest land for construction of railway line by South Eastern Railways from Food Corporation of India (FCI) shunting neck of Jharsuguda to Sardega (Gopalpur) in Sundargarh and Jharsuguda Forest Divisions (Jharsuguda to Chichhinda in Jharsuguda district involving 6.93 ha. of forest land) and Kanaktora to Sardega (Gopalpur) in Sundargarh District involving 68.898 hectares of forest land) for transportation of coal through railway infrastructure.

Sir,

I am directed to refer to the Government of Odisha's letter No 10F (Cons) 98/ 2013 - 17106/ F & E dated 19<sup>th</sup> August 2013 on the above mentioned subject, seeking prior approval of the Central Government under section 2 of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government of Odisha and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to accord **stage-I approval** for the diversion of 75.828 hectares of forest land for construction of railway line by South Eastern Railways from Food Corporation of India (FCI) shunting neck of Jharsuguda to Sardega (Gopalpur) in Sundargarh and Jharsuguda Forest Divisions (Jharsuguda to Chichhinda in Jharsuguda district involving 6.93 ha. of forest land) and Kanaktora to Sardega (Gopalpur) in Sundargarh District involving 68.898 hectares of forest land) for transportation of coal through railway infrastructure, subject to the fulfillment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the degraded forest land twice in extent to the forest land being diverted (i.e.  $2 \times 75.828 = 151.656$  hectares) shall be raised and maintained by the State Forest Department at the cost of the user agency;
- (iii) User agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

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- (iv) State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the 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 in this regard;
- (v) At the time of payment of the 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 funds realised from the user agency shall be transferred to the ad-hoc CAMPA in the concerned saving bank account in the Union Bank of India, Sunder Nagar Branch, New Delhi;
- (vii) User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (viii) Layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (ix) No labour camp shall be established on the forest land;
- (x) State government shall raise penal compensatory afforestation from the funds to be realized from the user agency, over degraded forest land equal in extent to the area of non-forest land utilised for execution of a part of the project pending receipt of prior approval of Central Government under the FC Act for diversion of forest land required for the project;
- (xi) User agency shall prepare a site specific wildlife conservation plan to mitigate impact of project on flora and fauna and provide funds for its implementation;
- (xii) User agency shall provide funds for creation of strip plantation along both sides of the railway line.
- (xiii) User agency in consultation with the State Forest Department shall create and maintain alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.
- (xiv) 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 agency, department or person without obtaining prior approval of Central Government;
- (xv) User agency shall provide 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;
- (xvi) 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, forward and back bearing and distance from pillar to pillar;
- (xvii) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department;

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- (xviii) State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009, read with letter No. 11-9/1998-FC- (pt.) dated 5.2.2013, in support thereof;
- (xix) Any other condition that the Regional Office (Eastern Zone), Bhubaneswar may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- (xx) The user agency shall submit the annual report on compliance to conditions stipulated in the approval to the to the State Government and the concerned Regional Office of this Ministry; and
- (xxi) User agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the State Government of Odisha, final/ stage-II approval for diversion of the said forest under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of to the said forest land to the user agency shall not be affected by the State Government of Odisha till final/stage-II approval for its diversion is issued by this Ministry.

Yours faithfully,

*SAC*

(H. C. Chaudhary)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, Forest Department, Government of Odisha, Bhubaneswar.
3. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (Eastern Zone), Bhubaneswar.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.

*H. C. Chaudhary*

Assistant Inspector General of Forests