

GOVERNMENT OF ODISHA
FOREST AND ENVIRONMENT DEPARTMENT

No.FE-DIV-FLD-0038-2020 15894 /F&E Date 15/10/2020
10F (Cons) 154/2020

From

Sri Lingaraj Otta, IFS
Special Secretary to Government

To

The Principal Chief Conservator of Forests, Odisha,
Bhubaneswar.

Sub: Proposal for diversion of 2.023 ha of forest land for construction of Water Treatment Plant (WTP) at Kadaligarh under Rairakhhol Tahasil for execution of Mega Pipe Water Supply Scheme in Sambalpur District by R.W.S.S. Division, Sambalpur under Rairakhhol Forest Division.
(Proposal No.FP/OR/Water/ 45430/2020, State Sl. No.OR-042/2020 dtd.29.05.2020).

Sir,

With reference to your letter No.16692 dtd.23.09.2020 on the subject cited above, I am directed to say that the proposal for diversion of 2.023 ha of forest land for construction of Water Treatment Plant (WTP) at Kadaligarh under Rairakhhol Tahasil for execution of Mega Pipe Water Supply Scheme in Sambalpur District by R.W.S.S. Division, Sambalpur under Rairakhhol Forest Division was examined as per the Handbook of Guidelines & Clarifications by Govt. of India, MoEF&CC dtd.28.03.2019 in the matter of taking up establishment of certain critical public utility infrastructures by Govt. Departments involving forest land upto 5ha in LWE affected districts of the State.

It is observed that the mega public water supply project at Kadaligarh under RWSS Division, Rairakhhol is aimed for providing portable drinking water to rural population of 62 thousand numbers in nearby 115 villages in Rairakhhol Block under Sambalpur district, which is one of the notified LWE affected districts, by constructions of a Water Treatment Plant (WTP) with over Head Reservoir and laying of DI & HDPE pipelines.

The proposed forest land over 2.023ha of kisam Badajungle in Sabik record furnished by Tahasildar, Rairakhhol and signed by the DFO, Rairakhhol has been submitted. The main reason of the project is to supply safe drinking water to all people of said Block.

The proposal is for diversion of 2.023ha of forest land (Badajungle in sabik record) for construction of Water Treatment Plant (WTP) by the Executive Engineer, RWSS Division,

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Sambalpur in village Kadaligarh under Rairakhol Tahasil of Rairakhol Forest Division in the district of Sambalpur. The detailed land schedule of forest and non-forest land involve in this project including status of forest land duly authenticated by Tahasildar, Rairakhol and DFO, Rairakhol is furnished.

The Divisional Forest Officer, Rairakhol Forest Division has reported that the applied area does not form part of Sambalpur Elephant Corridor (Proposed)/ National park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve, etc. No rare or endangered species is available in the applied area. There is no archeological monument or any heritage site or defence establishment or other important monument within the applied area. There will be no displacement of human habitation due to this project. The project will provide regular employment to 150 persons and temporary employment to 900 persons. The total cost of the project is 96.60 Cores.

The proposed land for Water Treatment Plant has been identified at Kadaligarh village under Rairakhol Block as Government of Odisha in Panchayat Raj & Drinking Water Department Sanctioned for execution of Mega Piped Water supply to 9 GPs of Rairakhol Block in the district of Sambalpur. Initially the User Agency intended to establish the unit near the intake well at Kiakata. But due to non-availability of suitable non-forest land of desired extent nearby, they had to search for such land around Rairakhol, taking assistance of local Revenue Staff and had to opt for the land now proposed for the project, because of non-availability of suitable non-forest land in Rairakhol Block elsewhere nearby and for its advantage of location & extent. Under the above circumstances, a compact patch of Gochar land (Hal-Kissam) of 2.023 ha (Badajungle in Sabik record) has been selected in village Kadaligarh for the project.

The user agency has furnished the required maps, duly authenticated by all concerned.

The Divisional Forest Officer, Rairakhol Forest Division has reported that, the type of the applied forest area is of eco-class-III with density of vegetation below 0.4. The DFO, Rairakhol Forest Division has reported that 40 no. of trees have been enumerated on the forest land proposed for diversion.

Compensatory Afforestation is not applicable as per guidelines of Govt. of India, MoEF&CC, as the forest area involved is less than 5 ha and number of trees to be felled is less than 50 per ha. The User Agency has furnished undertaking to pay the NPV and additional amount of NPV as per norm/ rule. Environmental Clearance is not required for this project as

per MoEF, Govt. of India Notification No.J-11013/56/2004-IA-II(I) dtd.14.09.2006. The user agency has furnished undertaking to submit FRA Certificate. The Divisional Forest Officer, Rairakhol Forest Division has reported that no violation has been made by the project proponent. Part-II, Part-III and site inspection reports have been furnished with the proposal. The Divisional Profile, District Profile and State Profile have also been furnished.

The Govt. of India, MoEF&CC vide their Guidelines have granted general approval under the provisions of Forest Conservation Act, 1980 for diversion of forest land upto 5.00ha for carrying out certain kinds of critical public utility infrastructure projects, by Government Departments in such LWE affected districts for the period upto 31.12.2020 under approval of the State Government.

In view of the urgency involved, the proposal for to use 2.023ha of forest land for construction of Water Treatment Plant (WTP) by the Executive Engineer, RWSS Division, Sambalpur in Rairakhol Forest Division under Sambalpur District, requirement of felling only 40 no. of trees from the forest land proposed for use and General approval of Govt. of India, MoEF&CC accorded vide their Hand Book of Guidelines & Clarifications dtd.28.03.2019, State Govt. have been pleased to grant permission in favour of Executive Engineer, RWSS Division, Sambalpur for construction of Water Treatment Plant (WTP) in Sambalpur district of Rairakhol Forest Division, Odisha subject to fulfillment of the following conditions.

1. The legal status of the forest land so diverted shall remain unchanged.
2. The diverted forest land of 2.023ha shall not be used for any purpose other than specified in the proposal.
3. The User Agency shall pay the cost of approved scheme for planting 10 times of the number of trees to be felled in lieu of the forest area proposed for diversion, preferably in the vicinity of the project site in consultation with the DFO.
4. The user agency shall pay the Net Present Value of the forest land so diverted as per revised rate communicated by the State Government vide letter No.21687/F&E dtd.22.12.2009 pursuant to orders dtd.28.03.2008 and dtd.09.05.2008 of Hon'ble Supreme Court of India in I.A. No. 566 in W.P.(C) No. 202/1995.
5. No other fresh forest land shall be used for construction of this infrastructure project.
6. No labour camps shall be established on the forest land. The labourers to be engaged in the further construction/ maintenance work, if any, shall be provided with the fire wood by the implementing agency by purchasing the same from the depots of the

Odisha Forest Development Corporation Ltd. In the alternative they may also provide LPG to the labourers so engaged.

7. Demarcation of the forest land so diverted, shall be taken up at project cost using four feet high reinforced cement concrete pillars with serial number, forward and backward bearing and distance from pillar to pillar.
8. No project construction/maintenance work shall be allowed after sunset.
9. The permission granted by the State Government shall be subject to monitoring by the Eastern Regional Office, Government of India, MoEF&CC.
10. The User Agency shall be responsible for any loss to the flora/ fauna in the surroundings and therefore shall take all possible measures to conserve the same. Any damage done in this regard shall be compensated by the User Agency from the project cost as per assessment of the Divisional Forest Officer.
11. The compliance with regard to guidelines of provisions Government of India, MoEF&CC circulars pertaining to the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 shall be ensured.
12. Any other condition that the State Forest Department/ PCCF, Odisha/ RCCF, Sambalpur Circle / Divisional Forest Officer, Rairakhol Forest Division /Eastern Regional Office, MoEF&CC, Government of India may impose from time to time for protection and improvement of flora and fauna in the forest area, shall be complied with by the user agency.
13. The User Agency shall pay evaluated royalty of trees over forest land.
14. The Principal Chief Conservator of Forests (Forest Diversion) & Nodal Officer, FC Act, O/o PCCF, Odisha shall submit monthly report to the Eastern Regional Office, MoEF&CC, Government of India by 5th of every month without fail regarding approval of State Government accorded for use of forest land for the projects included in the general approval order under reference. Besides, six monthly reports for the period ending 30th June and 31st December containing details of all forest land diverted under the general approval by the Ministry along with status of actual utilization of the forest land so diverted for the purpose, shall be submitted to the MoEF&CC, Government of India.

The Divisional Forest Officer, Rairakhol **shall not formally hand over** the forest land to the user agency for the project until the user agency complies with the stipulation No. 3, 4,

7 and 11 along with furnishing undertakings pertaining to other relevant conditions imposed above. The DFO, Rairakhol Forest Division may be asked to supervise the further construction/ maintenance work and any deviation to the stipulations mentioned above by the User Agency shall be reported by him to the PCCF, Odisha/ State Government/ Eastern Regional Office, MoEF&CC along with action taken report.

The compliance to condition No.3, 4, 7 and 11 may be reported to State Government for reference.

Yours faithfully,

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15/10/2020

Special Secretary to Government

Memo No. 15 875 /F&E Date 15/10/2020

Copy forwarded to Assistant Inspector General of Forests, Govt. of India, Ministry of Environment & Forest and Climate Change, (F.C. Division), Indira Paryavaran Bhawan, Jor Bagh, Aliganj Road, New Delhi -110003 for information and necessary action.

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15/10/2020

Special Secretary to Government

Memo No. 15 896 /F&E Date 15/10/2020

Copy along with copy of forest diversion proposal forwarded to Deputy Director General of Forests (Central), Government of India, MoEF&CC, Eastern Regional Office, A/3, Chandrasekharpur, Bhubaneswar for information and necessary action.

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15/10/2020

Special Secretary to Government

Memo No. 15 897 /F&E Date 15/10/2020

Copy forwarded to PR&DW Department/ Water Resources Department/ H&UD Department/ Home Department for kind information and necessary action.

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15/10/2020

Special Secretary to Government

Memo No. 15 898 /F&E Date 15/10/2020

Copy forwarded to PCCF (WL) & Chief Wildlife Warden, Odisha/ Regional Chief Conservator of Forests, Sambalpur Circle/ Divisional Forest Officer, Rairakhol Forest Division for information and necessary action.

Strict supervision may be made by the DFO, Rairakhol Forest Division during further construction/ maintenance of the project. He shall ensure that the User agency complies with stipulations imposed above and makes all compliances as required as per orders of Hon'ble NGT.

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15/10/2020

Special Secretary to Government

Memo No. 15 899 /F&E Date 15/10/2020

Copy forwarded to ST & SC Development Department/ Collector, Sambalpur for information and necessary action.

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15/10/2020

Special Secretary to Government

Memo No. 15300 /F&E Date 15/10/2020

Copy forwarded to the Private Secretary to Hon'ble Minister of Forest & Environment for kind information of Hon'ble Minister.

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15/10/2020

Special Secretary to Government

Memo No. 15301 /F&E Date 15/10/2020

Copy forwarded to Executive Engineer, RWSS Division, Sambalpur, RWSS Division Sambalpur Brooks Hill, Near Stadium, Odisha, Pin-768001 for information and immediate necessary action.

The user agency is asked to take following actions immediately as per orders of Hon'ble National Green Tribunal dt.07.11.2012 in Appeal No.7/2012 communicated by the MOEF, Government vide their letter F. No.7-23/2012-FC dtd.24.07.2013.

- i. *They shall publish the entire forest clearance orders of State Government granted as per general approval accorded by MoEF, Government of India in two widely circulated daily newspapers, one in vernacular language and the other in English language so as to make people aware of the permission granted to the Project for use of forest land for non-forest purposes.*
- ii. *They shall submit the copies of forest clearance orders granted by the State Government to the Heads of local bodies, Panchayats and Municipal bodies along with the relevant offices of the State Government, who in turn shall display the same for 30 days from date of receipt for general information of public.*
- iii. *Detailed action taken in compliance to the above order of State Government shall be intimated to the Collector, Sambalpur/ Divisional Forest Officer, Rairakhol Forest Division/ Regional Chief Conservator of Forests, Sambalpur Circle / PCCF, Odisha/ F&E Department for reference.*

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15/10/2020

Special Secretary to Government

Memo No. 15302 /F&E, Date 15/10/2020

Copy forwarded to the Head, State Portal, I.T. Centre, Odisha Secretariat, Bhubaneswar for information and necessary action. He is requested to upload this letter of State Government in F&E Department in the website of Forest & Environment Department **immediately** for information of all concerned. **This is required in compliance to order of Hon'ble National Green Tribunal dtd.07.11.2012 in Appeal No.7/2012. Hence this may be done unflinchingly.**

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15/10/2020

Special Secretary to Government

Memo No. 15303 /F&E, Date 15/10/2020

Copy forwarded to the Under Secretary to Government, Office Establishment Section, F&E Department for information and necessary action with reference to their letter No.12939/F&E dtd.16.07.2016.

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15/10/2020

Special Secretary to Government