

**GOVERNMENT OF ODISHA**  
**FOREST & ENVIRONMENT DEPARTMENT**

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No. FE-DIV-FLD-0008-2021- 787 /F&E, Bhubaneswar, dated the 12-01-2021

10F (Cons) 293/2016

**ORDER**

Sub: Diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No.NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha.

WHEREAS, the Project Director, National Highway Authority of India, Project Implementation Unit, Badadera, Mandua, Keonjhar, Odisha had applied for diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No.NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha.

And whereas, the Ministry of Environment, Forests and Climate Change (hereinafter referred to as MoEF&CC), Government of India, Eastern Regional Office, Bhubaneswar had accorded 'Stage-I/ in-principle' approval for diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No.NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha vide its letter No.5-ORA357/2018-BHU dtd.05.12.2018 (Annexure-I).

And whereas, the MoEF&CC, Government of India, Integrated Regional Office, Bhubaneswar in consideration of the compliance of the conditions of the 'in-principle' approval, has accorded Stage-II/ final approval under Section 2 of the Forest (Conservation) Act,1980 for diversion of diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No.NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and



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earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha vide its letter No.5-ORA357/2018-BHU dtd.03.12.2020 (Annexure-II) subject to fulfillment of conditions as stipulated therein.

Now therefore, the Government of Odisha, do hereby allow diversion of above mentioned 176.231 ha. of forest land in favour of user agency as per approved land use pattern subject to fulfillment of the conditions of final forest clearance order as stipulated by the MoEF&CC, Government of India, Integrated Regional Office, Bhubaneswar.

The Collector, Dhenkanal, Collector, Jajpur, Collector, Angul, Divisional Forest Officer, Dhenkanal Forest Division, Divisional Forest Officer, Cuttack Forest Division and Divisional Forest Officer, Angul Forest Division are hereby authorized to handover the forest land coming within their jurisdiction, as has been finally diverted following due procedure of law. Before handing over the forest land to the user agency, it shall be ensured that Net Present Value of forest land for this project as well as for any other projects, belonging to same user agency, is deposited, in full, at applicable rates.

The Divisional Forest Officer, Dhenkanal Forest Division, Divisional Forest Officer, Cuttack Forest Division and Divisional Forest Officer, Angul Forest Division are also directed to monitor compliance to the conditions stipulated for such diversion in the respective forest/Wildlife clearance order and to report violations, if any, to the Nodal Officer, O/o PCCF, Odisha and to the Forest & Environment Department.

Execution of project activities will be subject to availability of all other statutory clearances required under relevant Acts/Rules for this project, deposit of requisite funds and compliance of Court's order, if any.

By order of Governor  
*Lingaraj Otta*  
(Lingaraj Otta)

Special Secretary to Government

Memo No. 788 /F&E, Date 12-01-2021

Copy along with the copy of Annexure-I and Annexure-II as above forwarded to the Principal Chief Conservator of Forests, Odisha for kind information and necessary follow up action.

Appropriate instruction to the Divisional Forest Officer, Dhenkanal Forest Division, Divisional Forest Officer, Cuttack Forest Division, Divisional Forest Officer, Angul Forest Division and User Agency may be imparted for required follow up action at their end. It may be ensured by the Divisional Forest Officers that Net Present Value of the forest land involved in this project of User Agency as well as for any other projects of the same User Agency, is deposited by them in appropriate head of account in State CAMPA in full, at applicable rates. The User Agency may also be instructed to furnish compliance to the conditions of forest clearance pertaining to the project in every quarter to the Divisional Forest Officer, Dhenkanal Forest Division, Divisional Forest Officer, Cuttack Forest Division

and Divisional Forest Officer, Angul Forest Division for facilitating monitoring of compliances.

*d. n. 12/01/2021*  
Special Secretary to Government

Memo No. 789 /F&E, Date 12-01-2021

Copy along with the copy of Annexures as above forwarded to the Asst. Inspector General of Forests, Government of India, MoEF&CC (FC Division), Indira Paryavaran Bhawan, Jor Bagh, Aliganj Road, New Delhi, Pin-110003/ Deputy Director General of Forests (Central), MoEF&CC, Government of India, Integrated Regional Office, A/3, Chandrasekharapur, Bhubaneswar for kind information and necessary follow up action in compliance to the order of Hon'ble NGT dtd.07.11.2012 in Appeal No.7/2012 communicated by the MoEF, Government vide their letter F. No.7-23/2012-FC dtd.24.7.2013.

*d. n. 12/01/2021*  
Special Secretary to Government

Memo No. 790 /F&E, Date 12-01-2021

Copy along with the copy of Annexures as above forwarded to the Principal Chief Conservator of Forests (WL) & Chief Wildlife Warden, Odisha/ Director, Environment, Forest & Environment Department/ Member Secretary, State Pollution Control Board, Odisha for information and necessary action.

*d. n. 12/01/2021*  
Special Secretary to Government

Memo No. 791 /F&E, Date 12-01-2021

Copy along with the copy of Annexures as above forwarded to the Regional Chief Conservator of Forests, Angul Circle / Collector, Dhenkanal / Collector, Cuttack/ Collector, Angul/ Divisional Forest Officer, Dhenkanal Forest Division/ Divisional Forest Officer, Cuttack Forest Division/ Divisional Forest Officer, Angul Forest Division for information and immediate necessary compliance.

It may be ensured by the Divisional Forest Officers that Net Present Value of the forest land involved in this project of User Agency as well as for any other projects of the same User Agency, shall be deposited by them in full at applicable rates in appropriate head of account in State CAMPA before handing over of the forest land to the user agency. Besides, funds, if any, due to be deposited by the user agency in this project shall also be deposited by the project proponent before the forest land is handed over to them. The User Agency may also be instructed to furnish compliance to the conditions of forest/wildlife clearance pertaining to the project in every quarter to the Divisional Forest Officers concerned for facilitating monitoring of compliances by them.

The Divisional Forest Officer, Dhenkanal Forest Division, Divisional Forest Officer, Cuttack Forest Division and Divisional Forest Officer, Angul Forest Division are also instructed to ensure that the direction given to the user agency are executed immediately.

*d. n. 12/01/2021*  
Special Secretary to Government

Memo No. 792 /F&E, Date 12-01-2021

Copy along with the copy of Annexures as above forwarded to the Works Department/ Revenue & Disaster Management Department for information and necessary follow up action.

*d. 21/2021*

Special Secretary to Government

Memo No. 793 /F&E, Date 12-01-2021

Copy along with the copy of Annexures as above forwarded to the Private Secretary to Minister of Forest & Environment Department for kind information of Hon'ble Minister.

*d. 21/2021*

Special Secretary to Government

Memo No. 794 /F&E, Date 12-01-2021

Copy along with the copy of the Annexures forwarded to Project Director, National Highway Authority of India, Project Implementation Unit, Badadera, Mandua, Keonjhar, Pin-758014, Odisha/ Project Director, National Highway Authority of India, Project Implementation Unit, Dhenkanal, Plot No.1768, Near Kalinga Eye Hospital, Dakkhinakali Road, Dhenkanal-759001, Odisha 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 dtd.07.11.2012 in Appeal No.7/2012 communicated by the MoEF, Government of India vide their letter F. No.7-23/2012-FC dtd.24.07.2013.

- i. ***They shall publish the entire forest clearance granted in verbatim along with conditions and safeguards imposed by the Central Government in Stage-I/II forest clearance 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 Central Government/State Government to the Heads of local bodies, Panchayats and Municipal bodies in addition to the relevant offices of the Government, who in turn, has to display the same for 30 days from date of receipt.***
- iii. ***Detailed action taken in compliance to the above order of State Government shall be intimated to the Divisional Forest Officer, Dhenkanal Forest Division/ Divisional Forest Officer, Cuttack Forest Division / Divisional Forest Officer, Angul Forest Division / Regional Chief Conservator of Forests, Angul Circle / Principal Chief Conservator of Forests, Odisha/Forest & Environment Department for reference.***

***Besides the above, the user agency is also asked to deposit Net Present Value of forest land for this project and for any other projects belonging to him in full, if not deposited yet, at applicable rates. Also requisite funds due for deposit by the user agency on account of this project shall also be deposited in State CAMPA Account.***

The user agency shall furnish compliances to the conditions prescribed in the forest/wildlife clearance order to the Divisional Forest Officer, Dhenkanal Forest Division/ Divisional Forest Officer, Cuttack Forest Division /Divisional Forest Officer, Angul Forest Division in every quarter, for the purpose of monitoring by them.

d. 12.1.2021

Special Secretary to Government

Memo No. 795 /F&E, Date 12-01-2021

Copy with copy of Annexures forwarded to the Head, State Portal, I.T. Centre, Odisha Secretariat, Bhubaneswar for information and necessary action. He is requested to upload this order along with its enclosures 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.**

d. 12.1.2021

Special Secretary to Government

Memo No. 796 /F&E, Date 12-01-2021

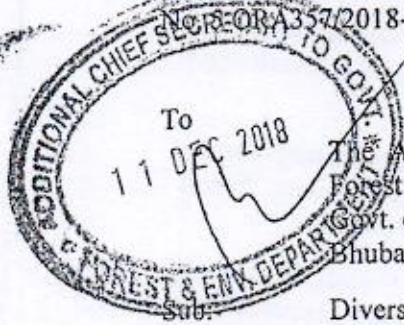
Copy with copy of Annexures forwarded to the Under Secretary to Government, Office Establishment Section, Forest & Environment Department for information and necessary action with reference to their letter No.12939/F&E dtd.16.07.2016.

d. 12.1.2021

Special Secretary to Government



5th December, 2018



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

*Stage-I approval order*

Sub: Diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No.NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha.

Sir,

I am directed to refer to State Govt. letter No10F(Cons)293/2016-14118/F&E dated 27.06.2018, No.18540/F&E dated 25.08.2018 and APCCF (Nodal), Odisha's Memo No.23152 dated 14.11.2018 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 27.11.2018, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No.NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts 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) The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be diverted under this proposal from the user agency 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.5-3/2007-FC dated 05.02.2009 in this regard. While conveying the compliance of this condition, mention be made of the Eco-class and density of forest for which NPV has been charged.
- (iii) At the time of payment of the Net Present Value (NPV) at the present 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.
- (iv) Compensatory afforestation shall be raised with local tree species of at least 6 feet tall sapling over degraded forest land identified in Madhi RF (266.03 ha) and Anantapur RF (86.432 ha & 267.229 ha) under Khamakhyanagar West Range of Dhenkanal Forest Division against the area of forest land proposed to be diverted at the cost of the user agency.

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- (v) State Govt. will implement compensatory afforestation scheme with focused soil & moisture conservation, along with regeneration cleaning, silvicultural activities and shall ensure maintenance of these plantation for a period of seven to ten years as per requirement.
- (vi) A total of 200 meter wide elephant passage should be left without fencing along the elephant corridor and no barbed wire fencing around the rest of the said CA land shall be installed.
- (vii) The existing river flowing adjacent to the C.A. land and the Juang hamlet may also be excluded from the proposed C.A. land, as recommended by the State Forest Department.
- (viii) The C.A. Scheme has been modified with inclusion of live hedge fencing in place of barbed wire fencing of the C.A. land. Hence, excess fund, earlier earmarked for barbed wire fencing may be adjusted towards site specific wildlife conservation plan of the project.
- (ix) 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 State CAF, Odisha through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- (x) The State Govt./Forest Department shall recast its CA Scheme on three sites selected within the fund already calculated without demanding excess fund, with special focus on creation of water bodies, impounding nullas within or adjacent to CA plots for creating water bodies. Accordingly, upto 10% of CA funds should be spent on Research, innovations & monitoring, involving reputed organization like IBRAD, Kolkata to redesign CA Scheme with local species, shrub & grass plantation to involve JFM for better success of CA along with annual monitoring and evaluation plans for assessment of CA's impacts on local environment & ecology.
- (xi) For this proposed 4 lane road, the user agency shall try to increase the number of culverts, humepipe passages, bridges etc. in addition to the already existing ones for earlier 2 lane road and new constructions proposed by the user agency in the diversion proposal to facilitate wildlife movement including amphibians and reptiles.
- (xii) While constructing new and reconstructing/widening the existing culverts, passages etc. the user agency/NHAI authority shall focus on the enhancement of the natural ambience inside and around such passages for adaptability of the structures by the wildlife.
- (xiii) 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 migration of fishes & amphibians.
- (xiv) State Govt. shall take up plantation of locally regenerating fruit and flower bearing trees at least 6 feet height sapling, double the number of trees to be felled from non-forest land of the project alignment at the cost of user agency as proposed by State Govt., degraded forest land on both sides of this road near site of diversion, if available, otherwise on degraded forest land elsewhere. The details of the same are to be intimated to the Regional Office. The scheme may be recast and cost may also be accordingly revised since it is yet to be implemented.



- (xv) As proposed by the State Govt., the site specific wildlife conservation plan shall be prepared taking note of suggestion/observation of CWLW, Odisha for protection and conservation of wildlife in the area. Additional mitigative measures, as would be required for ensuring smooth movement of wild elephants in the area shall also be included in the SSWLCP. The plan shall be approved by the CWLW, Odisha in consultation with Regional Office and implemented at project cost.
- (xvi) The boundary of the forest land proposed to be diverted shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, distance from adjoining pillars etc. The cost of expenditure like RCC/ stone pillars, demarcation charges, charges for felling of trees and their transportation to depots shall be deposited with DFOs concerned and the work should be undertaken departmentally as per directions of Ministry's letter No.13-20/2015-CAMPA dated 09.06.2016.
- (xvii) The State Forest Department/UA shall submit the surveyed sketch of degraded forest land identified for CA, giving the forward and backward bearing of each demarcation pillar and distance between them. The State Forest Department/User Agency shall submit the DGPS reading of each demarcated pillar giving the latitude and the longitude.
- (xviii) The user agency shall use fly ash for the road construction and for filling up of void created due to soil burrows 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.
- (xix) 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.
- (xx) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- (xxi) No labour camp shall be allowed in the forest area.
- (xxii) The user agency shall provide LPG, to labourers working at the site to avoid damage/tree felling and ensure no fuelwood use.
- (xxiii) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- (xxiv) 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 the prior approval of Ministry of Environment, Forest & Climate Change.
- (xxv) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- (xxvi) The State Government shall complete settlement of rights, in term of the Scheduled Tribes and 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 05.02.2013 and 05.07.2013, in support thereof. The user agency shall submit original FRA certificates before issue of Stage-II approval.



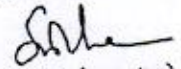


(xxvii) Any other conditions that the Ministry of Environment, Forests & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.

(xxviii) 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.

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. 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 guideline issued vide Ministry letter No. 11-306/2014-FC dated 28.08.2015.

Yours faithfully,



(S. Mohapatra)

Conservator of Forests (Central)

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 Principal Chief Conservator of Forests, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
3. The Addl. Principal Chief Conservator of Forests & Nodal Officer, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
4. The Project Director, National Highway Authority of India, Project Implementation Unit, Dhenkanal, Plot No.1768, Near Kalinga Eye Hospital, Dakkhinkali Road, Dhenkanal-759001, Keonjhar-758014, Odisha
5. Guard file.

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Conservator of Forests (Central)

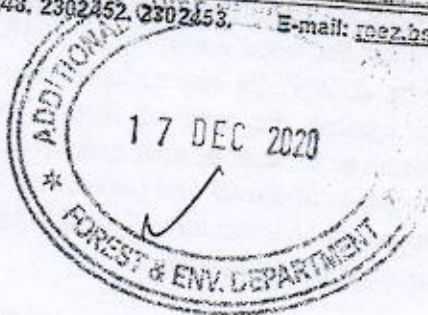


Telephone: 0674 - 2301213, 2302432, 2301248, 2302452, 2302453. E-mail: [reez.bsr-mef@nic.in](mailto:reez.bsr-mef@nic.in)

No. 5-ORA357/2018-BHU

To ✓

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



3<sup>rd</sup> December, 2020

Sub:-

Diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No. NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha.

Madam,

I am to refer to State Govt. letter No. 10F(Cons)293/2016-14118/F&E dated 27.06.2018, No.18540/F&E dated 25.08.2018 and APCCF (Nodal), Odisha's Memo No.23152 dated 14.11.2018/10F(Cons)77/2018-9207/F&E dated 20.04.2018 and No.13724/F&E dated 21.06.2018, wherein prior approval of the Ministry of Environment, Forest & Climate Change for diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No. NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder, 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 the decision of the Regional Empowered Committee meeting held on 27.11.2018, the in-principle approval for diversion of the said forest land was accorded by Ministry vide this office letter of even number dated 05.12.2018, subject to fulfillment of certain conditions. The Nodal Officer of the State Government has furnished 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), Odisha vide their letter No. 16082/9F(Road)-330/2018 dated 11.09.2020 and uploading of the Stage-I compliance report in *Parivesh* web portal on 02.12.2020, *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 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No. NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha, subject to the fulfillment of the following conditions:-

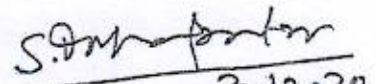
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*18/12/2020*

- i) Legal status of the diverted forest land shall remain unchanged.
- ii) Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
- iii) Compensatory afforestation shall be raised with local tree species of at least 6 feet tall sapling over degraded forest land identified in Madhi RF (266.03 ha) and Anantapur RF (86.432 ha & 267.229 ha) under Khamakhyanagar West Range of Dhenkanal Forest Division against the area of forest land proposed to be diverted as per approved plan/scheme at the cost of user agency within a period of three years with effect from the date of issue of approval and maintained thereafter in accordance with the approved plan. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- iv) The user agency shall deposit the differential cost of Compensatory Afforestation & Addl. Compensatory Afforestation amount of Rs. 58,54,900/- (Rs. 31,67,500/- +Rs. 26,87,400/-) in CAMPA Account before handed over to the user agency. The user agency should be careful for any future reference and may deposit the differential amount, if any to the State Govt.
- v) The user agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under the strict supervision of the State Forest Department and cost of felling of trees shall be deposited by the user agency with the State Forest Department.
- vi) For this proposed 4 lane road, the user agency shall try to increase the number of culverts, hume pipe passages, bridges etc. in addition to the already existing ones for earlier 2 lane road and new constructions proposed by the user agency in the diversion proposal to facilitate wildlife movement including amphibians and reptiles.
- vii) While constructing new and reconstructing/widening the existing culverts, passages etc. the user agency/NHAI authority shall focus on the enhancement of the natural ambience inside and around such passages for adaptability of the structures by the wildlife.
- 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 migration of fishes & amphibians.
- ix) State Govt. shall take up plantation of locally regenerating fruit and flower bearing trees at least 6 feet height sapling, double the number of trees to be felled from non-forest land of the project alignment at the cost of user agency as proposed by State Govt., on degraded forest land on both sides of this road near site of diversion, if available, otherwise on degraded forest land elsewhere. The details of the same are to be intimated to the Regional Office. The scheme may be recast and cost may also be accordingly revised since it is yet to be implemented.
- x) The State Govt. shall implement the Site Specific Wildlife Conservation Plan duly approved by CWLW, Odisha at the project cost. Additional mitigative measures, as would be required for ensuring smooth movement of wild elephants in the area shall also be included in the SSWLCP. A copy of the Site Specific Wildlife Conservation Plan to be submitted to Eastern Regional Office, MoEF&CC for record.

- xi) In case the widening of the road is to be done in areas already having adequate clearance, trees shall not be cut. Any tree felling shall be done only when it is unavoidable under strict supervision of the State Forest Department.
- xii) 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.
- xiii) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificates from the concerned District Collector.
- xiv) The user agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- xv) Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.
- xvi) The user agency shall provide suitable under/ over pass in Protected Area/ Forest Area as per recommendations of CWLW/ NBWL/ FAC/ REC.
- xvii) The user agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable.
- xviii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xix) No labour camp shall be established on the forest land.
- xx) Sufficient firewood, preferably the alternate fuel, shall be provided by the user agency to the labourers after purchasing the same from the State Forest Department or Forest Development Corporation or any other legal source of alternate fuel.
- xxi) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the direction of the concerned DFO.
- xxii) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- xxiii) 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.
- xxiv) The forest land shall not be used for any purpose other than that specified in the project proposal.
- xxv) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
- xxvi) The user agency shall submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and Eastern Regional Office of this Ministry.

- xxvii) 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.
- xxviii) 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. The State Govt. shall ensure compliance of all the above conditions.
- xxix) Violation of any of these conditions will be dealt as per Para 1.21 (iii) 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.

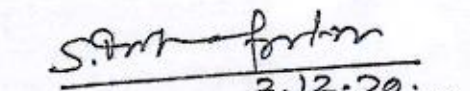
Yours faithfully,

  
3.12.20  
(Subrat Mohapatra)

Dy. Director General of Forests (C)

Copy to:-

1. The Principal Chief Conservator of Forests & Nodal Officer, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
2. The Divisional Forest Officer, Cuttack/ Dhenkanal Forest Division, Cuttack/ Dhenkanal, Odisha.
3. The Project Director, National Highway Authority of India, Project Implementation Unit, Dhenkanal, Plot No.1768, Near Kalinga Eye Hospital, Dakkhinkali Road, Dhenkanal-759001, Keonjhar-758014, Odisha
4. Guard file.

  
3.12.20  
Dy. Director General of Forests (C)