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GOVERNMENT OF ANDHRA PRADESH**FOREST DEPARTMENT**

From
Sri N. Prateep Kumar, I.F.S.,
Prl. Chief Conservator of Forests &
Head of Forest Force,
Andhra Pradesh, Nagarampalem
Guntur -522004.

To
The Secretary to Government,
Environment, Forests, Science
and Technology Department,
Andhra Pradesh Secretariat,
Velagapudi.

Rc.no.267/2017/FCA-3, Dated:26/02/2021

Sir,

Sub:APFD – F (C)Act, 1980 – Diversion of 2.55 ha. of forest land in WLM,
- Proddatur Division for up-gradation of NH-67 from Km 589/000 to 641/000 i.e. from Mydukur to Dornala "T" junction to two lane with paved shoulders in the State of Andhra Pradesh under NHDP-IV in f/o Executive Engineer (R&B) NH Division, Kadapa- Stage –I accorded – Condition-wise compliance report submitted – Reg.

Ref: 1. GoI, MoEF &CC, RO, Chennai F.No. 4-APB050/2018-CHN /1436,
- dated: 06-09-2018.
2. PCCF & HoFF , A.P., Guntur Rc. no. 267/2017/FCA-3, dated:
12.09.2018.
3. APCCF , Kurnool Rc. no. 428/2017-TO, dated: 01.07.2019.

* * *

It is submitted that, the Government of India in the reference^{1st} cited have accorded Stage-I approval for diversion of 2.55 ha. of forest land in WLM, Proddatur Division for up-gradation of NH-67 from Km 589/000 to 641/000 i.e. from Mydukur to Dornala "T" junction to two lane with paved shoulders in the State of Andhra Pradesh under NHDP-IV in f/o Executive Engineer (R&B) NH Division, Kadapa with certain conditions stipulated therein and requested to furnish the compliance report for according final approval for the project.

Accordingly, the Addl. Principal Chief Conservator of Forests /Conservator of Forests, Kurnool in the reference ^{3rd} cited has submitted the condition-wise compliance report on the conditions stipulated by the Government of India.

The condition-wise compliance report is as follows.

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Sl.no	Condition stipulated by GoI, Ir., dated : 06.09.2018	Compliance on condition
i)	The Legal status of the diverted forest land shall remain unchanged.	The legal status of the forest land proposed for the diversion will remain unchanged. The user agency has furnished an undertaking to this effect.
ii)	Demarcation of the proposed forest area shall be carried out by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters by the user agency.	The user agency has furnished an undertaking that the demarcation of the proposed forest area will be done by erecting 4 feet high cement concrete pillars duly numbering at an interval of 20 meters as per the specifications before Stag -II approval. Copy enclosed.
iii)	The State Forest Department shall carryout the Compensatory Afforestation (CA) over 5.42 ha. of degraded forest area in compartment no. 75 in Kamalapuram Block-III RF Kamalapuram Beat, Proddatur Range at the cost of the user agency.	The compensatory Afforestation (CA) to an extent of 5.42 ha. will be taken up @ 1111 no. plants per ha. at an espacement of 3m. x 3m. in the identified degraded forest area in compartment no. 75, Kamalapuram Block-III Reserve Forest, kamalapuram Beat, Proddatur Range of Proddatur (WL) Division at the cost of the user agency..
iv)	The State Forest Department shall carry out penal compensatory Afforestation (PCA) in nearby degraded forest area over an extent of 2.00 ha. at the cost of the user agency. The State Government shall furnish the PCA scheme and the map of such degraded forest land along with DGPS co-ordinates, along with the compliance report.	The Penal Compensatory Afforestation (PCA) to an extent of 2.00 ha. will be taken up @1111 no. plants per ha. at an espacement of 3m. x 3m. in the identified degraded forest area in compartment no. 323, Gopavaram Reserve Forest, Valleruvaripalli beat, Badvel Range of Proddatur (WL) Division.
v)	The work in violation of	The user agency deposited the following

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	Forest (Conservation) Act, 1980 carried out by the user agency without the prior approval of the competent authority in the State shall be dealt under the provisions of Section -3 (B) of the Ministry's guidelines dated: 29.01.2018. The State Government shall inform the Regional Office, Chennai about the details of action taken in compliance of the same. The Prl. Chief Conservator of Forests , AP shall not issue any work permit etc., without ensuring compliance to the conditions stipulated in Sec -3 (B) of the above guidelines.	amount in compliance to the work in violation carried out without the prior approval of competent authority in the State under provision and conditions stipulated in Section-3 (B) of the Ministry's guidelines dated: 29.01.2018.	
		a) Date of violation noticed	21.01.2017
		b) Extent of violation	2.00 ha.
		c) NPV value of forest land per ha.	8.030 lakh.
		d) Total elapsed period from the date of violation	1 Year 10 months
		e) Total NPV for the area of violation from the date of violation	₹29.440 lakh.
		f) Five times of the NPV value	₹147.200 lakh.
		g) 12% of simple interest for a period of	₹32.384 lakh.

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			violation i.e. 1 year 10 months	
		h)	Total penalty for violation	₹179.584 lakh.
		i)	Since the subject project comes under public utility project of the Government of Andhra Pradesh, hence as per Section 3(B) Para2, 20 % penalty is proposed	₹35.920 lakh.
		<p>The User agency has deposited an amount of ₹. 35.920 lakh by generating challan through the Ministry's web portal to the AP CAMPA A/c no. 150596126324924, Corporation Bank (CORP0000371), Lodhi Complex Branch, Block -II, CGO Complex, Phase-I Lodhi Road, New Delhi.</p> <p>With regard to the compliance on point no. (iii) & (iv) of Section 3 (B) of the Ministry's guidelines dt. 29.012018 a report has been submitted to Government in PCCF & HoFF , A.P., Guntur Rc. no. 267/2017/FCA-3, dated: 21.07.2019 (copy enclosed for ready reference) stating that, the user agency has carried out the work in the interest of public which resulted in violation of Forest (Conservation) Act, 1980. In order to regulate the work, proposals has been initiated under Forest (Conservation) Act, 1980 and works have been stopped till the clearance is accorded by GoI under Section-2 of the Forest (Conservation) Act, 1980. Accordingly, the Government of India has also</p>		

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		<p>accorded Stage –I approval</p> <p>Further, it is also submitted that, since the road work is carried out for smooth and safe traffic flow to reduce the casualties due to accidents at curves and it is a Government of India project, it is requested to review the action to be taken on the officers of the Forest Department as well as user agency and further action may please be dropped.</p>
vi)	The State Government shall ensure that no such violation shall take place in future and shall send a communication / directive to all the Government agencies in this regard	Instructions will be issued to all the government agencies to ensure that no such violation takes place in the future.
vii)	The State Government shall charge the Net Present Value of the diverted forest land measuring 2.55 ha. from the User Agency as per the orders of the Hon'ble Supreme Court dated 28.03.2008 and 09.05.2008 in IA nos. 826 in 566 with related IA's in Writ Petition (Civil) no.202/1995.	The user agency has paid an amount of ₹20.477 lakh towards Net present Value (NPV) of the proposed diverted forest land measuring 2.55 ha. by generating challan through the Ministry's web portal to the AP CAMPA A/c no. 150596126324924, Corporation Bank (CORP0000371), Lodhi Complex Branch, Block –II, CGO Complex, Phase-I, Lodhi Road, New Delhi-110003.
viii)	Additional amount of the Net Present value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the state Government from the User Agency. User Agency shall furnish an under taking to this effect.	The user agency has given an undertaking on payment of additional amount of the Net Present Value (NPV) of the diverted forest land if any, that is due after revision of the same by the Hon'ble Supreme Court of India in future. Copy enclosed.
ix)	The funds received from:	The user agency paid an amount of ₹158.884

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	the User Agency towards Compensatory Afforestation, Net Present Value under this project shall be deposited in the respective bank account of the Andhra Pradesh State CAMPA. The user agency shall compulsorily deposit the NPV and other levies, only by generating challan through the ministry's website.	lakh by generating challan through the ministry's web portal to the AP CAMPA Account A/c no. 150596126324924, Corporation Bank (CORP0000371), Lodhi Complex Branch, Block-II, CGO Complex, Phase-I, Lodhi Road, New Delhi -110003. The details as follows.	
		Item	Area (in ha.) Amount (₹ in lakh)
		CA	5.42 81.877
		PCA	2.00 20.610
		NPV	2.55 20.477
		Penalty for violation (As per Sec. 3(B) of F(C) Act, 1980	2.00 35.920
		Total	158.884
x)	Whenever feasible the State Forest Department shall carry out translocation of trees instead of resorting to felling, as the cost of	No trees in the proposed diversion forest land which required for felling. Hence, the translocation of trees instead of felling does not arise.	

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	user agency	
xi)	Whenever feasible the State Forest Department shall carry out translocation of trees instead of resorting to felling, as the cost of the user agency	The reply furnished against condition no.10 above holds good.
xii)	Felling of trees on the forest land being diverted shall be kept redacted to the bare minimum and the feelings shall be carried out under the strict supervision of the State Forest Department.	No trees in the proposed diversion of forest land, which require felling.
xiii)	The user agency shall construct retaining walls and check walls wherever required, in consultation with the DFO concerned, at the project cost	The user agency has furnished an undertaking that they will construct retaining walls and check walls wherever required. Copy enclosed.
xiv)	The construction of culverts / bridges, if any, over the natural streams/rivers/canals shall be done in such a manner that it does not hamper the natural course of water, does not give rise to water logging, and also does not hamper movement of wild animals.	The user agency has submitted an undertaking that they would construct culverts / bridges, if any over streams/rivers/canals in such a manner that it does not hamper the natural course of water, does not give rise to water logging and also does not hamper movement of wild animals. Copy enclosed.
xv)	Roadside cutting and fillings which require engineering support shall be provided as per the instructions of the DFO concerned so as to stabilize the soil	The user agency has submitted an undertaking that they would provide engineering support and follow the instructions of Divisional Forest Officer wherever road aide cuttings and filling done to stabilize the soil. Copy enclosed.
xvi)	The dug out material/	The user agency has submitted an undertaking

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	overburden shall be dumped outside the forest area. Storage of any material shall not be done in the forest area proposed for diversion	that the dugout material / overburden will be dumped at outside the forest area and will not store any material in the forest area proposed for diversion. Copy enclosed.
xvii)	The user agency shall arrange to raise strip plantation on either side of the road and also on the central verge at the project cost and maintain the same for 10 years or till the planted trees get established whichever is later.	The user agency has submitted an undertaking that they would raise strip plantation on either side of the road and also on the central verge at their cost and maintain the same for 10 years or till the planted trees get established . Copy enclosed.
xviii)	Speed breakers shall be provided on the road within the wildlife areas/ wildlife crossings and signage boards shall be provided at frequent intervals at the project cost.	The user agency has submitted an undertaking that the speed breakers would be provided on the road within the wildlife area/wildlife crossings and signage boards will be provided as frequent intervals at the project cost. Copy enclosed.
xix)	Since the subject proposal is reported to be falling within the Eco-sensitive zone of the Sri Penusila Narasimha Wildlife sanctuary, the user agency will obtain wildlife clearance from the competent authority before execution of the project.	At the time of submitting the proposals the proposed diverted forest area is passing at a distance of 4.75 Km. away from the boundary of Sri Penusila Narasimha Wildlife Sanctuary. Since the Eco-sensitive Zone of Wildlife Sanctuary was not notified, hence the default limit of 10 Km was taken into consideration. But the Eco-Sensitive Zone of Sri Penusila Narasimha Wildlife sanctuary is notified vide Notification no. 25, dated: 03.01.2018 from 2 to 5 Km from the boundary of Wildlife Sanctuary. The proposed diverted forest area does not falls in the notified Eco-Sensitive Zone of Sir Penusila Narasimha Wildlife Sanctuary. Hence clearance from the national Board for Wildlife of India is not required.
xx)	The layout plan of the proposals shall not be changed without the prior approval of the Central Government.	The user agency has given an undertaking that the layout plan of the proposal would not be changed without prior approval of the Central Government. Copy enclosed.

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xxi)	The user agency shall provide fire wood preferably alternate fuel to laborers working at the site to avoid tree felling..	The user agency has furnished an undertaking that alternate fuel/fire wood would be provided to the laborers working at the site and no trees will be felled to meet the requirements. Copy enclosed.
xxii)	Disturbance shall be kept minimum by creating labour camps outside the forest area as far as possible and it shall be the responsibility of the user agency to ensure that the laborers and staff engaged in execution of work do not destruct nearby forest flora & fauna	The user agency has furnished an undertaking and agreed to the conditions that minimum disturbance would be ensured by providing labor camps outside the forest area. The user agency assured to take the responsibility of ensuring that the laborers and staff engaged in execution of work do not destruct nearby forest flora and fauna. Copy enclosed.
xxiii)	The total forest area utilized for the project shall not exceed 2.55 ha. and the forest area diverted shall not be used for any purpose other than those shown in the diversion proposal. The user agency shall furnish an undertaking to this effect	The user agency has furnished an undertaking that the forest land would be utilized for the project and it shall not exceed 2.55 ha. and also not used for any purpose other than those shown in the diversion proposal. Copy enclosed.
xxiv)	The forest land proposed for diversion shall under no circumstances be transferred/sublet to any other agency, department or person without prior approval of the Central Government	The user agency has furnished an undertaking and agreed to the condition that under any circumstances that forest land proposed for diversion under this project would not be transferred to any other agencies / department/person for any other purpose without prior approval of Central Government. Copy enclosed.
xxv)	The user agency and the State Government shall ensure compliance to the provisions of all Acts, Rules, Regulation and Guidelines of the ministry for the time being in force, as	The user agency has furnished a certificate that they would ensure the compliance of the provisions of all the Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project. Copy enclosed.

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	applicable to the project	
xxvi)	Any other conditions that the Central Government or Additional Principal Chief Conservator of Forests (Central) of Regional office, Chennai 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.	The user agency has furnished an undertaking certificate that they would comply to any other conditions that the Central Government or the Addl. Principal Chief Conservator of Forests (Central) or Regional office, Chennai or State Government may impose from time to time in the interest of Afforestation, conservation and management of flora & fauna in the forest area. Copy enclosed.
xxvii)	The progress of the Compensatory Afforestation as mentioned by the Divisional Forest Officer, Proddatur (WL) Division in S. no. 12 (v) (a) of part -II i.e.225.315 ha. of forest land and 1992.879 ha. of non-forest land shall be monitored by the Circle head and a copy of such monitoring report shall be forwarded to the Regional office to upload the same in the web portal	The Divisional Forest Officer, Proddatur (WL) has stated that the monitoring report on progress of the compensatory Afforestation projects are being done regularly on monthly basis and the reports will be submitted to the higher authorities,
xxviii)	In the event of failure to comply with any of the conditions the User Agency is liable for penal action as decided by the Additional Principal Chief Conservator of Forests (Central), Regional Office, Chennai.	The user agency has furnished an undertaking certificate that in the event of failure to comply with any of the above conditions they would liable for penal action as decided by the Addl. Principal Chief Conservator of Forests (Central, Regional Office, Chennai or State Government. Copy enclosed.

The compliance report in (2) sets is submitted herewith.

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The Government are therefore requested to forward the above Stage-I conditions compliance to the Government of India, MoEF &CC, IRO, Vijayawada for according final (Stage –II) approval of the said project at the earliest.

Encl:- As above

Yours faithfully
N Prateep Kumar
Prl. Chief Conservator of Forests &
Head of Forest Force

Copy to the Conservator of Forests, Kurnool

Copy to the Divisional Forest Officers, WLM, Proddatur for information and necessary action.

Copy to the Executive Engineer (R&B), NH Division, Kadapa for information and necessary action.

Signed by N Prateep Kumar

Date: 26-02-2021 22:53:57

Reason: Approved