

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ

Office of
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡ ರಸ್ತೆ, ಮಲ್ಲೇಶ್ವರಂ,
ಬೆಂಗಳೂರು-560 003.

Aranya Bhavan, 18th Cross,
Malleshwaram, Bengaluru-560 003
Telephone : 080 2334 6472
Email : apccffc@gmail.com

No. A5(2).QRY.CR-01/2015-16

Date: 18-12-2017

Proposal No. FP/KA/ROAD/12889/2015

To,

(ಎಂ: 3464 q proposal)
The Additional Chief Secretary to Government
Forest, Environment and Ecology Department
M.S. Building
Bengaluru - 560 001.

Sir,

Sub: Diversion of 0.304 ha (revised from 0.307 ha) of forest land in Sy. No. 44A (old Sy. No. 2A) of Baleguli Village in Ankola Taluk, Uttara Kannada District for construction / formation of approach road to crusher site located in block Number 1, 2A, 2B and 3 having Survey numbers 1/1, 1/2 , 34 & 1/3 respectively, of Baleguli Village in favour of Sri Narayan D. Nayak, M/s. Shanthika Crushers. Ankola-reg.

- Ref: 1. Online proposal dated 18-01-2016 (resubmitted) of the Sri. Narayan D. Nayak, M/s. Shanthika Crushers Ankola.
2. This office online communication dated 14-03-2016 to Deputy Conservator of Forests, Karwar Division.
3. Online submission of PART-II and replies to Circle queries by Deputy Conservator of Forests, Karwar Division to Chief Conservator of Forests, Kanara Circle, Sirsi on 31-03-2017 & 27-10-2017.
4. Online submission of PART-III and replies to Nodal Officer queries by the Chief Conservator of Forests, Kanara Circle, Sirsi to Nodal Officer on 21-07-2017 (letter No.B2/GFL/CR-01/2017-18 dated 18-07-2017) & 30-10-2017 (letter No.B2/GFL/CR-01/2017-18 dated 21-10-2017).

* * * * *

Sri Narayan D. Nayak, M/s. Shanthika Crushers, Ankola vide reference (1) has submitted a proposal through web portal mode for diversion of 0.307 ha of forest land in Sy. No. 44A (old Sy. No. 2A) of Baleguli Village in Ankola Taluk, Uttara Kannada District for formation of approach road to proposed crusher site located in block¹ No. 1, 2A, 2B and 3 of Baleguli Village for obtaining approval under Forest (Conservation) Act, 1980. Accordingly, a communication through online was made by Nodal Officer vide reference (2) to the Deputy Conservator of Forests, Karwar Division, Karwar and Deputy Commissioner, Uttara Kannada District to process the said proposal and to submit their specific opinion / recommendations.

The Deputy Conservator of Forests, Karwar Division, Karwar vide reference (3) has submitted his online report (PART-II) and replies to Circle office queries along with his Site Inspection Report to Chief Conservator of Forests, Kanara Circle, Sirsi.

In-turn, the Chief Conservator of Forests, Kanara Circle, Sirsi has submitted his report (Part-III) and replies to Nodal Officer- query vide reference (4).

The proposal and the reports of field officers have been examined. The details of the proposal are given below.

project component for which forest land is to be diverted	Sy. No. & Village	Length x width (mtrs)	Extent (in ha)	Status of forest land
Approach road	44A of Baleguli	759.00 x 4.00	0.304	Reserved Forest
Total			0.304	

Note: extent of proposed forest land has been reduced to 0.304 ha from 0.307 ha as per observation of the Chief Conservator of Forests, Kanara Circle, Sirsi.

¹ The site for establishing crusher unit is an enclosure within Baleguli Reserved Forest. The total extent of this enclosure is 1-26 (A-G) or 0.66 ha. According to the Revenue Records the enclosure is divided into four (4) blocks, viz; block No. 1, 2A, 2B and 3. The area of block No.1 consisting of Sy.No.1/1 is 0-18 (A-G) or 0.18 ha, similarly, area of block No.2A consisting of Sy.No.1/2 is 0-20 (A-G) or 0.20 ha, area of block No.2B consisting of Sy.No.34 is 0-12 (A-G) or 0.12 ha, and area of block No.3 consisting of Sy.No.1/3 is 0-16 (A-G) or 0.16 ha.

The Deputy Conservator of Forests, Karwar Division, Karwar has inspected the project spot on 22-03-2017 and 07-05-2017 and stated as follows.

1. The proposed area is part of Reserved Forest and is barest minimum & unavoidable for the project.
2. The area has 9 trees of different species and 3 bamboo clumps consisting of 33 culms at the time of inspection with small bushes. Enumeration list of the same is enclosed.
3. The proposed forest area falls under Eco-Class-I, Open Moist deciduous dense forest with density 0.6.
4. Rare / endangered species of flora like *Moullava spicata*, *Hopea wightiana*, *Garcinia indica*, etc., and wild fauna like Gaur, Leopard Cat, Sloth bear, Sambar, Spotted deer, Jackal, King Cobra, etc., are there in the proposed area and list of the same is enclosed.
5. There are no protected / archeological / heritage sites / defence sites located in the proposed area.
6. The proposed forest area does not form part of any Wildlife Sanctuary, National Park, Biosphere Reserve, Tiger Reserve or Elephant corridor, etc.
7. The forest is partly vulnerable for erosion.
8. There is no violation reported under Forest Conservation Act, 1980.

The Deputy Commissioner, Uttara Kannada District, Karwar vide Certificate dated 08-02-2017 has stated that no suitable non-forest land is available in Baleguli Village of Ankola Taluk to grant land for the purpose of approach road to the proposed stone crusher site at Baleguli village.

The Chief Conservator of Forests, Kanara Circle, Sirsi has also inspected the site on 07-05-2017, and has recommended the proposal for acceptance, duly agreeing with the recommendations of the Deputy Conservator of Forests, Karwar Division, Karwar. In his report (reference 4), he has *inter alia* stated the following.

The proposed area has Mango Cashew, Neral, Bamboo and Kindal trees and old kacha (forest) path. This path (was) probably created during logging work long back, now (is) not in use. In the proposed forest area, there are specific fauna, viz, Panther is reported at the surrounding locality and unique species of flora are not found. There is no alternative land available for this purpose and is minimum and essential.

Further, in response to this office online communication dated 30-08-2017 the Chief Conservator of Forests, Kanara Circle, Sirsi has also submitted following information.

- a) As far as source of raw material is concerned, a copy of Agreement dated 04-09-2017 between the User Agency and Suppliers (Third party) for supply of granite boulders has been submitted and the said quarry site (supplier) is at Annigeri village in Navalagunda Taluk of Dharwad District, at a distance of about 160 km.
- b) Revenue Records like copies of RTCs and Mutation Register showing the ownership of User Agency with respect to Sy. No. 1, 2A, 2B & 3 (where the stone crusher is to be located) alongwith revenue maps.
- c) A copy of letter dated 14-08-2015 issued by the Deputy Director, Mines and Geology Department, Uttara Kannada District, Karwar addressed to User Agency as per the decision taken in the District Crusher Licensing and Controlling Authority chaired by the Deputy Commissioner, Uttara Kannada District is enclosed. **However, the District level committee has not yet permitted the establishment of Crushing Unit in the said location, as the approach road to the applied area was passing through the forest area. It was decided to obtain the forest clearance for the approach road first.**

The forest area proposed for diversion is less than 1.00 ha and is governed by Para 3.2 (viii) (b) of Government of India FC guidelines which provides exemption from Compensatory Afforestation (CA), however mandates planting of ten times the number of trees likely to be felled. Further, User Agency has submitted an Undertaking to bear the cost of Compensatory Afforestation vide dated 29-01-2016 (copy enclosed). **The User Agency in present case is a private entity and hence the proposal is required to be submitted to the Government of India for considering approval under the Forest (Conservation) Act, 1980.**

Further, the User Agency has to pay the Net Present Value (NPV) of forest land being diverted under this proposal as per conditions stipulated by Government of India, Ministry of Environment and Forests, New Delhi vide letter No. 11-9/98-FC dated 13-02-2014 and Orders dated 28-3-2008 and

9-5-2008 of the Hon'ble Supreme Court of India in I.A.No.826 in I.A.566 in WP(C) No. 202/1995. In this regard User Agency has submitted an Undertaking to bear the cost of Net Present Value (NPV) vide dated 29-01-2016.

With regard to compliance of Forests Rights Act 2006, the User Agency has furnished copy of requisite Certificate No.R.B/For/CR-164/2016-17 dated 08-02-2017 in Form-I issued by the Deputy Commissioner, Uttara Kannada District as per guidelines issued by Ministry of Environment and Forest, New Delhi vide letter No.11-9/1198-FC(Pt) dated 03-08-2009/05-07-2013.

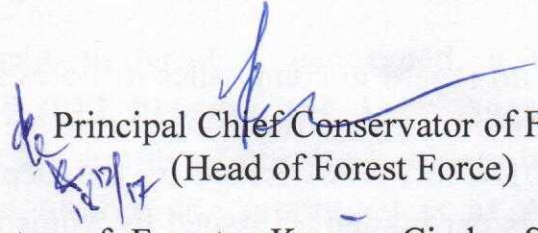
The present FC proposal is for diversion of 0.304 ha of forest land for the proposed approach road and involves establishment of a stone crushing unit in a small parcel of private land (enclosure) surrounded by Reserved Forest area. The impact of stone crushing unit located within a forest area (in the Western Ghats Zone in proximity of coastal region) needs to be considered. Further, site inspection report dated 22-03-2017 of the Deputy Conservator of Forests, Karwar Division mentions presence of wild animals in the region. Impact of noise as well as the dust generated from the crusher Unit (which is not yet established) and the movement of stone loaded lorries on the forest flora & fauna and soil erosion in this high rainfall area must be taken into consideration.

While considering the instant proposal, the adverse impact of the following needs to be kept in view on the forest flora and fauna, and the local water streams: 1) the proposal involves establishing a stone crushing unit inside a Reserved forest; 2) stone for the crushing unit will be procured and transported over a distance of 160 km from Navalgund taluk in Dharward district; 3) the forest enclosure, where the crusher is proposed is small in area (1 Acre 26 Gunta); 4) access to the crushing unit is to be provided through Reserved Forest for bringing-in the stones and boulders and then for transporting crushed stones from the crusher; 5) the Reserved forest is in high rainfall zone in Western Ghats area and subject to erosion from movement of stone laden lorries inside forest; and, 6) impact on the wildlife like leopard, gaur, sambar, sloth bear etc.

Accordingly, it is submitted that in view of the high potential of adverse impact of the proposal on the conservation status of the said Reserved Forest and Wildlife, the proposal may not be approved under the Forest Conservation Act, 1980.

The proforma particulars along with the relevant documents in 3 sets are submitted herewith for kind perusal and further action.

Yours faithfully,

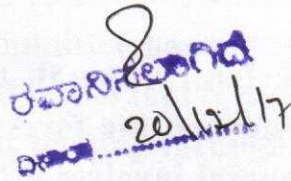

Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the Chief Conservator of Forests, Kanara Circle, Sirsi for necessary action.

Copy with compliments to the Deputy Commissioner, Uttara Kannada District, Karwar for information & necessary action.

Copy to the Deputy Conservator of Forests, Karwar Division, Karwar for necessary action.

Copy to Sri. Narayan D. S/o D.N. Nayak, Laxmeshwara, Ankola-581314 Uttara Kannada District for information & necessary action.


20/12/17

PART - IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.

(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).

Submitted with a recommendation for **rejection** of the proposal for diversion of 0.304 ha (revised from 0.307 ha) of forest land in Sy. No. 44A (old Sy. No. 2A) of Baleguli Village in Ankola Taluk, Uttara Kannada District for construction / formation of approach road to crusher site (yet to be established) located in forest enclosures consisting of Block Number 1, 2A, 2B and 3 having Survey Number 1/1, 1/2, 34 & 1/3, respectively of Baleguli Village in favour of Sri Narayan D. Nayak, M/s. Shanthika Crushers, Ankola under the Forest (Conservation) Act, 1980.

Signature:

Name:

Designation:

JAGMOHAN SHARMA, IFS.,

**Additional Principal Chief Conservator of Forests
(Forest Conservation) and
Nodal Officer (FCA)**

(Official Seal):

Counter signed by :

Name:

Designation:

K.S. SUGARA, IFS.,

**Principal Chief Conservator of Forests
(Head of Forest Force)**

(Official Seal):

N.D.O. No: 30/2017-18.

Date: 19-12-2017.

D: A5(2)/QRY/Shanthika Crushers 0.307 ha.

