

**PART - IV**

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

<p>Detailed opinion &amp; specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.</p> <p>(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).</p>	<p>Recommended for diversion of 0.809 ha. of forest land in Sy.No.124/P1 of Agargandi-Poopadikatte (Maninalkuru) Village, Bantwala Taluk, D.K. District for construction of Gram Panchayath office in favour of the Panchayath Development Officer, Maninalkuru Gram Panchayath, Dakshina Kannada District under the Forest (Conservation) Act, 1980 subject to the specific conditions &amp; conditions appended in Annexure 'A'.</p>
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Signature:

Name:

Designation:

*P. ANUR REDDY, IFS.,*

Nodal Officer &

Additional Principal Chief Conservator of Forests  
(Forest Conservation) Bangalore.

(Official Seal):

Counter signed by :

Name:

Designation:

*R.S. SURESH, IFS.,*

Principal Chief Conservator of Forests  
(Head of Forest Force) Bangalore.

(Official Seal):

N.D.O. No: 42/2016-17.

Date: 22-03-2017.

D/A5(2) / Mangaluru/ Maninalkuru 0.809 ha.



C.No.18223

No.A5(2).GFL.CR-20/2016-17

Proposal No. FP/KA/Others/21722/2016

(2nd 3 sets)

Office of the

Principal Chief Conservator of Forests

(Head of Forest Force)

Aranya Bhavan, Malleshwaram,

Bengaluru - 560 003, dated 22-03-2017.

To

The Additional Chief Secretary to Government,  
Forest, Environment and Ecology Department,  
M.S. Building,  
Bengaluru - 560 001.

Sir,

Sub: Diversion of 0.809 ha. of forest land in Sy.No.124/P1 of Agargandi-Poopadikatte (Maninalkuru) Village, Bantwala Taluk, D.K. District for construction of Gram Panchayath office in favour of the Panchayath Development Officer, Maninalkuru Gram Panchayath, Dakshina Kannada District-reg.

- Ref: 1. Letter No. FP/KA/Others/21722/2016 dated 04-10-2016 of the Panchayath Development Officer, Maninalkuru Gram Panchayath, Dakshina Kannada District.
2. This office communication dated 29-12-2016.
3. Letter No. A3/Mis-88/P.K.JA.M/FC/ Road/FC/2016-17 dated 06-03-2017 of the Chief Conservator of Forests, Mangaluru Circle, Mangaluru.
4. Letter No. Land Section/Mis-225/FC/Panchayath Building/2016-17 dated 16-02-2017 & 28-02-2017 of the Deputy Conservator of Forests, Mangaluru Division, Mangaluru.
5. Online submission of proposal / reply by the Chief Conservator of Forests, Mangaluru Circle dated 06-03-2017.

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The Panchayat Development Officer, Maninalkuru Gram Panchayath, Dakshina Kannada District vide letter under reference (1) above has submitted a

proposal (through web portal mode) for diversion of 0.809 ha. of forest land in Sy.No.124/P1 of Agargandi-Poopadikatte (Maninalkuru) Village, Bantwala Taluk, D.K. District for construction of Gram Panchayath office in favour of the Panchayath Development Officer, Maninalkuru Gram Panchayath, Dakshina Kannada District for obtaining approval under Forest (Conservation) Act, 1980. Accordingly, communication through online was made to the concerned Deputy Conservator of Forests, Mangaluru Division Chief Conservator of Forests, Mangaluru Circle & the Deputy Commissioner, Mangaluru District to process the said proposal and to submit their specific opinion / recommendations. In response, the Deputy Conservator of Forests, Mangaluru Division & Chief Conservator of Forests, Mangaluru Circle has processed the proposal for diversion of 0.809 ha. of forest land and submitted report vide letters cited under reference (3, 4 & 5) above.

The details of the proposal are as follows:

Purpose-wise break-up of the total land required.			
Sl.No.	Purpose-wise breakup	Sy.No. & Village	Extent (in ha.)
1.	Gram Panchayat Office Maninalkuru	124/P Maninalkuru	0.809
	Total		0.809 ha.
However, User Agency / field officers have not furnished layout plan showing the purpose-wise breakup of area required.			

The Deputy Conservator of Forests, Mangaluru Division, Mangaluru has inspected the project spot on 31-01-2017 and stated as follows:

1. Yes, the proposed area is barest minimum & unavoidable as stated.
2. There are 113 trees of different species standing in the area and out of which 95 trees are Cashew. Abstract of enumeration list of trees enclosed.
3. The proposed forest area falls under Eco-class-I, Dense Deciduous forest.
4. There are no rare / endangered / unique species of flora and fauna in the proposed area. However wild animals like wild boar and ungulates found in the forest area.

5. There are no protected / archeological / heritage sites / defence no such protected 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 not vulnerable to erosion.
8. There is no violation reported under Forest Conservation Act, 1980.

The forest area proposed is less than 1.00 ha. As per Para 3.2 (viii) (b) of FC Rules 2003 there is exemption for raising Compensatory Afforestation (CA). However, since there are 113 trees of different species exist and which needs to be felled (over 0.809 ha. area), the Chief Conservator of Forests, Mangaluru Circle, Mangaluru has proposed for Compensatory plantation over 1.00 ha. degraded forest area in Kalanjimale RF and submitted location map of the proposed area. However, he has not submitted Compensatory Afforestation scheme for the same, which may be insisted while processing the proposal for compliance of conditions to be stipulated by MoEF in Stage-I approval. Further User Agency has also agreed to pay the charges of Compensatory Afforestation as per the norms by furnishing an undertaking.

The Chief Conservator of Forests, Mangaluru Circle, Mangaluru has recommended the proposal in form-'A' Part III for acceptance duly agreeing with the recommendations of the Deputy Conservator of Forests, Mangaluru Division, Mangaluru, since the project is for the public.

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. The User Agency has given necessary undertaking to pay the Net Present Value towards 0.809 ha. of forest land proposed for diversion.

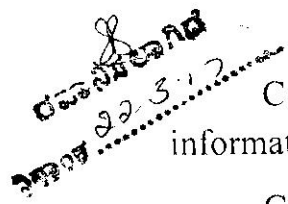
With regard to compliance of Recognition of Forests Rights (ROFR) Act 2006, the User Agency has not furnished copies Requisite certificates as per guidelines issued by Ministry of Environment and Forest, New Delhi vide letter No. 11-9/1198-FC(Pt) dated 03-08-2009/05-07-2013 both in Form-I / II.

Under the above circumstances, while agreeing with recommendation of the field officers it is requested to kindly move this proposal with the Government of India, MoEF, Regional Office, Bengaluru for considering in-principle (Stage-I) approval for diversion of 0.809 ha. of forest land in Sy.No.124/P1 of Agargandi-Poopadikatte (Maninalkuru) Village, Bantwala Taluk, D.K. District for construction of Gram Panchayath office in favour of the Panchayath Development Officer, Maninalkuru Gram Panchayath, Dakshina Kannada District under the Forest (Conservation) Act, 1980 subject to the specific condition that the User Agency shall submit Forest Rights Act, 2006 clearance Certificate before issuance of final approval by Ministry of Environment, Forests & Climate Change, Government of India and general conditions appended in Annexure 'A'.

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), Bengaluru.

  
Copy to the Chief Conservator of Forests, Mangaluru Circle, Mangaluru for information & necessary action.


Copy to the Deputy Conservator of Forests, Mangaluru Division, Mangaluru for information & necessary action.

Copy to the Panchayat Development Officer, Maninalkuru Gram Panchayat, Dakshina Kannada District-574 211 for information & necessary action.

### ANNEXURE 'A'

1. The legal status of Forest land shall remain unchanged and it shall continue to be as forest land.
2. The lessee shall pay lease rent as fixed by the Govt. from time to time.
3. The lease tenure is for a period of 20 (twenty) years.
4. The leased out area should be used for the purpose for which it is granted. In case the land is not used for the stipulated purpose within one year or when it is no longer needed for the stipulated purpose, the area should be resumed to the Forest Department under Section 82 of Karnataka Forest Act, 1963. The concerned Chief Conservator of Forests / Deputy Conservator of Forests is authorized to take necessary action in this regard.
5. No residential buildings shall be permitted in the proposed forest area.
6. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
7. Compensatory Afforestation shall be raised over 1.00 ha. of forest area as identified, at the cost of User Agency, at the rate prevailing at the time of approval (at present it is Rs.2,55,000/- per ha.) or any extent as approved by the Ministry of Environment and Forests.
8. The User Agency has to pay the Net Present Value (NPV) of forest land diverted under this proposal as per Orders dated 28-3-2008 and 9-5-2008 of the Hon'ble Supreme Court of India.
9. The User Agency shall pay the charges towards felling/extraction and transportation of trees for execution of the project in accordance with the estimate prepared by the Deputy Conservator of Forests, Mangaluru Division.

10. The User Agency shall ensure that there should be no damage to the available fauna and other flora.
11. No labor camp shall be established on the forest land.
12. All waste / debris generated shall be scientifically disposed off outside the forest area.
13. Any damage to forest area due to such works shall be compensated by the User Agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
14. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
15. The User Agency shall also abide by all the conditions imposed upon by Government of India, the Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force).

  
Principal Chief Conservator of Forests  
(Head of Forest Force), Bengaluru.  
22/11

