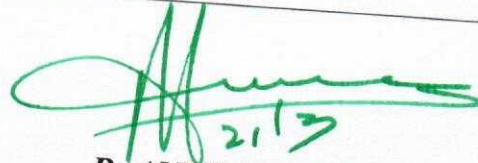


PART - IV

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

<p>Detailed opinion & 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 0.808 ha. of forest land in Sy.No.268 of Paduvari Village, Udupi Taluk & District for construction of road passing through Baidur RF Extension Block, Kundapura Forest Division in favour of the Executive Engineer, Public Works, Port and Inland Water Transportation Department, Udupi under the Forest (Conservation) Act, 1980 subject to the 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.

de
20/3/17

(Official Seal):

Counter signed by :
Name:
Designation:



R.S. SURESH, IFS.,
Principal Chief Conservator of Forests
(Head of Forest Force) Bangalore.

de
20/3/17

(Official Seal):

N.D.O. No: **43** /2016-17.

Date: **22-03-2017.**

D: A5(2)/ Mangaluru/ Paduvari 0.808 ha.



C.No.17003

No. A5(2).GFL.CR-04/2016-17
Proposal No. FP/KA/ROAD/19488/2016
(encl: 3 sets)

Office of the
Principal Chief Conservator of Forests
(Head of Forest Force),
Aranya Bhavan, Malleshwaram,
Bengaluru - 560 003, dated 20-03-2017.

To

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

Sir,

Sub: Diversion of 0.808 ha. of forest land in Sy.No.268 of Paduvari Village, Udupi Taluk & District for construction of road passing through Baindur RF Extension Block, Kundapura Forest Division in favour of the Executive Engineer, Public Works, Port and Inland Water Transportation Department, Udupi-reg.

- Ref: 1. Letter No. FP/KA/ROAD/19488/2016 dated 18-05-2016 of the Executive Engineer, Rural Drinking water Supply and Sanitation Department, Mangaluru.
2. This office communication dated 28-02-2017.
3. Letter No. A3/Mis-92/Paduvari Road/FC/2016-17 dated 08-03-2017 of the Chief Conservator of Forests, Mangaluru Circle, Mangaluru.
4. Letter No. DMN/Mis-48/FLD/Road/2016-17 dated 08-03-2017 of the Deputy Conservator of Forests, Kundapur Division, Kundapur.
5. Online submission of proposal / reply by the Chief Conservator of Forests, Mangaluru Circle dated 06-03-2017.

* * * * *

The Executive Engineer, Public Works, Port and Inland Water Transportation Department, Udupi vide letter under reference (1) above has submitted a proposal (through web portal mode) for diversion of 0.808 ha. of forest

land in Sy.No.268 of Paduvari Village, Udupi Taluk & District for construction of road passing through Baindur RF Extension Block, Kundapura Forest Division in favour of the Executive Engineer, Public Works, Port and Inland Water Transportation Department, Udupi for obtaining approval under Forest (Conservation) Act, 1980. Accordingly, communication through online was made to the concerned Deputy Conservator of Forests, Kundapur Division Chief Conservator of Forests, Mangaluru Circle & the Deputy Commissioner, Udupi District to process the said proposal and to submit their specific opinion / recommendations. In response, the Deputy Conservator of Forests, Kundapur Division & Chief Conservator of Forests, Mangaluru Circle has processed the proposal for diversion of 0.808 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	Length x width (mts)	Extent (in ha.)
1.	Approach Road	268 Paduvari	2155.00 x 3.75	0.808
Total				0.808 ha.

The Deputy Conservator of Forests, Kundapur Division, Kundapur has inspected the project spot on 10-02-2017 and stated as follows:

1. The diversion of forest land is unavoidable and barest minimum for the construction of approach road to sunset point which exist in Byndoor extension block Ottinane, Paduvari Village, Kundapura Taluk
2. The proposed area has no trees.
3. The proposed forest area falls under Eco-class-I with open forest.
4. There are no rare / endangered / unique species of flora and fauna in the proposed area. However, it is also stated that wild animals like wild pig, peacock, fox etc. are present in and around the area proposed.

5. There are no protected / archeological / heritage sites / defence / establishments 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. Chances of erosion are very minimum because area is flat having lateritic surface.
8. There is no violation reported under Forest Conservation Act, 1980.

In the instant case the forest area proposed is less than 1 ha. and as per Para 3.2 (viii) (b) of Forest (Conservation) Rules 2003 there is exemption for raising Compensatory Afforestation (CA). However, User Agency may be asked to pay the charges towards Compensatory Afforestation of around 2.00 ha. in the nearby forest area or along the both sides of approach road to create habitat for avifauna besides shade for visitors, by planting locally dominating species.

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, Kundapur Division, Kundapur.


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 0.808 ha. of forest land proposed for diversion.

With regard to compliance of Recognition of Forests Rights (ROFR) Act 2006, the User Agency has furnished copy of requisite Certificate in Form-I issued by the Deputy Commissioner, Udupi District vide No.LND:PDR.CR.102/2016/E-7953 dated 03-02-2017 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.

Under the above circumstances, while agreeing with recommendation of the field officers, it is requested to issue approval under Section-2 of Forest (Conservation) Act, 1980 for diversion of 0.808 ha. of forest land in Sy.No.268 of Paduvari Village, Udupi Taluk & District for construction of road passing through Baindur RF Extension Block, Kundapura Forest Division in favour of the Executive Engineer, Public Works, Port and Inland Water Transportation Department, Udupi, as per guide lines issued by Government of India, Ministry of Environment, Forests and Climate Change New Delhi vide No. 11-9/98-FC dated 13-02-2014 (General Approval) for a period of 30 years, subject to the 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, Kundapur Division, Kundapur for information & necessary action.

Copy to the Executive Engineer, Public Works, Port and Inland Water Transportation Department, Udupi 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 30 (thirty) 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 2.00 ha. of forest area nearby or along the both sides of approach road as per the guidance / opinion of field officers at the cost of User Agency to provide habitat for avifauna, 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 ensure that there should be no damage to the available fauna and other flora.
10. The User Agency shall pay cost of soil erosion controlling measures, to be carried out at the adjacent forest areas to a width of 100 Mtrs all along the road in accordance with the estimate prepared by the Deputy Conservator of Forests, Kndapur Division.
11. The shoulder drains should be suitably covered with stone pitching in order to control soil erosion.

- 12.No crushing/breaking of stones shall be allowed inside forest area.
Readymade material shall be used for improvement of such road.
- 13.No labor camp shall be established on the forest land.
- 14.All waste / debris generated shall be scientifically disposed off outside the forest area.
- 15.All precautions shall be taken to ensure fire protection to the forest when the road is being laid.
- 16.No work shall be allowed after sunset.
- 17.Any damage to forest area due to such improvement and widening works shall be compensated by the User Agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
- 18.The lessee shall not sub-lease, mortgage & hypothecate the forest area.
- 19.The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act, 1986, if required.
- 20.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.