

No. A5(2).QRY.CR.10/ 2014-15  
Proposal No. FP/KA/QRY/7549/2014

Office of the  
Principal Chief Conservator of Forests  
(Head of Forest Force)  
AranyaBhavana, Malleswaram, 18<sup>th</sup> Cross,  
Bangalore-560 003, dated: 01-10- 2016.

To

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

Sir,

Sub: Diversion of 2.213 ha. (including 0.50 ha. of forest land already diverted & 0.433 ha. of safety zone area) of forest land in Sy.No.78/1P of Padukonaje Village, Marpady Reserve Forest, Mangaluru Taluk, Kundapura Division, for building stone material quarry in favour of M/s. Padma Crushers, Bantwala Taluk, Dakshina Kannada District-reg. (Online Proposal No: FP/KA/QRY/7549/2014).

- Ref: 1) Letter F.No.4-KRB 551/2008-BAN/7828 dated 31-12-2015 of the Ministry of Environment and Forests, Government of India.
- 2) Letter No: FEE 12 FFM 2015 dated 23-01-2016 of the Government of Karnataka.
- 3) This office letter of even number dated 07-01-2016
- 4) Letter No. D.M.N/CR-18/F:D/2014-15 dated 06-08-2016 of the Deputy Conservator of Forests, Kundapura Division, Kundapura.
- 5) Letter No. A3/Quarry/CR-118/2014-15 dated 11-08-2016 of the Chief Conservator of Forests, Mangalore Circle, Mangalore.
- 6) Letter No. Nil dated 26-09-2016 of M/s. Padma Crushers, Bantwala Taluk, Dakshina Kannada District.

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The Government of India vide its letter dated 31-12-2015 under reference (1) above has accorded in-principle (Stage-I) approval for diversion of 2.213 ha.

(including 0.50 ha. of forest land already diverted & 0.433 ha. of safety zone area) of forest land in Sy.No.78/1P of Padukonaje Village, Marpady Reserve Forest, Mangaluru Taluk, Kundapura Division, for building stone material quarry in favour of M/s. Padma Crushers, Bantwala Taluk, Dakshina Kannada District under section 2 of Forest (Conservation) Act, 1980, for a period of **ten (10) years** w.e.f. 02-11-2010, subject to fulfillment of certain conditions. Accordingly, the Government of Karnataka vide its letter dated 23-01-2016 under ref. (2) has directed to submit the compliance report. Accordingly, the field officers were directed to submit the compliance vide this office letter under reference (3).

In response, the Deputy Conservator of Forests, Kundapura Division, Kundapura vide his letter dated 06-08-2016 under reference (4) has submitted the compliance for the conditions stipulated in Stage-I approval as accorded by Ministry of Environment and Forests, Regional Office (Southern Zone), Bangalore and the same was endorsed by the Chief Conservator of Forests, Mangaluru Circle, Mangaluru vide his letter dated 11-08-2016 under reference (5), after having uploaded the proposal through web portal mode and the same is briefed as follows:

Sl. No.	Condition No.	Condition	Compliance submitted by DCF & CCF
1.	(1)	The legal status of forest land shall remain unchanged.	Yes.
2.	(2)	Compensatory Afforestation (CA) over the non-forest land equal in extent to 1.28 ha. of fresh forest land proposed to be utilized for mining and other allied activities shall be raised and maintained by the State Forest Department from funds to be provided by the User Agency.	User Agency has paid an amount of Rs.3.264 lakhs for raising of Compensatory Afforestation

3.	(3)	Non-forest land identified for CA in Sy.No.68/8, 68/2A, 68/1, 68/7, 68/6B, 124/1B & IC of Kabbinala village, Karkala Taluk of Udupi District shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II approval.	An extent of 4.40 acres i.e., 1.78 ha. of non-forest land i.e., Patta land as detailed in Annexure-1 of DCF, report has been transferred in favour of KFD by registering the same on 27-01-2016 in the Sub-Registrar, Karkala. Further, copies of RTCs having mentioned KFD, Kundapur Division in Col.No.9 are also enclosed.
4.	(4)	Non-forest land which is transferred and mutated in favour of the state forest Department for the purpose of CA, shall be declared as Reserved Forest under Section-4 or protected forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section (s) of the local Forest Act. The Nodal Officer must report compliance within a period of 6 months from the dated of grant of final approval and send a copy of the original notification declaring the non-forest land under Section-4 or Section-29 of the Indian Forest Act, 1927 or under the relevant section of the local Forest Act as the case may be, to this Ministry for information and record.	Will be complied.
5.	(5)	The User Agency shall transfer the cost of raising and maintaining the Compensatory Afforestation for a period of 7 years, at the current wage rate, to the State Forest Department.	User Agency has paid an amount of Rs.3.264 lakhs through e-portal mode.

6.	(6)	The State Government shall charge the Net Present Value (NPV) of the forest area diverted under this proposal from the User Agency as per the Orders of the 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.	User Agency has paid an amount of Rs. 13.0249 lakhs towards 1.713 ha. of forest land @ Rs.7.30 lakhs / ha. as they had paid Rs. 3.13 lakhs earlier towards diversion of 0.50 ha.
7.	(7)	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.	Yes, furnished vide undertaking dated 30-07-2016 on Rs.100/- e-Stamp paper.
8.	(8)	The state Government shall assess the area of forest land located within the mining lease which was used for non-forest purposes during different years without obtaining approval under Forest (Conservation) Act, 1980 and intimate the same to the Ministry of Environment and Forests.	Complied and accordingly charges for payments assessed. i.e., for 1.28 ha.
9.	(9)	The State Government shall raise Penal Compensatory Afforestation from the funds to be realized from the User Agency, over degraded forest land double in extent to the forest land utilized for non-purpose without obtaining approval under Forest (Conservation) Act, 1980.	User Agency has paid an amount of Rs. 6.528 lakhs @ Rs. 2.55 lakhs / ha. i.e., $1.28 \times 2 = 2.56$ ha.

10.	(10)	The State Government shall realize from the User Agency Penal NPV @ 20% of the rates applicable on the date of grant of the Stage-I approval, of forest land utilized for non-forest purpose without obtaining approval under the FC Act, 1980, for each year or fraction thereof. (Explanation: In case a patch of forest land has been utilized for non-forest purpose without obtaining approval under the FC Act, 1980, for 3 years, penal NPV to be realized in respect of such forest land will be at the rate of 60% of the rates applicable on the date of grant of Stage-I approval).	User Agency has paid an amount of Rs. 7.4752 lakhs @ Rs. 7.30 ha. lakhs / ha. i.e., $1.28 \times 7.30 = 7.4752$ @ 80% NPV
11.	(11)	The state Government of Karnataka shall initiate necessary action in accordance with the provisions of the Karnataka Forest Act, 1963 against the User Agency for using the forest land for mining purpose without requisite approval from the competent authority. The enquiry in the Forest Offence Case booked against the User Agency shall be completed before grant of the Stage-II approval under the FC Act, 1980, for the said forest land.	The DCF, Kundapur has submitted a copy of his Office Order No.A3/ATA/41/2014-15 (Mudabidre) dated 14-07-2016 having Ordered for confiscation of 3,433 MT building stones extracted unauthorizedly, to the Government, duly imposing compound fee of Rs.49500/- in FOC No.41/2014-15 dated 16-09-2014.
12.	(12)	The name of the officials responsible for the violation of the FC Act, 1980, shall be intimated to Regional Office, Bengaluru for initiating appropriate proceedings under Section-3 A and Section-3 B of	It is reported that since the unit officers have noticed / identified the violation of FC Act, 1980, by User Agency in the initial stage itself and acted upon, matter of accountability of said violation on the officers /

		the FC Act, 1980.	officials of the Department does not arise.
13.	(13)	<p>Following activities shall be under taken by the User Agency at the project cost:-</p> <ol style="list-style-type: none"> <li>A plan containing appropriate mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented.</li> <li>Planting of adequate drought hardly plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion.</li> <li>Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour.</li> <li>Stabilize the overburden dumps by appropriate grading/benching so as to ensure that angles of repose at any given place is less than <math>28^{\circ}</math></li> <li>Strict adherence to the prescribed top soil management.</li> </ol>	User Agency has given an undertaking on the Rs.100/- e-Stamp paper dated 30-07-2016 that they will fulfill all the conditions laid down by the MoEF, Bengaluru in its Stage-I approval dated 31-12-2015.
14.	(14)	The User Agency shall make online payment of cost of CA, Penal Compensatory Afforestation & NPV with Adhoc-CAMPA through e-payment module of Forest clearance portal <a href="http://forestclearance.nic.in">forestclearance.nic.in</a> .	The User Agency has paid necessary charges on 28-03-2016 and 28-07-2016 towards CA, PCA, NPV etc., to the tune of Rs.31,94,705/- through e-payment mode. Necessary copies of challans and e-mail alert of OSMFCP are enclosed.

15.	(15)	The User Agency shall obtain the Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if required.	<p>User Agency has given an undertaking on the Rs.100/- e-Stamp paper dated 30-07-2016 that they will fulfill all the conditions laid down by the MoEF, Bengaluru in its Stage-I approval dated 31-12-2015.</p> <p>Further, User Agency in its letter dated 26-09-2016 has inter alia stated that the said Environmental Clearance Certificate will be submitted in due course of time i.e., after accordance final approval under Forest (Conservation) Act, 1980 as per the practice and prevailing procedure. (Copy enclosed).</p>
16.	(16)	User Agency shall ensure demarcation of boundary of safety zone (7.5 meters strip all along the outer boundary of the mining lease area), and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPS coordinates and deploying adequate number of watchers under the supervision of the State Forest Department.	User Agency has erected 4 feet high RCC pillars at 20 mtrs interval around the proposed forest area wherever possible and also erected fencing along the safety zone.
17.	(17)	In case of mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation / roads should be properly fenced by the User Agency at the project cost to protect the vegetation/regeneration activities in the safety zone.	User Agency has given an undertaking on the Rs.100/- e-Stamp paper dated 30-07-2016 that they will fulfill all the conditions laid down by the MoEF, Bengaluru in its Stage-I approval dated 31-12-2015

18.	(18)	Safety Zone shall be maintained as green belt around the mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the User Agency at the project cost under the supervision of State Forest Department.	It is reported that since the safety zone area is rocky in nature, greenery cannot be achieved / taken up.
19.	(19)	Afforestation on degraded forest land, to be selected elsewhere measuring one and half times the area of forest land under safety zone shall also be done by the User Agency at the project cost under the supervision of the State Forest Department.	User Agency paid an amount of Rs.1.65495 lakhs towards 1.5 times of safety zone area i.e., $0.433 \times 1.5 = 0.6495$ ha.
20.	(20)	User Agency either itself or through the State Forest Department shall undertake gap planting and soil and moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any located in the area within 100 m. from outer perimeter of the mining lease.	User Agency has given an undertaking on the Rs.100/- e-Stamp paper dated 30-07-2016 that they will fulfill all the conditions laid down by the MoEF, Bengaluru in its Stage-I approval dated 31-12-2015.
21.	(21)	The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, Government of Karnataka and APCCF, (Central), Ministry of Environment and Forests,	

		Regional Office (Southern Zone), Bengaluru. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the APCCF, (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.	
22.	(22)	Adequate care shall be taken to check any rolling of over-burdens / dumps beyond diverted area and also to check soil erosion caused due to quarrying activities.	User Agency has given an undertaking on the Rs.100/- e-Stamp paper dated 30-07-2016 that they will fulfill all the conditions laid down by the MoEF, Bengaluru in its Stage-I approval dated 31-12-2015.
23.	(23)	No labour camp shall be established on the forest land.	
24.	(24)	The User Agency shall provide firewood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas.	
25.	(25)	The boundary of the mining lease and safety zone shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar, before Stage-II approval.	Complied as stated at Sl.No.16 above
26.	(26)	The forest land shall not be used for any purpose other than that specified in the proposal.	User Agency has given an undertaking on the Rs.100/- e-Stamp paper dated 30-07-2016

27.	(27)	Any other condition that the APCCF, (Central), Ministry of Environment and Forests, Regional Office (Southern Zone), Bengaluru may impose from time for protection, improvement of flora and fauna in the forest area and public convenience, shall also be applicable.	that they will fulfill all the conditions laid down by the MoEF, Bengaluru in its Stage-I approval dated 31-12-2015.
28.	(28)	The User Agency and state Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and guidelines, for the time being in force, as applicable to the project.	Noted by User Agency.
29.	(29)	Any other condition that the APCCF, (Central), Ministry of Environment and Forests, Regional Office (Southern Zone), Bengaluru after receipt of the compliance report on the fulfillment of the above conditions from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be effected by the state Government till formal order approving the diversion of forest land is issued by the Central Government. This in-principle approval shall be valid for a period of five years. In the event of non-compliance of the above conditions, this in-principle approval shall automatically stand revoked after five years.	Noted by User Agency.

Under the above circumstances, while enclosing copies of letters mentioned at ref. (4, 5, & 6) above, it is requested to move the matter with the Government of India, Ministry of Environment and Forests & Climate Change, Regional Office, Bangalore for according final approval (Stage-II) for diversion of 2.213 ha. (including 0.50 ha. of forest land already diverted & 0.433 ha. of safety zone area) of forest land in Sy.No.78/1P of Padukonaje Village, Marpady Reserve Forest, Mangaluru Taluk, Kundapura Division, for building stone material quarry in favour of M/s. Padma Crushers, Bantwala Taluk, Dakshina Kannada District. (Online Proposal No: FP/KA/QRY/7549/2014) under the Forest (Conservation) Act, 1980.

This is for your kind information.

Yours faithfully,


DRAFT APPROVED BY PCCF (HOFF)

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

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

Copy to the Deputy Conservator of Forests, Kundapura Division, Kundapura for information and necessary action.

Copy to M/s. Padma Crushers C/o. Padma Services, P.O.Jodumarga-574 219 Bantwal Taluk, Dakshina Kannada District for information and necessary action.

  
1-10-16