



भारत सरकार

GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE

Regional Office (Southern Zone),

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IInd Block, Koramangala, Bangalore – 560 034,

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**BY SPEED POST**

F.No.4-KRB 551/2008-BAN/1000

Dated the 9<sup>th</sup> November, 2016

To

The Additional Chief Secretary to Government of Karnataka,  
Forest, Ecology & Environment Department,  
M.S.Building, Dr.Ambedkar Veedhi,  
Bangalore – 560 001.

**Subject:** Diversion of 1.78 ha. (Revised 2.213 ha.) of forest land in Padukonaje village, Sy.No.78/IP, Marpady RF, Mangaluru Taluk, Kundapura Division for building stone metal quarry in favour of Padma Crushers.

Sir,

Please refer to the State Government's letter No.FEE 12 FFM 2015 dated 31/03/2015 seeking prior approval of the Central Government in accordance with Section'2' of Forest (Conservation) Act, 1980 for the above project. The in-principle (Stage-I) approval to the project was accorded by the Central Government vide letter of even number dated 31<sup>st</sup> December, 2015, w.e.f. 02.11.2010 for a period of 10 years (i.e., from the date of original approval), subject to fulfillment of the following conditions:-

- (1) The legal status of forest land shall remain unchanged.
- (2) Compensatory Afforestation (CA) over the non-forest land equal in extent to 1.28 ha. of fresh forest land proposed to be utilised 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.
- (3) Non-forest land identified for CA in Sy. 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.
- (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 date 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.



- (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.
- (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 9.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No.5-3/2007-FC dated 5.02.2009 in this regard.
- (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.
- (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.
- (9) The State Government shall raise Penal Compensatory afforestation from the funds to be realised 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.
- (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 Forest (Conservation) 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 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)
- (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 Forest (Conservation) Act, 1980 for the said forest land.
- (12) The name of the officials responsible for the violation of the F(C) Act, 1980 shall be intimated to Regional Office Bangalore for initiating appropriate proceedings under Section-3 A and Section-3 B of the Forest (Conservation) Act, 1980.
- (13) Following activities shall be under taken by the User Agency at the project cost:-
  - (a) A plan containing appropriate mitigative measures to minimise soil erosion and choking of streams shall be prepared and implemented.



- (b) Planting of adequate drought hardly plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion.
  - (c) Construction of check dams, retention/ toe walls to arrest sliding down of the excavated material along the contour.
  - (d) Stabilize the overburden dumps by appropriate grading/ benching so as to ensure that angles of repose at any given place is less than  $28^{\circ}$
  - (d) Strict adherence to the prescribed top soil management.
- (14) The User Agency shall make online payment of cost of CA, Penal CA & Net Present Value with Adhoc- CAMPA through e-payment module of Forest Clearance portal- [forestclearance.nic.in](http://forestclearance.nic.in).
  - (15) The User agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
  - (16) User Agency shall ensure demarcation of boundary of safety Zone (7.5 metre 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.
  - (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.
  - (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.
  - (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.
  - (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.
  - (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 Additional Principal Chief



Conservator of Forests (Central), Ministry of Environment and Forests, Regional Office (Southern Zone), Bangalore. 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 Additional Principal Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.

- (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.
- (23) No labour camp shall be established on the forest land.
- (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) 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.
- (26) The forest land shall not be used for any purpose other than that specified in the proposal.
- (27) Any other condition that the Addl. P.C.C.F. (Central), Regional Office, Bangalore may impose from time to time for protection, improvement of flora and fauna in the forest area and public convenience, shall also be applicable.
- (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.
- (29) Violation of any of the conditions shall invite penal action, as deemed fit by the Additional Principal Chief Conservator of Forests (Central), Regional Office, Bangalore.

The State Government vide letter No.FEE 12 FFM 2015 dated 20/10/2016 have reported compliance/ acceptance to the conditions stipulated by the Central Government in the in-principle approval.

After careful consideration of the proposal of the State Government, I am directed to convey Central Government's approval (**Stage-II**) under Section'2' of Forest (Conservation) Act, 1980 for diversion of 2.213 ha. of forest land in Padukonaje village, Sy.No.78/IP, Marpady RF, Mangaluru Taluk, Kundapura Division of Dakshina Kannada District for building stone metal quarry in favour of Padma Crushers, Bantwala, for a period of 10 years w.e.f. 02/11/2010, subject to the following additional conditions:-

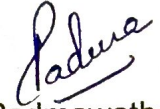
- (i) The Compensatory Afforestation (CA) shall be raised over 1.28 ha. of identified non-forest land in Sy. 68/8, 68/2A, 68/1, 68/7, 68/6B, 124/1B & 124/1C of Kabbinala



village, Karkala Taluk of Udupi District land at the cost of User Agency. The State Government shall obtain prior permission of Central Government for any change of Compensatory Afforestation site.

- (ii) The Non-forest land for Compensatory afforestation shall be notified by the State Government as RF/PF under Indian Forest Act, 1927 or the State Forest Act within a period of 6 months and Nodal Officer (FCA) shall report the compliance within 6 months.
- (iii) Handing and taking over of land and commencement of work in the land shall be done within a period of two year from the date of issue of Stage-II approval. The forest land shall be used only for the purpose for which it is diverted.
- (iv) The GPS readings and location map of the degraded forest land selected for raising Penal Compensatory Afforestation shall be communicated to this office within 30 days of transfer of the forest land.
- (v) Violation of any of the conditions shall invite penal action, as deemed fit by the Additional Principal Chief Conservator of Forests (Central), Regional Office, Bangalore

Yours faithfully,

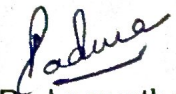


(R. Padmawathe)

Deputy Conservator of Forests (Central)

Copy to:-

1. The Director General of Forests & Special Secretary to Govt. of India, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Agni Wing, Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. The Principal Chief Conservator of Forests (HoFF), Forests Department, Govt. of Karnataka, Aranya Bhavan, 18<sup>th</sup> Cross, Malleswaram, Bangalore – 560 003.
3. The Additional Principal Chief Conservator of Forests/Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forests Department, Govt. of Karnataka, Aranya Bhavan, 18<sup>th</sup> Cross, Malleswaram, Bangalore – 560 003.
4. M/s Padma Crushers, Padma Services (IOCL Dealers), Post- Jodumarga – 574 219, B.C. Road, T.Q. Bantwal, Dakshina Kannada (Karnataka).
5. Guard file.



(R. Padmawathe)

Deputy Conservator of Forests (Central)

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