

GOVERNMENT OF ANDHRA PRADESH
(R&B) NATIONAL HIGHWAYS

From
Sri S Obul Reddy.,
Executive Engineer (R&B),
N.H Division Kadapa

To
The Divisional Forest Officer,
Proddatur (WL) Division,
YSR Kadapa District.

Lr.No. NH-67/ Mydukur to Dornala T Junc/NH KDP/Supdt./2018-19 dt: .06.2019

Sir,

Sub: Diversion of 2.55 ha Forest Land in WLM, Proddatur Division for up-gradation of NH-67 from Km.589/000 to 641/000 i.e from Mydukur to Dornala T Junction to two lane with paved shoulders in the State of Andhra Pradesh under NHDP-IV in favour of Executive Engineer, (R&B) NH Division, Kadapa – Stage-I accorded by GOI- Compliance report submitted- Reg.

Ref : 1.MoEF, Govt. of India, Chennai, F. No. 4-APB050/2018-CHN/1436,dt.06-09-2018.

2.Rc.No.3093/2010-P8 Dt:01/10/2018 from DFO Proddatur(WL) Division.

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With reference to 1st cited above, Govt of India has accorded in-principle (stage-I) approval for the subject mentioned diversion proposal.

Further, vide ref 2nd cited, communication and demand notice along with conditions for compliance to award final (Stage-II) approval has been received.

Adverting to the demand notice issued by your office vide ref 2nd cited, an amount of Rs.1,58,88,400 /- has been remitted to ANDHRA PRADESH CAMPA, Corporation Bank Account No.150596126324924 IFSC Code:COPR0000371 on 15.04.2019.

In view of the above, I hereby submit point wise compliance to the conditions for compliance communicated by the above referred letters as hereunder:

S.No	GOI Stipulated Conditions	Compliance
I.	Legal status of the diverted forest land shall remain unchanged ;	: It is submitted that the legal status of the diverted forest land will remain unchanged.
II.	The demarcation of the proposed forest area shall be carried out by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters at the cost of User Agency.	: It is submitted that demarcation of the proposed forest area will be carried out by erecting 4 feet high concrete pillars duly numbered at an interval of 20 meters.
III.	The state forest department shall carry out Compensatory afforestation (CA) over 5.42 ha of degraded forest	: It is submitted that as per the demand notice issued by Forest Department, an amount of Rs.81.877 lakhs has been

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	area in Compt No.75 in Kamalapuram Block-III RF, Kamalapuram Beat, Proddatur Range at the cost of the user agency.		deposited to Andhra Pradesh CAMPA on 15.04.19 towards Compensatory afforestation(CA) over 5.42 ha of degraded forest area in Compt No.75 in Kamalapuram Block-III RF, Kamalapuram Beat, Proddatur Range
IV.	The state forest department shall carry out Penal Compensatory Afforestation (PCA) in near by degraded forest area over an extent of 2.00 ha at the cost of the user agency. The state Government shall furnish the PCA scheme and the map of such degraded forest land along with DGPS coordinates, along with the compliance report.	:	It is submitted that as per the demand notice issued by Forest Department, an amount of Rs.20.610 lakhs has been deposited to Andhra Pradesh CAMPA on 15.04.19 towards Penal Compensatory Afforestation (PCA) in degraded forest area over an extent of 2.00 ha.
V.	The work in violation of Forest (Conservation) Act, 1980 carried out by the user agency without prior approval of the competent authority in the state shall be dealt under the provisions of section 3(B) of the Ministry's guideline dated 29.01.2018. The state government shall inform the Regional Office, Chennai about the details of action taken in compliance of the same. The PCCF Andhra Pradesh shall not issue any work permit etc. without ensuring compliance to the conditions stipulated in Sec 3(B) of the above guideline :	:	It is submitted that widening of the existing road in forest area commenced due to lack of knowledge about forest Forest Acts and guidelines which resulted in violation for which we have paid penalty as per AP Forest Act. As soon as the Divisional Forest Officer, WLM, Proddatur Division informed to stop the work, the work was stopped from the next minute. No work was done since then and applied for diversion proposals to an extent of 2.55 Ha as per F(C)Act, 1980 and submitted in MoEF Portal vide FP/AP/ROAD/26324/2017, dated:24.05.17 Before submission of the proposals under F(C) Act, 1980, no standing trees was felled in the forest stretch. Penalty u/s 20 (i), c(ii), (iii), (iv) & (x) of AP Forest Act, 1967 was also paid and no violation was done after submitting the proposal. Hence this case comes under Section 3(A) as per F.No. 11-42/2017-FC, Dt. 29.01.2018 of MoEF (FC Division) New Delhi instead of 3(B). However, we have also paid penalty for violation as per section 3(B) of as per F.No. 11-42/2017-FC, Dt. 29.01.2018 of MoEF (FC Division) New Delhi.
VI.	The State Government shall ensure that no such violation shall take place in future and shall send a communication/directive to all the Government agencies in this regard ;	:	It is submitted that we hereby undertake to ensure no such violation will take place in future.

VII.	The state Govt. shall charge the Net Present Value (NPV) of the diverted forest land measuring 2.55 Ha from user agency as per the orders of the Hon'ble Supreme Court dated 28-3-2008 and 9-5-2008 in IA No's 826 in 566 with related IA's in Writ Petition (Civil) No. 202/1995.		It is submitted that as per the demand notice issued by Forest Department, an amount of Rs.20.477 lakhs has been deposited to Andhra Pradesh CAMPA on 15.04.19 towards Net Present Value (NPV).
VIII.	Additional amount of the Net Present Value(NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble supreme Court of India in future,shall be charged by the State Government from the user agency. The user agency shall be charged by the State Government from the user agency. The user agency shall furnish an undertaking to this effect.		It is submitted that we hereby undertake to pay additional amount of the Net Present Value(NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble supreme Court of India in future
IX.	The funds received from the User Agency towards Compensatory Afforestation and Net Present Value under this project shall be deposited in the respective bank account of the Andhra Pradesh State CAMPA. <u>The User Agency shall compulsorily deposit the CA and other levies only by generating challan through the Ministry's website</u>	:	It is submitted that as per the demand notice issued by Forest Department, an amount of Rs.1,58,88,400 /- towards the cost of CA and other levies has been deposited in Andhra Pradesh CAMPA by generating challan through the Ministry's website .
X.	Wherever feasible the state Forest Department shall carry out translocation of trees instead of resorting to felling at the cost of user agency.	:	It is submitted that there are no trees in the proposed diversion of forest land which required felling.
XI.	Felling of trees on the forest land being diverted shall be kept reduced to the bare minimum and the felling shall be carried out under the strict supervision of the State Forest Department.	:	It is submitted that there are no trees in the proposed diversion of forest land which required felling.
XII.	The User Agency shall construct retaining walls and check walls wherever required, in consultation with the DFO concerned, at the project cost.	:	It is submitted that, we hereby undertake to construct retaining walls and check walls wherever required, in consultation with the DFO concerned, at the project cost.
XIII.	The construction of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such manner that it does not hamper the natural course of water,	:	It is submitted that, we hereby undertake to construct culverts/bridges, if any, over the natural streams/rivers/canals in such manner that it does not hamper the natural course of water, does not give rise

	does not give rise to water-logging, and also does not hamper movement of wild animals.		to water-logging, and also does not hamper movement of wild animals.
XIV.	Roadside cuttings and fillings which require engineering support shall be provided as per the instructions of the DFO so as to stabilize the soil ;	:	It is submitted that, we hereby undertake to follow instructions of DFO where ever roadside cuttings and fillings which require engineering support so as to stabilize the soil.
XV.	The dug out material/over burden shall be dumped outside the forest area. Storage of any material shall not be done in the forest area proposed for diversion ;	:	It is submitted that dug out/over burden material will be dumped to outside the forest area and will not store any material in the forest area proposed for diversion.
XVI.	The user agency shall arrange to raise strip plantation on either side of the road and also on the central verge at the project cost and maintain the same for 10 years or till the planted trees get established whichever is later ;	:	It is submitted that we will raise strip plantation on either side of the road and also on the central verge at the project cost and maintain the same for 10 years or till the planted trees get established whichever is later.
XVII.	Speed breakers shall be provided on the road within the wildlife areas/wildlife crossings and signage boards shall be provided at frequent intervals at the project cost ;	:	It is submitted that speed breakers will be provided on the road within the wildlife areas/wildlife crossings and signage boards will be provided at frequent intervals at the project cost ;
XVIII.	Since the subject proposal is reported to be falling within Eco-sensitive Zone of the Sri Penusila Narasimha Wildlife Sanctuary, the user agency shall obtain Wildlife clearance from the competent authority before execution of the project;	:	It is submitted that proposal for obtaining Wildlife clearance from the competent authority is already submitted.
XIX.	The layout plan of the proposal shall not be changed without the prior approval of the Central Government ;	:	It is submitted that layout plan of the proposal will not be changed without the prior approval of the Central Government.
XX.	The user agency shall provide fire wood preferably alternative fuel to labourers working at the site to avoid tree felling;	:	It is submitted that no tree will be felled by labourers working at site for alternative fuel.
XXI.	Disturbance shall be kept minimum by creating labour camps outside the forest area as far as possible and it shall be the responsibility of the user agency to ensure that the labourers & staff engaged in execution of work do not destruct nearby forest flora & fauna.	:	It is submitted that all labour camps will be provided outside of the forest area and it is our responsibility to ensure that the labourers & staff engaged in execution of work do not destruct nearby forest flora & fauna.

XXII.	The total forest area utilized for the project shall not exceed 2.55 ha and the forest area diverted shall not be used for any purpose other than those shown in the diversion proposal. User Agency shall furnish an undertaking to this effect	:	It is submitted that the forest area utilized for the project shall not exceed 2.55 ha and also not used for any purpose other than those shown in the diversion proposal.
XXIII.	The forest land proposed for diversion shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.	:	It is submitted that we hereby undertake that forest land proposed for diversion will not be transferred to any other agency, department or person without prior approval of the Central Government.
XXIV.	The User agency and the state government shall ensure compliance to provisions of all the Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project ;	:	It is submitted that we hereby undertake to comply to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project
XXV.	Any other conditions that the Central Government or Addl. PCCF(Central) of Regional Office, Chennai may impose from time to time in the interest of afforestation, conversation and management of flora and fauna in the area, shall be complied by the user agency.	:	It is submitted that we hereby undertake to comply any other conditions that the Central Government or Addl. PCCF(Central) of Regional Office, Chennai may impose from time to time in the interest of afforestation, conversation and management of flora and fauna in the area.
XXVI.	The progress of the compensatory afforestation as mentioned by the DFO Proddatur(WL) Division in SI No.12(v)(a) of Part III i.e 225.315 ha of forest land and 1992.879 ha of non-forest land shall be monitored by the Circle Head and a copy of such monitoring report shall be forwarded to the Regional Officer to upload the same in the web portal. Forest Division in SI No.12(v) (a)&(b) of Part-II i.e 410.32 ha of forest land and 156.20 ha of non forest land shall be monitored by the Circle Head and copy of such monitoring report shall be forwarded to the Regional Office to upload the same in the web portal	:	---
XXVII.	In the event of failure to comply with any of the above conditions the user agency is liable for penal action as decided by the Additional PCCF(Central), Regional Office, Chennai.	:	It is submitted that we hereby undertake that in the event of failure to comply with any of the above conditions, we are liable for penal action as decided by the Additional PCCF(Central), Regional Office, Chennai.

I hereby enclose compliance report along with other enclosures as detailed above, with a request to take further necessary action in this regard at an early date.

Yours faithfully

Encls: Undertakings

76/6/17
Executive Engineer (R&B)
N.H Division, Kadapa

- Copy submitted to Superintending Engineer (R&B) NH Circle ,Anantapuram for information
- Copy submitted to Regional Officer, MoRT&H Vijayawada for information