



GOVERNMENT OF KARNATAKA

No. FEE 52 FLL 2017

Karnataka Government Secretariat,
M.S.Building,
Bengaluru, Dated: 16/05/2017.

From
Additional Chief Secretary to Government,
Forest, Ecology and Environment Department,
M.S.Building, Bengaluru.

To:
Principal Chief Conservator of Forests
(Head of Forests Force),
Aranya Bhavan, Bengaluru-560 034.

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.A5(2)GFL.CR.04/2016-17, dated: 20/22.03.2017 of PCCF(HOFF) Bengaluru.
2.Government of India MoEF letter No.11-9/98-FC, dated:13.02.2014.

I am directed to invite your attention to letter dated: 20/22.03.2017 referred at (1) above, wherein prior approval of the State Government is sought for the above project under the Forest (Conservation) Act, 1980.

After careful consideration of the proposal, I am directed to convey the In- principle Stage-I 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 guidelines issued by Ministry of Environment and Forests, New Delhi vide letter No.11-9/98-FC , dated 13.02.2014 subject to the compliance of following conditions.

1. No work should be commenced by the User Agency on the proposed forest land unless Stage-II approval is obtained after complying with terms and conditions imposed while according Stage-1 approval.
2. The legal status of forest land shall remain unchanged i.e. shall remain Reserved/Protected/Village/Unclassed/Other types of Forests/forest as the case may be.

3. The lessee shall pay lease rent as fixed by the Government from time to time.
4. The lease tenure is for a period of 20 (Twenty) years.
5. The leased out area shall 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 shall be resumed back 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.
6. In case of any violations are committed by the User Agency under any of the Forest Acts and Rules the proposed forest land shall be liable for forfeiture under Section 82 of Karnataka Forest Act, 1963. The concerned Chief Conservator of Forests is authorized to take necessary action in this regard.
7. No residential buildings shall be permitted in the proposed forest area.
8. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
9. The user agency has to pay the Net Present Value(NPV) of forest land 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 28-03-2008 and 9-5-2008 of the Hon`ble Supreme Court of India.
10. 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.
11. The user agency to ensure that there shall be no damage to the available fauna and other flora. The User agency shall be responsible for any loss to the flora / fauna in the surroundings.
12. 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, Kundapura Division.
13. The Shoulder drains should be suitably covered with stone pitching in order to control soil erosion.
14. No crushing / breaking of stones shall be allowed inside forest area. Readymade material shall be used for improvement of such road.
15. No labour camp shall be established on the forest land.

16. 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.
17. All waste / debris generated shall be scientifically disposed of outside the Forest area under the directions / supervision of the Deputy Conservator of Forests.
18. All precautions shall be taken to ensure fire protection to the forest when the road is being laid.
19. No work shall be allowed after sunset.
20. The Lessee shall not sub lease, mortgage or hypothecate the Forest area.
21. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment protection Act, 1986, if required.
22. The permission granted by the State Government shall be subject to the monitoring by the concerned Regional Office of the Ministry of Environment and Forests.
23. The forest land shall not be used for any purpose other than that specified in the proposal. Any change in the land use without prior permission of the Central Government shall amount to the violation of Forest (Conservation) Act, 1980. Request of such changes shall be made to the Regional Office by the Nodal Officer (Forest Conservation) of the State / UT.
24. In case of roads, this General approval shall be applicable only if the requirement of forest land for construction / widening of the entire stretch of the road is not more than 1 ha. Additional diversion of forest land for extension / strengthening of such roads shall not be permitted within next 5 years.
25. Entire process for settlement of rights in accordance with the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 shall be completed before grant of approval for diversion of such forest land.
26. Except for linear projects, consent of Grama Sabha shall be obtained for diversion of forest land.
27. Project shall not affect recognized rights of the primitive tribal communities and pre-agricultural communities.
28. The Nodal Officer (Forest Conservation) shall submit monthly report to the concerned regional office by 5th of every month regularly regarding approval of such cases. In the event of failure, the exercise of power by the State/UT Government to grant such permission may be suspended by the Central Government for a specified period of time or till the information is submitted.
29. The State Forest Department / State Government or the concerned Regional Office may impose from time to time any other condition in the interest of conservation, protection and / or development of forests.

30. The user agency shall abide by all the conditions imposed upon by the Government of India, the Government of Karnataka and the Principal Chief Conservator of Forests (Head of Forest Force).

The compliance report for the above referred proposal may be submitted for further needful action.

Yours faithfully,

L. Sharada 16/5/17
(L.SHARADA)

[Signature]
Under Secretary to Government,
Forest, Ecology and Environment Department.
16/5/2017

Copy to :

The Executive Engineer, Public Works, Port and Inland Water Transportation Department, Udupi-