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भारत सरकार
GOVERNMENT OF INDIA
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
**MINISTRY OF ENVIRONMENT, FOREST
 & CLIMATE CHANGE**



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BY SPEED POST

F.No.4-KLC1368/2022-BAN/

Dated the 31st March, 2023

To

The Additional Chief Secretary,
 Government of Kerala,
 Forest & Wildlife (C) Department,
 Secretariat, Thiruvananthapuram,
 Kerala, PIN - 695 001.

Subject: Diversion of 17.263 ha of forest land for construction of Twin Tunnel with Four Lane Approaches for providing direct connectivity between Anakkampoyil Kalladi - Meppady road in Kozhikode and Wayanad Districts of Kerala in favour of the Executive Engineer, Kerala Public Works Department Roads Division, Kozhikode, Kerala.

Sir,

I am directed to refer to the State Government's letter No. C3/165/2022/F&WLD dated 29/07/2022 and APCCF, Nodal Officer F(C)Act & CEO, CAMPA letter No.3619/2021 dated 07.02.2023 & 24.02.2023 seeking prior approval of the Central Government under Section '2' of the Forest (Conservation) Act, 1980 for the above project.

The proposal was examined by the Regional Empowered Committee constituted under sub-rule (1) of rule 4A of the Forest (Conservation) Rules, 2003 in its meeting held on 28/03/2023.

After careful examination of the proposal of the State Government and on the basis of the approval of the Regional Empowered Committee, **in- principle approval /Stage-I clearance** of the Central Government is hereby granted for diversion of **17.263** ha of forest land for construction of Twin Tunnel with Four Lane Approaches for providing direct connectivity between Anakkampoyil Kalladi - Meppady road in Kozhikode and Wayanad South Division of Kerala in favour of the Executive Engineer, Kerala Public Works Department Roads Division, Kozhikode, Kerala subject to the following conditions:-

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

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1. The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the guideline issued by Ministry vide letter No.5-3/2011-FC (Vol-I) dated 06/01/2022. The requisite funds shall be transferred through online portal into CAMPA account of the State Concerned.
2. Equivalent extent of non-forest land identified for Compensatory Afforestation in various survey numbers of Kollivayal, Chullikkad, Madaparambu & Manalvayal villages of Wayanad District, shall be transferred and mutated in favour of Forest Department. The Non-forest land for Compensatory Afforestation shall be notified as RF/PF by the State Government before the Stage II Clearance. 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 sent to this Ministry for information and record and also uploaded in parivesh portal.
3. The trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
4. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
5. The KML file of the forest area diverted and CA area shall be uploaded on the e-green watch portal with all requisite details and same shall be submitted along with compliance report.
6. The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC dated 3rd August 2009 read with 05.07.2013 with necessary enclosures, in support thereof
7. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.
8. The compliance report shall be uploaded on e-portal(<https://parivesh.nic.in/>)
9. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5- 2/2017-FC dated 28.03.2019.

B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of the diverted forest land shall remain unchanged.
2. Compensatory Afforestation shall be raised over identified non-forest land in Wayanad District, within three years from the date of Stage -II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare shall be planted over identified non-forest land. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in any other

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forests as per prescriptions of approved working plan with provisions for maintenance of ten years.

3. At the time of payment of the Net Present Value (NPV) at the then prevailing 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.
4. The mitigation measures suggested by Chief Wildlife Warden shall be strictly implemented.
5. User Agency shall obtain the Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable.
6. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under the strict supervision of the State Forest Department.
7. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
8. No labour camp shall be established on the forest land by the State Government.
9. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
10. No additional or new paths will be constructed inside the forest area for transportation of construction materials for execution of the project work.
11. Carrying out any non-forestry activity, in the notional land surface area above tunnel, is **not permitted**.
12. The forest land shall not be used for any purpose other than that specified in the project proposal.
13. The total forest area utilized for the project shall not exceed **17.263** ha.
14. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.
15. No damage to the flora and fauna of the adjoining area shall be caused.
16. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
17. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forest in the surrounding area.
18. The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government and Integrated Regional Office, Bangalore by the end of March every year.
19. The user agency shall comply with all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.
20. Any other condition that the Ministry of Environment, Forest and Climate Change may stipulate from time to time in the interest of conservation, protection and development of Forest and Wildlife.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval

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under Section-2 of the Forest (Conservation) Act, 1980.

Further, it may also be noted that this in-principle approval shall be valid for a period of 5 years from the date of issue of this letter. In the event of non-compliance of the above conditions, this in-principle approval shall be revoked after 5 years.

Yours faithfully,

(B.N. Anjan Kumar)

Assistant Inspector General of Forests (Central)

Copy to:-

1. The Inspector General of Forests (ROHQ), 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, Government of Kerala, 'Vanalakshmi', 1st Floor, Forest Headquarters, Vazhuthacaud, Thiruvananthapuram-695 014, Kerala.
3. The Principal Chief Conservator of Forests (Forest Management) & Nodal Officer (FCA), Office of the PCCF, Forest Department, Government of Kerala, 'Vanalakshmi', 1st Floor, Forest Headquarters, Vazhuthacaud, Thiruvananthapuram, PIN- 695 014, Kerala.
4. The Executive Engineer, Kerala Public Works Department Roads Division, Kozhikode, Kerala - 673 020.
5. Guard file.

(B.N. Anjan Kumar)

Assistant Inspector General of Forests (Central)

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31/3/2023