

318196/2022

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ
Office of
Principal Chief Conservator of
Forests
(Head of Forest Force)



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E-office File No. KFD/HOFF/A52K(GFL)/6/2021-FC

E- 449913

Encl: 4 set of compliance report

Date 17-09-2022

To,

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

Sir,

Sub: Diversion of 0.90 Hectare of Forest Land in Survey no 517 A1 of Honnavar town, Uttara Kannada District (Honnavar Forest Division) for Construction of RTO Office and Building in favour of Commissioner for Transport, Shanthi Nagar, Bangalore

Proposal No. FP/KA/Others/124291/2021 [Stage-I approved]

Ref:

1. Government of India, Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Bengaluru letter F.No. 4 KRB 1326/2021-BAN/1249 Dated 05-01-2022 [Stage-I approval]
2. Government of Karnataka letter No. FEE 83 FLL 2021 (e) dated 10-01-2022 [communication of Stage-I approval]
3. This office letter even No. dated 11-01-2022 [communication of Stage-I approval to User Agency and Field officers]
4. Assistant Regional Transport Officer Letter No. ARTO/HNR/Building/2022-23/4845 dated 17-06-2022 [Compliance Report]
5. Deputy Conservator of Forests, Honnavar Division letter No. B2/GFL/FC/CR-05/2021-22 dated 10-08-2022 [Compliance Report to CF, Kanara Circle]
6. Conservator of Forests, Kanara Circle, Sirsi letter No. B2/GFL/RTO/CR-15/2021-22/2157 dated 22-08-2022 [Compliance Report to Nodal Officer]

The Government of India vide ref (1) have accorded 'in-principle' (Stage-I) approval for diversion of 0.90 Hectare of Forest Land in Survey no 517 A1 of Honnavar town, Uttara Kannada District (Honnavar Forest Division) for Construction of RTO Office and Building in favour of Commissioner for Transport, Shanthi Nagar, Bangalore subject to fulfillment of certain conditions.

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The same was forwarded to this office by the Government of Karnataka vide ref (2) with a direction to submit the compliance report of conditions of Stage-I approval.

Accordingly, this office vide ref (3) informed the User Agency and field officers for further action to submit the compliance report in respect of the conditions of Stage-I approval.

In response, the User Agency vide ref (4) has submitted the condition-wise compliance report to the Deputy Conservator of Forests, Honnavar Division, who after verification have submitted the condition wise compliance vide ref (5) to the Conservator of Forests Kanara Circle, Sirsi who has further submitted the same to this office vide ref (6).

Based on the reports received, the status of compliance to the conditions of Stage-I approval is as under.

Stage-I approval condition		Status of Compliance
Conditions which need to be complied prior to handing over of forest land by the State Forest Department.		
1	The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, 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. The requisite funds shall be transferred through online portal into CAMPA account of the State concerned.	The user agency has paid Net Present Value (NPV) of Rs. 9,38,700/- vide UTR No. RBI0692250750989 dated: 09-03-2022. <i>(Total amount transferred under this UTR is Rs. 14,84,700/- which includes NPV and cost of raising plantation of 1:10 times the no. of trees to be felled)</i>
2	Cost of raising plantation (including ten years maintenance) of ten times number of trees to be felled shall be realized from user agency towards compensatory afforestation.	The user agency has paid the cost of raising plantation of 1:10 times the no. of trees to be felled i.e. Rs. 5,46,000/- vide UTR No. RBI0692250750989 dated: 09-03-2022. <i>(Total amount transferred under this UTR is Rs. 14,84,700/- which includes NPV)</i> In the meantime, the cost of raising plantation of 1:10 times the no. of trees to be felled has been revised to Rs. 5.78 lakh w.e.f. 24-05-2022. Therefore, the User Agency will be required to pay the difference amount

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		and is being intimated in this regard.
3	Location of the area (map with DGPS coordinates) identified for raising the plantations shall be furnished along with compliance report	The area identified for raising of plantation is at Bangane F.Sy.No. 33 area 1.00 ha in Kumta Range. DGPS coordinates and map is enclosed. [ANNEXURE- II]
4	All the funds received from the user agency under the project shall be transferred/ deposited in CAMPA account only through e – portal (http://parivesh.nic.in/). amount deposited through other mode will not be accepted as compliance of the stage -1 clearance.	The user agency has paid NPV and the cost of raising plantation of 1:10 times the no. of trees to be felled of. Rs. 14,84,700/- vide UTR No. RBI0692250750989 dated: 09-03-2022.
5	The KML file of the area diverted and CA plantation (ten times no. of trees to be felled) shall be uploaded on the e-green watch portal with all requisite details and same shall be submitted along with compliance report.	The area diverted and CA plantation area KML file uploaded on the e-green watch portal.
6	The compliance report shall be uploaded on e-portal (https://parivesh.nic.in/).	The user agency has uploaded the compliance report in e-portal.
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.	The boundary of the diverted forest land has been demarcated and RCC boundary pillars have been erected. (photos enclosed as Annexure-III)
8	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.	The user agency has agreed and furnished a consolidated undertaking to this effect. [ANNEXURE-IV]
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:		

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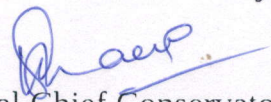
1	The legal status of the diverted forest land shall remain unchanged	The legal status of the forest land remains unchanged and the land continues to be forest land. It will be further monitored by the Forest Department in future. The user agency has agreed and furnished a consolidated undertaking to this effect. [ANNEXURE-VI]
2	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.	The user agency has agreed and furnished a consolidated undertaking to this effect. [ANNEXURE- VII]
3	Tree felling shall be restricted to the barest minimum possible and under confirmation from the local forest officials.	The user agency has agreed and furnished a consolidated undertaking to this effect. [ANNEXURE- VIII]
4	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.	The user agency has agreed and furnished a consolidated undertaking to this effect. [ANNEXURE-IX]
5	No labour camp shall be established on the forest land.	The user agency has agreed and furnished a consolidated undertaking to this effect. [ANNEXURE- X]
6	No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.	The user agency has agreed and furnished a consolidated undertaking to this effect. [ANNEXURE- XII]
7	The forest land shall not be used for any purpose other than that specified in the project proposal.	The user agency has agreed and furnished a consolidated undertaking to this effect. [ANNEXURE- XII]
8	The forest land proposed to be diverted shall under no circumstance be transferred to any other agency, department or person without prior approval of the Central Government.	The user agency has agreed and furnished a consolidated undertaking to this effect. [ANNEXURE- XIII]

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9	No damage to the flora and fauna of the adjoining area shall be caused.	The user agency has agreed and furnished a consolidated undertaking to this effect. [ANNEXURE- XIV]
10	The layout plan of the proposal shall not be changed without the prior approval of the Central Government.	The user agency has agreed and furnished a consolidated undertaking to this effect. [ANNEXURE-XV]
11	The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.	The user agency has agreed and furnished a consolidated undertaking to this effect. [ANNEXURE- XVI]
12	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	The user agency has agreed and furnished a consolidated undertaking to that effect. [ANNEXURE- XVII]
13	The user agency shall comply 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.	The user agency has agreed and furnished a consolidated undertaking to this effect. [ANNEXURE-XVIII]

Under the above circumstances and agreeing with the recommendation of the field officers, **it is requested to move the matter with the Government of India, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Bengaluru to consider according the final (Stage-II) approval for 0.90 Hectare of Forest Land in Survey no 517 A1 of Honnavar town, Uttara Kannada District (Honnavar Forest Division) for Construction of RTO Office and Building in favour of Commissioner for Transport, Shanthi Nagar, Bangalore.**

Yours faithfully,


Principal Chief Conservator of Forests
(Forest Conservation) & Nodal Officer (FCA)

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1. Conservator of Forests, Kanara Circle, Sirsi for information.
2. Deputy Conservator of Forests, Honnavar Division for information and **with an instruction to issue a Supplementary Demand Notice to the User Agency for recovery of differential cost of raising plantation of 1:10 times the no. of trees to be felled asking to UA for upload on FC web portal for generating challan before making payment.**
3. Assistant Regional Transport Officer, Honnavar -581334 for information and **with a request to obtain a Supplementary Demand Notice from Deputy Conservator of Forests, Honnavar Division towards differential cost of raising plantation of 1:10 times the no. of trees to be felled and upload on FC web portal for generating challan before making payment.**

12	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.	The user agency has agreed and furnished a consolidated undertaking to this effect. [ANNEXURE-XVII]
13	The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Honble Court Order (s) and NCT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.	The user agency has agreed and furnished a consolidated undertaking to this effect. [ANNEXURE-XVIII]

Under the above circumstances and agreeing with the recommendation of the field officers, it is requested to move the matter with the Government of India, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Bangalore to consider according the final (Stage-II) approval for 0.90 Hectare of Forest Land in Survey no 517 A1 of Honnavar town, Uttara Kannada District (Honnavar Forest Division) for Construction of RTO Office and Building in favour of Commissioner for Transport, Shandli Nagar, Bangalore.

Yours faithfully,


Principal Chief Conservator of Forests
(Forest Conservation & Nodal Officer (FCA))

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