

2047/LAFC/PG-PG/ 72 /E2

12 Apr 2023

Divisional Forest Officer
Kehmil Forest Division, Kralpora
Distt: Kupwara (J&K)

VERIFYING THE COMPLIANCE OF CONDITIONS W.R.T FCA PROPOSAL "PHIRKIYAN GALI TO PUTHAKHAN GALI ROAD" FROM KM 0.00 TO 13.410 (TOTAL LAND 13.410 HA)

Sir,

1. Refer stage-I Approval in-principal accorded vide GoI, MoEF letter No. 9-JKC-085/2021-Jammu dated 20 Jan 2022 for diversion of 22.445 Ha.
2. It is submitted that online Indent was placed on PARIVASH Portal of Govt of India on 21 Jan 2020 bearing Proposal No. FP/JK/43997/2020 for diversion of forest land for non-forestry use construction of road Phirkiyan Gali to Puthankhan Gali road from KM 0.00 to KM 13.410.
3. Point wise reply to the laid down conditions of In-Principal approval is as under: -

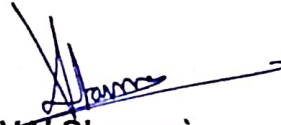
<u>S/No</u>	<u>Term and Conditions</u>	<u>Action by User Agency</u>														
(A) Conditions which need to be complied prior to handing over of forest land by the UT Forest Department to the HQ 109 Road construction COY (P) Beacon (User agency):																
(i)	Cost of compensatory afforestation as per CA scheme may be realized from user agency.	Cost of compensatory afforestation as per CA scheme has been paid to Forest Deptt. accordingly.														
	<table><tr><th>Division</th><th>Compensatory Afforestation</th><th>Biological measures</th><th>Net Present Value (NPV)</th><th>Extraction and Transportation charges</th><th>Extra charges of additional 77 trees</th><th>Total</th></tr><tr><td>Kehmil</td><td>63,92,056</td><td>1,87,16,692</td><td>2,90,18,018</td><td>1,03,60,120</td><td>77,03,431</td><td>7,21,90,317</td></tr></table>		Division	Compensatory Afforestation	Biological measures	Net Present Value (NPV)	Extraction and Transportation charges	Extra charges of additional 77 trees	Total	Kehmil	63,92,056	1,87,16,692	2,90,18,018	1,03,60,120	77,03,431	7,21,90,317
	Division		Compensatory Afforestation	Biological measures	Net Present Value (NPV)	Extraction and Transportation charges	Extra charges of additional 77 trees	Total								
Kehmil	63,92,056	1,87,16,692	2,90,18,018	1,03,60,120	77,03,431	7,21,90,317										
(ii)	Net Present Value (NPV) of the forest land being diverted for non-forestry purpose may be realized from the user agency, as per Ministry's directions issued vide letter No.5-3/2011-FC (vol-1) dated 6 th January 2022 and Hon'ble Supreme Court of India's Order dated 30 th October 2022, 28 th March, 2008, 24 th April, 2008 and 9 th May 2008.	Net Present Value (NPV) for RS 2,90,18,018 has been accepted by the User Agency and paid to Concerned Dept in 25 Mar 2022.														
(iii)	As per the orders of the Government of India vide letter No 5-2/2010-CAMPA 24.06.2011, the Net Present Value (NPV) of the forest land and all other CA levies shall be deposited through web portal of Ministry of Environment, Forest and Climate Change.	The NPV levies have been paid online as per the order of Govt in vogue.														
(iv)	User agency should ensure that the compensatory levies (CA cost, NPV etc) are deposited through other mode will not be accepted as compliance of the Stage-I clearance.	Noted for compliance														
(v)	The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.	FRA certificate is as attd.														

(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.

(i)	Legal status of the forest land will remain unchanged.	Yes. Legal status of the forest land shall remain unchanged.
(ii)	Efforts should be made to fell minimum number of trees and in any case not more than 857 trees only shall be felled. Any felling shall only be done under strictly vigilance of forest department after issuance of felling permission from concerned DFO.	Noted for compliance
(iii)	Compensatory afforestation will be carried out over Degraded Forest land (DFL) upon 22.44 ha of land on Comp No 53&54/a, Range-Naihari, Tehsil-Kralpora, Kehmil forest division, District- Kupwara, as per proposed CA scheme, at a cost of Rs 63,92,056 provided by the user agency.	Noted for compliance
(iv)	Compensatory afforestation will be done within one year from the date of issue of final approval over the extent of land as approved, out of the funds provided the user agency.	Noted for compliance
(v)	The UT Govt shall upload the KML files of the degraded forest area accepted for raising compensatory afforestation as well as the forest area proposed for diversion in the extant proposal in the E-Green watch portal.	Noted for compliance
(vi)	The forest land being diverted shall be properly demarcated using RCC boundary pillars with forward/backward bearing and the GPS coordinates inscribed on them at the project cost.	Noted for compliance
(vii)	The acquired 03 dumping site should be prepared appropriately as per approved muck disposal plan given in the proposal before start of dumping to prevent downhill slide of muck.	Noted for compliance
(viii)	The CEO state CAMPA authority shall ensure release of funds under CAMPA to the DFO for raising CA plantation as per CA scheme approved by this Office.	Pertains to Higher Authorities.
(ix)	The DFO shall ensure taking up plantation at approved CA sites and shall not after the approved sites without obtaining the permission of the competent authority.	Noted for compliance
(x)	The forest land will not be used for any other purpose than that mentioned in the proposal.	Noted for compliance
(xi)	The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department, or person without approval of the Ministry of Environment Forest and Climate Change.	Noted for compliance
(xii)	The layout plan of the proposal shall not be changed without the prior approval of the Ministry of Environment Forest Climate Change.	Noted for compliance
(xiii)	The user agency shall raise strip plantation on both side and central verge of the road at the project cost as per IRC specification and maintain the same.	Noted for compliance
(xiv)	Speed regulating signage will be erected along the road at regular intervals in the forest areas.	Noted for compliance

(xv)	No damage will be done to the adjoining forest land including flora and fauna during the project implementation/operation.	Noted for compliance
(xiv)	No labour camp shall be established on the forest land.	Noted for compliance
(xvii)	The user agency shall provide firewood preferably alternate fuels to the labours and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.	Noted for compliance
(xix)	The Ministry of Environment Forest and Climate Change may revoke/suspend the clearance, if implementation of any of the above conditions is not satisfactory. State government will ensure compliance of these conditions through forest department.	Pertains to Higher Authorities.

Yours faithfully,


(V V Sharma)
Major
Officer commanding

**Government of Jammu & Kashmir,
OFFICE OF THE DEPUTY COMMISSIONER KUPWARA**

FORM-I

(for linear projects other than Plantations)
[Rule 6(3) of Forest (Conservation) Rules 2003 as amended up to date]

TO WHOMSOEVER IT, MAY CONCERN

In compliance of the Rule 6(3)(e) of the Forest (Conservation) Rules, 2003 [as amended vide the Forest (Conservation) Amendment Rules 2014; Forest (Conservation) second Amendment Rules 2014; and Forest (Conservation) Amendment Rules 2016) and as recommended by Divisional Forest Officer, Kehmil, vide No:- DFO/Keh/FRA/2022-23/21-22 Dated 27.03.2022, it is certified that the forest land proposed to be diverted in favour of OC BECON 109 RCC (GREF) C/O 56 APO for diversion of Forest land for Non-Forestry use for Construction of road CL-09 SBA Specification from KM 0.000 to KM 13.410 Pharkiyani Gali- Puthkhana Gali (total land 22.44 HA) for forest land for construction of the said road falling within the jurisdiction of Tehsil Kralpora & Trehgam.

It is further certified that:

- (a) The diversion of forestland for facilities managed by the Government as required under section 3 (2) of FRA, 2006 as per the NOC issued by DFO Kehmil.
- (b) The proposed area does not involve recognized rights of Primitive Tribal Groups and Pre-Agricultural Communities.

Encl.: 2 leave

No:-ADDCK/ 45

**Sd/-
Deputy Commissioner,
Kupwara.**

Dated: 11/06/2023

**Asstt. Director Planning,
Kupwara,**

Assistant Director (E&S)

Kupwara



Government of Jammu & Kashmir (U.T)
OFFICE OF THE DIVISIONAL FOREST OFFICER
KEHMIL FOREST DIVISION, KRALPORA

✓ The District Development Commissioner,
Kupwara.

No:- DFO/Keh /FRA/2022-23/ 21-23
Dated:- 27 /03/2023

Sub :- Proposal for Diversion of Forest Land for Non- forestry use for construction of Road CL-09 SBA Specification from Km 0.000 to Km 13.41, Pharkiyani Gali to Puthakan Gali Total Land (22.44 Ha).

Ref :- Your office letter No. ADDCK/FRA/4180 Dated 27/03/2023

Sir,

Apropos to above cited subject and reference, it is to apprise your goodself that as verified from Range Officer Naihari vide No. 1380/G/NH Dated 27/03/2023 and Range Officer Keran vide No. 104/KN Dated 27/03/2023 there is no FRA claim (Individual / Community) w.r.t the said patch of land till date.

Hence submitted for favour of information and further necessary action at your end please.

Yours faithfully,

Divisional Forest Officer
Kehmil Forest Division
Kralpora.

1. Copy to Range officer Naihari and Keran for information.
2. Copy to the Officer Commanding 109 RCC Beacon GREF
3. Office Record file

ADDCK

8/3/2023

29/3