



GOVERNMENT OF KERALA

Abstract

Forest & Wildlife Department - Diversion of 0.48 ha of forest land under Section 2 Forest (Conservation) Act, 1980 for construction of Checkdam across Kuppam River at Lower Cheekkad in Udayagiri Grama Panchayath in Kannur District - Stage 1 Sanction Accorded - Orders Issued - reg

FOREST & WILDLIFE (C) DEPARTMENT

G.O.(Rt)No.383/2021/F&WLD Dated,Thiruvananthapuram, 28/11/2021

Read Letter no. FC1-3507/2021 dated 07.10.2021 from the Additional Principal Chief Conservator of Forest & Nodal Officer, Thiruvananthapuram.

ORDER

The Additional Principal Chief Conservator of Forest, Nodal Officer, as per letter read above has recommended and forwarded the proposal in Form A under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.48 ha of forest land in Kannur Forest Division for the construction of checkdam across Kuppam River at Lower Cheekkad in Udayagiri Grama Panchayath in Kannur District. The Assistant Executive Engineer,Irrigation Sub Division, Kannur is the User Agency.

2. The Divisional Forest Officer, Kannur and the Chief Conservator of Forests (Northern circle) Kannur recommended the proposal. In the inspection report, it is reported that Check dam construction is proposed at a length of 35 meter and 1.5 meter width. The proposed site is apart of Vested Forest item No. 61. Reeds and trees of riverine species are found along the river banks of the site and 9 trees are to be felled in the proposed area for diversion. No rare/endangered/unique species of flora and fauna are found in the area. The proposal is for a drinking water scheme for marginalized community including tribals and it will help in water retention for wildlife during the lean period . The requirement of forest land proposed by the User Agency is the barest minimum. There should not be any damage to the forest area due to the constructions.The proposal is uploaded in PARIVESH website vide No.FP/KL/WATER/41800/2019 and all due procedures have been completed.

3. Government have examined the proposal in detail and are pleased to accord sanction (stage 1) for diversion of 0.48 ha of forest land in Kannur Forest Division for the construction of checkdam across Kuppam River at Lower Cheekkad in Udayagiri Grama Panchayath in Kannur District under Section 2 of Forest (Conservation) Act,1980, subject to the following conditions:-

1. Legal status of the forest land shall remain unchanged.
2. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
3. The User Agency shall make online payment of cost of Compensatory Afforestation, Net Present Value with ad-hoc CAMPA through e-payment module of forest clearance portal (forestclearance.nic.in).
4. The state Government shall charge the Net Present Value of the diverted forest land of 0.48 ha from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008 and 09.05.2008 in IA Nos 826 in 566 with related IAs in WP(C)202/ 1995.
5. Additional amount of Net Present Value 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 State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
6. All the funds received from the User agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>).
7. Necessary certificates /documents under the Scheduled Tribes and other Traditional Forest Dwellers(Recognition of Forest Rights) Act, 2006 as per the guidelines issued by the Ministry of Environment, Forest & Climate Change vide letter No. 11-9/1998-FC(pt) dated 05.07.2013 shall be furnished before stage-II clearance.
8. The layout plan of the proposal shall not be changed without prior approval of Central Government.
9. No labour camp shall be established on the forest land.
10. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
11. The forest area shall be used only for the purpose for which it is granted. The total forest area utilized for this project shall not exceed 0.48 ha.
12. The User Agency has to sign an agreement with Divisional Forest Officer incorporating all the conditions imposed by Government of India/ Government of Kerala in this regard and a nominal lease rent as decided by the Government of India may be remitted.
13. Stones and rubbles found in the river other than those present at the spot of construction of the check dam should not be replaced from the site, as they are essential for the aquatic fauna.
14. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
15. The User Agency shall sign an agreement with Forest Department before transfer of the land to the User Agency.

16. Suitable mitigation measures such as fish ladder shall be done by the User Agency at the project cost in order to avoid restriction on migration movement of aquatic fauna.

17. The compliance report shall be uploaded on e-portal(<https://parivesh.nic.in/>).

18. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

19. The User Agency shall apply for renewal after 25 years.

20. Violation of any of these conditions will amount to violation of Forest (Conservation) Act,1980 and action would be taken as per the Ministry of Environment, Forest & Climate Change Guideline F.No.11-42/2017-FC dated 29/01/2018.

(By order of the Governor)
Rajesh Kumar Sinha
Principal Secretary

To:

The Principal Chief Conservator of Forests & Head of Forest Force,
Thiruvananthapuram.

The Additional Principal Chief Conservator of Forests & Nodal Officer,
Thiruvananthapuram.

The Chief Conservator of Forests (Northern circle) Kannur.

The Divisional Forest Officer, Kannur.

The Assistant Executive Engineer, Irrigation Sub Division, Kannur.

The Principal Accountant General (A&E)/Audit, Thiruvananthapuram.

I&PR(web & new media) Department.

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Section Officer

Copy to : PS to Hon'ble Chief Minister
PS to Hon'ble Minister (Forest)