

I/48170/2023



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-KRB1313/2021-BAN/

Dated the 10th July, 2023

To

The Additional Chief Secretary to Government of Karnataka,
Forest, Ecology & Environment Department,
M.S. Building, Dr. Ambedkar Veedhi,
Bangalore – 560 001.

Subject: Diversion of 2.5315 ha. of forest land in Rekhyia village, Mangaluru District for four laning of Addahole (near Gundya) (Existing chainage KM 263+000, Design Chainage KM 255+140) to Bantwal Cross in favour of the Project Director, National Highways Authority of India (NHAI), Mangaluru -reg.

Sir,

I am directed to refer to the State Government's letter No. FEE 58 FLL 2021 (e) dated 07/09/2021, 31/03/2022, 16/02/2023 and 23/05/2023 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 27/06/2023.

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 2.5315 ha. of forest land in Rekhyia village, Mangaluru District for four laning of Addahole (near Gundya) (Existing chainage KM 263+000, Design Chainage KM 255+140) to Bantwal Cross in favour of the Project Director, National Highways Authority of India (NHAI), Mangaluru, subject to the following conditions:-

A: 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 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. The User Agency shall transfer the cost of raising and maintaining the Compensatory Afforestation over an extent of **5.10 ha.** of degraded forest land in Sy.No. 236/1, 262/2, 171 and 177 of Malaantige village, Nandikadu Block, Belthangady Hobli and Taluk, Mangalore District at the current wage rate in

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- consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme may include demarcation of degraded forest land using appropriate fencing with provision for anticipated cost of increase for works scheduled for subsequent years. The CA will be maintained for 10 years.
3. The User Agency shall restrict the felling of trees to minimum number in the diverted forest land and 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 in the e-green watch portal with all requisite details and same shall be submitted along with GPS ids.
 6. The State Government shall ensure that all the rights and claims under RoFR Act are settled and FRA Certificate is certified by the competent authority before giving working permission. The State Government shall submit FRA certificate along with 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 double the extent of degraded forest land 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 degraded forest land within three years of grant of final approval.
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. User agency shall restore the earlier felled area in the original alignment at their cost during the current monsoon season.
5. Elephant underpass shall be constructed at the cost of User Agency as per the location proposed by the State Forest Department
6. The user agency shall Comply with all earlier conditions stipulated in the FC clearance for the original alignment.
7. Tree felling shall be restricted to the barest minimum possible and under confirmation from the local forest officials.
8. Suitable signages for speed regulation and animal safety will be erected along the

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road through forest areas.

9. 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.
10. No labour camp shall be established on the forest land.
11. No additional or new paths will be constructed inside the forest area for transportation of construction materials for execution of the project work.
12. 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.
13. The forest land shall not be used for any purpose other than that specified in the project proposal.
14. The total forest area utilized for the project shall not exceed 2.5315 ha.
15. 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;
16. No damage to the flora and fauna of the adjoining area shall be caused.
17. User Agency shall obtain the Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable.
18. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
19. 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.
20. 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.
21. 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 under Section-2 of the Forest (Conservation) Act, 1980. Working permission, if any issued, shall be intimated to RO, Bengaluru. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

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,

(Praneetha Paul)

Deputy 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

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2. The Principal Chief Conservator of Forests (HoFF), Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore – 560 003.
3. The Principal Chief Conservator of Forests (FC) /Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore – 560 003.
4. The Project Director, National Highways Authority of India (NHAI), Project Implementation Unit, Door No. 3-29, Bethel, Tharethota, Near Pumpwell, NH-66, Mangaluru -575 005.
5. Guard file.

(Praneetha Paul)

Deputy Inspector General of Forests (Central)

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11/7/2023