



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
समन्वित क्षेत्रीय कार्यालय
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BY SPEED POST

F.No.4-KRC1250/2020-BAN/
Dated the 17th September, 2021

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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 28.218 ha of forest land in Baad, Binaga-Arga and 20 other villages in Uttara Kannada and Udupi Districts (Karwar, Honnavar and Kundapura Forest Divisions) for slope protection of Four laning of Goa-Karnataka Border to Kundapur Section of NH-66 (formerly NH-17) from KM 93.700 to KM 283.300 in favour of National Highways Authority of India (PIU), Mangalore -reg.

Sir,

I am directed to refer to the State Government's letter No. FEE 27 FLL 2020 dated 19/06/2020 and No. FEE 27 FLL 2020 (e) dated 17/03/2021 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 31/08/2021.

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 28.218 ha of forest land in Baad, Binaga-Arga and 20 other villages in Uttara Kannada and Udupi Districts (Karwar, Honnavar and Kundapura Forest Divisions) for slope protection of Four laning of Goa-Karnataka Border to Kundapur Section of NH-66 (formerly NH-17) from KM 93.700 to KM 283.300 in favour of National Highways Authority of India (PIU), Mangalore, 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 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.

2. The User Agency shall transfer the cost of raising and maintaining the Compensatory Afforestation over double the extent of degraded forest land in Sy.No. 178, Honnebail RF, Ankola Taluk, Karwar Division, Uttara Kannada District at the current wage rate, in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme shall include demarcation of CA area using appropriate fencing and tall plants for better survival, provision for watering and SMC works to be included and appropriate provision to be provided for anticipated cost escalation for the works scheduled for subsequent 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 user agency should take up measure to rectify the alignment and slope of trench excavated as an emergency measure in Byndoor, so as to drain out the excess water to a common drainage point without creating water stagnation or water logging in forest area or private areas. The user agency should also ensure establishment of suitable safety measures like 6 ft high chain-link fence all along the trench to prevent accident fall of humans and animals. The side slope of the trench should be made gentle in few locations to facilitate safe passage of animals, in case, if any animal falls in to the trench.
6. The old road in the forest area that will be left abandoned after re-alignment should be resumed by the forest department.
7. The user agency should restore the forest area where the excavated soil has been dumped.
8. The tree planting along the side of NHAI road should be completed on priority.
9. The KML file of the 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.
10. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
11. 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 it's letter No. 11-9/1998-FC dated 3rd August 2009 read with 05.07.2013 with necessary enclosures, in support thereof.
12. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates.

13. 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. 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 forests as per prescriptions of approved working plan with provision for ten years on subsequent maintenance.
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. Tree felling shall be restricted to the barest minimum possible and under confirmation from the local forest officials.
5. Suitable signages for speed regulation and animal safety will be erected along the road through forest areas.
6. The User Agency / concessionaire at their cost shall take up strip plantation on both sides and central verge of the road as per the IRC norms, wherever possible in consultation with State Forest Department as per the guidelines issued by Ministry vide letter No.FC-11/39/2020-FC dated 08/09/2021.
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.
9. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
10. 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.
11. The forest land shall not be used for any purpose other than that specified in the project proposal.

12. 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.
13. No damage to the flora and fauna of the adjoining area shall be caused.
14. User Agency shall obtain the Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable.
15. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
16. 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.
17. 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.

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. The User Agency shall take up the work as per the Guidelines in force and after ensuring that all necessary clearances for the entire stretch are in place. Working permission, if any issued, shall be intimated to IRO, Bengaluru. Transfer of forest land shall not be effected 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 sincerely,



(R. Padmawathe)

Deputy Inspector General of Forests (Central)

Copy to:-

1. The Principal Chief Conservator of Forests (HoFF), Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore – 560 003.
2. 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.
3. The Project Director, Project Implementation Unit, National Highway Authority of India, Door No. 3-29, Bethel, Tharethota, Near Pumpwell, NH-66, Mangalore -575 005.
4. Guard file.



(R. Padmawathe)

Deputy Inspector General of Forests (Central)