

MINUTES OF THE FIFTH MEETING OF REGIONAL EMPOWERED COMMITTEE OF RO, SZ, BANGALORE HELD ON 05/10/2015 IN THE OFFICE OF THE ADDL. P.C.C.F. (CENTRAL) MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE, REGIONAL OFFICE (SOUTHERN ZONE), KENDRIYA SADAN, KORAMANGALA, BANGALORE.

The fifth meeting of the Regional Empowered Committee of RO, SZ, Bangalore was held on 05/10/2015 in the office of the Addl. P.C.C.F. (Central) Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Kendriya Sadan, Koramangala, Bangalore and the following members attended the meeting:-

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| (1) Shri Amarnatha Shetty, I.F.S.,
Addl. P.C.C.F. (Central)
Ministry of Environment, Forests and Climate Change,
Regional Office (Southern Zone), Bangalore | ... | Chairman |
| (2) Shri S.M. Somashekar, I.F.S
Chief Conservator of Forests (Central)
Ministry of Environment, Forests and Climate Change,
Regional Office (Southern Zone), Bangalore | ... | Member |
| (3) Shri Suhas Jagannath Godse,
House No.525 A, Vodlem Bhat,
Near Pandurang Temple, Vodle Bhat,
Taleigao, P.O. Caranzalem,
Tiswadi, Goa. | ... | Member |
| (4) Shri A.N. Yellappa Reddy,
House No.9/C, 1 st A Main, 14 th B Cross,
5 th Block, IAS Officers Colony,
6 th Sector, HSR Layout,
Bangalore – 560 102. | ... | Member |
| (5) Dr. B. Shivaraju,
No.4, 5 th Main, 9 th Cross,
Radhakrishna Layout, Padmanabhanagar,
Bangalore- 560 070, Karnataka. | ... | Member |
| (6) Smt. R. Padmawathe, I.F.S
Deputy Conservator of Forests (Central)
Ministry of Environment, Forests and Climate Change,
Regional Office (Southern Zone), Bangalore | ... | Member Secretary |


Initiating the discussion, the Chairperson extended warm welcome to the Members of the Regional Empowered Committee (REC). The REC examined following three proposals and the recommendations of REC are recorded in respect of each proposal, as under:-



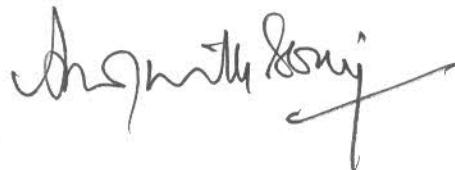
- (1) Diversion of 1.78 ha. (Revised 2.213 ha.) of forest land in Padukonaje village, Sy.No.78/IP, Marpady RF, Mangaluru Taluk, Kundapura Division for building stone metal quarry in favour of Padma Crushers.

The Regional Empowered Committee noted the following facts of the proposal:-

1. The Government of Karnataka vide letter No.FEE 12 FFM 2015 dated 31/03/2015 has submitted a proposal for diversion of 1.78 ha. (Revised 2.213 ha.) of forest land in Padukonaje village, Sy.No.78/IP, Marpady RF, Mangaluru Taluk, Kundapura Division for building stone metal quarry in favour of Padma Crushers .
2. The Government of Karnataka during November 2008, had furnished a proposal for diversion of 0.5 ha. of forest land in Sy.No.78/I, Marpady RF in Moodbidri Range, Mangaluru Taluk, Kundapura Division for building stone metal quarry in favour of Shri Aithappa Alva, Padma Crushers. The said proposal was approved by Central Government under (Conservation) Act, 1980 vide letter no. 4- KRB 551/2008- BAN/ dated 2/11/2010 for a period of 10 years.
3. As per the proposal submitted by State Government vide letter dated 31/03/2015, the User Agency has utilized an additional 1.28 ha. of forest land for quarrying, approach road and for dumping the material. Hence, now the proposal has been revised to 1.78 ha. and sought for approval under Forest (Conservation) Act, 1980 for a period of 10 years w.e.f. 02.11.2010 (i.e., from the date of original approval).
4. As per the details given in the proposal,
 - (i) The forest land proposed for diversion is rocky and falls under Eco-Class II (Open Forest) category.
 - (ii) There are no trees existing in the proposed area for diversion.
 - (iii) The forest area requested for does not form part of any Sanctuary /National park, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.
 - (iv) No rare/ endangered/ unique species of flora and fauna are reported in the proposed area.



- (v) No archaeological/ heritage site/ defence establishment or any other important monuments is located in the area.
- (vi) The User Agency has utilised the excess area i.e., 1.28 ha. without obtaining FC approval. The RFO has filed FIR against the User Agency vide FOC No. 41/14 -15, FIR No. 037653 dated 16/09/2014.
- (vii) The User agency has identified non-forest land (patta land) to an extent of 1.78 Ha. in Sy. 68/8, 68/2A, 68/1, 68/7, 68/6B, 124/1B & IC of Kabbinala village, Karkala Taluk of Udupi District for raising Compensatory Afforestation. The identified area is adjacent to Someshwara Wildlife Sanctuary and is having natural tree growth. The area is reported to be suitable for plantation under eco-restoration model of afforestation.
5. The PCCF, Karnataka has recommended the proposal for approval subject to the following specific conditions apart from other usual conditions:-
- (i) The User Agency shall have to produce copy of quarrying lease/license granted by the Department of Mines & Geology to an extent of 0.70 ha.
 - (ii) The User Agency shall not carry out quarrying in the remaining 0.58 ha. area which shall be utilized only for dumping of material and approach.
 - (iii) The User Agency shall have to clear all dues, as assessed by the Department of Mines & Geology pertaining to the quantity of material removed from the additional area used for quarrying and furnish no dues certificate.
 - (iv) The User Agency shall have to clear the Forest Development Tax dues, with regard to the quantity removed from the additional area used for quarrying.
6. The proposal was considered in the Regional Empowered Committee (REC) meeting held on 28/04/2015. The Regional Empowered Committee observed that the safety zone for mining operation as required as per Govt. of India letter No.8-25/2010-FC dated 12/07/2012 is not provided in the proposal and the same is required for considering the proposal and it was decided to request the State Government to revise the proposal accordingly and to re-submit with the sketch clearly showing the safety zone area and the forest boundary in this part of the notified forest. It was also decided that the State Government should report the current status of the forest offence case registered against the User Agency.



7. Accordingly, Regional office vide letter No.4-KRB 551/2008-BAN/6984 dated 06/05/2015 had requested the State Government to furnish the aforesaid details for further processing of the proposal. Subsequently, the State Government of Karnataka has furnished the requisite details vide letter No.FEE 012 FFM 2015 dated 20/08/2015. As per the details furnished, the proposal has been revised from 1.78 ha. to 2.213 ha. including 0.433 ha. of safety zone area. Surveyed sketch of the area is also furnished. It is reported that the FOC booked against the User Agency is under enquiry stage. Department of Mines & Geology estimated that 3433 metric tonnes of building stone material has been extracted illegally from the area and imposed a penalty of Rs.5,15,000/- on User Agency. It is reported that the User Agency has paid the requisite amount on 15/07/2015 and 24/08/2015 to the Department.

The Regional Empowered Committee considered the revised proposal submitted by State Government. Shri Yellappa Reddy, Member did not favour the proposal on the ground that quarrying in forest areas open up forests and may create protection problem to the forest. It was noted that the proposed quarry is located on the edge of an isolated forest bit and is already an existing mine, involving non-forest land also. Since the material extracted is required in the locality and is proposed to be used locally for road construction, building, etc. and it is required for the development of the local area, REC decided to recommend the proposal to Government of India for approval subject to usual conditions and the following additional conditions:-

1. Penal CA shall be raised over 3.56 ha. of degraded forest land at the cost of User Agency.
 2. The State Government shall realise Net Present Value (NPV) over 1.28 ha. of forest land used additionally by User Agency and the safety zone area of 0.433 ha. i.e., for a total of 1.713 ha., along with interest at 12% per annum compounded annually on the NPV amount from 02/11/2010 (i.e. the date of initial approval) till the date of realisation of the same from User Agency.
 3. Conditions proposed by PCCF, Karnataka vide para-5 above.
- (2) Diversion of 3.483 ha. (additional area) of forest land of Mangrove area in Karwar-Honnavar-Kundapur Division for 4/6 laning of Goa-Karnataka Border-Kundapura Section of NH-66 in addition to 159.80 ha. of forest land already Stage-I approved in favour of the



Project Director, National Highways Authority of India (NHAI), Project Implementation Unit, Mangalore.

The Regional Empowered Committee noted the following facts of the proposal:-

- (i) The Govt. of Karnataka vide letter No.FEE 67 FLL 2013 dated 21/10/2013 had submitted a proposal for diversion of 159.80 ha. of forest land for 4/6 laning of Goa-Karnataka Border-Kundapura Section of NH-66 in favour of the Project Director, National Highways Authority of India (NHAI), Project Implementation Unit, Mangalore to MoEF&CC, New Delhi. Stage-I approval for the same was accorded vide Ministry's letter No.8-78/2013-FC dated 06/05/2014.
- (ii) The present proposal is for diversion of 3.483 ha. (additional area) of forest land of Mangrove area in Karwar-Honnavar-Kundapur Division in addition to 159.80 ha. of forest land.
- (iii) According to Rule 6 (4) (a) of Forest (Conservation) Second Amendment Rules, 2014, proposals involving forest land upto forty hectares and all proposals related to linear projects irrespective of the area of forest land involved shall be forwarded by the concerned State Government to the concerned Regional Office. Therefore, the proposal for additional requirement of 3.483 ha. submitted by State Government to MoEF&CC, New Delhi was forwarded to Regional Office for processing.
- (iv) After initial scrutiny of the proposal, Regional Office vide letter dated 01/07/2015 had requested the State Government to furnish the details of degraded forest land proposed for CA, Compensatory Afforestation Scheme with provision for maintenance afforestation for 7 – 10 years, the ROFR compliance certificates, updation of the proposal in the Ministry's website, etc. Subsequently, the User Agency vide letter dated 27/08/2015 has furnished the requisite details. DCF, Honnavar has proposed to carry out Compensatory Afforestation over 50 ha. under Mangrove Afforestation at Sharavathi River Patch- 1 to 6 (Estuary Non-Forest Revenue area) of Honnavar Range and also 102 ha. of laterite area at Heble, Bilke, Jali, Talgod, Talan of Bhatkal Range and Berolli and Nagare of Honnavar Range. The details of Compensatory Afforestation Scheme along with maps are furnished in the proposal.
- (v) The User Agency, viz. NHAI vide their letter dated 16/09/2015 addressed to PCCF, Karnataka and copy endorsed to Regional Office, MoEF&CC, Bangalore has informed that MoEF had granted Environmental and CRZ clearance for the subject Four laning work vide



